

CYCLONE DISASTER EMERGENCY ORDINANCE (No. 3) 1975

581

No. 13 of 1975

An Ordinance to amend the
Cyclone Disaster Emergency Ordinance 1975 as amended

[Assented to 8 May 1975]

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

1. This Ordinance may be cited as the *Cyclone Disaster Emergency Ordinance (No. 3) 1975*. Short title

2. The *Cyclone Disaster Emergency Ordinance 1975* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Section 2(1) of the Principal Ordinance is amended by omitting "and 15" and substituting ", 3A, 15 and 15A". Duration of Ordinance

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

"3A.(1) A member of the Armed Services or a person acting under instructions from the Director or of a member of the Armed Services who entered into any apparently unoccupied land, building or structure within the cyclone disaster area during the period from and including the date of commencement of the *Cyclone Disaster Emergency Ordinance (No. 2) 1975* to and including the date of commencement of the *Cyclone Disaster Emergency Ordinance (No. 3) 1975* shall not, by reason of anything done by him, be liable in any proceedings if the doing of that thing could validly have been done had the *Cyclone Disaster Emergency Ordinance (No. 3) 1975* been in force during that period and he had authority under this Ordinance.

"(2) A person referred to in sub-section (1) who entered into any apparently unoccupied land, building or structure within the cyclone disaster area during the period referred to in sub-section (1) shall be deemed to have been an authorized person during that period.

Action after 31 March 1975 and before commencement of *Cyclone Disaster Emergency Ordinance (No. 3) 1975*

Cyclone Disaster Emergency

“(3) Where, during the period referred to in sub-section (1), a person referred to in sub-section (1) who had, while on any apparently unoccupied land, building or structure within the cyclone disaster area, done any act or thing that could have been validly done if the *Cyclone Disaster Emergency Ordinance (No. 3) 1975* had then been in force and he had authority to do so under this Ordinance, that act or thing shall be deemed to have been done as validly and effectually, and he shall be deemed to have been validly authorized to do so, as if that Ordinance had been in force.”.

Powers of
Director

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

(a) by inserting after paragraph (a) the following paragraph:

“(b) enter or authorize the entry into any apparently unoccupied land, building or structure within the cyclone disaster area;” and

(b) by inserting after paragraph (1) the following paragraph:

“(m) authorize the carrying out of works, clearing of streets and premises and disposal of dangerous structures and materials;”.

(2) Section 10 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

“(4) A person who is clearing premises in pursuance of an authority given under sub-section (1) may—

(a) collect and secure or remove from the premises and deliver to the Administrator for storing any valuable property, including fixtures; and

(b) dispose of, in such manner as he sees fit, any property, including buildings, structures and fixtures, that, in his opinion, has no worthwhile value.”.

Certain
proceedings
not to lie

6. Section 14(2) of the Principal Ordinance is amended by omitting all the words from and including “as a result of” and substituting—
“as a result of—

(a) a requisition of his property under this Ordinance; or

(b) the exercise after 31 March 1975, by a person who was carrying out a work or clearing premises in pursuance of an authority given under section 10(1)(m), of his authority under section 10(1)(m)”.

7 After section 15 of the Principal Ordinance the following section is inserted:

“15A.(1) Where, in pursuance of this Ordinance, property is delivered to the Administrator for storing, the Administrator may—

Administrator
may hold
goods for
owner

(a) store that property; and

(b) deliver it to any person who apparently has a right to the lawful possession of that property.

“(2) The Administrator may, where a person claims a right to the lawful possession of property or where, in the opinion of the Administrator, it is no longer economical to store the property, apply to a court of summary jurisdiction for an order in relation to that property.

“(3) A court of summary jurisdiction may, upon application under sub-section (2), make such order in relation to the property as it thinks fit.”.

