

PART IV

THE BILLS INTRODUCED

BILLS INTRODUCED

21 - 23 September 1977

| <i>Serial No.</i> | <i>Title</i> | <i>Sponsor</i> |
|-------------------|--|----------------|
| 12 | Alice Springs Administration Repeal 1977 | Mr Robertson |
| 4 | Allocation of Funds (Appropriation) (No. 1) 1977-78 | Mr Perron |
| 5 | Allocation of Funds (Appropriation) (No. 2) 1977-78 | Mr Perron |
| 9 | Building 1977 | Mr Perron |
| 2 | Dangerous Drugs 1977 | Mr Tuxworth |
| 6 | Interpretation (No. 2) 1977 | Mr Everingham |
| 8 | Ombudsman (Northern Territory) 1977 | Mr Everingham |
| 3 | Poisons 1977 | Mr Tuxworth |
| 1 | Prohibited Drugs 1977 | Mr Tuxworth |
| 10 | Town Planning 1977 | Mr Perron |
| 11 | Transfer of Powers (Further Provisions) 1977 | Mr Everingham |

Serial 12
Alice Springs
Administration Repeal
Mr Robertson

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To repeal the Alice Springs Administration Ordinance

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

1. This Ordinance may be cited as the Alice Springs Administration Repeal Ordinance 1977. Short title

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 The Ordinances listed in the Schedule are repealed.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

SCHEDULE

Section 2

ORDINANCES REPEALED

| Number and Year | Short Title |
|-----------------|--|
| No. 8, 1937 | <u>Alice Springs Administration Ordinance</u> 1937 |
| No. 18, 1953 | <u>Alice Springs Administration Ordinance</u> 1953 |
| No. 17, 1956 | <u>Alice Springs Administration Ordinance</u> 1956 |
| No. 55, 1963 | <u>Alice Springs Administration Ordinance</u> 1963 |

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for
AN ORDINANCE

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

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

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

Short
title

2. The sum of \$14,946,000 being part of the sum appropriated by the Parliament by virtue of Division 457-1 of the Appropriation Act (No. 1) 1977-78 is allocated for the services specified in Schedule 2 for operating expenditure for the service of the year ending 30 June 1978.

Allocation
of monies

3. Subject to this Ordinance, the sums allocated by section 2 and by section 2 of the Allocation of Funds (Supply) Ordinance (No. 1) 1977-78 amounting, as appears by Schedule 1, in the aggregate to \$25,400,000 are deemed to have been allocated as from 1 July 1977, for the services expressed in Schedule 2 in respect of the financial year that commenced on that date.

Amalgamation
with
previous
allocation

4. Where a unit of administration was, during any part of the period from 1 July 1977 to the date of commencement of this Ordinance, contained in a Department other than the Department under which it is accounted for in Schedule 2, for the purposes of this Ordinance that unit of administration shall be deemed to have been contained in the Department under which it is accounted for under Schedule 2.

Former
Departments

Variation
of
allocation

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

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

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

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

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

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

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

SCHEDULE 1

Section 3

SUMS ALLOCATED FOR THE SERVICE OF THE YEAR ENDING ON 30 JUNE 1978

| | | | | | | \$ |
|---|----|----|----|----|----|-------------------|
| By the Allocation of Funds (Supply) Ordinance | | | | | | |
| (No. 1) 1977-78 | .. | .. | .. | .. | .. | 10,454,000 |
| By this Ordinance | .. | .. | .. | .. | .. | 14,946,000 |
| Total | .. | .. | .. | .. | .. | <u>25,400,000</u> |

SCHEDULE 2

Sections 2 and 3

ABSTRACT

| Page Reference | Departments and Services | Total |
|-------------------|---|-------------------|
| | Northern Territory Legislative Assembly | 609,000 |
| | Department of Chief Secretary | 10,971,600 |
| | Department of Community and Social Development | 6,505,700 |
| | Department of Finance and Planning | 773,300 |
| | Department of Resources and Health | 3,035,300 |
| | Department of Transport and Industry | 3,505,100 |
| | Total | <u>25,400,000</u> |

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

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

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

1. This Ordinance may be cited as the Allocation of Funds (Appropriation) Ordinance (No. 2) 1977-78.

Short
title

2. The sum of \$14,918,000 being part of the sum appropriated by the Parliament by virtue of Division 899-1 of the Appropriation Act (No. 2) 1977-78 is allocated for the matters specified in Schedule 2 for capital expenditure in respect of the year ending 30 June 1978.

Allocation
of monies

3. Subject to this Ordinance, the sums allocated by section 2 and by section 2 of the Allocation of Funds (Supply) Ordinance (No. 2) 1977-78 amounting, as appears by Schedule 1, in the aggregate to \$24,600,000 are deemed to have been allocated as from 1 July 1977, for the matters expressed in Schedule 2 in respect of the financial year that commenced on that date.

Amalgama-
tion with
previous
allocation

4. Where a unit of administration was, during any part of the period from 1 July 1977 to the date of commencement of this Ordinance, contained in a Department other than the Department under which it is accounted for in Schedule 2, for the purposes of this Ordinance that unit of administration shall be deemed to have been contained in the Department under which it is accounted for under Schedule 2.

Former
Departments

Variation
of
allocation

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

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

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

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

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

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

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

SCHEDULE 1

Section 3

SUMS ALLOCATED IN RESPECT OF THE YEAR ENDING ON 30 JUNE 1978

| | | | | | | \$ |
|---|----|----|----|----|----|------------|
| By the Allocation of Funds (Supply) Ordinance | | | | | | |
| (No. 1) 1977-78 | .. | .. | .. | .. | .. | 9,682,000 |
| By this Ordinance | .. | .. | .. | .. | .. | 14,918,000 |
| Total | .. | .. | .. | .. | .. | 24,600,000 |

SCHEDULE 2

Sections 2 and 3

ABSTRACT

| Page Reference | Departments | Total |
|-------------------|---|------------|
| | Department of Chief Secretary | 162,200 |
| | Department of Community and Social Development | 1,062,600 |
| | Department of Finance and Planning | 21,200,000 |
| | Department of Resources and Health | 90,000 |
| | Department of Transport and Industry | 2,085,200 |
| | Total | 24,600,000 |

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Building Ordinance

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

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

Short
title

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

Principal
Ordinance

3. Section 12 of the Principal Ordinance is amended by inserting after paragraph (c) the following paragraphs:

Regulations

"(ca) for prescribing building standards and siting requirements;

(cb) for prescribing ancillary matters relating to building, including health and amenity codes;"

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THE NORTHERN TERRITORY OF AUSTRALIA

Dangerous Drugs Bill

Table of Provisions

Serial 2
Dangerous
Drugs
Mr Tuxworth

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1. Short title
2. Commencement
3. Repeal and saving
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6. Possession, etc., of dangerous drugs an offence
7. Exception to possession, etc., of dangerous drug, etc.

PART III - PSYCHOTROPIC SUBSTANCES

8. Offences to prepare, etc., psychotropic substance
9. Registration of premises for preparation, etc., of psychotropic substance
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13. Authorized use of psychotropic substance
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18. Conditions under which person may purchase, possess or use psychotropic substance
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22. Exemption of certain preparations containing psychotropic substance

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23. Search warrant
24. Power of police to stop, search and detain
25. Meaning of power to search
26. Search of female
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28. Seizure of drugs, etc.
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30. Notice to claim things seized
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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to dangerous drugs, opium and psychotropic
substances

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 Dangerous
Drugs Ordinance 1977.

Short
title

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

Commencement

3.(1) The Ordinances specified in Schedule 1 are
repealed.

Repeal and
saving

(2) Notwithstanding the repeal effected by
sub-section (1), the notice, published in the Gazette
on 18 December, 1968 pursuant to a power granted to the
Administrator in Council under the repealed Ordinances,
declaring certain narcotic drugs specified in that
notice to be dangerous drugs within the meaning of
those Ordinances, shall continue in force as though
that notice had, immediately upon the commencement of
this Ordinance, been published pursuant to the power
granted to the Administrator in Council under this
Ordinance to declare a narcotic drug to be a dangerous
drug.

(3) The declaration to which sub-section (2) refers
may be amended or revoked by the Administrator in
Council, by notice published in the Gazette.

(4) Notwithstanding the repeal effected by
sub-section (1), the provisions of the repealed
Ordinances continue to apply to any offence committed
against those repealed Ordinances before the

commencement of this Ordinance, as if this Ordinance had not come into operation.

Definitions

4.(1) In this Ordinance unless the contrary intention appears -

"coca leaf" means the leaf of the Erythroxylon Coca Lamarck and the Erythroxylon novo-granatense (Morris) Hieronymus and their varieties, belonging to the family of Erythroxylaceae and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation;

"cocaine" means methyl-benzoyl laevo-ecgonine ($[\alpha]_D^{20} = -16.4$ in 20 per cent. solution of chloroform), of which the formula is $C_{17}H_{21}NO_4$;

"crude cocaine" means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine;

"dangerous drugs" includes -

- (a) medicinal opium, crude cocaine, ecgonine, morphine, cocaine and their respective salts;
- (b) all preparations officinal and non-officinal (including the so-called anti-opium remedies) containing more than 0.2 per cent. of morphine or more than 0.1 per cent. of cocaine; and
- (c) any other narcotic drug which the Administrator in Council by notice in the Gazette declares to be a dangerous drug;

"ecgonine" means laevo-ecgonine ($[\alpha]_D^{20} = -45.6$ in 5 per cent. solution of water), of which the formula is $C_9H_{15}NO_3H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery;

"medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia whether in powder form or granulated or otherwise or mixed with neutral materials;

"morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$;

"nominated person" means a person nominated under and for the purposes of section 9(2)(c) or a person substituted for that person pursuant to section 9(9);

"offence" means an offence against this Ordinance;

"opium" includes raw opium and prepared opium, and also includes any substance or fluid containing morphine, however small the quantity of morphine may be;

"premises" includes a part of premises;

"prepared opium" means the product of raw opium obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption, and includes opium ash, opium charcoal and dross and other residues of opium;

"psychotropic substance" means a substance of a kind specified in Schedule 2 and includes-

(a) a preparation containing such a substance; and

(b) such other substances as are structurally derived from such a substance and have psychotropic properties,

but does not include a preparation exempted under section 23;

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the Papaver somniferum L., which has been submitted to only the necessary manipulations for packing and transport, whatever its content of morphine;

"registered dentist" means a dentist registered under the Dentists Registration Ordinance;

"registered medical practitioner" means a medical practitioner registered under the Medical Practitioners Registration Ordinance;

"registered pharmacist" means a pharmacist registered under the Pharmacy Ordinance;

"registered premises" means premises registered in accordance with section 9;

"registered veterinary surgeon" means a veterinary surgeon registered under the Veterinary Surgeons Ordinance;

"repealed Ordinances" means the Ordinances repealed by section 3; and

"use" includes to smoke, consume, take or administer to oneself.

(2) A reference in this Ordinance to a vessel shall, when the context so admits, include a reference to an aircraft but shall not include a reference to a vessel then employed in Her Majesty's defence forces or in the defence forces of any Commonwealth or foreign Government.

(3) Without limiting the effect of any other law in force in the Territory, the powers in this Ordinance with respect to a vessel may be exercised whenever the vessel is within the territorial limits of the Territory or within the territorial sea of Australia (as defined in the Seas and Submerged Lands Act 1973) adjoining those territorial limits.

PART II - DANGEROUS DRUGS AND OPIUM

Smoking, etc.,
of opium an
offence

5. Subject to section 7, a person shall not -

- (a) use, be in possession or attempt to obtain possession of opium;
- (b) produce, prepare, manufacture, sell, deal in or traffic in opium or supply opium to another person; or

(c) administer opium to another person.

Penalty: In the case of an offence against paragraph (a) or (b) -

For a first offence - 5,000 dollars;

For a second offence - imprisonment for 5 years;

For any subsequent offence - imprisonment for 10 years;

In the case of an offence against paragraph (c) or (d)-

For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

6. Subject to section 7, a person shall not -

(a) use, be in possession or attempt to obtain possession of a dangerous drug;

(b) produce, prepare, manufacture, sell, deal in or traffic in a dangerous drug or supply a dangerous drug to another person; or

(c) administer a dangerous drug to another person.

Possession,
etc., of
dangerous
drugs an
offence

Penalty: In the case of an offence against paragraph (a) -

For a first offence - 5,000 dollars;

For a second offence - imprisonment for 5 years;

For any subsequent offence - imprisonment for 10 years;

In the case of an offence against paragraph (b) or (c)-

For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

Exception
to posses-
sion, etc.,
of danger-
ous drug, etc.

7.(1) It is not an offence -

(a) for a registered medical practitioner, in the ordinary conduct of his profession -

- (i) to purchase or be in possession of a dangerous drug or opium;
- (ii) to sell or supply a dangerous drug or opium to a person for use by that person for a therapeutic purpose;
- (iii) to administer, for a therapeutic purpose, a dangerous drug or opium to a person; or
- (iv) to prepare a dangerous drug or opium;

(b) for a registered pharmacist, in the normal conduct of his profession -

- (i) to purchase or be in possession of a dangerous drug or opium;
- (ii) to sell or supply a dangerous drug or opium to a registered medical practitioner, a registered dentist, a registered veterinary surgeon, a registered pharmacist, a person licensed to sell poison under the Poisons Ordinance or a person presenting a written prescription signed by a registered medical practitioner or a registered veterinary surgeon for that dangerous drug or opium and being a person who that registered pharmacist has no reason to suspect is unlawfully in possession of that prescription; or
- (iii) to produce, prepare or manufacture a dangerous drug or opium;

(c) for a registered dentist in the normal conduct of his profession -

(i) to purchase or be in possession of a dangerous drug for use in that profession; or

(ii) to administer a dangerous drug to a person;

(d) for a registered veterinary surgeon in the normal conduct of his profession -

(i) to purchase or be in possession of a dangerous drug for use in that profession; or

(ii) to sell or supply a dangerous drug;

(e) for a person licensed to sell poison under the Poisons Ordinance -

(i) to purchase or be in possession of a dangerous drug or opium; or

(ii) to sell or supply a dangerous drug or opium to a person authorized under this section to be in possession of that drug or opium;

(f) for a person to purchase or be in possession of a dangerous drug or opium if that person has been lawfully sold or supplied with that drug or opium -

(i) by a registered medical practitioner;

(ii) by a registered veterinary surgeon for the purpose of administering that drug or opium to an animal;

(iii) by a registered pharmacist in accordance with a written prescription of a registered medical practitioner, as or on behalf of the person for whom the dangerous drug or opium has been prescribed; or

(iv) by a registered pharmacist in accordance with a written prescription of a registered veterinary surgeon, as or on behalf of the owner or keeper of an animal; or

- (g) for a person who is lawfully sold or supplied with a dangerous drug or opium to use that drug or opium for the purpose for which it was supplied.

