

TRANSFER OF POWERS (FURTHER PROVISIONS) ORDINANCE 1977

1309

No. 51 of 1977

An Ordinance relating to the Transfer to Executive Members of the Legislative Assembly of certain Executive Powers further to the powers previously transferred

[Assented to 9 December, 1977]

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

1. This Ordinance may be cited as the *Transfer of Powers (Further Provisions) Ordinance 1977*. Short title
2. This Ordinance shall come into operation on 1 January 1978. Commencement
3. The Ordinances specified in Parts I, II, III and IV of the Schedule are respectively amended as provided by the Schedule. Amendments of certain Ordinances
4. The Regulations specified in Part V of the Schedule are respectively amended as provided by the Schedule. Amendment of certain regulations
5. The *Crown Law Officer Reference Ordinance* is amended by adding at the end thereof the following section:
 - “4. If the name of the person for the time being holding or acting in or performing the duties of Departmental Head of the Department of Law under the *Public Service Ordinance* is on the Roll of Legal Practitioners kept under the *Legal Practitioners Ordinance*, he may, in his official capacity as Head of that Department, in the name of the *Solicitor for the Northern Territory*, act as a legal practitioner as though he was holding an unrestricted practising certificate issued under the *Legal Practitioners Ordinance*—Right to practice
 - (a) for such persons, bodies or authorities (whether incorporated or unincorporated) as the Executive Member directs; and
 - (b) by arrangement with the Crown Solicitor for the Commonwealth, for other clients of the Crown Solicitor.”
6. 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 an Ordinance specified in Part I, II, III or IV of the Savings

Schedule or of a regulation specified in Part V of the Schedule 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.

THE SCHEDULE

Section 3 and 4

AMENDMENTS OF ORDINANCES

PART I—REFERENCES TO ADMINISTRATOR

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

Alsatian Dogs

Section 3A

Apprentices

Section 6(1), 6(2), 7(1)(a), 7(1)(b), 7(1)(c), 7(1)(ca), 7(1)(f), 7(1)(g), 8(1), 10(1)(b), 10(1)(c), 10(2)(a), 10(2)(b), 10(3), 11(e), 12(1), 12(2), 12(3), 12(4)(b), 12(6)(b), 12(6)(c), 12(8), 12(9), 16(1), 16(3), 17(1), 46

Auctioneers

Section 3A(1), 3A(2), 5(1), 6(1), 7(1), 7(2), 7(3), 8(1), 8(2)(a), 8(2)(b), 8B, 8E, 8F(1), 8F(2), 8J, 8K, 12, 17(b)

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 38A(3), (4), (8), 47(1)

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

Hawkers

Section 10A(2)(b)

Litter

Section 3, 5(1), (2), (3), 6(2)(a), 9A(3)(f)

Local Courts

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

Maintenance

Section 93(1), (2)

Money-lenders Act and Ordinance

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

Nudity

Section 4

Oaths

Section 17(1)

Place Names

Section 7, 9, 10

Places of Public Entertainment

Section 5(1), 5(2), 7(1), 8, 11, 12(3), 14, 17(1), 17(2), 18(1), 18(2), 19, 21(b)

Prevention of Cruelty to Animals

Section 11, 15, 21

Radiographers

Section 6(3), 17(1)

Registration of Dogs

Section 6, 6A, 10

Town Planning

Section 11(2)(a), 11(3)

Traffic

Section 5A(1), (3), 8C(1), (2), 9B, 12(1), 20(1), 21(1), 28(1), (2), 34(1), (2), (3), (4), (5), (6), 34A, 34B, 34C(d), 35Q(8), (9), 36F(3), 41F(1), 50(2), 56A(1)(a), (3)(a)

PART 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":

Alsatian Dogs

Section 7

Caravan Parks

Section 2

Cemeteries

Section 4, 5, 7, 14

Darwin Rates

Section 25(3)(d)

Firearms

Section 44(4)

Litter

Section 4

Place Names

Section 5

Places of Public Entertainment

Section 7(2)

Pounds

Section 24

Spear-Guns Control

Section 4

PART III—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), 23(2), 26(2)

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)

Transfer of Powers (Further Provisions)

