

PART IV

THE BILLS INTRODUCED

BILLS INTRODUCED

7 - 16 June 1978

<i>Serial No.</i>	<i>Title</i>	<i>Sponsor</i>
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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Companies Ordinance

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

- | | |
|---|--|
| 1. This Ordinance may be cited as the <u>Companies Ordinance</u> 1978. | Short title |
| 2. The <u>Companies Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. Section 349(1) of the Principal Ordinance is amended by omitting "under item 16 or 17 of the Second Schedule". | Fees payable by foreign companies in certain cases |
| 4. The Second Schedule to the Principal Ordinance is repealed and the following schedule substituted: | Second Schedule |

"SECOND SCHEDULE

Sections 7, 349 and 386

FEEES TO BE PAID TO THE REGISTRAR

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|---|----|
| | \$ |
| 1. On the submission of the memorandum of a company having a share capital 100.00 | |
| 2. For the registration of a company having a share capital 100.00 | |

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3. On the submission of the memorandum and articles of association of a company not having a share capital except in respect of registration of a company pursuant to section 24	25.00
4. For the registration of a company not having a share capital	50.00
5. For every application for the consent of the Minister to use of a name by a corporation	15.00
6. For every order of the Minister granting consent to use of a name by a corporation	30.00
7. For every approval of the Registrar to the change of name of a company, other than a change of name directed by the Registrar pursuant to section 23(2) or a change of name pursuant to section 24(2)	30.00
8. For every application to the Minister to dispense with the word "Limited" in the name of a company	15.00
9. For approval of the Minister to dispense with the word "Limited" in the name of a company	30.00
10. For the approval of the Minister to alter the memorandum or articles of a company	10.00
11. On lodgement of request to the Registrar to exercise the powers conferred by section 309 or 311 ..	15.00

\$

12. For every act done by the Registrar as representing a defunct company under section 309 25.00
13. For every act done by the Registrar as representing a defunct company under section 311 25.00
14. On late lodgement of any document under this Ordinance (in addition to the lodgement fee in the case of an annual return) -
- (a) if lodged within one month after the period prescribed by law 5.00
- (b) if lodged more than one month after the period prescribed by law, in addition to the fee payable in paragraph (a) of this item 15.00

The Registrar, if satisfied that just cause existed for the late lodgement may waive in whole or in part the additional fee under paragraph (b) of this item.

15. For the registration of a foreign company, one-half of the sum of the fees prescribed under items 1 and 2 or under items 3 and 4, as may be appropriate, in respect of the lodging of the memorandum of and registration of a company registered or incorporated under Part III.
16. For registering any charge created by a corporation 20.00
17. For registering particulars of a series of debentures 20.00

	\$
18. For registering particulars of each series of debentures where more than one issue in the series	10.00
19. For every application for the reservation of a name	10.00
20. For every application to the Registrar under section 78 for the approval of a deed	250.00
21. On lodging any statement in lieu of prospectus	25.00
22. On lodging, in relation to a corporation that is a foreign company incorporated in another Territory or a State of the Commonwealth, any prospectus or statement under section 82 being a prospectus or statement registered or acceptable for registration in that other Territory or State	25.00
23. On lodging any prospectus or statement under section 82, other than a prospectus or statement referred to in item 22	250.00
24. For every application to the Registrar under section 78 for the approval of a deed amending an approved deed	25.00
25. On lodging an annual return of a company which is an exempt proprietary company	50.00
26. On lodging an annual return of a public company	200.00

\$

27. On lodging an annual return of a non-exempt proprietary company.. 75.00
28. On lodging an annual return of a corporation holding a licence under section 24 or holding a licence in the place of incorporation corresponding to a licence under section 24 10.00
29. On lodging a balance sheet or annual return of a foreign company pursuant to section 348 .. 50.00
30. On lodging any application under section 44 or section 374 15.00
31. On lodging any application to the Registrar under section 161B .. 25.00
32. On lodging any other application.. 10.00
33. For entry in the register of charges of any memorandum of satisfaction 10.00
34. For every certificate issued by the Registrar under any Ordinance.. 3.00
35. For every inquiry as to the availability of any name sought to be adopted by any corporation - for every name the subject of the inquiry 3.00
36. For lodging an application under section 162C 30.00
37. For any other act by the Registrar which is required or authorized to be done under this Ordinance and for which a fee is not elsewhere prescribed 5.00

	\$
38. On service of a subpoena on the Registrar to produce any documents in his custody	10.00

And in addition if the Registrar so requires, such other expenses as are reasonably incurred in the production of a document, including the sum of 20 cents for each page or copy of a page of each document so produced.

39. (a) For every inspection of a document or documents filed or lodged with the Registrar by or in relation to a corporation or reproduction of such document or documents ..	2.50
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(b) For the supply of an uncertified copy or print of any document where the fee prescribed by paragraph (a) of this item has been paid -

For each page of the copy or print	0.20
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(c) For the supply of an uncertified copy or print of a document without inspection having been made -

For the first 2 pages of the copy or print	1.50
For each additional page ..	0.20

(d) For every inspection of any document filed or lodged with the Registrar not being an inspection in respect of which paragraph (a) of this item applies	0.50
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(e) For every written inquiry involving a search for any document filed or lodged by or in relation to a corporation \$ 3.50

(f) For the supply of an uncertified copy or print of a document where the fee prescribed by paragraph (e) of this item has been paid -

For each page of the copy or print 0.20

40. For every search or inspection in relation to a particular corporation of the registers and documents kept by the Registrar pursuant to Division 7 of Part IV.. 0.50

41. (a) For certifying a copy or extract from any document filed or lodged with the Registrar of which a typewritten or printed copy is supplied by an applicant -

For one page 2.00
For each additional page .. 0.50

(b) For the supply of a certified copy or print of any document filed or lodged with the Registrar -

For one page 3.00
For each additional page .. 1.50".

