

NORTHERN TERRITORY OF AUSTRALIA

DISASTERS ACT

As in force at 20 September 1994

Table of provisions

Part I	Preliminary	
1	Short title	1
2	Commencement	1
3	Repeal	1
4	Definitions	1
5	Application	3
6	Crown to be bound	3
Part II	Counter Disaster Council	
7	Counter Disaster Council	3
8	Meetings, &c., of Council	4
9	Functions of Council	4
10	Powers of Council	5
Part III	Territory Counter Disaster Controller	
12	Functions of Territory Controller	5
13	Powers of Territory Controller	5
Part IV	Director of Northern Territory Emergency Service	
14	Director	5
15	Duties of Director	6
16	Powers of Director	7
Part V	Northern Territory Emergency Service	
17	Northern Territory Emergency Service	7
18	Functions of Northern Territory Emergency Service	8
19	Powers of Northern Territory Emergency Service	8
20	Unit Officer	8
21	Duties of Unit Officer	8
Part VI	Regional, &c., organization	
22	Regional Controller	9
23	Duties of Regional Controller	9
24	Region Counter Disaster Planning Committee	9

25	Meetings, &c., of Region Committee	10
26	Functions of Region Committee	10
27	Powers of Region Committee	10
28	Local Controller	11
29	Duties of Local Controller	11
30	Local Counter Disaster Planning Committee	11
31	Meetings, &c., of Local Committee	12
32	Functions of Local Committee	12
33	Powers of Local Committee	12
34	Conflict of duties	12

Part VII State of disaster or emergency

35	Declaration of state of disaster	12
36	Duties upon declaration of state of disaster.....	13
37	Special powers during state of disaster	14
38	Removal of vehicle, &c.	15
39	Declaration of state of emergency	16
40	Duties upon declaration of state of emergency.....	17

Part VIII Miscellaneous

41	Power of delegation	18
42	Certain proceedings not to be taken.....	18
43	Entry on certain land.....	18
44	Person exercising power, &c., not to be obstructed.....	19
45	Offence and penalty	19
46	Offences by body corporate.....	19
47	Protection of employment rights	19
48	Compensation for personal injury	20
49	Regulations.....	20

Part IX Transitional provisions

50	First Council, &c.	20
----	-------------------------	----

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 20 September 1994

DISASTERS ACT

An Act to provide for the adoption of measures necessary for the protection of life and property from the effects of disasters and emergencies and for other purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Disasters Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

The Acts specified in the Schedule are repealed.

4 Definitions

In this Act, unless the contrary intention appears:

Chairman means the Chairman of the Council.

civil defence means the measures necessary to protect the civilian population from the effects of enemy attack or hostilities.

Council means the Northern Territory Counter Disaster Council established under section 7.

counter disaster means the planning, organization, co-ordination and implementation of measures that are necessary or desirable to prevent, minimize or overcome the effects of an emergency or disaster upon members of the public or any property in the Territory and includes the conduct of or participation in training for those purposes and for civil defence measures.

Director means the Director of the Northern Territory Emergency Service appointed under section 14.

disaster means an occurrence due to natural or other causes and includes hostilities, whether or not a state of war has been declared, or an act or threatened act of violence or intimidation whether or not directed against the Territory that:

- (a) causes or threatens to cause:
 - (i) loss of life or property; or
 - (ii) injury to persons or property or distress to persons; or
- (b) in any way endangers the safety of the public in any part of the Territory,

in respect of which the resources of a normal government service or privately owned services available at the time are inadequate to provide appropriate counter disaster measures.

emergency means an occurrence that:

- (a) causes or threatens to cause:
 - (i) loss of life or property; or
 - (ii) injury to persons or property or distress to persons; or
- (b) in any way endangers the safety of the public in any part of the Territory,

in which the provision of counter disaster measures is not within the capabilities of a normal government service or privately owned service available at the time but the combined available services are adequate to provide appropriate counter disaster measures.

Local Committee means a Local Counter Disaster Planning Committee established under section 30.

Local Controller, in relation to a town, community or locality, means the person appointed under section 28 to be the Local Counter Disaster Controller for that town, community or locality.

region means a region notified under section 9(2).

