

# VALIDATION OF ACTS (POWERS AND FUNCTIONS) ORDINANCE 1968

295

No. 35 of 1968

An Ordinance to validate certain acts done after the abolition of the Department of Territories

[Assented to 18 June, 1968]

**W**HEREAS by instrument dated 28 February, 1968, the Governor-General, in pursuance of section 64 of the Constitution, abolished a Department of State of the Commonwealth, namely the Department of Territories:

**AND WHEREAS** immediately before the Department of Territories was so abolished there were persons who, as persons holding, or acting in or performing the duties of, offices in the Department of Territories, were empowered by or under instruments of delegation signed by the Administrator or by or under Ordinances, contracts, leases, agreements or other instruments having effect as or under laws of the Territory, to exercise powers or perform functions, or do both:

**AND WHEREAS** when the Department of Territories was so abolished those persons ceased to be persons holding, or acting in or performing the duties of, offices in the Department of Territories:

**AND WHEREAS** during the period between the abolition of the Department of Territories and the commencement of this Ordinance acts were done by such persons in the purported exercise of those powers or functions, or both:

**AND WHEREAS** it is desirable that the acts so done during that period should have the same legal consequences as they would have had if the Department of Territories had not been abolished before the commencement of this Ordinance and the persons doing the acts had continued until that commencement to be so empowered to exercise those powers or perform those functions, or do both:

**NOW THEREFORE BE** it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1968*, as follows:—

## Short title

1. This Ordinance may be cited as the *Validation of Acts (Powers and Functions) Ordinance 1968*.

## Definition

2. In this Ordinance "office holders" means persons from time to time holding or acting in or performing such duties as, immediately before the twenty-eighth day of February, 1968, were the duties of an office of the Department of Territories.

## Validation of acts done in purported exercise of power, &amp;c.

## 3.—(1.) Where—

(a) immediately before the twenty-eighth day of February, 1968, office holders were empowered by or under an Ordinance, or a contract, lease, agreement or other instrument (including an instrument of delegation made by the Administrator) having effect as or under a law of the Territory to exercise a power or perform a function; and

(b) on or after that day but before the commencement of this Ordinance an office holder did an act which would have been an act done in the exercise of the power or performance of the function if the Department of Territories had not been abolished on the twenty-eighth day of February, 1968,

the doing of the act shall be deemed to have been as effectual an exercise of the power or performance of the function as it would have been if the Department of Territories had not been abolished on that day.

(2.) The last preceding sub-section does not apply in a case where the act was done by a person who was not at the time when the act was done an officer or employee under the *Public Service Act 1922-1967*.