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Justices Ordinance

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

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|---|--|
| 1. This Ordinance may be cited as the <u>Justices Ordinance 1978</u> . | Short title |
| 2. The <u>Justices Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on 1 July 1978. | Commencement |
| 4. Section 75 of the Principal Ordinance is amended by omitting sub-section (7). | General power of courts to refrain from or mitigate punishment |
| 5. Section 81 of the Principal Ordinance is amended - | Term of imprisonment where none specifically prescribed |
| (a) by omitting the table from sub-section (1) and substituting the following table: | |

"Where the sum adjudged to be paid including the costs - The period of imprisonment shall be -

Does not exceed 10 dollars.....One day
Exceeds 10 dollars.....One day and in addition one day for every 10 dollars in excess of 10 dollars"

; and

(b) by omitting from sub-section (2) "2 dollars" (twice occurring) and substituting "10 dollars".

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Landlord and Tenant (Control of Rents) Ordinance

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

1. This Ordinance may be cited as the Landlord and Tenant (Control of Rents) Ordinance 1978.

Short
title

2. The Landlord and Tenant (Control of Rents) Ordinance is in this Ordinance referred to as the Principal Ordinance.

Principal
Ordinance

3. This Ordinance shall come into operation on the date of commencement of the Consumer Protection Ordinance 1978.

Commence-
ment

4. Section 8(1) of the Principal Ordinance is amended by omitting from the definition of "Controller" "appointed" and substituting "holding office".

Definit-
ions

5. Section 11(1) of the Principal Ordinance is amended by omitting "appointed by the Minister" and substituting "the Commissioner within the meaning of the Consumer Protection Ordinance".

Rent Con-
troller

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Long Service Leave Ordinance and for other purposes

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

1. This Ordinance may be cited as the Long Service Leave Ordinance 1978. Short title

2. The Long Service Leave Ordinance is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

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

"5.(1) In this section, 'the prescribed date' means the thirtieth day of September, One thousand nine hundred and seventy-four. Duration of long service leave

(2) Where -

(a) a worker is, on the date of commencement of this Ordinance, employed by an employer; and

(b) the services of the worker with the employer commenced before the prescribed date,

the worker -

(c) is, if the period of long service leave credited to him under the next succeeding sub-section on the commencement of this Ordinance is not less than three months, entitled, on that commencement, to long service leave for the period so credited to him; and

(d) becomes, if the period of long service leave credited to him under the next succeeding sub-section on the commencement of this Ordinance is less than three months, entitled, when he has completed such a period of service with the employer that the period of long service credited to him under that sub-section becomes not less than three months, to long service leave for the period of long service leave so credited to him.

(3) A worker referred to in the last preceding sub-section shall be credited with -

(a) a period of long service leave that bears to three months the same proportion as the period of his service before the prescribed date bears to fifteen years; and

(b) a period of long service leave that bears to three months the same proportion as the period of his service on and after the prescribed date bears to ten years.

(4) A worker whose employment with an employer commenced on or after the prescribed date or commences after the date of commencement of this Ordinance and who completes ten years' service with the employer is entitled to long service leave for a period of three months.

(5) A worker who continues in the service of an employer after having become entitled under the preceding provisions of this section, to long service leave in respect of his service with the employer, becomes entitled, in respect of each period of five years' service with the employer after becoming so entitled, to long service leave for a period of two months.

(6) Where, before the expiration of any period of five years' service after the completion of his first ten years' service with an employer, the services of a worker with the employer are terminated, there accrues to the worker upon the termination of his services an entitlement to long service leave for a period that bears to two months the same proportion as the period of his service in that period bears to five years.

(7) Where the services of a worker who completes at least four years' service but less than ten years' service, being service before or after the commencement of this Ordinance, are terminated -

(a) by the employer; or

(b) by the worker on account of illness, incapacity or domestic or other pressing necessity where the illness, incapacity or necessity is of such a nature as to justify the termination of his services; or

(c) by the worker subsequent to his attaining the minimum retiring age,

there accrues to the worker an entitlement to long service leave for a period that bears to three months the same proportion as the period of his service bears to ten years."

4. Section 8 of the Principle Ordinance is amended by omitting after "employer" (first occurring) the words "and the period of long service leave due to him is not less than three months".

When a worker may take long service leave due to him

5. Section 6 of the Long Service Leave Ordinance 1974 is repealed.

Repeal

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Mines Regulation Ordinance

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

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|--|------------------------|
| 1. This Ordinance may be cited as the <u>Mines Regulation Ordinance 1978</u> . | Short title |
| 2. This Ordinance shall come into operation on a date to be fixed by Proclamation. | Commence-
ment |
| 3. The <u>Mines Regulation Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 4. Section 48(1) of the Principal Ordinance is amended by inserting after paragraph (ga) the following paragraphs: | Regulat-
ions |
| "(gb) the control of the disposal of waste products (whether solid, liquid or gas) of mines; | |
| (gc) re-vegetation and other environmental protection measures of mining areas, including waste disposal areas; | |
| (gd) the appointment by managers of environmental protection officers; | |
| (ge) the education in environmental protection measures of persons employed in or about a mine;" | |
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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To affect the operation of the Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968 and for other purposes

Whereas an Ordinance to approve an Agreement between the Commonwealth of Australia and Nabalco Pty. Limited and for purposes connected with that Agreement was made by the Legislative Council for the Northern Territory of Australia and was on 16 May 1968 assented to by the Governor-General of the Commonwealth of Australia which assent was notified in the Gazette dated 22 May 1968.