Regional Controller, in relation to a region, means the person appointed under section 22 to be the Regional Counter Disaster Controller for that region.

Region Committee means a Region Counter Disaster Planning Committee established under section 24.

state of disaster means a state of disaster declared under section 35.

state of emergency means a state of emergency declared under section 39.

Territory Controller means the Commissioner of Police and includes a person appointed under section 12(1) of the Police Administration Act to act as the Commissioner, while so acting.

Unit Officer means a person appointed under section 20 to be a Unit Officer.

voluntary member means a registered voluntary member or registered executive voluntary member appointed under section 16(2)(a) and includes a temporary registered voluntary member appointed under section 16(2)(b).

5 Application

- (1) Nothing in this Act shall authorize the taking of action, or the preparation for the taking of action, for or in connection with:
 - (a) actual combat against an enemy of Australia; or
 - (b) the putting down of a riot or civil disturbance,
other than action reasonably necessary to oppose an act or threatened act of violence or intimidation, or:
 - (c) the prosecution or the bringing to an end of a strike or lock out.

6 Crown to be bound

This Act binds the Crown.

Part II Counter Disaster Council

7 Counter Disaster Council

- (1) There shall be a body to be known as the Northern Territory Counter Disaster Council.
- (2) Subject to this section, the Council shall consist of:
 - (a) the Territory Controller who shall be the Chairman;

- (b) the Director who shall be the executive officer of the Council;
and
 - (c) subject to subsection (3), such other persons, not being less than 3, appointed by the Minister.
- (3) Where, by reason of special circumstances, the Minister considers it necessary to appoint a person to be a representative of the Commonwealth on the Council, he shall obtain the prior consent of the Commonwealth for that appointment.

8 Meetings, &c., of Council

- (1) The Council shall meet as often as it considers necessary for the performance of its functions and at such other times as the Chairman requires.
- (2) Meetings of the Council shall be held at such places as the Chairman determines.
- (3) The Chairman shall preside at all meetings of the Council at which he is present or, if he is not present, the Council members present shall elect one of their number to be the Chairman.
- (4) The Council shall cause minutes of its proceedings to be recorded and kept.
- (5) Subject to this Act, the procedures at a meeting of the Council shall be determined by the Council.

9 Functions of Council

- (1) The functions of the Council are to be responsible to the Minister for the administration of this Act and, subject to the direction of the Minister:
 - (a) to advise, assist and, where it considers it necessary, give directions to the Director in respect of counter disaster planning;
 - (b) to examine and approve local, regional and Territory counter disaster plans submitted by the Director;
 - (c) to determine the needs, whether financial or otherwise, of the Territory in the event of a counter disaster operation and advise the Minister accordingly; and

- (d) in respect of the conduct of counter disaster operations, to advise and, where necessary, give directions to the Territory Controller.
- (2) For the purpose of carrying out its functions, the Council:
 - (a) may divide the Territory into regions; and
 - (b) shall publish notice of a division under paragraph (a) in the *Gazette*.

10 Powers of Council

The Council shall have such powers as are necessary to carry out its functions.

Part III Territory Counter Disaster Controller

12 Functions of Territory Controller

The functions of the Territory Controller are:

- (a) to exercise control and direction of counter disaster operations; and
- (b) to carry out such other functions as directed by the Council.

13 Powers of Territory Controller

The Territory Controller shall have such powers as are necessary to carry out his functions.

Part IV Director of Northern Territory Emergency Service

14 Director

- (1) There shall be a Director of the Northern Territory Emergency Service.
- (2) The Director shall be appointed and employed in accordance with, and be subject to, the *Public Sector Employment and Management Act*.