PART IV—MISCELLANEOUS AMENDMENTS

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

Column 1	Column 2	Column 3
Ordinance and Provision	Omit	Insert
<i>Administration and Probate</i> Section 7 <i>Apprentices</i> Section 5	Omit the section	(2) This Ordinance shall apply to and in relation to the apprenticeship of any person employed in the Territory under or pursuant to the provisions of the <i>Public Service Ordinance</i> and the Public Service Commissioner for the Northern Territory, a Chief Executive Officer or a prescribed authority who employs any apprentice or trainee apprentice and any apprentice or trainee apprentice so employed shall be bound by the provisions of this Ordinance accordingly Executive Member
15(1)	Administrator or the Board	Executive Member
15(2)	Omit	
15(3)	Omit	
15(4)	Administrator or the Board	Executive Member
45	Administrator	Administrator in Council
<i>Auctioneers</i> Section 8A(b)(i)	Administrator's	Executive Member's
<i>Cemeteries</i> Section 6 32(1)	Administrator from time to time, appropriated by the Parliament for the	Administrator in Council 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
<i>Compensation (Fatal Injuries)</i> Section 3	Omit the section	
<i>Control of Roads</i> Section 7B	Administrator (twice occurring)	Administrator or the Executive Member
<i>Crown Law Officer Reference</i> Section 3	or the Deputy Crown Solicitor or performing the duties of the office of Crown Law Officer in the Territory under the <i>Public Service Act 1922-1973</i>	or acting in or performing the duties of the office of Departmental Head of the Department of Law under the <i>Public Service Ordinance</i>
<i>Darwin Rates</i> Section 23	Commonwealth (wherever occurring)	Administrator
27	Commonwealth	Administrator
31 (2)	Commonwealth (last occurring)	Administrator
35	Commonwealth	Administrator
41	Commonwealth	Administrator

Transfer of Powers (Further Provisions)

Column 1 Regulation	Column 2 Omit	Column 3 Insert
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
<i>Evidence</i> Section 28B	or the Administrator	, the Administrator or an executive member
36	(g) the Administrator,	(g) the Administrator; or (h) 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 or any person who, for any purpose, has all the powers of, or exercisable by, such a Departmental Head, any executive member,
<i>Justices</i> 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
<i>Local Courts</i> 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(4)	Minister	Administrator in Council
288(3)	Minister shall pay the money	Administrator shall authorise payment of the money
<i>Maintenance</i> 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"	
<i>Place Names</i> Section 11	Administrator in Council may	Executive Member shall refer it to the Administrator in Council, and the Administrator in Council may

Transfer of Powers (Further Provisions)

Column 1 Regulation	Column 2 Omit	Column 3 Insert
<i>Pounds</i> Section 5 <i>Radiographers</i> Section 4(2)(b)(ii) 4(2)(d) 6 10(1) <i>Small Claims</i> Section 3 <i>Town Planning</i> Section 8 10 11 <i>Trustee Act and Ordinance</i> Section 73(1) 73(4)	Government Resident Administrator in Council on the nomination of the Chairman Administrator in Council on the nomination of the Chairman Administrator in Council (wherever occurring) Board Omit the section Administrator in Council (wherever occurring) Administrator in Council Administrator in Council Attorney-General of the said province Attorney-General (first occurring) Attorney-General shall pay	Executive Member Executive Member Executive Member Executive Member Executive Member Executive Member Executive Member Executive Member Administrator Administrator Administrator shall authorise payment

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PART V—AMENDMENTS OF REGULATIONS

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
<i>Auctioneers Ordinance</i>		
<i>Auctioneers Regulations</i>		
Form 1	His Honour, The Administrator, Darwin	The Executive Member for , Darwin
Form 2	His Honour, The Administrator, Darwin	The Executive Member for , Darwin
Form 3	the Administrator of the Northern Territory of Australia, do hereby	the Executive Member for do hereby
	Administrator, (last occurring)	Executive Member for
Form 4	His Honour, The Administrator, Darwin	The Executive Member for Darwin
Form 5	the Administrator of the Northern Territory of Australia, do hereby	the Executive Member for do hereby
<i>Cemeteries Ordinance</i>	Administrator, (last occurring)	Executive Member for
<i>Cemeteries Regulations</i> Regulation 6, 13	Administrator	Executive Member
<i>Darwin Rates Ordinance</i>		
<i>Darwin Rates Regulations</i>		
Regulation 6	Administrator	Executive Member
Schedule—		
Form 1	His Honour the Administrator of the Northern Territory of Australia	Executive Member for
Form 2	His Honour the Administrator of the Northern Territory of Australia	Executive Member for
Form 4	His Honour the Administrator of the Northern Territory of Australia	Executive Member for
Form 5	His Honour the Administrator of the Northern Territory of Australia	Executive Member for
<i>Traffic Ordinance</i>		
<i>Traffic Regulations</i>		
Regulation 35, 45	Administrator	Executive Member