And whereas on and after 1 July 1978 the control and management of mining and of certain resources will be under the authority of the Government of the Northern Territory.

And whereas it is desirable that on and after that date the Agreement should be novated between the Government of the Northern Territory and the Company.

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

1. This Ordinance may be cited as the Mining (Gove Peninsula Nabalco Agreement) Ordinance 1978. Citation
2. This Ordinance shall come into operation on 1 July 1978. Commence-
ment
- 3.(1) In this Ordinance unless the contrary intention appears "effective date" means the date on which, in pursuance of section 5(1), the Company continues to mine and treat bauxite. Interpretation

(2) Except as otherwise provided by this Ordinance, expressions used in this Ordinance have the same meaning as those expressions have in the Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968.

Application

4. This Ordinance has application to affect, on and from the effective date, the operation of the Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968 and the implementation of the Agreement contained in the Schedule to that Ordinance.

Novation of the Agreement

5.(1) It is lawful for the Company to continue to mine and treat bauxite on or after the date of commencement of this Ordinance but that mining and treatment shall be subject to the law of the Territory existing on and after the effective date.

(2) On and from the effective date there shall exist between the Territory and the Company rights and liabilities of the same nature and extent as the rights and liabilities existing prior to that date between the Commonwealth and the Company under the Agreement, the Special Mineral Lease, the Special Purposes Lease or any other instrument dependent thereupon or subsidiary thereto.

Persons who may exercise powers under the Agreement

6. In the operation of the Agreement as affected by this Ordinance -

(a) on and from the effective date, the Special Mineral Lease and the Special Purposes Lease granted to the Company in pursuance of the Agreement shall be deemed to have been granted by the Territory and shall continue in force as leases between the Territory as lessor and the Company as lessee; and

(b) where in the Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968, the Agreement, the Special Mineral Lease, the Special Purposes Lease or any other document or instrument dependent thereupon or subsidiary thereto a reference is made to, or a power is conferred upon -

(i) the Commonwealth - that reference shall, after the date of commencement of this Ordinance, be read as a reference to and the power may be exercised by, the Territory;

- (ii) the Minister - that reference shall, after the date of commencement of this Ordinance, be read as a reference to, and the power may be exercised by, the Minister within the meaning of and according to the law of the Territory; and
- (iii) the Administrator - that reference shall, after the date of commencement of this Ordinance, be read as a reference to, and the power may be exercised by, the Administrator acting with the advice of the Executive Council.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Motor Vehicles Ordinance

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

- | | |
|---|---------------------|
| 1. This Ordinance may be cited as the <u>Motor Vehicles Ordinance (No. 2) 1978.</u> | Short title |
| 2. The <u>Motor Vehicles Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on 1 July 1978. | Commencement |
| 4. A motor vehicle owned by the Territory that is unregistered may be driven upon a public street from the date of commencement of this Ordinance up to and including 31 December 1978. | Transitional |
| 5. Section 5 of the Principal Ordinance is amended by inserting after the definition of "Territory of the Commonwealth" the following definition: | Definition |
| "Territory motor vehicle' means a motor vehicle owned by the Territory;" | |

Motor
vehicle
not to be
registered,
&c.,
without
evidence
of
insurance

6. Section 50(1) of the Principal
Ordinance is amended by inserting after
"motor vehicle" (first occurring) the words
", other than a Territory motor vehicle,".



THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Motor Vehicles Ordinance.

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

1. This Ordinance may be cited as the Motor Vehicles Ordinance (No. 3) 1978. Short title
2. The Motor Vehicles Ordinance is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on 1 July, 1978. Commencement
4. Section 27A is amended - Grant of public and private hire car licences
 - (a) by omitting "section 26 or 27" (wherever occurring) and substituting "section 26, 27 or 27C"; and
 - (b) by adding at the end the following sub-section:
"(11) Sub-sections (4), (5), (6), (7) and (8) of this section do not apply to temporary licences to ply for hire."
5. After section 27B of the Principal Ordinance the following section is inserted:

"27C.(1) Subject to this Ordinance, the Registrar may grant a temporary licence to ply for hire in respect of a public hire car. Registrar may grant temporary licences
"(2) A temporary licence to ply for hire granted in respect of a public motor vehicle shall -
 - (a) be in accordance with Form F but with the word "Temporary" endorsed thereon; and

(b) specify the number of passengers the vehicle may carry.

"(3) Subject to this Ordinance, a temporary licence to ply for hire remains in force for a period of 6 months from the date on which it was granted.

"(4) Prior to the grant of a temporary licence to ply for hire in respect of a public motor vehicle, payment shall be made to the Registrar of a fee of Five Hundred dollars.

"(5) A licence granted under this section shall not be transferable.

"(6) Except as otherwise provided, the provisions of this Ordinance applying to public hire cars shall apply to public motor vehicles in respect of which a temporary licence is granted under sub-section (1).