15 Duties of Director

The duties of the Director are to:

- (a) provide, whether or not a state of disaster or state of emergency has been declared, such assistance as is necessary to obviate or alleviate an actual or imminent occurrence that causes or may cause loss of life or injury, or danger to the safety of the public or any part of the public, or destruction of, or damage to, property;
- (b) during a disaster or an emergency, or whenever required by the Territory Controller, be responsible to the Territory Controller for the provision and co-ordination of such counter disaster support resources as may be necessary;
- (c) establish and direct the policy of the Northern Territory Emergency Service with respect to planning, organization, training, administration and operations;
- (d) prepare and, as necessary, revise a Territory counter disaster plan and initiate such programmes of training with respect to that plan as may be considered necessary by the Council;
- (e) design, implement and direct such counter disaster planning programmes as may be necessary to ensure effective co-ordination between all authorities at all levels;
- (f) co-ordinate within the Territory such programmes of Commonwealth support to the emergency services as may be provided;
- (g) advise and assist government departments, instrumentalities, statutory organizations, voluntary agencies and other bodies on matters with respect to counter disaster measures under this Act;
- (h) advise and assist Regional and Local Controllers in the performance of their duties;
- (j) carry out or cause to be carried out research into matters relating to counter disaster measures and disseminate information resulting from that research;
- (k) arrange counter disaster education and advisory programmes and disseminate information;
- (m) establish and maintain such training facilities as he considers necessary for counter disaster purposes; and

- (n) perform such other functions and duties as directed by the Council.

16 Powers of Director

- (1) The Director shall have such powers as are necessary for carrying out his duties.
- (2) Without limiting the generality of subsection (1), the Director has power, subject to section 5, to:
 - (a) appoint suitable persons to be registered voluntary members or registered executive voluntary members of the Northern Territory Emergency Service;
 - (b) prior to, during or subsequent to, the occurrence of a counter disaster operation, appoint suitable persons to be temporary registered voluntary members of the Northern Territory Emergency Service;
 - (c) issue to members of the Northern Territory Emergency Service adequate means of identification;
 - (d) inspect and review the operations and preparedness of the Northern Territory Emergency Service Volunteer Units;
 - (e) convene such committees, as he thinks fit, for counter disaster purposes; and
 - (f) mount such exercises as he considers necessary, or as directed by the Council, to test counter disaster plans and training.

Part V Northern Territory Emergency Service

17 Northern Territory Emergency Service

There shall be an organization known as the Northern Territory Emergency Service the members of which shall be:

- (a) the Director;
- (aa) the Commissioner of Police (appointed under the *Police Administration Act*), who for the purposes of, and notwithstanding anything in, the *Public Sector Employment and Management Act* shall be the Chief Executive Officer of the Northern Territory Emergency Service;

- (b) other persons appointed and employed under the *Public Sector Employment and Management Act* in positions established for that purpose; and
- (c) such voluntary members as are appointed by the Director.

18 Functions of Northern Territory Emergency Service

The functions of the Northern Territory Emergency Service are to:

- (a) educate and train employees of government departments and other bodies, members of the public, voluntary members and volunteer groups, for counter disaster purposes;
- (b) raise, train and equip such Northern Territory Emergency Service Volunteer Units as the Director considers necessary;
- (c) develop and install communications and operational facilities that may be required for counter disaster purposes;
- (d) select, deploy and co-ordinate resources during counter disaster operations;
- (e) collate and produce Territory, regional and local counter disaster plans; and
- (f) provide counter disaster equipment to Regional Controllers and Local Controllers.

19 Powers of Northern Territory Emergency Service

The Northern Territory Emergency Service shall have such powers as are necessary to carry out its functions.

20 Unit Officer

- (1) Where, under section 18(b), Northern Territory Emergency Service Volunteer Units are raised, each unit shall be in the charge of a Unit Officer.
- (2) A Unit Officer shall be appointed by the Director for such periods as the Director thinks fit.

21 Duties of Unit Officer

The duties of a Unit Officer are to:

- (a) supervise the activities of the unit and ensure that instructions, policies and procedures laid down by the Director are complied with;

- (b) be responsible to the Director for the care and maintenance of such equipment as is made available to him by the Northern Territory Emergency Service;
- (c) maintain close liaison with the Local Controller and ensure that the maximum assistance that can be provided by his unit is made available to the Local Controller during counter disaster operations; and
- (d) carry out such duties as directed by the Director.

Part VI Regional, &c., organization

22 Regional Controller

The Territory Controller shall appoint a member of the Police Force of the Northern Territory to be the Regional Counter Disaster Controller in respect of a particular region.