(2) A registered medical practitioner or registered veterinary surgeon who gives a person a prescription for a dangerous drug or opium shall be deemed to have supplied that dangerous drug or opium to that person.

PART III - PSYCHOTROPIC SUBSTANCES

Offences to
prepare,
etc., psy-
chotropic
substance

8. Subject to this Ordinance, a person shall not produce, prepare, manufacture, sell, deal, traffic in or supply to another person a psychotropic substance.

Penalty: For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

Registration
of premises
for pre-
paration,
etc., of
psychotro-
pic
substance

9.(1) A person may apply to the Chief Medical Officer to register premises under this section for the lawful possession, production, preparation, manufacture, sale or supply of a psychotropic substance.

(2) An application under sub-section (1) shall be in writing and shall -

- (a) state the name, address and description of the person making the application;
- (b) state the nature of the operations or activities intended to be carried out in or on the premises;
- (c) nominate a person to be responsible for the carrying out of those operations and state his name, address and description;
- (d) set out details of the arrangements intended to be made for security against the theft or unlawful removal of the psychotropic substances to be kept on those premises; and

(e) contain such other information as may be prescribed.

(3) An application under sub-section (1) shall be accompanied by a plan of the premises showing clearly -

(a) the nature of the operations or activities to be carried out in each section of those premises; and

(b) the security arrangements against the theft or unlawful removal of the psychotropic substances to be kept on those premises.

(4) If the Chief Medical Officer is satisfied -

(a) that the nominated person is a fit and proper person to have the control of a psychotropic substance;

(b) that the proposed premises are suitable for the purpose; and

(c) that the proposed security arrangements are adequate,

he may register the premises under this section.

(5) The Chief Medical Officer shall register premises under this section by entering, or causing to be entered, in a register book kept by him such details in relation to those premises as are supplied in and with the application for registration.

(6) Registration of premises under this Ordinance shall be effected in the name of the nominated person.

(7) Upon registration, the Chief Medical Officer shall issue to the nominated person a certificate of registration.

(8) Certificates issued under this section shall-

(a) be chronologically numbered;

(b) be in such form as the Chief Medical Officer approves;

(c) be signed by the Chief Medical Officer; and

(d) show -

(i) the name, address and description of the nominated person; and

(ii) the address of the registered premises to which they relate.

(9) The nominated person may be changed from time to time -

(a) upon written application, signed by the nominated person and the person to be substituted for him, being made to the Chief Medical Officer; and

(b) upon the Chief Medical Officer being satisfied that the person to be substituted is a fit and proper person to have the control of a psychotropic substance.

(10) A change effected under sub-section (9) shall be recorded by the Chief Medical Officer in the register book.

(11) Where a change is registered under sub-section (9), the certificate issued under this section shall be amended by the Chief Medical Officer or a new certificate issued in the name of the person substituted in relation to the registered premises as a nominated person.

(12) An amendment under sub-section (11) shall bear the signature or initials of the Chief Medical Officer.

(13) A certificate of registration issued under this section shall be prominently displayed by the nominated person in the premises to which that certificate relates.

Penalty: 200 dollars.

(14) The Chief Medical Officer may cancel a registration effected under this section by noting the register book accordingly, whereupon the premises to which that registration relates shall cease to be registered premises and the nominated person concerned shall cease to be a nominated person in respect of those premises.

(15) Where the Chief Medical Officer requests a nominated person to deliver to him a certificate issued under this section, that person shall not fail, neglect or refuse to do so.

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

(16) Where premises have been registered under this section, the nominated person and his servants and agents acting with his authority, may -

- (a) on or in the registered premises, be in possession of, produce, prepare or manufacture a psychotropic substance; and
- (b) subject to sub-section (17), on, in or from those premises sell or supply to another person a psychotropic substance.

(17) Nothing in this section permits the sale or supply of a psychotropic substance-

- (a) to a person for whom a registered medical practitioner or veterinary surgeon has prescribed, for any purpose, a psychotropic substance; or
- (b) to any other person unless he is a person authorized or permitted under or by virtue of this Ordinance to be in possession of, produce, prepare, manufacture, sell, deal in, traffic in or use that psychotropic substance or to supply or administer that psychotropic substance to another person.

(18) In this section, "register book" means the register book kept in accordance with sub-section (5).

10.(1) A nominated person shall keep in the registered premises a permanent record showing details-

Records to be kept by nominated person

- (a) of the names and addresses of the persons from whom he received any psychotropic substances;
- (b) of the nature and quantities of psychotropic substances which he has received, prepared, manufactured or used or sold or supplied to another person; and
- (c) the names and addresses of the persons to whom he has sold or supplied any psychotropic substances.

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

(2) On the request of a member of the Police Force, an inspector appointed under the Poisons Ordinance or a person authorized in writing

under the hand of the Chief Medical Officer, a nominated person -

(a) shall produce for inspection by that member of the Police Force, inspector or authorized person the record required to be kept under sub-section (1); and

(b) shall permit that member of the Police Force, inspector or authorized person -

(i) to make a copy of that record; and

(ii) to inspect the psychotropic substances kept by him in or on the registered premises.

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

Offence to
use or have
or attempt
to have
psychotropic
substance
in
possession

11. Subject to this Ordinance, a person shall not use, have in his possession or attempt to obtain possession of a psychotropic substance.

Penalty: For a first offence - 5,000 dollars;

For a second offence - imprisonment for 5 years;

For any subsequent offence - imprisonment for 10 years.

Offence to
administer
to another
or to have
possession
of
psychotropic
substance
for sale or
supply

12.(1) Subject to this Ordinance, a person shall not -

(a) administer a psychotropic substance to another person; or

(b) have in his possession a psychotropic substance for the purpose of sale or supply to another person.

Penalty: For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

(2) A person who has in his possession a psychotropic substance specified in the first column of

Schedule 3 in a quantity in excess of the quantity specified in the second column of that Schedule opposite that psychotropic substance in the first column shall be deemed to have that psychotropic substance in his possession for the purpose of sale or supply to another person.

13.(1) The Chief Medical Officer may, in writing authorize a person, subject to the restrictions and conditions stated in that authorization, to be in possession of and use a psychotropic substance.

Authorized
use of
psychotropic
substance

(2) An authority granted under this section may be revoked by the Chief Medical Officer.

(3) An authority granted under sub-section (1) -

(a) may specify the maximum quantity of the psychotropic substance which may be held at any one time for use; and

(b) may specify the purposes for which such a substance may be used.

(4) A person shall not fail, neglect or refuse to comply with a restriction or condition contained in an authority granted to him under this section.

Penalty: 1,000 dollars or imprisonment for one year or both.

(5) It is not an offence for a person to whom an authority under this section has been granted and not revoked to be in possession of and use a psychotropic substance in accordance with the restrictions or conditions applicable to that authority.

14.(1) Subject to sub-sections (2) and (3), it is not an offence for a registered medical practitioner in the normal conduct of his profession -

Registered
medical
practitioner
may sell,
etc.,
psychotro-
pic
substance
subject to
conditions

(a) to purchase or be in possession of a psychotropic substance;

(b) to sell or supply a psychotropic substance to a person for use by that person for a therapeutic purpose;

(c) to administer, for a therapeutic purpose, a psychotropic substance to a person; or

(d) to prepare a psychotropic substance.

(2) Notwithstanding sub-section (1), a registered medical practitioner shall not -

(a) sell or supply to a person; or

(b) administer to a person,

a psychotropic substance of a kind specified in Part I of Schedule 2 except -

(c) for or in connexion with the treatment of -

(i) narcolepsy; or

(ii) a hyperkinetic brain damaged child; or

(d) in any other case - in accordance with the written authority of the Chief Medical Officer.

Penalty: Imprisonment for 10 years.

(3) Notwithstanding sub-section (1), a registered medical practitioner shall not -

(a) sell or supply to a person; or

(b) administer to a person,

a psychotropic substance of a kind specified in Parts II and III of Schedule 2 for the reason only that that person is an addict.

Penalty: Imprisonment for 25 years.

(4) For the purposes of this Ordinance, a registered medical practitioner who prescribes for a person a psychotropic substance shall be deemed to have supplied that psychotropic substance to that person.

Registered pharmacist may sell, etc., psychotropic substance subject to conditions

15.(1) It is not an offence for a registered pharmacist to purchase or be in possession of a psychotropic substance in the normal exercise of his profession.

(2) Subject to sub-section (3), it is not an offence for a registered pharmacist to sell or supply a psychotropic substance to -

(a) a registered medical practitioner;

(b) a registered dentist;

(c) a registered veterinary surgeon;

(d) a registered pharmacist;

(e) a person presenting a written prescription signed by a registered medical practitioner or a registered veterinary surgeon for that psychotropic substance and being a person who that registered pharmacist has no reason to suspect is unlawfully in possession of that prescription; or

(f) a person entitled under this Ordinance to be in possession of that substance.

(3) Sub-section (2) does not authorize -

(a) the sale or supply to a registered dentist or a registered veterinary surgeon of a psychotropic substance of a kind specified in Part I of Schedule 2; or

(b) the sale or supply of a psychotropic substance of which a registered veterinary surgeon may not be in possession to a person presenting a written prescription signed by a veterinary surgeon.

(4) Where a registered pharmacist has sold or supplied a psychotropic substance in accordance with sub-section (2)(e), he shall retain the written prescription for a period of 2 years from the date of sale or supply.

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

16. It is not an offence for a registered dentist in the normal exercise of his profession -

(a) to purchase or be in possession of a psychotropic substance; or

(b) to administer to a person a psychotropic substance,

of a kind specified in Parts II and III of Schedule 2.

17.(1) It is not an offence for a registered veterinary surgeon -

(a) to purchase or be in possession of a psychotropic substance of a kind specified in Parts II and III of Schedule 2 for use in the normal exercise of his profession; or

(b) to sell or supply such a substance to a person for administration to an animal.

Registered dentist may administer certain psychotropic substance

Registered veterinary surgeon may use certain psychotropic substance

(2) For the purposes of this Ordinance, a registered veterinary surgeon who prescribes for a person for any purpose a psychotropic substance shall be deemed to have supplied that psychotropic substance to that person.

Conditions
under which
person may
purchase,
possess or
use
psychotro-
pic
substance

18.(1) It is not an offence for a person to purchase, or be in possession of a psychotropic substance if that person has been lawfully sold, or supplied with, that substance -

- (a) by a registered medical practitioner;
- (b) by a registered veterinary surgeon for the purpose of administering that psychotropic substance to an animal;
- (c) by a registered pharmacist in accordance with a written prescription of a registered medical practitioner, as or on behalf of the person for whom that psychotropic substance has been prescribed; or
- (d) by a registered pharmacist in accordance with a written prescription of a registered veterinary surgeon, as or on behalf of the owner or keeper of an animal.

(2) It is not an offence for a person for whom a psychotropic substance has been prescribed to use that substance for the purpose for which it was prescribed.

Restrictions
on advert-
ising of
psychotro-
pic
substance

19.(1) Subject to sub-section (2), a person shall not publish an advertisement in any form-

- (a) to the effect that he or any other person is willing or entitled to sell or supply a psychotropic substance; or
- (b) promoting or encouraging the use of a psychotropic substance.

Penalty: 2,000 dollars or imprisonment for 2 years or both.

(2) This section does not apply to an advertisement in a magazine, journal, circular or paper-

- (a) circulated only amongst medical practitioners, dentists, veterinary surgeons or pharmacists; or

- (b) exempted by the Administrator from the provisions of this section by notice published in the Gazette.

20.(1) The Chief Medical Officer may, by notice published in the Gazette, direct -

- (a) that the label attached to a container containing a specified psychotropic substance; or
- (b) an outer package containing a specified psychotropic substance or a leaflet included with such a package,

shall include directions for the use of that substance and a warning, as specified in the notice, regarding the effects which that substance may have on the health or safety of a person using that substance.

(2) A person selling or supplying a psychotropic substance to another person shall not fail, refuse or neglect to comply with the requirements of a notice published in accordance with sub-section (1).

Penalty: 2,000 dollars or imprisonment for 2 years or both.

21.(1) Subject to sub-section (2), a person authorized or permitted under this Ordinance to be in possession of a psychotropic substance shall, except when a psychotropic substance is being removed for use in accordance with this Ordinance, keep that substance locked in a safe, cupboard or container of a type approved in writing by the Chief Medical Officer.

Penalty: 1,000 dollars or imprisonment for one year or both.

(2) Sub-section (1) does not apply to a person authorized under section 18 to purchase or be in possession of a psychotropic substance.

22.(1) Subject to sub-section (2), the Chief Medical Officer may, by notice published in the Gazette, exempt a preparation containing a psychotropic substance from the provisions of this Ordinance or from such of the provisions of this Ordinance as are specified in that notice.

(2) Sub-section (1) applies only where the Chief Medical Officer is satisfied that the psychotropic substance cannot be separated from the preparation or

Chief Medical Officer may require containers, packages or leaflets to include certain information

Psychotropic substance to be kept locked in safe, etc.

Exemption of certain preparations containing psychotropic substance

that the preparation cannot be treated or used in such a manner as will allow abuse of the psychotropic substance contained in it.

PART IV - MISCELLANEOUS

Search
warrant

23.(1) Where it is made to appear to a Justice, by application on oath, that there are reasonable grounds for believing -

- (a) that there is in or on certain premises or a vehicle or vessel a dangerous drug, opium or a psychotropic substance; or
- (b) that a dangerous drug, opium or a psychotropic substance may be concealed on a person or on or in any property in the immediate control of a person,

that Justice may issue a warrant authorizing a member of the Police Force named in the warrant, with such assistance as he thinks necessary, to search -

- (c) in the case of paragraph (a) - the premises, vehicle or vessel; or
- (d) in the case of paragraph (b) -
 - (i) the body of that person;
 - (ii) the clothing worn by that person; or
 - (iii) the property in the immediate control of that person.

(2) Under this section -

- (a) an application for a warrant and any submissions concerning that application may be made;
- (b) any information concerning an application may be furnished; and
- (c) any oath may be administered,

in whole or in part, by telephone, telex, radio or other similar facilities.

(3) A warrant -

(a) shall -

- (i) if it is issued under sub-section (1)(a) - be substantially in accordance with the form prescribed in Schedule 4; and

(ii) if it is issued under sub-section (1)(b) -
be substantially in accordance with the
form prescribed in Schedule 5; and

(b) shall remain in force for such period as the
Justice issuing it stipulates in the warrant.

(4) Where a warrant is issued by a Justice as the
result of an action taken under or in pursuance of
sub-section (2), that Justice shall, unless otherwise
requested by the applicant, send that warrant, within 7
days of its issue, to the Commissioner of Police.

(5) Where it is necessary for a member of the
Police Force to satisfy any person that a warrant under
this section was issued authorizing that member to
conduct a search and, for reasonable cause, that member
cannot at the time produce the warrant, he may produce
a copy of the warrant completed and endorsed in
accordance with sub-section (6) and that production
shall be deemed to be a production of the warrant.