"(7) A temporary licence to ply for hire shall not be granted to a person who is the registered owner of a public or private hire car.

"(8) A temporary licence to ply for hire shall not be granted to a person who is licensed under section 26 or 27 of the Principal Ordinance.

"(9) In determining whether to grant a temporary licence to ply for hire to an applicant the Registrar shall have regard to -

- (a) the period during which the applicant has depended for his livelihood on income received as a driver of a hire car;
- (b) the number of hire car licences currently in force;
- (c) economic considerations; and
- (d) such other matters as he thinks appropriate.

"(10) The number of temporary licences to ply for hire to be issued shall be in the discretion of the Registrar and nothing in this Ordinance shall limit the number of temporary licences to ply for hire to be issued.

"(11) In determining the number of temporary licences to ply for hire to be issued the Registrar shall have regard to -

- (a) the number of hire car licences currently in force including temporary licences to ply for hire;
 - (b) economic considerations; and
 - (c) such other matters as he thinks appropriate."
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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Ombudsman (Northern Territory) Ordinance

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

1. This Ordinance may be cited as the Ombudsman (Northern Territory) Ordinance 1978. Short title
2. The Ombudsman (Northern Territory) Ordinance is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on the date of commencement of the Principal Ordinance. Commencement
4. Section 3(1) of the Principal Ordinance is amended by omitting from paragraph (b) of the definition of "authority" the words "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" and substituting "not being a body which is a prescribed authority within the meaning of the Ombudsman Act 1976 of the Commonwealth". Interpretation
5. Section 4(7) of the Principal Ordinance is amended by omitting "by him" and substituting "by the Administrator". Ombudsman
6. Section 5 of the Principal Ordinance is amended by omitting "as to remuneration or otherwise". Leave of absence

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

Transfer of
complaints
and
investi-
gations to
Ombudsman

"14A.(1) The Ombudsman may, by arrangement with the Ombudsman within the meaning of the Ombudsman Act 1976 of the Commonwealth, deal with a complaint made to, or conduct or complete an investigation commenced by, that second-mentioned Ombudsman in relation to an action taken by a department or authority, where the complaint was made to, or the investigation was commenced by, that second-mentioned Ombudsman prior to the commencement of this Ordinance, as though the complaint had been made or the investigation had been commenced under this Ordinance.

"(2) Where the Ombudsman deals with a complaint or conducts or completes an investigation under sub-section (1), he may have regard to any evidence adduced, information, documents or records furnished, or submissions or arguments made, in the course of investigations conducted by the second-mentioned Ombudsman."

Non-
disclosure
of certain
matters

8. Section 22(2) of the Principal Ordinance is amended by omitting "Crown Law Officer" and substituting "Crown Solicitor".

Secrecy

9. Section 23(a) of the Principal Ordinance is amended -

- (a) by omitting from the end of sub-paragraph (i) "or" (last occurring);
- (b) by omitting from the end of sub-paragraph (ii) "and" and substituting "or"; and
- (c) by inserting after sub-paragraph (ii) the following sub-paragraph:

"(iii) for the purposes of -

- (A) a matter arising under an Act of the Commonwealth or of a State; or
- (B) an undertaking that is being carried out jointly by the Territory and the Commonwealth or a State,

to a person exercising, under a law of the Commonwealth or a State, functions similar to the functions exercised by the Ombudsman under this Ordinance; and".

10. Section 26(5)(b) of the Principal Ordinance is amended by omitting "countcil" and substituting "council".

Procedure on completion of investigation

11. Sections 3(1) and 19(5) of the Principal Ordinance are amended by omitting the words "the executive member" (wherever occurring) and substituting "the minister".

References to the executive member

12. Sections 3(1), (2) and 32 of the Principal Ordinance are amended by omitting "Administrator in Council" and substituting "Administrator".

References to Administrator in Council

13. Sections 3(1), 19(1)(a), (5), (7)(b) and 26(3) of the Principal Ordinance are amended by omitting "responsible Executive Member" (wherever occurring) and substituting "responsible minister".

References to responsible Executive Member

14. Sections 3(1), 14(5), 19(5), 22(1)(a)(ii) and (b)(ii) of the Principal Ordinance are amended by omitting "an Executive Member" and "an executive member" (wherever occurring) and substituting "a minister".

References to an Executive Member

15. Sections 4(7), (8), 5, 6, 7, 8(2), 12(1), 26(5), (6), 28(1), (2) and (3) of the Principal Ordinance are amended by omitting "Administrator" (wherever occurring other than where it is amended by section 5 of this Ordinance) and substituting "Minister".

References to Administrator

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Public Trustee Ordinance

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

- | | |
|--|------------------------|
| 1. This Ordinance may be cited as the <u>Public Trustee Ordinance (No. 2) 1978.</u> | Short
title |
| 2. The <u>Public Trustee Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. The Principal Ordinance is amended by inserting after section 2 the following section: | |
| "2A. In this Ordinance, unless the contrary intention appears - | Defini-
tions |
| 'dwelling-house' includes - | |
| (a) a garden or portion of ground attached to and usually occupied with, a dwelling house, or otherwise required for the amenity or convenience of a dwelling house; and | |
| (b) a part of a building occupied as a separate dwelling; | |
| 'matrimonial home' means a dwelling-house in which a widower or widow was residing at the date of his or her spouse's death; | |

'personal chattels' means -

(a) articles of household or personal use or adornment, plated articles, china, glassware, pictures, prints, linen, jewellery, clothing, books, musical instruments or apparatus, scientific instruments or apparatus, wines, liquors, consumable stores and domestic animals; and

(b) motor cars and accessories,

but does not include -

(c) any chattels used exclusively for business purposes; or

(d) money and securities for money."