23 Duties of Regional Controller

The duties of a Regional Controller are:

- (a) subject to the directions of the Territory Controller, to exercise control during counter disaster operations in his region;
- (b) to be responsible to the Director for the care and maintenance of such equipment as is made available to him by the Northern Territory Emergency Service;
- (c) to closely supervise the counter disaster activities of the Local Controllers in his region and ensure that the instructions, policies and procedures laid down by the Territory Controller or Director are complied with; and
- (d) to carry out such other duties as directed by the Territory Controller or Director.

24 Region Counter Disaster Planning Committee

- (1) There shall be in respect of each region a Region Counter Disaster Planning Committee the members of which shall be:
 - (a) the Regional Controller, who shall be the Chairman;
 - (b) a member of the Northern Territory Emergency Service appointed under section 17(b) who shall be appointed by the Director and who shall be the executive officer;

- (c) a person appointed by the Chief Fire Officer within the meaning of the *Fire Brigades Act*;
 - (d) a person appointed by the Bushfire Council within the meaning of the *Bushfires Act*;
 - (e) a person appointed by the Chief Executive Officer of the Department of Health and Community Services;
 - (f) a person appointed by the Chief Executive Officer of the Department of Transport and Works; and
 - (g) a person appointed by the Director to represent welfare agencies.
- (2) Where the Region Committee considers it necessary or desirable, it may appoint such other persons to be members of the Committee for such periods as it thinks fit.

25 Meetings, &c., of Region Committee

- (1) A Region Committee shall meet as often as the Chairman considers necessary for the performance of its functions and at such other times as the Chairman requires.
- (2) The Regional Controller shall cause minutes of the proceedings of a Region Committee to be recorded and kept.
- (3) Subject to this Act, the procedures at a meeting of a Region Committee are as determined by it.

26 Functions of Region Committee

The functions of a Region Committee are:

- (a) to assist in the preparation of a counter disaster plan for its region and to review such plan from time to time; and
- (b) to provide such assistance as may be required for the preparation of local counter disaster plans within its region.

27 Powers of Region Committee

A Region Committee has such powers as are necessary to carry out its functions.

28 Local Controller

Where the Territory Controller considers that a Local Counter Disaster Controller should be appointed for a particular town, community or locality, he shall:

- (a) where there is a police station situated in that town, community or locality – appoint the officer in charge of that police station; or
- (b) where there is no police station so situated – appoint a resident of the town, community or locality,

to be the Local Counter Disaster Controller for that town, community or locality.

29 Duties of Local Controller

The duties of a Local Controller are to:

- (a) subject to the directions of the Territory Controller and the Regional Controller, exercise control during counter disaster operations in his local area;
- (b) be responsible to the Director for the care and maintenance of such equipment as is made available to him by the Northern Territory Emergency Service;
- (c) comply with instructions, policies and procedures laid down by the Territory Controller or Director; and
- (d) carry out such other duties as may be directed by the Territory Controller or Director.

30 Local Counter Disaster Planning Committee

- (1) Where a Local Controller has been appointed under section 28 and the Director considers it to be necessary or desirable, there shall be in respect of that town, community or locality a Local Counter Disaster Planning Committee whose members shall be:
 - (a) the Local Controller who shall be the Chairman; and
 - (b) a member of the Northern Territory Emergency Service appointed under section 17(b), appointed by the Director, who shall be the executive officer.
- (2) Where the Local Committee considers it necessary or desirable it may appoint such other persons to be members for such periods as it thinks fit.

31 Meetings, &c., of Local Committee

- (1) A Local Committee shall meet as often as the Chairman considers necessary for the performance of its functions and at such other times as the Chairman requires.
- (2) The Local Controller shall cause minutes of the proceedings of a Local Committee to be recorded and kept.
- (3) Subject to this Act, the procedures at a meeting of a Local Committee are as determined by it.

32 Functions of Local Committee

The functions of a Local Committee are to assist in the preparation of a counter disaster plan for its local area and to review such plan from time to time.

33 Powers of Local Committee

A Local Committee has such powers as are necessary to carry out its functions.

34 Conflict of duties

Where there is a conflict between the duties under this Act of a Regional Controller or a Local Controller, who is a member of the Police Force, and his duties and obligations under the Police Administration Act, this Act shall prevail.