(6) To comply with sub-section (5), a member of
the Police Force -

(a) shall complete a form of warrant substantially
in the terms of the warrant issued by the
Justice; and

(b) shall write on that form of warrant a statement
that a warrant in those terms was issued
giving-

(i) the name of the Justice who issued that
warrant; and

(ii) the date on which and time and place at
which it was issued.

(7) Where it is necessary for a court, in any
proceeding, to be satisfied that a search was
authorized by a warrant issued by a Justice in
accordance with this section, and the warrant issued by
the Justice under this section is not produced in
evidence, the court shall assume, unless the contrary
is proved, that the search was not authorized by that
warrant.

24. A member of the Police Force may stop, search
and detain -

(a) a vessel, vehicle, caravan, trailer or other
conveyance in which he has reason to suspect-

Power of
police to
stop,
search and
detain

- (i) that any dangerous drug;
- (ii) that opium; or
- (iii) that a psychotropic substance,
may be found; and

- (b) a person who that member has reason to suspect has in his possession, or is in any way conveying a dangerous drug, opium or psychotropic substance.

Meaning of
power to
search

25. The power to search conferred by section 24 or under a warrant issued under section 23 authorizes a member of the Police Force -

- (a) to use such reasonable force as is necessary to break into, enter and search the premises or conveyance to be searched;
- (b) to use such reasonable force as is necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in those premises or in that conveyance; and
- (c) to search a person found on or in the premises being searched.

Search of
female

26.(1) A search under this Ordinance of a female shall be carried out only-

- (a) by a female member of the Police Force;
- (b) by a medical practitioner registered under the Medical Practitioners Registration Ordinance and authorized by a member of the Police Force to carry out that search; or
- (c) where there is neither a female member of the Police Force nor a medical practitioner available - by a female person authorized by a member of the Police Force to carry out that search.

(2) Where a medical practitioner or a female person is authorized in pursuance of sub-section (1) to carry out a search of a female, the medical practitioner or female person carrying out that search has, for the purposes of that search, the same powers, and is subject to the same protection, as a member of the Police Force.

27.(1) Notwithstanding anything contained in this Ordinance, the possession of a dangerous drug, opium or a psychotropic substance by a member of the Police Force or any other person authorized by a member of the Police Force is not an offence if that dangerous drug, opium or psychotropic substance -

(a) was seized or obtained in -

- (i) the execution of the duties; or
- (ii) the exercise of the powers, of that member or other person, under this Ordinance;

(b) is in his possession pending the institution and hearing of proceedings under this Ordinance; or

(c) is in his possession for a purpose associated with the administration of this Ordinance.

(2) A dangerous drug, opium or a psychotropic substance shall be deemed to be in the possession of a person for a purpose associated with the administration of this Ordinance if it is held by him for analysis for the purpose of proceedings for an offence or of qualifying him to give evidence at the hearing of those proceedings.

(3) Where proceedings for an offence have commenced, no member of the Police Force who has purchased a dangerous drug, opium or a psychotropic substance and no person who has purchased a dangerous drug, opium or a psychotropic substance at the request in writing of a member of the Police Force shall, by reason of that circumstance, be deemed an accomplice in that offence or guilty of an offence, nor shall the evidence of the member of the Police Force or of that person be deemed, on the hearing of the proceedings, to be the evidence of an accomplice.

28.(1) A member of the Police Force may seize -

(a) a substance that is in the possession of a person or found as the result of a search and being a substance that that member has reason to suspect is a dangerous drug, opium or a psychotropic substance;

(b) any money or valuable security found -

- (i) in the possession of a person; or

Members of the Police Force and certain other persons may in certain circumstances be in possession of a dangerous drug, etc.

Seizure of drugs, etc.

(ii) as the result of a search,

being money or security that that member has reason to suspect is the proceeds of the sale of a dangerous drug, opium or a psychotropic substance; or

(c) where a person is apprehended for a breach of this Ordinance, an article -

(i) found in that person's possession; or

(ii) found as the result of a search,

being an article that is used in the production, smoking, consumption or administration of opium or the preparation of opium for smoking or the preparation, manufacture, consumption or administration of a dangerous drug or a psychotropic substance.

(2) In this section, "search" means a search under a power conferred under or by virtue of this Ordinance.

Forfeiture

29.(1) Upon the conviction of a person for an offence against this Ordinance any dangerous drug, opium or psychotropic substance in respect of which the conviction is made or any article seized under section 28(1)(c) is forfeited to the Crown.

(2) Where it is proved to the satisfaction of the court, that a sum of money or valuable security, seized under section 28(1)(b) has been obtained from the sale of a dangerous drug, opium or a psychotropic substance, then, unless the court otherwise directs, that money or valuable security is forfeited to the Crown.

Notice to claim things seized

30.(1) When a thing is seized under this Ordinance and no proceedings are instituted for an offence relating to the thing seized, the Commissioner of Police -

(a) shall return the thing seized to the person who he reasonably believes is its owner; or

(b) shall, by notice in writing, where he is not satisfied as to whom that thing should be returned, require the person from whom the thing was seized, or any person appearing to the Commissioner of Police to be the likely owner of that thing, to claim delivery to him of that thing.

(2) If no claim is made within 21 days of the date of service of the notice in writing, or the person to whom the notice is addressed cannot be found, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Administrator.

(3) Where a person served with a notice under sub-section (1) makes a claim for the delivery to him of a thing seized, the Commissioner of Police shall refer the claim to a court of summary jurisdiction and the court may deal with the matter as if the claim were made by a claimant of property under section 130B of the Justices Ordinance.

31.(1) All offences against this Ordinance, except those against sections 9(13) and (15), 10, 15(4) and 30, are indictable offences.

Types of
offences
and
application

(2) Section 120 of the Justices Ordinance does not apply to an offence against section 5(a) or (b), 6(a) or 11.

(3) Division 2 of Part V of the Justices Ordinance does not apply to an offence against section 5(c) or (d), 6(b) or (c), 8 or 12.

(4) Section 75(7) of the Justices Ordinance does not apply to or in respect of an offence.

32.(1) Subject to sub-section (2), in proceedings for an offence a certificate purporting to be signed by a person who claims in the certificate that he carried out a scientific analysis or examination -

Evidence of
analysis by
certificate

- (a) setting out particulars of his qualifications to carry out that analysis or examination;
- (b) identifying the thing analysed or examined by him; and
- (c) giving particulars concerning the analysis or examination that he carried out and stating the conclusions at which he arrived,

is evidence of the matters stated in that certificate.

(2) A certificate may not be tendered in pursuance of sub-section (1), without the consent of the person charged -

- (a) unless, at least 7 days before the certificate is tendered, the person intending to tender the certificate serves upon the person charged with the offence -

(i) a copy of the certificate; and

(ii) a notice in writing drawing the attention of the person charged to this section, informing him that it is proposed to tender the certificate in evidence in the proceedings and furnishing the name of a person (herein called "the prosecutor") who will accept service of notices and an address for service; or

(b) if, within 4 days of being served with a certificate and notice under paragraph (a); the person charged serves upon the prosecutor a notice in writing that the person charged objects to the certificate being given in evidence.

Court may
award costs
to include
expenses

33. Where a scientific analysis or examination has been carried out for the purpose of proceedings for an offence, the court may, in addition to any other order as to costs, make such order as it thinks proper-

(a) as to the payment of the expenses of and incidental to the analysis or examination; and

(b) where the person charged has served a notice of objection under section 22(2)(b) - as to the payment of the expenses of and incidental to the attendance at court of the person who carried out the analysis or examination.

Obstruction
of police

34. A person shall not obstruct or hinder a member of the Police Force in the performance of his duties under this Ordinance, or in the execution of the powers by this Ordinance vested in him.

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

Regulations

35. 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.

SCHEDULE 1

Section 3

Repealed Ordinances

| | |
|---|------|
| <u>Dangerous Drugs Ordinance</u> | 1928 |
| <u>Dangerous Drugs Ordinance (No.2)</u> | 1928 |
| <u>Dangerous Drugs Ordinance</u> | 1933 |
| <u>Dangerous Drugs Ordinance</u> | 1934 |
| <u>Dangerous Drugs Ordinance</u> | 1939 |
| <u>Dangerous Drugs Ordinance</u> | 1941 |
| <u>Dangerous Drugs Ordinance</u> | 1956 |
| <u>Dangerous Drugs Ordinance</u> | 1964 |
| <u>Dangerous Drugs Ordinance</u> | 1967 |
| <u>Dangerous Drugs Ordinance</u> | 1969 |
| <u>Dangerous Drugs Ordinance</u> | 1973 |

SCHEDULE 2

Sections 4,14,
16 and 17

Psychotropic Substances

PART I

International
non-pro-
prietary names

Chemical name

-
- | | |
|--------------------|---|
| 1. AMPHETAMINE | (⁺ ₋)-2-amino-1-phenylpropane |
| 2. DEXAMPHETAMINE | (+)-2-amino-1-phenylpropane |
| 3. METHAMPHETAMINE | (+)-2-methylamino-1-phenylpropane |
| 4. METHYLPHENIDATE | 2-phenyl-2-(2-piperidyl) acetic acid, methyl ester |
| 5. PHENCYCLIDINE | 1-(1-phenylcyclohexyl) piperidine |
| 6. PHENMETRAZINE | 3-methyl-2-phenylmorpholine |
-

PART II

| International non-pro- prietary names | Chemical name |
|---|--|
| 1. AMOBARBITAL | 5-ethyl-5-(3-methylbutyl) barbituric acid |
| 2. CYCLOBARBITAL | 5-(1-cyclohexen-1-yl) -5-ethylbarbituric acid |
| 3. GLUTETHIMIDE | 2-ethyl-2-phenylglutarimide |
| 4. PENTOBARBITAL | 5-ethyl-5-(1-methylbutyl) barbituric acid |
| 5. SECOBARBITAL | 5-allyl-5-(1-methylbutyl) barbituric acid |

PART III

| International non-pro- prietary names | Other non-pro- prietary names | Chemical name |
|---|-------------------------------------|--|
| 1. AMFEPRAMONE | | 2-(diethylamino) propiophenone |
| 2. BARBITAL | | 5,5-diethylbarbituric acid |
| 3. | ethchlorvynol | ethyl-2-chlorovinylethinyl carbinol |
| 4. ETHINAMATE | | 1-ethynylcyclohexanolcarbamate |
| 5. MEPROBAMATE | | 2-methyl-2-propyl-1,3-propanediol dicarbamate |
| 6. METHAQUALONE | | 2-methyl-3-o-tolyl-4 (3H)-quinazolinone |
| 7. METHYLPHENO- BARBITOL | | 5-ethyl-1-methyl-5-phenyl-barbituric acid |

8. METHYPRYLON 3,3-diethyl-5-methyl-2,4-piperidine
dione
9. PHENOBARBITAL 5-ethyl-5-phenylbarbituric acid
10. PIPRADROL 1,1-diphenyl-1-(2-piperidyl) methanol
11. SPA (-)-1-dimethylamino-1,2-diphenylethane

SCHEDULE 3

Section 12

Minimum Quantities of Dangerous Drugs

| Psychotropic Substance | Quantity |
|------------------------|------------|
| 1. Amphetamine | 0.5 grams |
| 2. Dexamphetamine | 0.5 grams |
| 3. Methamphetamine | 0.5 grams |
| 4. Methylphenidate | 0.5 grams |
| 5. Phencyclidine | 0.5 grams |
| 6. Phenmetrazine | 1.25 grams |

SCHEDULE 4

Section 23

DANGEROUS DRUGS ORDINANCE

SEARCH WARRANT

To: (full name) , a member of the Police Force
of the Northern Territory.

WHEREAS, on an application on oath under the Dangerous Drugs Ordinance, in relation to premises at (give address or otherwise identify premises)

/ or a vehicle (identify vehicle) or a vessel (identify vessel) _/

I, (full name) , a Justice within the meaning of that expression in that Ordinance, am satisfied -

- (a) that there is reasonable ground for believing that there is on or in those premises (or that vehicle or that vessel) dangerous drugs or opium; and

- (b) that the issue of a warrant is reasonably required for the purposes of that Ordinance;

YOU ARE HEREBY AUTHORIZED, with such assistance as you think necessary, to enter those premises (or that vehicle or that vessel), during the hours of (or at any time), if necessary by force, for the purpose of exercising the powers of a member of the Police Force under that Ordinance, namely to search those premises (or that vehicle or that vessel) and -

- (a) to use such reasonable force as is necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in those premises (or that vehicle or that vessel);
- (b) to seize -
- (i) any substance found in the possession of a person or as the result of the search which you have reason to suspect is a dangerous drug or opium;
- (ii) any money or valuable security found as a result of the search and suspected of being the proceeds of sale of dangerous drugs or opium; or
- (iii) any article found as a result of the search, being an article of a type used in the production, preparation, manufacture, consumption, smoking or administration of dangerous drugs and opium;
- (c) to search any person found on or in those premises (or that vehicle or that vessel); and
- (d) to do or perform such other acts as that Ordinance permits.

AND for so doing, this shall be your sufficient warrant.

The authority granted by this warrant expires on (insert date)

Issued at o'clock in the noon this day
of , 19 .

Justice.

SCHEDULE 5

Section 23

DANGEROUS DRUGS ORDINANCE

SEARCH WARRANT

To: (full name), a member of the Police Force of the Northern Territory.

WHEREAS, on an application on oath under the Dangerous Drugs Ordinance, in relation to (full name) of (address) (in this warrant called "the person named") I, (full name), a Justice within the meaning of that expression in that Ordinance, am satisfied, by information -

(a) that there is reasonable ground for believing that a dangerous drug or opium -

(i) is concealed on the person named; or

(ii) is concealed on or in property in the immediate control of the person named; and

(b) that the issue of a warrant is reasonably required for the purposes of that Ordinance;

YOU ARE HEREBY AUTHORIZED, with such assistance as you think necessary -

(a) to use such reasonable force as is necessary to search -

(i) the body of the person named;

(ii) the clothing worn by the person named; and

(iii) property in the immediate possession of the person named, namely (describe the property to be searched);

(b) to seize -

(i) any substance found as the result of the search which you have reason to suspect is a dangerous drug or opium reasonably suspected of being a thing connected with an offence;

(ii) any money or valuable security found as a result of the search and suspected of being the proceeds of sale of dangerous drugs or opium; or

(iii) any article found as a result of the search and being an article of a type used in the production, preparation, manufacture, consumption, smoking or administration of dangerous drugs or opium; and

(c) to do or perform such other acts as that Ordinance permits.

AND for so doing, this shall be your sufficient warrant.

The authority granted by this warrant expires on
(insert date)

Issued at o'clock in the noon this day
of , 19 .

Justice.

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 (No. 2) 1977.