The
Schedule

4. The Schedule to the Principal Ordinance is repealed and the following Schedule substituted:

"THE SCHEDULE

Section 6

COMMISSION TO BE CHARGED BY AND PAYABLE TO THE PUBLIC TRUSTEE

1. COMMISSION ON CAPITAL

Upon the proceeds of assets realised, or upon moneys got in or collected, or upon the value of unrealised assets transferred in specie -

(a) up to and including
\$200,000 4 per centum

(b) in excess of \$200,000 . 3 per centum

subject to a reduced commission at the rate

of one per cent on the first \$50,000 value in the case of a transfer of a deceased's interest in the matrimonial home or his personal chattels to a surviving spouse.

2. COMMISSION ON INCOME

Upon the gross amount of income received -

- (a) in respect of money paid to the Public Trustee by an order of a court 4 per centum
- (b) in respect of money, other than rents, collected by an agent who is employed by and paid a commission by the Public Trustee .. 6 per centum
- (c) in respect of such rents 3 per centum."

5. The Schedule to the Principal Ordinance as amended by this Ordinance does not apply to or in relation to the administration of the estate of a person who died before the commencement of this Ordinance.

Applica-
tion



THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend The Real Property Act and Ordinance

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

- | | |
|---|--|
| 1. This Ordinance may be cited as the <u>Real Property Ordinance 1978</u> . | Short title |
| 2. <u>The Real Property Act and Ordinance</u> is in this Ordinance referred to as the Principal Statute. | Principal Statute |
| 3. Section 201 of the Principal Statute is amended by omitting "Upon the first bringing of land under the provisions of this Act, consequent upon the application of the owner as hereinbefore provided, and also". | Contribution to be levied for assurance of title |
| 4. The First Schedule to the Principal Statute is repealed and the following Schedule substituted: | The First Schedule |

"THE FIRST SCHEDULE

Sections 22, 65 and 201

FEES TO BE PAID TO THE REGISTRAR-GENERAL

\$

For every certificate	20.00
For every provisional copy of a title or a Crown lease	30.00

For registering -

memorandum of transfer, mortgage, encumbrance or lease; transfer, discharge or extension of mortgage or of encumbrance; transfer, surrender or extension of a lease; proprietor of any estate or interest derived by settlement or transmission; recovery of possession of land or re-entry by lessor; or vesting of lease in mortgagee, consequent on refusal of Official Receiver or trustee to accept the lease	20.00
On the lodging of a caveat	20.00
Issuing order for foreclosure	20.00
For entering notice of marriage or death	20.00
For every diagram on a grant or certificate after first 2	20.00
On the deposit of a duplicate or attested copy of a power of attorney or an instrument declaratory of trusts.. .. .	5.00
Noting power of attorney in Register Book (each time) or revocation of power of attorney	5.00
On removal or withdrawal of caveat and for every notice to caveator or caveatee	5.00
For every map or plan deposited and for every alteration to a map or plan	5.00

	\$
For entering notice of or satisfaction of decree, writ or order of any court	5.00
When any instrument purports to deal with land included in more than one grant or certificate, for each memorial after the first. ..	5.00
For every search, including inspection of plans and registered instruments	1.00
For the supply of a certified copy or print -	
for the first page	3.00
for each additional page	1.00
For every search certificate under section 271	4.00
For every mailing by certified mail.. .. .	1.00
For advertising in order to dispense with the production of a duplicate instrument -	
in addition to cost of advertising	5.00
For every requisition	5.00
For every entry in the Register Book not otherwise provided for ..	20.00
For registering every instrument not otherwise provided for	20.00
For every notice not otherwise provided for	5.00".



THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Registration of Births, Deaths
and Marriages Ordinance

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

1. This Ordinance may be cited as the
Registration of Births, Deaths and Marriages
Ordinance 1978.

Short
title

2. The Registration of Births, Deaths
and Marriages Ordinance is in this Ordinance
referred to as the Principal Ordinance.

Principal
Ordinance

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

Fifth
Schedule

FIFTH SCHEDULE

Section 50

FEEES

First column Item	Second column Matters	Third column Fees
1.	Search in register and issue of short extract from entry containing only name and date and place of event	\$ 3.00

First column Item	Second column Matters	Third column Fees
2.	Search in register and issue of long extract from entry containing particulars in addition to name and date and place of event	\$ 4.00
3.	Search in register and issue of certified copy of entry	5.00
4.	Additional fee for searching and identifying correct entry in register where insufficient or inaccurate particulars are stated in application	1.00

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To repeal the Succession Duties Repeal Ordinance 1974 and to cease to apply the Succession Duties Act 1893 of the State of South Australia to the Northern Territory as a law of the Territory

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

1. This Ordinance may be cited as the Succession Duties Repeal Ordinance 1978. Short title
 2. The Succession Duties Repeal Ordinance 1974 is repealed. Repeal
 3. The Succession Duties Act 1893 of the State of South Australia ceases to apply to the Territory as a law of the Territory. Succession Duties Act 1893 of South Australia to cease to be law of the Territory
 4. Notwithstanding section 3, the Succession Duties Act 1893 of the State of South Australia continues to apply to the Territory as a law of the Territory in respect of - Saving
 - (a) estates of persons who have died before 1 July 1978; and
 - (b) successions that, immediately before 1 July 1978, were chargeable with duty.
-

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the year ending on 30 June 1979.