Part VII State of disaster or emergency

35 Declaration of state of disaster

- (1) Subject to subsection (2), where at any time it appears to the Administrator that the extent or severity of a disaster or impending disaster is, or is likely to be, so great that:
 - (a) it is beyond the resources of normal government services or privately owned services available in the Territory at the time;
or
 - (b) special powers are required,

to provide appropriate counter disaster measures, he may declare that a state of disaster exists in respect of so much of the Territory as, in his opinion, is affected by the disaster or is likely to be affected by the impending disaster.

- (2) Where during a vacancy in the office of Administrator, or the Administrator is absent from duty or from the Territory or is, for any reason, unable to exercise the powers or perform the functions of his office, a declaration under subsection (1) or an extension under subsection (4) may be made by 2 Ministers acting jointly.
- (3) A declaration of a state of disaster shall:
- (a) come into force immediately the declaration is made; and
 - (b) continue in force for 7 days from the date of the declaration unless sooner revoked.
- (4) A state of disaster may be extended by the Administrator or, in circumstances referred to in subsection (2), by 2 Ministers for such periods, not exceeding 14 days in each case, as he considers or they consider necessary.

36 Duties upon declaration of state of disaster

Upon a declaration of a state of disaster:

- (a) the Territory Controller shall institute counter disaster measures:
- (i) in accordance with counter disaster plans;
 - (ii) in accordance with the directions of the Council; or
 - (iii) where the plans and directions referred to in subparagraphs (i) and (ii) are insufficient in the circumstances, in such manner as he thinks fit,
- to ensure adequate protection of life and property, and to expedite the termination of the disaster;
- (b) the Director shall assist the Territory Controller in his duties and shall arrange and co-ordinate the counter disaster support resources as required by the Territory Controller; and
- (c) the Regional Controller, subject to the direction of the Territory Controller and, where appropriate, the Local Controller on the directions of the Regional Controller, shall:
- (i) take immediate action to use, control and co-ordinate all available resources within his region or local area, as the case may be, to counter the effects of the disaster;

- (ii) immediately they become available, use, control and co-ordinate all additional resources that may be made available to him from any source; and
- (iii) take such other measures as are provided for in respect of his region or local area, as the case may be, in the counter disaster plan for the region or local area.

37 Special powers during state of disaster

- (1) During a state of disaster, the Territory Controller, the Director, a Regional Controller, a Local Controller, a member of the Police Force or authorized persons may, for the purposes of carrying out counter disaster operations or for the safety of the public generally:
 - (a) require the owner or person in possession of any personal property to surrender it or place it under the control and direction of the person making the requisition;
 - (b) require any person to assist in tasks to save life or property in immediate danger;
 - (c) order the owner or person apparently in charge of any place of business, worship or entertainment to close to the public that place of business, worship or entertainment, as the case may be, for such period as ordered;
 - (d) subject to subsection (2), direct the evacuation and exclusion of any person from any place and, in the exercise of that power, may remove or cause to be removed a person who does not comply with a direction to evacuate, or may remove or cause to be removed a person who enters or is found in a place in respect of which a direction for the exclusion of persons has been given;
 - (e) enter, by reasonable force if necessary, any land or place where he believes, on reasonable grounds, it is necessary to do so:
 - (i) for the saving of human life or the prevention of injury to a person;
 - (ii) for the rescue of an injured or endangered person;
 - (iii) to remove from or secure anything on that land or in that place the presence or unsecured state of which is, in his opinion, a threat to the life or health of a person in the vicinity or the use or continued operation of a road, utility or other facility the use or continued operation of which

in or after the state of disaster is, in his opinion, necessary for the alleviation of the disaster or its effects; or

- (iv) for facilitating the carrying out of other urgent measures with respect to the relief of suffering and distress;
 - (f) if in his opinion it is necessary to do so for the conduct of counter disaster operations, close to traffic any road within the meaning of the *Control of Roads Act* or close any other place open to, or used by, the public; and
 - (g) remove from any place, a vehicle that is impeding counter disaster operations, and to facilitate its removal may use such force as is reasonably necessary to break into and remove that vehicle.
- (2) A person shall not be evacuated from, or denied entry to, a municipality within the meaning of the *Local Government Act*, town, specific area or Aboriginal land within the meaning of the *Aboriginal Land Act* unless the Administrator has declared that that municipality, town, specific area or Aboriginal land should be evacuated or entry to it should be denied.
- (3) A person who suffers loss of or damage to his property by reason of the exercise of the powers conferred by subsection (1)(a), (e) or (g) shall be entitled to receive fair and reasonable compensation from the Territory for such loss or damage.
- (4) For the purposes of this section, **authorized person** means any person authorized to carry out counter disaster functions by the Council, the Territory Controller, the Director, a Regional Controller or a Local Controller.