Short
title

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

Principal
Ordinance

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

"7A. Where -

- (a) a Department of the Public Service of the Northern Territory;
- (b) an office of Executive Member; or
- (c) an office or designation created or established by or under an Ordinance,

References
to
Executive
Members,
Depart-
ments, etc.

ceases to exist or changes its name, the Administrator in Council may, by notice in the Gazette, direct that a reference to that Department, Executive Member, office or designation occurring -

- (d) in any Ordinance, regulation or other statutory instrument; or
- (e) in any agreement, award, contract, deed, determination, order or other instrument,

shall be read as a reference to another Department, Executive Member, office or designation specified in the notice, and that reference shall be so read."

THE NORTHERN TERRITORY OF AUSTRALIA
Ombudsman (Northern Territory) Bill

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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To provide for the appointment of an Ombudsman
for the Northern Territory of Australia, and
to define his functions and powers

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

PART I - PRELIMINARY

- | | |
|--|---------------------|
| 1. This Ordinance may be cited as the <u>Ombudsman (Northern Territory) Ordinance 1977.</u> | Short title |
| 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commence- ment |
| 3.(1) In this Ordinance, unless the contrary intention appears - | Interpre- tation |
| <p>"administrative action" means an action relating to a matter of administration, and includes -</p> <ul style="list-style-type: none">(a) a decision or an act;(b) the failure or refusal to take a decision or to perform an act;(c) the formulation of a proposal or intention; and(d) the making of a recommendation (including a recommendation made to the Administrator or to an executive member), <p>but does not include -</p> <ul style="list-style-type: none">(e) any such action of or by a person | |

while that person is discharging or purporting to discharge any responsibilities of a judicial nature or any responsibilities which he has in connexion with the service or execution of judicial process;

- (f) any such action of or by a person acting as counsel or legal adviser to the Crown or to an executive member in his capacity as such; or
- (g) any such action taken by a person or body with respect to a person employed in the service of a department or authority, being an action taken in relation to that employment, including action taken with respect to the promotion, termination of employment or discipline of a person so employed or the payment of remuneration to such a person, not being an action taken by a member of the Police Force of the Northern Territory with respect to a complaint made to a member of that Police Force concerning action taken by another member of that Police Force;

"authority" means a person or body -

- (a) that is a prescribed authority within the meaning of the Public Service Ordinance;
- (b) whether incorporated or unincorporated, that is constituted or established for a public purpose by or under a law of the Territory, other than a law of the Commonwealth, being a law specified in a determination that is in force under section 4ZE(2) of the Northern Territory (Administration) Act 1910;

(c) that is the council of a municipality constituted under the Local Government Ordinance; or

(d) in respect of whom or which a declaration has been made by the Administrator in Council under sub-section (2);

"complainant" means the person or body who or which makes a complaint under this Ordinance;

"department" means a department of the Public Service of the Northern Territory, and includes the Police Force of the Northern Territory, but does not include -

(a) the Legislative Assembly; or

(b) the Executive Council;

"Executive Council" means the Executive Council of the Northern Territory of Australia;

"Judge" means a judge of the Supreme Court of the Northern Territory of Australia;

"mayor" includes an acting mayor;

"Ombudsman" means the person holding the office of the Ombudsman for the Northern Territory, and includes an acting Ombudsman;

"principal officer" -

(a) in relation to a department, means the Departmental Head within the meaning of the Public Service Ordinance, or, if there is no Departmental Head, the person who, within the meaning of that Ordinance, is the Chief Executive Officer of the unit of administration in connexion with which the term is used or in

which there is employed an employee in connexion with whom the term is used, and includes a person who, for any purpose, has all the powers of, or exercisable by, a Departmental Head under that Ordinance;

- (b) in relation to an authority, not being the council of a municipality, means the chairman or presiding member for the time being of that authority; and
- (c) in relation to the council of a municipality under the Local Government Ordinance, means the person for the time being holding or acting in or performing the duties of the office of town clerk of the municipality;

"responsible Executive Member" means -

- (a) where the term is used in relation to a department, the executive member who, in the opinion of the Ombudsman, has the direction of the activities of that department; or
- (b) where the term is used in relation to an authority, the executive member who, in the opinion of the Ombudsman, administers the Ordinance by or under which that authority is constituted or established,

and includes an executive member for the time being acting for and on behalf of the responsible Executive Member;

"tribunal" includes the person constituting a tribunal consisting of one person.

(2) The Administrator in Council may, by notice in the Gazette, declare a person or body, whether incorporated or unincorporated, to be an authority for the purposes of this Ordinance.

(3) For the purposes of this Ordinance -

- (a) references to a department or an authority shall be construed as including references to the principal officer and other officers, members, and employees thereof;
- (b) references to an officer of an authority shall be construed as including references to an officer appointed by or to that authority under any law in force in the Territory;
- (c) references to a member of an authority shall be construed as including references to the person for the time being holding or acting in or performing the duties of any office or designation created or established by or under a law in force in the Territory, or in the Public Service of the Northern Territory, who by virtue of his holding that office is a member of that authority; and
- (d) references to an administrative action taken by, in or on behalf of a department or authority shall be construed as including references to action taken by any officer, member or employee thereof or any other person in or acting on behalf of the department or authority in the exercise or performance of any power or function conferred on him, whether pursuant to any law in force in the Territory or otherwise.

PART II - THE OMBUDSMAN FOR THE NORTHERN TERRITORY

4.(1) For the purposes of this Ordinance, there shall be an office which shall be known as the office of the Ombudsman for the Northern Territory. Ombudsman

(2) A reference in any law in force in the Territory to the Ombudsman shall be read as a reference to the Ombudsman within the meaning of this Ordinance.

(3) The Administrator may, after receiving the recommendation of the Legislative Assembly, appoint a person to hold the office of the Ombudsman.

(4) The Ombudsman shall hold office on such terms and conditions, not inconsistent with this Ordinance, and shall be paid such remuneration, expenses and allowances, as the Administrator determines.

(5) Subject to this Ordinance, the Ombudsman holds office for such period not exceeding 5 years as the Administrator specifies in the instrument of appointment, but is eligible for re-appointment.

(6) A person who is appointed or re-appointed the Ombudsman within 5 years before the day on which he will attain the age of 65 years and who is in office immediately before that day ceases to hold office on that day and a person who has attained that age shall not be appointed or re-appointed the Ombudsman.

(7) The Administrator shall cause to be laid before the Legislative Assembly any instrument of appointment or determination made by him pursuant to this section within 3 sitting days of the Assembly after the making of that instrument.

(8) The Ombudsman shall not, without the consent in writing of the Administrator, engage in any remunerative employment outside the duties of his office under this Ordinance.

Leave of
absence

5. The Administrator may grant leave of absence to the Ombudsman upon such terms and conditions as to remuneration or otherwise as the Administrator determines.

6. The Ombudsman may resign his office by writing signed by him and delivered to the Administrator and, upon receipt of his resignation by the Administrator, he vacates his office.

Resig-
nation

7. The Administrator may, with the consent of the Ombudsman, retire the Ombudsman on the ground of physical or mental incapacity.

Retire-
ment

8.(1) The Administrator may suspend the Ombudsman from office for misbehaviour or physical or mental incapacity.

Suspension
and
removal

(2) The Administrator shall cause a statement of the ground of the suspension to be laid before the Legislative Assembly within 3 sitting days of the Assembly after the suspension.

(3) Where a statement has been laid before the Legislative Assembly in pursuance of sub-section (2), the Assembly may, within 7 sitting days of the Assembly after the day on which the statement has been laid before it, by resolution, declare that the Ombudsman ought to be restored to office and, if the Assembly so resolves, the Administrator shall terminate the suspension.

(4) If, at the expiration of 7 sitting days of the Legislative Assembly after the day on which a statement has been laid before the Assembly in pursuance of sub-section (2), the Assembly has not passed a resolution in accordance with sub-section (3), the Administrator may remove the Ombudsman from office.

(5) The suspension of the Ombudsman from office under this section does not affect his entitlement to be paid any remuneration, expenses and allowances.

(6) If the Ombudsman becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an

assignment of his remuneration for their benefit, the Administrator shall remove him from office.

(7) The Ombudsman shall not be removed from office except as provided by this section.

Acting
appoint-
ment

9.(1) The Administrator may, after receiving the recommendation of the Legislative Assembly, appoint a person to act in the office of the Ombudsman -

- (a) during any period, or during all periods, when the person holding the office is absent from duty or from the Northern Territory;
- (b) during the suspension from office of the person holding the office; or
- (c) during a vacancy in the office,

and may, at any time, terminate such an appointment.

(2) A person appointed to act as the Ombudsman during a vacancy in the office shall not continue so to act for more than 12 months.

(3) Where a person is acting in the office of the Ombudsman in pursuance of an appointment under this section otherwise than during a vacancy in that office and that office becomes vacant while that person is so acting, that person continues to act in the office until the Administrator otherwise directs, the vacancy is filled, or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(4) The Administrator shall determine the terms and conditions of appointment of and remuneration, expenses and allowances payable to a person appointed under this section.

(5) Where a person is acting in the office of the Ombudsman in pursuance of an appointment under this section, he has, and may exercise, all the powers, and he may perform all the functions, of the holder of that office under this Ordinance.

10.(1) Before first entering upon the exercise of the office of the Ombudsman, the Ombudsman and an acting Ombudsman shall each take an oath or make an affirmation that he will faithfully and impartially perform the duties of the office, and that he will not, except for the purpose of carrying out or giving effect to this Ordinance, divulge any information received by him under this Ordinance.

Oath of
office

(2) An oath taken or affirmation made under sub-section (1) shall be administered by a Judge.

11.(1) The staff required for the purposes of this Ordinance shall be persons employed under the Public Service Ordinance.

Staff

(2) The Ombudsman has all the powers of, or exercisable by, a Departmental Head under the Public Service Ordinance and regulations in relation to persons employed in the Public Service of the Northern Territory and under his direct control as if those employees were in a department for which he is responsible.

12.(1) The Ombudsman may, by instrument in writing, delegate to an employee referred to in section 11 or, with the consent of the Administrator, to any other person, any of his powers under this Ordinance except this power of delegation and the powers conferred by sections 15(2), 26(2), 26(6), 28 and 29 relating to reports.

Dele-
gation

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

(3) A delegate shall, upon request by a person affected by the exercise of any power delegated to him, produce the instrument of delegation, or a copy of the instrument, for inspection.

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

PART III - JURISDICTION AND FUNCTIONS OF OMBUDSMAN

Depart-
ments and
authori-
ties

13.(1) Subject to this section, this Ordinance applies to all departments and authorities.

(2) The Administrator in Council may by notice in the Gazette declare that this Ordinance does not apply to a department or authority, or to any division, branch, section, part or unit of administration of any department or authority, specified in the declaration, and upon the making of that declaration that department or authority or that division, branch, section, part or unit shall, for the purposes of this section, be deemed not to be a department or authority, or a division, branch, section, part or unit of a department or authority, as the case may be.

Matters for
investi-
gation

14.(1) Subject to this Ordinance, the function of the Ombudsman is to investigate any administrative action taken by, in or on behalf of any department or authority to which this Ordinance applies.

(2) The power under this Ordinance to investigate the making of any recommendation to the Administrator or to an executive member includes a power to investigate any action taken as a consequence of that recommendation, but nothing in this Ordinance authorizes or requires the Ombudsman to investigate the deliberations of the Executive Council or to question the merits

of any decision by the Administrator or an executive member.

(3) Subject to sub-section (4), the Ombudsman shall not conduct an investigation under this Ordinance in respect of -

- (a) any administrative action in respect of which the person aggrieved has or had a right of appeal, reference, or review to or before a tribunal constituted under any law in force in the Territory; or
- (b) any administrative action in respect of which the person aggrieved has or had a remedy by way of proceedings in a court of law.

(4) The Ombudsman may conduct any investigation notwithstanding that the person aggrieved has or had a right or remedy of the nature mentioned in sub-section (3) if in the circumstances the Ombudsman considers that -

- (a) it would not be reasonable to expect or to have expected the person aggrieved to resort to that right or remedy; or
- (b) the matter merits investigation in order to avoid injustice.

(5) The powers of the Ombudsman under this Ordinance in relation to any administrative action taken by a department or authority to which this Ordinance applies may be exercised notwithstanding that that action was in whole or part taken on behalf of, or in the exercise of any functions conferred on, a person or body to which this Ordinance does not apply, but subject to sub-section (6), nothing in this Ordinance authorizes or requires the Ombudsman to question the merits of any decision made by the person or body to which this Ordinance does not apply.

(6) Where any administrative action is taken by a person or body to which this Ordinance does not apply under any powers and functions conferred on or instructions given to it by a department or authority to which the Ordinance applies, the administrative action so taken shall, for the purposes of this Ordinance, be deemed to be the administrative action of the department or authority to which this Ordinance applies, and the powers of the Ombudsman with respect to that action may be exercised accordingly.

(7) The powers of the Ombudsman to investigate any administrative action may, if in the circumstances he considers it proper so to do, be exercised in respect of an administrative action by the department or authority to which this Ordinance applies taken or in part taken before the commencement of this Ordinance.

(8) The powers conferred on the Ombudsman by this Ordinance to investigate any administrative action may be exercised notwithstanding any provision in the law now or hereafter in force in the Territory to the effect that any such action shall be final or shall not be appealed against, challenged, reviewed, quashed or called in question.

Reference
from
Legislative
Assembly

15.(1) The Legislative Assembly or a Committee of the Assembly may refer to the Ombudsman for investigation any matter within his jurisdiction.

(2) Upon a reference to the Ombudsman under this section, he shall as soon as practicable, carry out the investigation and submit his report to the Speaker of the Legislative Assembly.

(3) Section 14(3) does not apply to any matter referred to the Ombudsman under this section, but, where, in relation to any such matter, any person aggrieved thereby has or had a right or remedy as referred to in section 14(3), the Ombudsman may refrain

from commencing any investigation under this section until he is satisfied that that right or remedy cannot or will not be exercised or sought or, if it has been exercised or sought, the proceedings thereon have been finally concluded or abandoned.

16.(1) Any investigation that the Ombudsman is authorized to conduct under this Ordinance, other than pursuant to section 15, may be conducted either of his own motion or on a complaint made in accordance with section 17.

Other
investi-
gations

(2) An investigation may proceed as a consequence of a complaint notwithstanding that the complaint may not on its face appear to be in respect of any administrative action taken by, in or on behalf of a department or authority to which this Ordinance applies if in the opinion of the Ombudsman there is a likelihood that the cause for complaint arose from or as a result of such an administrative action.

17.(1) Subject to this section, any person or body, whether incorporated or unincorporated, may make a complaint to the Ombudsman under this Ordinance.

Complaints

(2) A complaint shall, unless the Ombudsman otherwise directs, be made in writing by the person aggrieved but no special form shall be required to make a complaint.

(3) Where the person by whom a complaint might have been made under this Ordinance has died or is, in the opinion of the Ombudsman, unable to act for himself, the complaint may be made by his personal representative or by any other person who is, in the opinion of the Ombudsman, suitable to represent him.

