

PORTS ORDINANCE 1978

No. 50 of 1978

An Ordinance to amend the *Ports Ordinance* and for other purposes

[Assented to 30 June 1978]

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

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| Short title | 1. This Ordinance may be cited as the <i>Ports Ordinance</i> 1978. |
| Commencement | 2. This Ordinance shall come into operation on 1 July 1978. |
| Principal Ordinance | 3. The <i>Ports Ordinance</i> is in this Ordinance referred to as the Principal Ordinance. |
| Definitions | 4. Section 3 of the Principal Ordinance is amended—
(a) by omitting the definition of “approved bank”; and
(b) by inserting after the definition of “Deputy Chairman” the following definition:
“ ‘employee’ means an employee within the meaning of the <i>Public Service Ordinance</i> who is employed in the service of the Port Authority.” |
| | 5. Section 4 of the Principal Ordinance is repealed and the following section substituted: |
| Ordinance binds the Territory | “4. This Ordinance binds the Territory.” |
| Members | 6. Section 6 of the Principal Ordinance is amended—
(a) by omitting from sub-section (1) “an General Manager” and substituting “a General Manager”; and
(b) by omitting from sub-section (4)(c) “Administrator’s” and substituting “Minister’s”. |
| Resignation and vacation of office | 7. Section 9(1) and (2) of the Principal Ordinance is amended by omitting “Administrator” (wherever occurring) and substituting “Minister”. |
| Money payable to the Port Authority | 8. Section 10(1) of the Principal Ordinance is amended by omitting paragraph (c). |
| Bank accounts | 9.(1) Section 11 of the Principal Ordinance is repealed. |

(2) The repeal effected by this section does not affect the operation of section 81 of the *Financial Administration and Audit Ordinance* in its application to the Port Authority and the Port Authority has power to maintain a bank account established under the Principal Ordinance for the purposes of, and in accordance with, that section.

10.(1) Section 12 of the Principal Ordinance is repealed.

Application of
moneys

(2) The repeal effected by this section does not affect the operation of section 82 of the *Financial Administration and Audit Ordinance* in its application to the Port Authority and the Port Authority has power to continue to hold investments to the extent authorized by that section.

11.(1) Sections 13, 14, 15, 16 and 17 of the Principal Ordinance are repealed.

Repeal

(2) Notwithstanding the repeals effected by this section, the repealed sections continue to have effect in respect of the period before the commencement of this Ordinance.

12. Section 18 of the Principal Ordinance is amended by omitting "Executive Member" and substituting "Minister".

Port Authority
shall furnish
certain
information
to Minister

13. Section 22(1) and (2) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

Harbourmaster
and acting
harbourmaster

14. Section 22C(1) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

Delegation by
harbourmaster

15. Section 23(2) of the Principal Ordinance is amended—

Powers

(a) by omitting from paragraph (a) "whether from the Commonwealth or"; and

(b) by omitting from paragraph (e) "Commonwealth" and substituting "Territory".

16. Section 27B(1) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

Liability for
loss or damage

17. Section 27D(1) and (2) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" (wherever occurring) and substituting "an employee".

Removal of
vehicles from
prohibited
parking, &c.,
places

18. Section 27F of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

Contravention
or failure to
comply with
order or direction

By-laws

19. Section 28(a) of the Principal Ordinance is amended—

- (a) by omitting “officers” and substituting “employees”; and
- (b) by omitting all words after “Port Authority”.

Appeals against
decisions of
Port Super-
intendent or
harbourmaster

20. Section 29A(1) of the Principal Ordinance is amended by omitting “*Justices Ordinance*” and substituting “*Magistrates Ordinance*”.

Operation of
former law

21.(1) The amendment to section 10(1) of the *Ports Ordinance* effected by Ordinance No. 64 of 1976 shall be read as though “the Port Authority” were substituted for “the Board”.

(2) This section shall be deemed to have come into operation on the date of commencement of Ordinance No. 64 of 1976.

Savings

22. An appointment duly made, or other action duly taken or done, before the commencement of this Ordinance under or for the purposes of a provision of the Principal Ordinance, and having effect immediately before the commencement of this Ordinance 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.