38 Removal of vehicle, &c.

- (1) In addition to the powers specified in section 37(1), the Territory Controller, the Director, a Regional Controller, a Local Controller, a member of the Police Force or an authorized person may, during a state of disaster, direct the owner or person apparently in charge:
- (a) of a vehicle, aircraft, ship, boat, barge or animal; or
 - (b) of a thing the presence or unsecured state of which on the land or in the place where it is located is, in his opinion, a threat to the life or health of a person in the vicinity or the use or continued operation of a road, utility or other facility the use or continued operation of which in or after the state of disaster is, in his opinion, necessary for the alleviation of the disaster

or its effect,

to remove it from the land or place or from the land or place to such other place, or to secure it in such manner and within such time, as the person giving the direction specifies.

- (2) If a person so directed refuses to, or does not within the time specified by the person giving the direction for doing so, remove or secure, as the case may be, the vehicle, aircraft, ship, boat, barge, animal or thing in accordance with the direction, the person giving the direction may remove or secure it and, for that purpose, may use such force as is reasonably necessary to break into it, in the case of a vehicle, aircraft, ship, boat or barge, or remove or secure it.
- (3) Where a person takes action under subsection (2), the reasonable costs incurred in his so doing shall be a debt due and payable to the Territory by the owner of the vehicle, aircraft, ship, boat, barge, animal or thing or, where after reasonable inquiry the owner cannot be identified or located, by the owner of the land from which it was removed or on which it was secured, as the case may be.
- (4) Where the owner of a vehicle, aircraft, ship, boat, barge, animal or thing cannot conveniently be found and there is no other person apparently in charge of it, the Territory Controller, the Director, a Regional Controller, a Local Controller, a member of the Police Force or an authorized person may exercise his powers under this section as if the owner or person apparently in charge had refused to comply with a direction given under subsection (1).
- (5) For the purposes of this section, **authorized person** means any person authorized to carry out counter disaster functions by the Council, the Territory Controller, the Director, a Regional Controller or a Local Controller.

39 Declaration of state of emergency

- (1) Where the Minister, having regard to the magnitude or threatened magnitude of an emergency and to the facilities that appear to him to be available to deal with the emergency, is satisfied that extraordinary measures are necessary or advisable for the protection of life and property, he may declare that a state of emergency exists in respect of so much of the Territory as, in his opinion, is likely to be affected by the emergency.
- (2) A declaration of a state of emergency shall:
 - (a) come into force immediately the declaration is made; and

- (b) continue in force for 2 days from the date of the declaration unless sooner revoked or a declaration of a state of disaster under section 35 relating to the area affected by the emergency has been made, whichever first occurs.

40 Duties upon declaration of state of emergency

- (1) Upon a declaration of a state of emergency:
 - (a) the Territory Controller shall institute counter disaster measures:
 - (i) in accordance with the counter disaster plans;
 - (ii) in accordance with the directions of the Council; or
 - (iii) where the plans and directions referred to in subparagraphs (i) and (ii) are insufficient in the circumstances, in such manner as he thinks fit,

to ensure adequate protection of life and property, and to expedite the termination of the emergency;
 - (b) the Director shall assist the Territory Controller in his duties and shall arrange and co-ordinate the counter disaster support resources as required by the Territory Controller; and
 - (c) the Regional Controller, subject to the direction of the Territory Controller and, where appropriate, the Local Controller on the directions of the Regional Controller, shall:
 - (i) take immediate action to use, control and co-ordinate all available resources within his region or local area, as the case may be, to counter the effects of the emergency;
 - (ii) immediately they become available, use, control and co-ordinate all additional resources that may be made available to him from any source; and
 - (iii) take such other measures as are provided for in respect of his region or local area, as the case may be, in the counter disaster plan for the region or local area.
- (2) For the purposes of subsection (1), the special powers and obligations, and the liabilities, referred to in sections 37 and 38 may be exercised as and enforced as if the references in those sections to a state of disaster were references to a state of emergency.