(4) The provisions of any law now or hereafter in force in the Territory prohibiting or restricting or authorizing or requiring the imposition of prohibitions

or restrictions on communication between any person and any other person shall not apply to any communication or to any proposed communication between any person and the Ombudsman for the purpose of making a complaint under this Ordinance and any person having the right or being under a duty to keep in custody or to detain in any place a person who desires to make a complaint under this Ordinance shall take all necessary steps to facilitate the making of the complaint.

Refusal to
investi-
gate

18.(1) The Ombudsman may refuse to entertain a complaint, or, having commenced to investigate a matter raised in a complaint, may refuse to continue the investigation if he is of the opinion that -

- (a) the matter raised in the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith;
- (c) the person who claims to be aggrieved has not a sufficient interest in the matter raised in the complaint;
- (d) having regard to the circumstances of the case, the investigation or the continuation of the investigation of the matter raised in the complaint is unnecessary or unjustified; or
- (e) the complainant had had knowledge for more than 12 months prior to making the complaint of the action about which the complaint is made and he had failed to give a satisfactory explanation of the delay in making the complaint.

(2) For the purposes of sub-section (1)(e), a complainant shall be deemed to have first had knowledge of the matters alleged in the complaint at the time when he might reasonably be expected to have had that

knowledge.

(3) Where the Ombudsman is precluded from entertaining a complaint or refuses to entertain a complaint or refuses to continue an investigation of any matter raised in a complaint, he shall inform the complainant of his decision and the reasons for that decision.

19.(1) Before commencing an investigation under this Ordinance relating to administrative action taken by, in or on behalf of a department or authority to which this Ordinance applies, the Ombudsman shall in writing inform -

Procedure
for
investi-
gations

- (a) the principal officer of that department or authority and the responsible Executive Member;
- (b) where the complaint relates to administrative action taken by an officer or employee of the council of a municipality, the mayor of the municipality; and
- (c) where the complainant resides in the Territory, the member of the Legislative Assembly for the electoral district in which the complainant resides,

of his intention to conduct the investigation.

(2) Every investigation under this Ordinance shall be conducted in private.

(3) The Ombudsman is not required to hold any hearing for the purposes of an investigation, and he may obtain information from and consult with such persons and in such manner as he thinks fit and may determine whether any person may be represented, by a legal practitioner or otherwise, in the course of the investigation.

(4) If, at any time during the course of an investigation, it appears to the Ombudsman that there may be grounds for making a report adverse to a department or authority to which this Ordinance applies, he shall, before making the report, afford the principal officer of that department or authority an opportunity to comment on the subject matter of the investigation.

(5) If an executive member makes a request to the Ombudsman to be consulted or if an investigation by the Ombudsman relates to any recommendation made to an executive member or to the Administrator, the Ombudsman shall consult with the executive member who made the request or to whom the recommendation was made, or, in the case of a recommendation to the Administrator, with the responsible Executive Member in relation to the department or authority which made the recommendation or caused it to be made, before forming a final opinion adverse to the administrative action concerned.

(6) Where an investigation by the Ombudsman concerns administrative action taken by an officer or employee of the council of a municipality, the Ombudsman -

(a) may at any time during or after the investigation consult with the mayor of the municipality; and

(b) shall, if the mayor makes a request to the Ombudsman to be consulted or if the investigation relates to any recommendation made to the council of the municipality, consult with the mayor before forming a final opinion adverse to the administrative action concerned.

(7) If during or after an investigation the Ombudsman is of the final opinion that there is evidence of a breach of duty or misconduct on the part of an officer, member or employee of or within a department or authority to which this Ordinance applies, he shall -

- (a) report the matter to the principal officer of that department or authority; and
- (b) send a copy of the report to the responsible Executive Member and, where the authority is the council of a municipality, to the mayor of the municipality.

20.(1) Subject to this Ordinance, the provisions of sections 6, 7, 8(1) and (2), 9 and 10 of the Inquiries Ordinance apply to and in relation to any investigation which the Ombudsman is authorized to conduct under this Ordinance as if he was a Commissioner appointed to conduct an inquiry under that Ordinance and as if the investigation was an inquiry.

Evidence

(2) For the purpose of any investigation under this Ordinance, the Ombudsman may require any information or other particulars furnished to him to be verified by statutory declaration.

(3) Subject to section 22, no obligation to maintain secrecy or other restriction upon disclosure of information obtained by or furnished to an officer, member or employee of or within any department or authority to which this Ordinance applies, whether imposed by any law in force in the Territory or otherwise, applies to or in relation to the disclosure of information for the purposes of an investigation by the Ombudsman under this Ordinance.

(4) Subject to section 22, the Crown in right of the Commonwealth or a department or authority to which this Ordinance applies is not entitled in relation to any investigation by the Ombudsman under this Ordinance to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(5) Subject to this Ordinance, in any investigation by the Ombudsman under this Ordinance, every person shall have the same privileges in relation to the giving of evidence and the production of documents, papers and things that he would have had as a witness in proceedings in a court of law.

Entry
onto
premises

21. The powers of the Ombudsman include the power at any time, either by himself or by any employee referred to in section 11 authorized in writing by the Ombudsman so to do, to enter any premises occupied by any department or authority to which this Ordinance applies, and to inspect those premises or anything for the time being therein or thereon.

Non-
disclosure
of certain
matters

22.(1) A person shall not be required or authorized by virtue of this Ordinance -

- (a) to furnish any information or to answer any question; or
- (b) to produce any document,

which relates to -

- (c) deliberations of the Executive Council;
- (d) communications between the Executive Council or any member thereof and the Administrator; or
- (e) deliberations of any committee of the Legislative Assembly formed for the purpose of advising the Administrator or an executive member.

(2) A certificate issued by the Crown Law Officer certifying that any information, question or document or part of a document relates to deliberations or discussions referred to in sub-section (1) is conclusive of the fact so certified.

(3) The Ombudsman shall not require any person to furnish any information or answer any question or produce any document, paper

or thing where the Crown Law Officer certifies that the furnishing of that information, the answer to that question or the production of that document, paper or thing would prejudice the investigation or detection of any offence against a law in force in the Territory.

23. A person who obtains information in the course of, or for the purposes of, an investigation by the Ombudsman under this Ordinance -

Secrecy

(a) shall not disclose that information except -

(i) for the purposes of any investigation by the Ombudsman and of any report or recommendations to be made thereon or relating thereto pursuant to this Ordinance; or

(ii) for the purposes of any proceedings for an offence of perjury or false affirmation or declaration or any offence under this Ordinance; and

(b) shall not take advantage of any knowledge acquired from that information to benefit himself or any other person.

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

24. A person shall not -

Obstruction

(a) without lawful excuse (proof of which shall lie on him) wilfully obstruct, hinder, or resist the Ombudsman or any other person in the exercise of his powers under this Ordinance;

(b) without lawful excuse (proof of which shall lie on him) refuse or wilfully fail to comply with any lawful requirement of the Ombudsman or any other person acting pursuant

to this Ordinance; or

- (c) wilfully make any statement he knows to be false or to be misleading in a material particular, or mislead or attempt to mislead the Ombudsman or any other person acting pursuant to this Ordinance.

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

Other
offences

25.(1) A person who has been served with a summons to attend before the Ombudsman shall not, without reasonable excuse (proof of which shall lie on him), fail to attend before the Ombudsman or to produce any documents, books or writings in his custody or control which he was required by the summons to produce.

Penalty: 500 dollars.

(2) It shall be a defence to a prosecution for an offence against sub-section (1) for the defendant to prove that the documents, books or writings were not relevant to the investigation by the Ombudsman.

(3) Subject to this Ordinance, a person who appears as a witness before the Ombudsman shall not refuse to be sworn or to make an affirmation or to answer any question put to him by the Ombudsman that is relevant to the investigation by the Ombudsman.

Penalty: 500 dollars.

(4) Nothing in this section shall be construed as compelling a person to answer a question or to produce a document, book or writing that may incriminate him.

(5) A person shall not knowingly give false testimony in evidence before the Ombudsman.

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

26.(1) This section applies where, as a result of an investigation by the Ombudsman under this Ordinance (other than an investigation conducted pursuant to section 15), the Ombudsman is of the opinion that the administrative action to which the investigation relates -

Procedure
on completion of
investigation

- (a) appears to have been taken contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory;
- (c) was in accordance with a rule of law or a provision of any law in force in the Territory or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (d) was taken in the exercise of a power or discretion, and was so taken for an improper purpose or on irrelevant grounds, or on the taking into account of irrelevant considerations;
- (e) was a decision that was made in the exercise of a power or discretion and the reasons for the decision were not but should have been given;
- (f) was based wholly or partly on a mistake of law or fact; or
- (g) was wrong.

(2) Where this section applies and the Ombudsman is of the further opinion -

- (a) that the subject matter of the investigation should be referred to the appropriate department or authority for further consideration;
- (b) that action could be, and should be, taken to rectify or mitigate or alter the effects of the administrative action to which the investigation relates;

(c) that any practice in accordance with which the administrative action was taken should be varied;

(d) that any law in accordance with which or on the basis of which the action was taken should be reconsidered;

(e) that reasons should be given for the action; or

(f) that any other steps should be taken,

he shall report his opinion and his reasons for that opinion to the principal officer of the appropriate department or authority, and may in addition make such recommendations as he thinks fit.

(3) Where the Ombudsman makes any report or recommendations to the principal officer of a department or authority under sub-section (2) he shall send a copy thereof to the responsible Executive Member, and, where relevant, to the mayor of the municipality.

(4) Where, under sub-section (2), the Ombudsman makes recommendations to the principal officer of a department or authority he may request that officer to notify him within a specified time of the steps that have been taken or are proposed to be taken to give effect to any recommendations of the Ombudsman, or, if no such steps have been or are proposed to be taken, the reasons why no steps have been taken or are proposed to be taken.

(5) Where it appears to the Ombudsman that no steps that seem to him appropriate have been taken within a reasonable time of his making any report or recommendations under sub-section (2) he may, after considering the comments (if any) made by or on behalf of the principal officer to whom the report or recommendations were made, send -

(a) to the Administrator; and

- (b) where the report relates to a complaint concerning administrative action by an officer or employee of the council of a municipality, to the mayor of the municipality,

a copy of the report and the recommendations together with a copy of any such comments.

(6) Where a copy of any report, recommendations or comments have been sent to the Administrator under sub-section (5), the Ombudsman may prepare and furnish to the Administrator for presentation to the Legislative Assembly a report on such of the matters to which they relate as the Ombudsman thinks fit and the Administrator shall cause the report to be laid before the Legislative Assembly within 3 sitting days after its receipt by him.

(7) The Ombudsman shall not in any report under this Ordinance make any comment adverse to any person unless he has taken steps which are, in his opinion, sufficient to ensure that the person has been given a reasonable opportunity of being heard in the matter and the person's defence (if any) is fairly set out in the report.

27. Where the Ombudsman conducts an investigation on a complaint made under this Ordinance he shall inform the complainant in such manner and at such time as he thinks proper of the result of the investigation, and where the Ombudsman has made any recommendation under section 26(2) and it appears to him that steps which seem to him to be appropriate have not been taken within a reasonable time of the making of those recommendations, the Ombudsman shall inform the complainant of the recommendations, together with such comments as he thinks fit.

Complaint
to be
informed

28.(1) Without limiting his right under any other provision of this Ordinance to cause a report to be laid before the Legislative Assembly, the Ombudsman shall as soon as practicable after 30 June in each year prepare and furnish to the

Annual and
other
reports

Administrator for presentation to the Legislative Assembly a report on the exercise and performance of his functions and duties during the 12 months (or in the case of the first report, the lesser period) ending on that date.

(2) Subject to this Ordinance, the Ombudsman may if he thinks fit at any time prepare and furnish to the Administrator for presentation to the Legislative Assembly a report on any matter arising in connexion with the exercise or performance of his functions and duties under this Ordinance.

(3) Upon receipt of a report under this section the Administrator shall cause it to be laid before the Legislative Assembly within 3 sitting days of the Assembly after its receipt by him.

Other
reports on
authority
of Speaker

29. The Speaker of the Legislative Assembly may authorize the Ombudsman to publish, in the public interest or in the interests of any department, authority or other organization, person or body of persons, reports relating generally to the exercise of his functions or to any particular case investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report laid before the Legislative Assembly under this Ordinance.

PART IV - MISCELLANEOUS

Applicat-
ion to
Supreme
Court

30.(1) Where, in the course of an investigation under this Ordinance, the question arises whether the Ombudsman has jurisdiction to conduct the investigation, the Ombudsman, the complainant or the person or body the subject of the investigation may make an application to a Judge of the Supreme Court for a determination of that question, and on the application the Judge may make such order as he considers fit.

(2) An application to which sub-section (1) relates shall be made in accordance with any rules made by the Chief Judge prescribing the practice and procedure applicable to such an application, and pending the making of rules, a Judge may give such directions as to the practice and procedure applicable to an application as he thinks fit.

(3) For the purposes of this section the principal officer of the department or authority affected by the investigation shall be deemed to be a person the subject of the investigation.

31.(1) Neither the Ombudsman nor any employee referred to in section 11 shall be liable, whether on the ground of want of jurisdiction or on any other ground, to any civil or criminal proceedings to which he would have been liable apart from this section in respect of any act done or purporting to be done in pursuance of this Ordinance or of an authority given under this Ordinance, unless the act was done in bad faith.

Protection
of
Ombudsman
and staff

(2) No civil or criminal proceedings shall be brought against the Ombudsman or any member of his staff in respect of an act referred to in sub-section (1) without the leave of the Supreme Court, and the Supreme Court shall not give leave under this section unless it is satisfied that there is substantial ground for the contention that the person to be proceeded against has acted in bad faith.

(3) Notwithstanding anything in the foregoing provisions of this section no prerogative writ shall be issued nor any application for an order of review granted restricting the Ombudsman from carrying out, or compelling him to carry out any investigation, and no proceedings shall be brought against the Ombudsman whereby the issue of such a writ or the granting of such an order of review is sought.

(4) Neither the Ombudsman nor any employee referred to in section 11 shall be called to give evidence or produce any document in any court of law, or in any proceedings of a judicial nature, in respect of any matter coming to his knowledge in the exercise of his powers, functions and duties under this Ordinance.

Regulat-
ions

32. 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, and in particular providing for the payment of allowances and expenses to any person appearing before the Ombudsman as a witness for his travelling and maintenance while absent from his usual place of residence.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Poisons 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>Poisons Ordinance 1977</u> . | Short title |
| 2. The <u>Poisons Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 4. The First Schedule to the Principal Ordinance is amended- | First Schedule |
| (a) by omitting from Part II item 7; | |
| (b) by omitting from Part III items 5, 27, 88, 108, 111, 112 and 132; and | |
| (c) by omitting from Part IV items 1, 2, 3 and 5. | |

THE NORTHERN TERRITORY OF AUSTRALIA

Serial 1
Prohibited
Drugs
Mr Tuxworth

Prohibited Drugs Bill

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THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To prohibit the possession, manufacture, sale,
distribution and administration of prohibited
drugs and cannabis

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

1. This Ordinance may be cited as the Prohibited
Drugs Ordinance 1977. 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 Prohibited Drugs Ordinance 1963 and the Prohibited Drugs Ordinance 1969 are repealed. Repeal and
saving

(2) Notwithstanding the repeal effected by sub-section (1), the provisions of the repealed Ordinances continue to apply, as if this Ordinance had not come into operation, to any offence committed against those repealed Ordinances before the commencement of this Ordinance.