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

1. This Ordinance may be cited as the Supply Ordinance (No. 1) 1978-79.

Short
title

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

Commence-
ment

3.(1) The Treasurer may issue out of the Consolidated Fund and apply for the services specified in the Schedule in respect of the financial year ending on 30 June 1979 the sum of \$105,000,000.

Issue,
applica-
tion and
appropria-
tion of
\$105,000,000

(2) The Consolidated Fund is appropriated to the extent necessary for the purposes of sub-section (1).

4.(1) In addition to the sum appropriated by section 3, the Treasurer may, at any time before 30 November 1978 issue out of the Consolidated Fund amounts not exceeding such amounts as he determines in accordance with sub-section (2).

Additional
appropria-
tion

(2) The amounts determined by the Treasurer under this section shall not exceed the amounts estimated to be necessary for payment of such increases in salaries and wages, and payments in the nature of salary, referred to in the Schedule to this Ordinance as have become or become payable, after 2

March 1978, in accordance with any law, or in accordance with an award, order or determination made under a law.

(3) Amounts issued under this section may be applied only for the purposes of payment of increases referred to in sub-section (2) in salaries and wages and in payments in the nature of salary.

(4) The Consolidated Fund is appropriated to the extent necessary for the purposes of this section.

THE SCHEDULE

Section 3

ABSTRACT

<u>Departments and Services</u>	Total \$
DEPARTMENT OF THE CHIEF MINISTER	11,808,000
DEPARTMENT OF LAW	1,568,000
DEPARTMENT OF TRANSPORT AND WORKS	55,556,000
DEPARTMENT OF INDUSTRIAL DEVELOPMENT	7,455,000
DEPARTMENT OF THE TREASURY	970,000
ADVANCE TO THE TREASURER	1,832,000
DEPARTMENT OF LANDS AND HOUSING	16,422,000
DEPARTMENT OF MINES AND ENERGY	1,501,000
DEPARTMENT OF COMMUNITY DEVELOPMENT	7,888,000
	<hr style="border-top: 1px solid black;"/>
	105,000,000

DEPARTMENT OF THE CHIEF MINISTER

Division	Subdivision		
11	..	NORTHERN TERRITORY LEGISLATIVE ASSEMBLY	\$
	1	Salaries and Payments in the nature of Salary	382,000
	2	Administrative Expenses	78,000
			<u>460,000</u>
12	..	CHIEF MINISTER	
	1	Salaries and Payments in the nature of Salary	1,071,000
	2	Administrative Expenses	419,000
	4	Other Services	200,000
			<u>1,690,000</u>
13	..	SPECIAL DEVELOPMENT PROJECTS	
	1	Salaries and Payments in the nature of Salary	155,000
	2	Administrative Expenses	34,000
			<u>189,000</u>
14	..	PUBLIC SERVICE COMMISSIONER	
	1	Salaries and Payments in the nature of Salary	200,000
	2	Administrative Expenses	178,000
			<u>378,000</u>
15	..	AUDITOR GENERAL	
	1	Salaries and Payments in the nature of Salary	50,000
			<u>50,000</u>

Division	Subdivision		\$
16	..	OFFICE OF THE OMBUDSMAN	
	1	Salaries and Payments in the nature of Salary	43,000
	2	Administrative Expenses	2,000
			<u>45,000</u>
17	..	TERRITORY PARKS AND WILDLIFE COMMISSION	
	4	Other Services	3,800,000
			<u>3,800,000</u>
18	..	NORTHERN TERRITORY POLICE	
	1	Salaries and Payments in the nature of Salary	3,500,000
	2	Administrative Expenses	1,400,000
	3	Capital	120,000
			<u>5,020,000</u>
19	..	EMERGENCY SERVICES	
	1	Salaries and Payments in the nature of Salary	95,000
	2	Administrative Expenses	76,000
	3	Capital	5,000
			<u>176,000</u>
		Total: DEPARTMENT OF THE CHIEF MINISTER	11,808,000

DEPARTMENT OF LAW

Division	Subdivision		
25	..	DEPARTMENT OF LAW	\$
	1	Salaries and Payments in the nature of Salary	1,168,000
	2	Administrative Expenses	400,000
		Total: DEPARTMENT OF LAW	<u>1,568,000</u>
		DEPARTMENT OF TRANSPORT AND WORKS	
30	..	SECRETARIAT	
	1	Salaries and Payments in the nature of Salary	1,119,000
	2	Administrative Expenses	200,000
	4	Other Services	6,488,000
			<u>7,807,000</u>
31	..	ROADS	
	1	Salaries and Payments in the nature of Salary	800,000
	2	Administrative Expenses	180,000
	3	Capital	5,518,000
			<u>6,498,000</u>
32	..	GENERAL WORKS	
	1	Salaries and Payments in the nature of Salary	426,000
	2	Administrative Expenses	13,868,000
	3	Capital	2,600,000
			<u>16,894,000</u>