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

"cannabis" means a plant or a part of a plant of the genus Cannabis, an extract, resin or tincture of such a plant or a preparation or substance containing part of such a plant or such an extract, resin or tincture;

"offence" means an offence against this Ordinance;

"premises" includes a part of premises;

"prohibited drug" means -

- (a) a drug;
- (b) a substance; or
- (c) a substance containing a drug,
specified in Schedule 1;

"use" includes to smoke, consume, take or administer to oneself.

(2) A reference in this Ordinance to a vessel shall, when the context so admits, includes a reference to an aircraft but shall not include a reference to a vessel then employed in Her Majesty's defence forces or in the defence forces of any Commonwealth or foreign Government.

(3) Without limiting the effect of any other law in force in the Territory, the powers in this Ordinance with respect to a vessel may be exercised whenever the vessel is within the territorial limits of the Territory or within the territorial sea of Australia (as defined in the Seas and Submerged Lands Act 1973) adjoining those territorial limits.

Use, pos-
session,
etc., of
prohibited
drug

5. A person who -

- (a) uses or has in his possession, or attempts to obtain possession of, a prohibited drug;
- (b) produces, prepares or manufactures a prohibited drug;
- (c) sells, supplies or administers a prohibited drug to another person; or
- (d) has in his possession a prohibited drug for the purpose of sale or supply to another person,

is guilty of an indictable offence.

Use, pos-
session,
etc., of
cannabis

6. A person who -

- (a) uses or has in his possession, or attempts to obtain possession of, cannabis;
- (b) produces, prepares or manufactures cannabis;

(c) sells, supplies or administers cannabis to another person; or

(d) has in his possession cannabis for the purpose of sale or supply to another person,

is guilty of an indictable offence.

7.(1) A person who has in his possession a prohibited drug of a kind specified in the first column of Schedule 2 in a quantity in excess of that specified in the second column of that Schedule opposite that drug in the first column shall be deemed to have that prohibited drug in his possession for the purpose of sale or supply to another person.

Presumption with regard to possession of certain quantities of prohibited drug or cannabis

(2) A person who has in his possession cannabis in a quantity in excess of 50 grams shall be deemed to have that cannabis in his possession for the purpose of sale or supply to another person.

8.(1) A person who knowingly grows, cultivates or has in his possession a plant from which a prohibited drug may be obtained shall be deemed to have that prohibited drug in his possession for the purpose of sale or supply to another person.

Presumption with respect to growing, etc., plants from which prohibited drug or cannabis may be obtained

(2) A person who knowingly grows, cultivates or has in his possession cannabis in plant form shall be deemed to have that cannabis in his possession for the purpose of sale or supply to another person.

9. It is a defence to a prosecution for an offence of being in possession of a prohibited drug or cannabis if the person charged proves -

Defence

(a) that he was not knowingly in possession of that prohibited drug or cannabis; or

(b) that he had a reasonable excuse for being in possession of that prohibited drug or cannabis.

10.(1) The owner or occupier of premises who knowingly allows a prohibited drug -

Responsibility of owner or occupier of premises with relation to

(a) to be produced, prepared or manufactured by another person; or

(b) to be used or kept by another person,

prohibited
drug or
cannabis

on those premises is guilty of an indictable offence.

(2) The owner or occupier of premises who knowingly allows cannabis -

(a) to be produced, prepared or manufactured by another person; or

(b) to be kept by another person,

on those premises is guilty of an indictable offence.

Search
warrant

11.(1) Where it is made to appear to a Justice, by application on oath, that there are reasonable grounds for believing -

(a) that there is in or on certain premises or a vehicle or vessel a prohibited drug or cannabis; or

(b) that a prohibited drug or cannabis may be concealed on a person or on or in any property in the immediate control of a person,

that Justice may issue a warrant authorizing a member of the Police Force named in the warrant, with such assistance as he thinks necessary, to search -

(c) in the case of paragraph (a) - the premises, vehicle or vessel; or

(d) in the case of paragraph (b) -

(i) the body of that person;

(ii) the clothing worn by that person; or

(iii) the property in the immediate control of that person.

(2) Under this section -

(a) an application for a warrant and any submissions concerning an application may be made;

(b) any information concerning an application may be furnished; and

(c) any oath may be administered,
in whole or in part, by telephone, telex, radio or
other similar facilities.

(3) A warrant -

(a) shall -

(i) if it is issued under sub-section (1)(a) -
be substantially in accordance with the
form prescribed in Schedule 3; and

(ii) if it is issued under sub-section (1)(b) -
be substantially in accordance with the
form prescribed in Schedule 4; and

(b) shall remain in force for such period as the
Justice issuing it stipulates in the warrant.

(4) Where a warrant is issued by a Justice as the
result of an action taken under or in pursuance of
sub-section (2), that Justice shall, unless otherwise
requested by the applicant, send that warrant, within 7
days of its issue, to the Commissioner of Police.

(5) Where it is necessary for a member of the
Police Force to satisfy any person that a warrant under
this section was issued authorizing that member to
conduct a search and, for reasonable cause, that member
cannot at the time produce the warrant, he may produce
a copy of the warrant completed and endorsed in
accordance with sub-section (6) and that production
shall be deemed to be a production of the warrant.

(6) To comply with sub-section (5), a member of
the Police Force -

(a) shall complete a form of warrant substantially
in the terms of the warrant issued by the
Justice; and

(b) shall write on that form of warrant a statement
that a warrant in those terms was issued
giving-

(i) the name of the Justice who issued that
warrant; and

(ii) the date on which and time and place at which it was issued.

(7) Where it is necessary for a court, in any proceeding, to be satisfied that a search was authorized by a warrant issued by a Justice in accordance with this section, and the warrant issued by the Justice under this section is not produced in evidence, the court shall assume, unless the contrary is proved, that the search was not authorized by that warrant.

Power of
police to
stop, search
and detain

12. A member of the Police Force may stop, search and detain -

- (a) a vessel, vehicle, caravan, trailer or other conveyance in which that member has reason to suspect that a prohibited drug or cannabis may be found; and
- (b) a person who that member has reason to suspect has in his possession, or is in any way conveying, a prohibited drug or cannabis.

Meaning of
power to
search

13. The power to search conferred by section 12 or under a warrant issued under section 11 authorizes a member of the Police Force -

- (a) to use such reasonable force as is necessary to break into, enter and search the premises or conveyance to be searched;
- (b) to use such reasonable force as is necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in those premises or in that conveyance; and
- (c) to search a person found on or in the premises or in the conveyance being searched.

Search of
female

14.(1) A search under this Ordinance of a female shall be carried out only -

- (a) by a female member of the Police Force;
- (b) by a medical practitioner registered under the Medical Practitioners Registration Ordinance and authorized by a member of the Police Force to carry out that search; or

- (c) where there is neither a female member of the Police Force nor a medical practitioner available - by a female person authorized by a member of the Police Force to carry out that search.

(2) Where a medical practitioner or a female person is authorized in pursuance of sub-section (1) to carry out a search of a female, the medical practitioner or female person carrying out that search has, for the purposes of that search, the same powers, and is subject to the same protection, as a member of the Police Force.

15.(1) Notwithstanding anything contained in this Ordinance, the possession of a prohibited drug or cannabis by a member of the Police Force or a person authorized by a member of the Police Force to have that prohibited drug or cannabis in his possession is not an offence if that prohibited drug or cannabis -

(a) was seized or obtained in -

(i) the execution of the duties; or

(ii) the exercise of the powers,

of that member or other person under this Ordinance;

(b) is in his possession pending the institution and hearing of proceedings under this Ordinance; or

(c) is in his possession for a purpose associated with the administration of this Ordinance.

(2) A prohibited drug or cannabis shall be deemed to be in the possession of a person for a purpose associated with the administration of this Ordinance if it is held by him for analysis for the purpose of proceedings for an offence or of qualifying him to give evidence at the hearing of those proceedings.

(3) Where proceedings for an offence have commenced, no member of the Police Force who has purchased a prohibited drug or cannabis and no person who has purchased a prohibited drug or cannabis at the request in writing of a member of the Police Force shall, by reason of that circumstance, be deemed an

Members of the Police Force and certain other persons may in certain circumstances be in possession of a prohibited drug or cannabis

accomplice in that offence or guilty of an offence, nor shall the evidence of that member of the Police Force or of that person be deemed, on the hearing of the proceedings, to be the evidence of an accomplice.

Seizure of
drugs, etc.

16. (1) A member of the Police Force may seize -

(a) a substance found in the possession of a person or as the result of a search, being a substance that that member has reason to suspect is a prohibited drug or cannabis;

(b) any money or valuable security found -

(i) in the possession of a person; or

(ii) as the result of a search,

being money or security that that member has reason to suspect is the proceeds of the sale of a prohibited drug or cannabis; or

(c) where a person is apprehended for a breach of this Ordinance, an article -

(i) found in the possession of that person; or

(ii) found as the result of a search,

being an article that is of a type used in the production, preparation, manufacture, consumption, smoking or administration of a prohibited drug or cannabis.

(2) In this section "search" means a search under a power conferred under or by virtue of this Ordinance.

Forfeiture

17.(1) Upon the conviction of a person for an offence any prohibited drug or cannabis in respect of which the conviction is made or any article seized under section 16(1)(c) is forfeited to the Crown.

(2) Where it is proved to the satisfaction of the court, that a sum of money, or valuable security, seized under section 16(1)(b) has been obtained from the sale of a prohibited drug or cannabis, then, unless the court otherwise directs, that money or valuable security is forfeited to the Crown.

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

18. (1) When a thing, is seized under this Ordinance and no proceedings are instituted for an offence relating to the thing seized, the Commissioner of Police -

Notice to
claim
things
seized

(a) shall return the thing seized to the person who he reasonably believes is its owner; or

(b) shall, by notice in writing, where he is not satisfied as to whom that thing should be returned require the person from whom the thing was seized, or any person appearing to the Commissioner of Police to be the likely owner of that thing, to claim delivery to him of that thing.

(2) If no claim is made within 21 days of the date of service of the notice in writing, or the person to whom the notice is addressed cannot be found, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Administrator.

(3) Where a person served with a notice under sub-section (1)(b) makes a claim for the delivery to him of a thing seized, the Commissioner of Police shall refer the claim to a court of summary jurisdiction and the court may deal with the matter as if the claim were made by a claimant of property under section 130B of the Justices Ordinance.

19. A person who is guilty of an offence -

Penalties

(a) shall, if the offence is one against section 5 (a) or 10(1)(b), be liable -

(i) for a first offence - to a fine of 5,000 dollars;

(ii) for a second offence - to imprisonment for 5 years; and

(iii) for any subsequent offence - to imprisonment for 10 years;

(b) shall, if the offence is one against section 5(b), (c) or (d), 6(b),(c) or (d), 10(1)(a) or 10(2)(a), be liable -

(i) for a first offence - to imprisonment for 7 years;

(ii) for a second offence - to imprisonment for 15 years; and

(iii) for any subsequent offence - to imprisonment for 25 years; and

(c) shall, if the offence is one against section 6(a) or 10(2)(b), be liable -

(i) for a first offence - to a fine of 500 dollars;

(ii) for a second offence - to a fine of 1,000 dollars; and

(iii) for any subsequent offence - to a fine of 2,000 dollars.

Proof of exceptions

20.(1) Where a person is charged with an offence, an exception relating to a substance the subject of the charge need not be specified or negatived in the information or the indictment.

(2) The burden of proof of an exception referred to in sub-section (1) is on the person alleging it.

Application of Justices Ordinance

21.(1) Section 120 of the Justices Ordinance does not apply to or in respect of an offence against section 5(a), 6(a), 10(1)(b) or 10(2)(b).

(2) Division 2 of Part V of the Justices Ordinance does not apply to or in respect of an offence against section 5(b), (c) or (d), 6(b),(c) or (d), 10(1)(a) or 10(2)(a).

(3) Section 75(7) of the Justices Ordinance does not apply to or in respect of an offence.

Evidence of analysis by certificate

22.(1) Subject to sub-section (2), in proceedings for an offence a certificate purporting to be signed by a person who claims in the certificate that he carried out a scientific analysis or examination -

- (a) setting out particulars of his qualifications to carry out that analysis or examination;
- (b) identifying the thing analysed or examined by him; and
- (c) giving particulars concerning the analysis or examination that he carried out and stating the conclusions at which he arrived,

is evidence of the matters stated in that certificate.

(2) A certificate may not be tendered in pursuance of sub-section (1), without the consent of the person charged with the offence -

- (a) unless, at least 7 days before the certificate is tendered, the person intending to tender the certificate serves upon the person charged -
 - (i) a copy of the certificate; and
 - (ii) a notice in writing drawing the attention of the person charged to this section, informing him that it is proposed to tender the certificate in evidence in the proceedings and furnishing the name of a person (herein called "the prosecutor") who will accept service of notices and an address for services; or
- (b) if, within 4 days of being served with a certificate and notice under paragraph (a), the person charged serves upon the prosecutor a notice in writing that the person charged objects to the certificate being given in evidence.

23. Where a scientific analysis or examination has been carried out for the purpose of proceedings for an offence, the court may, in addition to any order as to costs, make such order as it thinks proper -

- (a) as to the payment of the expenses of and incidental to the analysis or examination; and
- (b) where the person charged has served a notice of objection under section 22(2)(b) - as to the payment of the expenses of and incidental to the attendance at court of the person who carried out the analysis or examination.

Obstruction
of police

24. A person shall not obstruct or hinder a member of the Police Force in the performance of his duties under this Ordinance, or the execution of the powers by this Ordinance vested in him.

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

Regulations

25. 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.

SCHEDULE 1
Prohibited Drugs

Section 4

Allyl-iso-propyl-acetyl Urea

Amidopyrine (aminopyrine) and derivatives, including dipyrone

Buniodyl Sodium

Desomorphine

Diacetylmorphine (Heroin)

Diethyltryptamine (DET), Dimethyltryptamine (DMT), Baffotamine, Bufotenine, Psilocybin, Psilocine, Psilotsin and other substances structurally derived from 3 - (2 aminoethyl) - indole

DMHP - 3 (1, 2 dimethylheptyl) - 1 - hydroxy - 7,8,9,10 tetrahydro - 6,6,9 - trimethyl - 6H - dibenzo [b,9] pyran

Ketobemidone

Lysergic Acid, Lysergide, (Lysergic Acid Diethylamide) (LSD) or other amides structurally derived from Lysergic acid

Mescaline, Methylessdediocy - amphetamine (MDA), Dimethoxymethyl - amphetamine (STP) (DOM), Trixethoxy - amphetamine (TMA) all isomers and other substances structurally derived from any of those compounds

Methyl Cinchophen (methyl ester of phenylcinchoninic acid)

Tetrahydrocannabinol

Thalidomide

Triparanol

The isomers (unless excepted under this Ordinance or another law of the Territory) of the substances specified in this Schedule wherever the existence of such isomers is possible within the chemical designation

The esters and ethers (unless excepted under this Ordinance or another law of the Territory) of the substances specified in this Schedule wherever the existence of those esters or ethers is possible

The salts of the substances specified in this Schedule (unless excepted under this Ordinance or another law of the Territory) including the salts of esters, ethers and isomers wherever those salts are possible.