Division	Subdivision		
33	..	BUILDINGS	\$
	1	Salaries and Payments in the nature of Salary	140,000
	2	Administrative Expenses	520,000
	3	Capital	10,524,000
			<u>11,184,000</u>
34	..	WATER AND SEWERAGE	
	1	Salaries and Payments in the nature of Salary	1,900,000
	2	Administrative Expenses	520,000
	3	Capital	3,896,000
			<u>6,316,000</u>
35	..	TRANSPORTATION	
	1	Salaries and Payments in the nature of Salary	320,000
	2	Administrative Expenses	1,108,000
	3	Capital	2,000
			<u>1,430,000</u>
36	..	GENERAL SERVICES	
	1	Salaries and Payments in the nature of Salary	1,240,000
	2	Administrative Expenses	1,920,000
	3	Capital	30,000
	4	Other Services	1,000,000
			<u>4,190,000</u>

Division	Subdivision		
37	..	FIRE BRIGADE SERVICES	\$
	1	Salaries and Payments in the nature of Salary	827,000
	2	Administrative Expenses	320,000
	3	Capital	90,000
			<u>1,237,000</u>
		Total: DEPARTMENT OF TRANSPORT AND WORKS	<u>55,556,000</u>
		DEPARTMENT OF INDUSTRIAL DEVELOPMENT	
40	..	PRIMARY INDUSTRY	
	1	Salaries and Payments in the nature of Salary	1,560,000
	2	Administrative Expenses	1,034,000
	3	Capital	140,000
	4	Other Services	502,000
			<u>3,236,000</u>
41	..	FISHERIES	
	1	Salaries and Payments in the nature of Salary	300,000
	2	Administrative Expenses	510,000
	3	Capital	7,000
			<u>817,000</u>
42	..	INDUSTRIAL DEVELOPMENT	
	1	Salaries and Payments in the nature of Salary	140,000
	2	Administrative Expenses	140,000
	4	Other Services	3,122,000
			<u>3,402,000</u>

Division	Subdivision		
		Total: DEPARTMENT OF INDUSTRIAL DEVELOPMENT	\$ 7,455,000
		DEPARTMENT OF THE TREASURY	
50	..	DEPARTMENT OF THE TREASURY	
	1	Salaries and Payments in the nature of Salary	500,000
	2	Administrative Expenses	300,000
	4	Other Services	170,000
		Total: DEPARTMENT OF THE TREASURY	970,000
52	..	ADVANCE TO THE TREASURER TO ENABLE THE TREASURER -	
		(a) to make advances that will be recovered during the financial year	
		(b) to make moneys available for expenditure, particulars of which will afterwards be submitted to the Legislative Assembly	
		(c) to make moneys available for expenditure pending the issue of a warrant of the Treasurer specifically applicable to the expenditure	1,832,000

DEPARTMENT OF LANDS AND HOUSING

Division	Subdivision		
55	..	DEPARTMENT OF LANDS AND HOUSING	\$
	1	Salaries and Payments in the nature of Salary	1,875,000
	2	Administrative Expenses	550,000
	3	Capital	14,000
	4	Other Services	13,983,000
		Total: DEPARTMENT OF LANDS AND HOUSING	<u>16,422,000</u>
		DEPARTMENT OF MINES AND ENERGY	
60	..	DEPARTMENT OF MINES AND ENERGY	
	1	Salaries and Payments in the nature of Salary	931,000
	2	Administrative Expenses	420,000
	3	Capital	150,000
		Total: DEPARTMENT OF MINES AND ENERGY	<u>1,501,000</u>
		DEPARTMENT OF COMMUNITY DEVELOPMENT	
65	..	CORRECTIONAL SERVICES	
	1	Salaries and Payments in the nature of Salary	700,000
	2	Administrative Expenses	520,000
	3	Capital	12,000
			<u>1,232,000</u>

Division	Subdivision		
66	..	LOCAL GOVERNMENT AND COMMUNITY SERVICES	\$
	1	Salaries and Payments in the nature of Salary	620,000
	2	Administrative Expenses	640,000
	3	Capital	4,000
	4	Other Services	3,591,000
			<u>4,855,000</u>
67	..	SOCIAL DEVELOPMENT	
	1	Salaries and Payments in the nature of Salary	900,000
	2	Administrative Expenses	900,000
	3	Capital	1,000
			<u>1,801,000</u>
		Total: DEPARTMENT OF COMMUNITY DEVELOPMENT	<u>7,888,000</u>

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ORDINANCE

To amend the Workmen's Compensation Ordinance

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

- | | |
|--|--------------------------------|
| 1. This Ordinance may be cited as the <u>Workmen's Compensation Ordinance</u> 1978. | Short title |
| 2. The <u>Workmen's Compensation Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 4. Section 17 of the Principal Ordinance is amended - | Appointment of nominal insurer |
| (a) by inserting in sub-section (1) after "a person" the words "holding such qualifications as may be prescribed"; and | |
| (b) by adding the following sub-sections: | |
| "(4) There shall be a committee to be known as the nominal insurer's committee which shall consist of - | |
| (a) the Chief Inspector; | |
| (b) two persons nominated for that purpose by a majority of the approved insurers and employers who are exempt insurers for the purposes of section 18; and | |
| (c) the nominal insurer. | |
| "(5) The regulations may prescribe periods of time during which the nominal insurer and the nominal insurer's committee hold office otherwise they shall hold office during the pleasure of the Administrator. | |
| "(6) The nominal insurer shall be the chairman of the nominal insurer's committee. The nominal insurer's committee shall conduct its business in such manner as may be prescribed by the regulations, or, where provision is not made in the regulations, as the nominal | |
-

insurer may from time to time determine.