SCHEDULE 2

Section 7(1)

Minimum Quantities of Prohibited Drugs

| Prohibited drug | Quantity |
|--|-------------|
| Desomorphine | 0.5 grams |
| Diacetylmorphine (heroin) | 0.5 grams |
| Diethyltryptamine (DET) | 0.5 grams |
| Dimethyltryptamine (DMT) | 0.5 grams |
| Baffotamine | 0.5 grams |
| Bufotenine | 0.5 grams |
| Psilocybin | 0.1 grams |
| Psilocine | 0.1 grams |
| Psilotsin and other substances structurally derived from | |
| 3 - (2 aminoethyl) - indole | 0.1 grams |
| DMHP - 3 (1, 2 dimethylheptyl) | |
| - 1 - hydroxy - 7,8,9,10 | |
| tetrahydro - 6,6,9 - trimethyl | |
| - 6H - dibenzo [b,9] pyran | 0.5 grams |
| Ketobemidone | 0.5 grams |
| Lysergic Acid, Lysergide | |
| (Lysergic Acid Diethylamide) | |
| (LSD) or other amides | |
| structurally derived from | |
| Lysergic acid | 0.002 grams |
| Mescaline | 7.0 grams |
| Methylenedioxy - amphetamine | |
| (MDA) | 0.5 grams |
| Dimethoxymethyl - amphetamine | |
| (STP), (DOM) | 0.5 grams |
| Tetrahydrocannabinol | 2.0 grams |
| Trimethoxy - amphetamine (TMA) | 0.5 grams. |

SCHEDULE 3

Section 11

PROHIBITED DRUGS ORDINANCE

SEARCH WARRANT

To: (full name), a member of the
Police Force of the Northern Territory.

WHEREAS, on an application on oath under the
Prohibited Drugs Ordinance, in relation to premises at
(give address or otherwise identify premises)
/ or a vehicle (identify vehicle) or a vessel
(identify vessel) / I, (full name)
, a Justice within the meaning of that
expression in that Ordinance, am satisfied -

- (a) that there is reasonable ground for believing
that there is on or in those premises (or that
vehicle or that vessel) prohibited drugs or
cannabis; and
- (b) that the issue of a warrant is reasonably
required for the purposes of that Ordinance;

YOU ARE HEREBY AUTHORIZED, with such assistance as
you think necessary, to enter those premises (or that
vehicle or that vessel), during the hours of
(or at any time), if necessary by force,
for the purpose of exercising the powers of a member of
the Police Force under that Ordinance, namely to search
those premises (or that vehicle or that vessel) and -

- (a) to use such reasonable force as is necessary to
open any cupboard, drawer, chest, trunk, box,
package or other receptacle, whether a fixture
or not, found on or in those premises (or that
vehicle or that vessel);
- (b) to seize -
 - (i) any substance found in the possession of a
person or as the result of the search which
you have reason to suspect is a prohibited
drug or cannabis;
 - (ii) any money or valuable security found as a
result of the search and suspected of being
the proceeds of sale of prohibited drugs or
cannabis; or

(iii) any article found as a result of the search, being an article of a type used in the production, preparation, manufacture, consumption, smoking or administration of prohibited drugs or cannabis;

(c) to search any person found on or in those premises (or that vehicle or that vessel); and

(d) to do or perform such other acts as that Ordinance permits.

AND for so doing, this shall be your sufficient warrant.

The authority granted by this warrant expires on (insert date)

Issued at o'clock in the noon
this day of , 19 .

Justice.

SCHEDULE 4

Section 11

PROHIBITED DRUGS ORDINANCE

SEARCH WARRANT

To: (full name) , a member of the Police Force of the Northern Territory.

WHEREAS, on an application on oath under the Prohibited Drugs Ordinance, in relation to

(full name) of

(address) (in this warrant called "the person named") I, (full name) , a Justice within the meaning of that expression in that Ordinance, am satisfied, by information -

(a) that there is reasonable ground for believing that a prohibited drug or cannabis -

(i) is concealed on the person named; or

(ii) is concealed on or in property in the immediate control of the person named; and

(b) that the issue of a warrant is reasonably required for the purposes of that Ordinance;

YOU ARE HEREBY AUTHORIZED, with such assistance as you think necessary -

(a) to use such reasonable force as is necessary to search -

(i) the body of the person named;

(ii) the clothing worn by the person named; and

(iii) property in the immediate possession of the person named, namely (describe the property to be searched);

(b) to seize -

(i) any substance found as the result of the search which you have reason to suspect is a prohibited drug or cannabis reasonably suspected of being a thing connected with an offence;

(ii) any money or valuable security found as a result of the search and suspected of being the proceeds of sale of prohibited drugs or cannabis; or

(iii) any article found as a result of the search and being an article of a type used in the production, preparation, manufacture, consumption, smoking or administration of prohibited drugs or cannabis; and

(c) to do or perform such other acts as that Ordinance permits.

AND for so doing, this shall be your sufficient warrant.

The authority granted by this warrant expires on (insert date)

Issued at o'clock in the noon
this day of , 19 .

Justice.

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> 1977. | Short title |
| 2. The <u>Town Planning Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. The several sections of this Ordinance shall come into operation on such dates as are respectively fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 4. Section 3 of the Principal Ordinance is amended - | Definitions |
| (a) by inserting after the definition of "available local member" the following definitions: | |
| " 'building work' means the construction, adding to, alteration or demolition of any structure or part of a structure and includes the performance of any work in the course, or for the purpose, of the erection of a structure; | |
| 'develop' means to carry out building work on land or to subdivide land and 'development has a corresponding meaning; | |
| 'development application' means an application under section 68C ; | |

'development control order' means a development control order made under Part IVA;"

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

"'owner' means -

- (a) in the case of land held under a lease - the lessee; or
- (b) in any other case - the person who is the registered proprietor of the land under the Real Property Act and Ordinance ;"

(c) by inserting after the definition of "Residential C land" the following definitions:

" 'structure' includes a building and any other construction above or below the level of the ground;

'subdivide' means to divide land into parts irrespective of whether the opening of a road is included by the owner of that land and includes -

- (a) to sell, grant, transfer, convey or mortgage part of any land to another person;
- (b) to enter into a contract of sale, or agreement for sale of part of any land to another person;
- (c) to grant a lease or licence to another person to use or occupy part of any land for a term exceeding 5 years; or
- (d) otherwise to dispose of part of any land to another person,

and 'subdivision' and 'subdividing' have corresponding meanings;

'subdivisional work' in relation to a subdivision, means -

- (a) the making of the subdivisional survey;
- (b) the construction of roads;
- (c) the construction of drainage work; and
- (d) the construction of sewerage works;"
- (d) by omitting from the definition of "zone" the word "scheme," and substituting "scheme or a development control order."; and
- (e) by omitting sub-section (2) and substituting the following sub-section:

"(2) Where -

- (a) a lease for a term contains an option to renew the lease for an additional term upon the expiration of the first-mentioned term; or
- (b) a licence to use or occupy for a term provides for the granting of a further licence for an additional term on the expiration of the first-mentioned term,

and the aggregate of that term and that additional term exceeds 5 years, the term of the lease or licence shall be deemed to exceed 5 years."

5. Section 18 of the Principal Ordinance is Repealed

6. Section 43(4) of the Principal Ordinance is amended by omitting "section 39" in the definition of "prescribed purpose" and substituting "section 39 or under a development control order." Use of land for certain ancillary purposes

7. Section 44 of the Principal Ordinance is amended - Prohibited use of land an offence

- (a) by omitting "400 dollars" and substituting "2,000 dollars"; and
- (b) by omitting "40 dollars" and substituting "200 dollars".

8. The Principal Ordinance is amended by inserting after section 46 in Division 2 of Part IV the following sections:

Approvals
by
Commission

"47.(1) In this section, unless the contrary intention appears-

- (a) a word or expression used in the Act has the meaning that it has in that Act;
- (b) 'the Act' means the Darwin Reconstruction Act 1975;
- (c) 'Commission' means the Darwin Reconstruction Commission as constituted under the Act;
- (d) "Darwin Town Plan" means the Darwin Town Plan as defined under this Ordinance and amended under this Ordinance;
- (e) 'the prescribed date of commencement' means -
 - (i) in a case where land is the subject of a lease or agreement that fixes a date on or before which building is to be commenced - that date;
 - (ii) in a case where no such date is fixed but the Commission, in its approval, gave a date as the date by which the approved building or work was to be commenced - that date;
 - (iii) in a case where the Administrator in Council has granted an extension under sub-section (9) - the date of expiry of that extension;
 - (iv) in a case where a date for commencement has been fixed as a condition imposed under section 50(1) - that date;
 - (v) in any other case - 31 December, 1979;
- (f) 'the prescribed date of completion' means -
 - (i) in a case where land is the subject of a lease or agreement that fixes a date by which building is to be completed - that date;

- (ii) in a case where no such date is fixed but the Commission, in its approval, gave a date as the date by which the approved building or work was to be completed - that date;
- (iii) in a case where the Administrator in Council has granted an extension under sub-section (9) - the date of expiry of that extension; or
- (iv) in a case where a date for completion has been fixed as a condition imposed under section 50(1) - that date; or
- (v) in any other case - 31 December, 1982.

"(2) Notwithstanding anything contained in any other law in force in the Northern Territory, a person may at any time on or before the prescribed date of commencement commence the erection of a structure or the performance on land of works for the purposes of the erection of a structure in pursuance of an approval given by the Commission under section 15(1) of the Act, if the structure or work is commenced in accordance with any conditions to which the approval was subject, but a person shall not after that date commence the erection of such a structure or the performance of such works.

"(3) Notwithstanding anything contained in any other law in force in the Northern Territory, a person may at any time before the prescribed date of completion, complete the erection of a structure in pursuance of an approval given by the Commission under section 15(1) of the Act, if the structure is completed in accordance with any conditions to which the approval was subject, but a person shall not after that date complete such a structure or perform any work for the purpose of completing such a structure.

"(4) Notwithstanding anything contained in this Ordinance (other than this section), any other Ordinance under which a lease of land may be granted or any lease or agreement to which land may be subject, where a structure has been commenced, continued or completed in pursuance of an approval or purported approval given by the Commission under section 15(1) of the Act and in accordance with any conditions to which the approval or purported approval is subject, a person

may use that structure for the purpose for which approval was given, but, except with the approval of the Board, shall not use it for any other purpose.

Penalty: 2,000 dollars.

"(5) For the purposes of this section, a person may request the Administrator to issue to him a memorandum of an approval given to him under section 15(1) of the Act.

"(6) Where the Administrator receives a request in pursuance of sub-section (5) and he is satisfied, on the balance of probabilities, that the relevant approval was given and that the use to which the land is put or is intended to be put is not contrary to this Ordinance, he shall issue a memorandum of the approval in the terms that he considers, on the balance of probabilities, were the terms of the approval, including conditions to which the approval was subject.

"(7) For the purposes of considering a request made under sub-section (5), the Administrator may take into consideration the fact that a structure or work was commenced on or before the prescribed date of commencement or completed on or before the prescribed date of completion in determining that it was commenced, or completed, as the case may be, in pursuance of an approval given by the Commission under section 15(1) of the Act.

"(8) A memorandum of an approval issued under sub-section (5) is evidence that the approval was given and of the terms of the approval.

"(9) The Administrator in Council may, on application by a person to whom sub-section (2) or (3) applies, extend, in his absolute discretion and subject to such conditions as the Administrator in Council may impose, the date for commencement of a structure or work or the date for completion of that structure or work.

"(10) Notwithstanding anything contained in this section, where an approval given by the Commission under section 15(1) of the Act was limited as to time or by the occurrence of an event, a person shall not, after the expiry of that time or the occurrence of that event-

- (a) where the structure the subject of the approval has not been commenced - undertake any building work in relation to that structure; or
- (b) where the structure the subject of the approval has been commenced but not completed - complete that structure.

Penalty: 2,000 dollars.

"(11) For the purposes of Part V -

- (a) an approval under section 15(1) of the Act; or
- (b) a consent under section 48,

has effect in relation to the land the subject of the approval or consent as though that approval or consent were an amendment of the Darwin Town Plan under this Ordinance.

"(12) Nothing in this section authorizes the alteration or extension of, or addition to, an existing structure on any land without the approval of the Board.

"(13) The Board may, upon the application of a person having an interest in land on which is erected a structure the use of which is one to which sub-section (4) applies, consent to repairs or alterations being carried out to that structure on such conditions as it may see fit.

"48.(1) Subject to sub-sections (2) and (3) upon-

- (a) the demolition of a structure the use of which is not in accordance with the terms of a town planning scheme or development control order then in force;
- (b) the occurrence of damage to a structure the use of which is not in accordance with the terms of a town planning scheme or development control order then in force and which damage is, in the opinion of the Board, so substantial as to prevent the continuance of that use; or

Demolition,
etc.,
determines
use

- (c) the discontinuance for a continuous period of not less than 6 months, for any cause, of a use that is not in accordance with the terms of a town planning scheme or development control order then in force,

section 47(4) no longer applies to permit that use or a continuation of that use.

"(2) Where a structure, the use of which is one to which section (1) applies -

- (a) is so destroyed or substantially damaged that, in the opinion of the Board, it is incapable of repair - the Board, if it considers that the continued use of the land on which the structure was erected is desired may, subject to such conditions as it sees fit, consent to the erection of a new structure to be used for the same purpose as that for which the destroyed or damaged structure was used immediately before the destruction or damage; or
- (b) is substantially damaged, but, in the opinion of the Board, is capable of repair - the Board, if it considers that the continued use of the structure is desired may, subject to such conditions as it sees fit, consent to the use of that structure immediately before the damage being restored and continued.

"(3) Where the use of a structure which is one to which sub-section (1) applies is abandoned for a continuous period of not less than 6 months, the Board, if it considers that the continuation of that use is desired may, on application by a proposed user of that structure and subject to such conditions as the Board sees fit, consent to the use of that structure immediately before that period being restored and continued.

Person to
comply
with
condition

"49. A person shall comply with a condition imposed -

- (a) by the Administrator in Council under section 48(9); and
- (b) by the Board under section 49(2) or (3).

Penalty: 2,000 dollars.

"50.(1) Notwithstanding anything contained in section 47, the Administrator in Council, after receiving a recommendation from the Board, may, subject to such conditions as the Administrator in Council sees fit, approve -

(a) the commencement, continuation or completion of a structure or work; or

(b) the continuation of a use of a structure,

that is not permitted by section 47 if the erection of that structure was commenced after 25 December 1974 and before 31 December 1976.

"(2) Section 47(2), (3) and (4) applies to an approval given under this section."

9. Section 57 of the Principal Ordinance is repealed.

10. Section 66 of the Principal Ordinance is amended by omitting "400 dollars" and substituting "2,000 dollars".

11. Section 68 of the Principal Ordinance is amended by omitting "400 dollars" and substituting "2,000 dollars".

12. The Principal Ordinance is amended by inserting at the end of Part IV the following Part:

"PART IVA - DEVELOPMENT CONTROL

"68A.(1) Notwithstanding anything contained in this Ordinance (except section 6), the Board may, with the approval of the Administrator in Council, or shall, when requested so to do by the Administrator in Council, make such development control orders as it considers necessary to ensure the proper planning and development of an area of land.

"(2) Without limiting the generality of sub-section (1), a development control order -

(a) may regulate or prohibit the performance of building work or any change in the use of any land or structure within the whole or part or parts of the area the subject of the order;

Administra-
tor in Council
may approve
commencement
of building
or continued
use on
certain
conditions

Repeal

Penalty for
failure to
remove or
alter struc-
ture if re-
quired to
do so

Penalty for
failure to
demolish
work, etc.,
if required
to do so

Development
control
orders

- (b) may establish zones within the whole or any part or parts of the area the subject of the order;
- (c) may regulate or prohibit the use of any land or structure within the whole, or any part or parts of, that area, or any zone -
 - (i) for any use defined in the order;
 - (ii) for any use other than a use defined in the order; or
 - (iii) for any use other than a use approved by the Board; and
- (d) may prescribe the requirements for the advertising for objections to development applications.

"(3) The Board may, with the approval of the Administrator in Council, or shall, when requested so to do by the Administrator in Council, amend a development control order made under sub-section (1).

"(4) The Board shall publish, in the Gazette, notice of the making or amendment of a development control order, whereupon that order or amendment shall come into operation.

"(5) The notice to which sub-section (4) refers shall state an address at which a copy of the development control order or amendment may be inspected by the public and the times during which it may be so inspected.

Effect of
development
control
order

"68B.(1) Where, immediately before the coming into operation of a development control order, there is in existence a town planning scheme that affects the area or part of the area the subject of the order, that part of the town planning scheme relating to the area the subject of the order shall be revoked by that order.

"(2) The notice to which section 68A(4) refers shall contain a reference to the effect of sub-section (1).

"(3) Notwithstanding anything contained -

(a) in a law for the time being in force in the Territory; or

(b) a covenant in a lease or agreement relating to land,

a person shall not contravene or fail to comply with a development control order under this Part.

Penalty: 2,000 dollars.

"(4) No provision of a development control order shall be construed as preventing the continued use of any land or structure for the purposes for which that land or structure was being lawfully used at the time the order came into operation, or as preventing the carrying out or completion of any building work for which every consent, permission or approval required under this Ordinance or any other law for the time being in force in the Territory had then been obtained, and was then in force.

"68C.(1) Subject to any specific provision of a development control order, a person who proposes to develop land within an area to which a development control order applies shall apply to the Board for approval.

Development
application

Penalty: 2,000 dollars.

"(2) Any such person shall, upon the request of the Board, furnish such plans, specifications and other information in relation to the proposed development as the Board may require.

"(3) An application under this section -

(a) shall be in writing;

(b) shall set out -

(i) the full name and address of the applicant;

(ii) the full registered description of the land the subject of the application;

- (iii) where the applicant is not the owner of the land - the full name of the owner of that land;
- (iv) the name of the occupier of that land;
- (v) a description of the structures erected on that land;
- (vi) the use to which that land and those structures are being put at the date of the application; and
- (vii) the use to which it is proposed to put that land or the structures on that land; and
- (c) shall be accompanied by -
 - (i) a building inspector's statement as to the state of the structures erected on the land; and
 - (ii) the prescribed fee.

Board to
consider
development
application

"68D. The Board shall consider every development application made to it and may -

- (a) approve the application unconditionally;
- (b) approve it subject to conditions; or
- (c) reject the application.

Applicant
for develop-
ment to
comply with
conditions

"68E.(1) Where the Board has approved a development application, the applicant shall, within 2 years of the granting of the approval or such further time as the Board allows, carry out the proposed development.

"(2) If the development approval is conditional, the applicant shall carry out the proposed development in accordance with those conditions.

Penalty: 2,000 dollars and, in addition, 200 dollars for every day during which the offence continues.

"68F. The Supreme Court may, on the application of the Board, grant injunctions, including mandatory and interlocutory injunctions, for securing compliance with, or arising out of any failure to comply with, this Part or a development control order made under this Part.

Injunctions

"68G. Section 41 does not apply to land the subject of a development control order.

Section 41
not to apply
to develop-
ment control
order

"68H. For the purpose of this Part, the words 'town planning scheme' or 'scheme' -

Extension
of meaning
of "town
planning
scheme"

(a) in section 38A;

(b) in Divisions 3 and 4 of Part IV; and

(c) in sections 69 and 71,

shall be read as including a reference to a development control order under this Part."

13. The Principal Ordinance is amended by inserting after section 72A the following section:

"72B. An officer authorized in writing by the Board has the power to enter at all reasonable times onto or into any land or building for the purpose of inspecting that land or building."

Power of
entry

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

Relating to the Transfer to Executive Members
of the Legislative Assembly of certain Executive
Powers further to the powers previously transferred

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

- | | |
|---|---|
| 1. This Ordinance may be cited as the <u>Transfer of Powers (Further Provisions)</u> <u>Ordinance 1977.</u> | Short title |
| 2. Section 3(2) shall come into operation on 1 January, 1978. | Commence- ment |
| 3.(1) The Ordinances specified in Parts I, II and III of Schedule 1 are respectively amended as provided by that Schedule. | Amendments of certain Ordinances |
| (2) The Ordinances specified in Schedule 2 are respectively amended as provided by that Schedule. | |
| 4. The regulations specified in Part IV of Schedule 1 are respectively amended as provided by that Schedule. | Amendments of certain regulations |
| 5. An appointment duly made, or other action duly taken or done - | Savings |
| (a) before the commencement of section 1 under or for the purposes of a provision of an Ordinance specified in Part I, II or III of Schedule 1 or of a regulation specified in Part IV of Schedule 1 and having effect immediately before the commence- ment of that section; or | |

- (b) before the commencement of section 3(2) under or for the purposes of a provision of an Ordinance specified in Schedule 2 and having effect immediately before the commencement of section 3(2),

is as valid and effectual as if duly made, taken or done under or for the purposes of that provision as amended by this Ordinance, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

SCHEDULE 1

Section 3(1)

AMENDMENTS OF ORDINANCES

PART 1 - REFERENCES TO ADMINISTRATOR

The following Ordinances are amended by omitting from the provisions indicated the word "Administrator" (wherever occurring) and substituting "Executive Member":

Alsation Dogs

Section 3A

Caravan Parks

Section 6

Cemeteries

Section 8, 9, 10, 21, 25, 32(2), 33, 35, 36, 38, 39, 39A, 40(g)

Control of Roads

Section 38(3), (4), (7), (8), 47(1), (2)

Darwin Rates

Section 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 32, 35, 37, 39, 44, 45, 48, 49, 51, 53, 54, 61

Litter

Section 5, 9A

Nudity

Section 4

Place Names

Section 7, 9, 10

Prevention of Cruelty to Animals

Section 11, 15, 21

Registration of Dogs

Section 6, 6A, 10

TrafficSection 5A, 8C(1), (2), 9B, 12, 20, 21, 28,
34(1), (2), (3), (4), (5), (6), 34A, 34B,
34C, 35Q, 36F, 41F, 56APART II - REFERENCES TO ADMINISTRATOR
IN COUNCIL

The following Ordinances are amended
by omitting from the provisions indicated the
words "Administrator in Council" (wherever
occurring) and substituting "Executive
Member":

Alsation Dogs

Section 7

Caravan Parks

Section 2

Cemeteries

Section 4, 5, 7, 14

Darwin Rates

Section 25(3)(a)

Firearms

Section 44(4)

Litter

Section 4

Place Names

Section 5

Pounds
Section 24

PART III - MISCELLANEOUS AMENDMENTS

The Ordinances listed in column 1 of the following table are amended as set out in that table:

| Column 1 Ordinance and Provision | Column 2 Omit | Column 3 Insert |
|--|--|---|
| <u>Cemeteries</u> Section 6 | Administrator | Administrator in Council |
| 32(1) | from time to time, appro- priated by the Parlia- ment for the purposes of the Ordinance | approved by the Legislative Assembly for the purposes of the Board out of moneys appropriated by the Parliament for the Government of the Northern Territory |
| <u>Darwin Rates</u> Section 23 | Commonwealth (wherever occurring) | Administrator |
| 27 | Commonwealth | Administrator |
| 31(1) | Commonwealth (last occurring) | Administrator |
| 35 | Commonwealth | Administrator |

| | | |
|-------|---|---|
| 41 | Commonwealth | Administrator |
| 45 | Commonwealth (wherever occurring) | Administrator |
| 46(1) | Commonwealth (wherever occurring) | Administrator |
| 47 | Commonwealth (first occurring) | Administrator |
| 49 | Commonwealth (wherever occurring) | Administrator |
| 54 | Commonwealth | Administrator |
| 61 | Commonwealth | Administrator |
| 62 | Administrator | Administrator or Executive Member |

Place Names

Section 11

| | |
|------------------------------------|---|
| Administrator in Council may | Executive Member shall refer it to the Administrator in Council, and the Administrator in Council may |
|------------------------------------|---|

Pounds

Section 5

| | |
|------------------------|---------------------|
| Government Resident | Executive Member |
|------------------------|---------------------|

PART IV - AMENDMENTS OF REGULATIONS

Section 4

The regulations listed in column 1 of the following table are amended as set out in that table:

| Column 1 Regulation | Column 2 Omit | Column 3 Insert |
|---------------------------------|---|---|
| <u>Cemeteries Ordinance</u> | | |
| <u>Cemeteries Regulations</u> | | |
| Regulation 6, 13 | Administrator | Executive Member |
| <u>Darwin Rates Ordinance</u> | | |
| <u>Darwin Rates Regulations</u> | | |
| Regulation 6 | Administrator | Executive Member |
| Schedule - | | |
| Form 1 | His Honour the Administrator of the Northern Territory of Australia | Executive Member for Finance and Planning |
| Form 2 | His Honour the Administrator of the Northern Territory of Australia | Executive Member for Finance and Planning |
| Form 4 | His Honour the Administrator of the Northern Territory of Australia | Executive Member for Finance and Planning |

| | | |
|--------------------------------|--|---|
| Form 5 | His Honour the Administrator of the Northern Territory of Australia | Executive Member for Finance and Planning |
| <u>Traffic Ordinance</u> | | |
| <u>Traffic Regulations</u> | | |
| Regulation 35, 45 | Administrator | Executive Member |

SCHEDULE 2

Section 3(2)

PART 1 - REFERENCES TO ATTORNEY-GENERAL

The following Ordinances are amended by omitting from the provisions indicated the word "Attorney-General" (wherever occurring) and substituting "Executive Member":

Administration and Probate

Section 8(1), (2), (3), 11(1), (2), (3),
13(1), 23(2), 26(2), 115(1), (2), (3),
(4), 119(1), 128(1), (2), 144(1), (4), (5)

Coroners

Section 10(1)(j), 12(3), (4), 14, 15, 39,
40
Schedule - Form 2

Criminal Law Consolidation Act and Ordinance Section 204, 279

Evidence

Section 42B(6)

Foreign Judgments (Reciprocal Enforcement)

Section 5(1), 11(2)(b), 13(1), (2)

Justices

Section 18(1), (2)

Maintenance

Section 8(1), (2), (3), 117(2)

PART II - REFERENCES TO ADMINISTRATOR

The following Ordinances are amended by omitting from the provisions indicated the word "Administrator" (wherever occurring) and substituting "Executive Member":

Local Courts

Section 8(1), (2), 13, 14

Maintenance

Section 93(1), (2)

Money-lenders Act and Ordinance

Section 3(1)(e), (2)

Oaths

Section 17(1)

PART III - MISCELLANEOUS AMENDMENTS

The Ordinances listed in column 1 of the following table are amended as set out in that table:

| Column 1 Ordinance and Provision | Column 2 Omit | Column 3 Insert |
|--|---|---|
| <u>Administration and Probate</u> Section 7 145(2) | Omit the section Attorney- General (first occurring) Attorney- General shall pay | Administrator Administrator shall authorise payment |

Compensation
(Fatal Injuries)

Section 3

Omit the
section

Crown Law
Officer
Reference

Section 3

or the Deputy
Crown
Solicitor

Public Service
Act 1922-1973

Public Service
Ordinance

Evidence

Section 28B

or the
Administrator

, the
Administrator
or an
Executive
Member

53(1)

The
Administrator,
any head of a
branch of the
Department of
the
Administrator,

The
Administrator,
any departmental
head of the
Public Service
of the
Northern
Territory,

Justices

Section 10(1)

, in the name
of the
Governor-
General,

10(2)

the Governor-
General, or
by the
Administrator,
in the name
or on behalf
of the
Governor-
General

the
Administrator

| | | |
|-------|--|------------------|
| 10(3) | Omit the sub-section | |
| 18(1) | Governor-General (wherever occurring) | Administrator |
| 18(3) | Governor-General | Administrator |
| 18(4) | Governor-General | Administrator |
| 42(1) | Minister | Executive Member |
| 42(4) | Minister | Executive Member |

Local Courts
Section 5

| | | |
|--------|----------------------------------|--|
| | the definition of "the Minister" | |
| 7 | Minister | Executive Member |
| 9(1) | Minister | Executive Member |
| 9(2) | Minister (wherever occurring) | Executive Member |
| 10(1) | Minister | Executive Member |
| 10(2) | Minister | Executive Member |
| 24(5) | Minister | Administrator in Council |
| 288(3) | Minister shall pay the money | Administrator shall authorise payment of the money |

Maintenance
Section 9

Omit the section

| | | |
|---|---|---------------------------------------|
| 46(1) | Governor-General (wherever occurring) | Administrator |
| 46(4) | Omit the sub-section | |
| 65(1) | the definition of "the Crown Law Officer" | |
| <u>Small Claims</u> Section 3 | | |
| | Omit the section | |
| <u>Trustee Act and Ordinance</u> Section 73(1) | | |
| | Attorney-General of the said Province | Administrator |
| 73(4) | Attorney-General (first occurring) | Administrator |
| | Attorney-General shall pay | Administrator shall authorise payment |