"(7) The function of the nominal insurer's committee shall be to consider matters relating to the establishment, maintenance and administration of the nominal insurer's trust funds required by this Ordinance, the conduct of the functions of the nominal insurer and such other matters as the nominal insurer may refer to it and to give such advice to the nominal insurer in respect of such matters as it sees fit.

"(8) The nominal insurer and the members of the nominal insurer's committee shall be entitled to receive such emoluments in respect of the performance of their respective duties as may be prescribed. Such emoluments shall be a cost upon and paid from the nominal insurer's general trust account provided for in this Ordinance.

"(9) The nominal insurer may employ such servants at such remuneration and on such terms as the nominal insurer's committee may from time to time approve. The remuneration and other expenses of employing such servants shall be a cost upon and paid from the nominal insurer's general trust account provided for in this Ordinance.

"(10) The nominal insurer shall cause to be established a bank account to be known as the nominal insurer's general trust account (in this Ordinance referred to as 'the general trust account').

"(11) The nominal insurer shall periodically assess, in respect of such future periods as he considers to be appropriate, the amount of money which in his opinion he shall be likely to require for that period. Such sum shall be sufficient to make adequate advance provision for meeting the liabilities and proper costs of the nominal insurer in such manner as in his opinion shall facilitate the maintenance of continuity in the affairs of the nominal insurer. The sum so assessed shall in this section be referred to as 'the advance provision'.

"(12) Every authorized insurer and employer who has been authorized by the Administrator under the proviso to section 18(1) (in this section referred to as 'exempt employers') shall be liable to pay to the nominal insurer such sum of money (in this Ordinance referred to as 'nominal insurer's advance levy') as the nominal insurer may demand being such sum as in the opinion of the nominal insurer the proportion of the advance provision as is appropriate to that authorized insurer or exempt employer. In determining the proportion appropriate to a particular authorized insurer or exempt employer, the nominal insurer shall have regard to the same considerations as are referred to in section 17F(4) of this Ordinance.

"(13) Every authorized insurer and exempt employer shall be liable to pay to the nominal insurer the amount of the nominal insurer's advance levy for which it is liable within thirty days of receipt of a notice from the nominal insurer requesting payment thereof.

"(14) The nominal insurer shall cause to be credited to the nominal insurer's general trust account all payments received by him from authorized insurers and exempt employers in satisfaction

of their respective liabilities to contribute to the advance levy. The general trust account may be used by the nominal insurer for paying all proper costs of the nominal insurer. The nominal insurer may draw upon the general trust account such funds required to satisfy the nominal insurer's liabilities arising from time to time in anticipation of receiving funds under section 17F of this Ordinance. Upon receiving such funds, the nominal insurer shall reimburse the nominal insurer's general trust account the amount of any funds which may have been drawn against the expectation of the receipt of such funds.

"(15) The nominal insurer shall cause all funds administered by him under this Ordinance to be audited. Such audits shall be carried out at least once in each financial year. The Chief Inspector may require such further audits as he may consider necessary. An audit under this section shall be carried out by a person possessing such qualifications as the regulations, or, in the absence of any regulations, the Chief Inspector may require."

5. The Principal Ordinance is amended by adding after section 25 the following new section:

"25A(1) A workman is entitled to request of his employer or former employer a copy of -

- (a) any entries in the book referred to in section 25(5) of this Ordinance;
- (b) any medical report received by the employer in respect of the workman's medical condition; and, or,
- (c) any statement made by the workman or any witness relating to any injury or illness sustained by the workman.

Workman
entitled to
copies of
certain
papers

"(2) In this section 'statement' includes all paper writings including claim forms, reports, records of interview, letters and other written records whereby facts or alleged facts concerning any injury or illness sustained by the workman are recorded.

"(3) Upon receipt of a request from a workman for a copy to which he may be entitled the employer shall forthwith furnish the workman with such copy duly certified by the employer as a true copy of that which it purports to be a copy.

"(4) An employer shall give to a workman who so requests a certificate stating whether or not he has a book entry, medical report or statement in his possession or power or whether such book entry, medical report or statement exists. Where a workman establishes to the satisfaction of the Tribunal that there is reasonable cause to believe that an employer's certificate given under this section is or may not be correct, the Tribunal may, by warrant, empower an inspector to carry out such search of the premises normally under the control of the employer as the Tribunal considers necessary for determining any question of such existence."

6. The Principal Ordinance is amended by inserting after section 25A the following new section:

Workmen's Compensation

Employer to
make and
keep records

"25B(1) An employer shall make and cause to be permanently maintained a true record of:

- (a) the name of every person employed by him;
- (b) the class of work that each such person performs; and
- (c) the remuneration paid or payable to each such person.

"(2) An employer shall permanently maintain the books, reports and statements referred to in section 25A of this Ordinance."

8. The Principal Ordinance is amended by inserting after section 27B the following new section:

Penalty

"27C A person who contravenes or fails to comply with a provision of this Ordinance is guilty of an offence against this Ordinance punishable by a fine not exceeding one thousand dollars.

Regulations

9. Section 28 of the Principal Ordinance is amended by adding at the end the following paragraph -

"(f) the qualifications for appointment of, the procedures to be followed by, the term of office for, the financial and audit procedures applicable to the office of nominal insurer and the nominal insurer's committee,"