- (3) Without limiting those sections, the special powers and obligations, and the liabilities, referred to in sections 37(1)(e)(iii) and 38 may be exercised and enforced in and in relation to a part of the Territory while a cyclone warning issued in respect of that part of the Territory by the Commonwealth Bureau of Meteorology established under the *Meteorology Act 1955* of the Commonwealth is current, as though that warning were the declaration of a state of emergency under section 39.

Part VIII Miscellaneous

41 Power of delegation

- (1) A person upon whom a power is conferred, or upon whom any function is imposed by or under this Act may, by writing under his hand, delegate all or any of his powers or functions to another person, except this power of delegation.
- (2) A power or function delegated under this section may be exercised or performed by the delegate in accordance with the instrument of delegation.
- (3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the person delegating that power or function.

42 Certain proceedings not to be taken

No civil or criminal action or proceedings shall lie or be brought against the Crown or any person acting in the execution or intended execution of this Act, the Regulations or a delegation under this Act, or in compliance or intended compliance with any direction given or purported to be given under this Act or the Regulations, in respect of anything done or omitted to be done in good faith by that person under or for the purposes of this Act or the Regulations.

43 Entry on certain land

Where it is necessary for the purpose of counter disaster operations to enter on land that is Aboriginal land within the meaning of the *Aboriginal Land Act*, a person may enter and remain on that land for such period as is reasonably necessary to exercise his powers under this Act notwithstanding that he does not hold a permit under that Act to enter and remain on the land.

44 Person exercising power, &c., not to be obstructed

No person shall assault, obstruct, threaten, abuse, insult or intimidate a person exercising his powers or performing his functions under this Act.

45 Offence and penalty

A person who contravenes or fails to comply with this Act, the Regulations, or an order or direction lawfully given, or a requisition lawfully made under this Act or the Regulations, is guilty of an offence against this Act.

Penalty: \$5,000.

46 Offences by body corporate

Where a body corporate commits an offence against this Act or the Regulations:

- (a) the managing director, manager or other governing officer, by whatever name called, and every member of the governing body thereof, by whatever name called; and
- (b) every person who in the Territory manages, acts or takes part in the management, administration, or government of the business in the Territory of the body corporate,

shall be deemed also to have committed the offence jointly with the body corporate.

47 Protection of employment rights

A person who, during the period of a state of disaster or state of emergency, is absent from his usual employment or duties in connection with counter disaster measures in any capacity whatsoever, shall not be liable for dismissal, loss of long service leave, sick leave, recreation leave or other benefits to which he may be entitled under the industrial award or agreement applicable to his usual employment, by reason only of his absence on those duties, whether or not his usual employer has consented to his absence.

48 Compensation for personal injury

The Territory shall be liable in respect of the loss of life of, or injury to, a person, that occurs while that person is:

- (a) engaged in counter disaster activities under the authority of the Territory Controller, Director, Regional Controller or Local Controller; or
- (b) participating in counter disaster training under the control of:
 - (i) the Director or a person acting under the authority of the Director;
 - (ii) a Regional Controller; or
 - (iii) a Local Controller,

as if that person were a person to whom the *Compensation (Australian Government Employees) Act 1971* of the Commonwealth applies.

49 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Part IX Transitional provisions**50 First Council, &c.**

- (1) In this Part, ***the repealed Act*** means the *Northern Territory Disasters Act* in force immediately before the commencement of this Act.
- (2) A person who, at the commencement of this Act, was a member of the Northern Territory Counter Disaster Council constituted under the repealed Act shall be a member of the Northern Territory Counter Disaster Council constituted under this Act until 3 members of the last-named Council have been appointed under section 7(2)(c).
- (3) The Territory Co-ordinator within the meaning of the repealed Act shall be the Territory Controller under this Act until the Territory Controller is appointed under section 11.

- (4) The persons and voluntary members who, immediately before the commencement of this Act, are appointed to the Northern Territory Emergency Service under the repealed Act shall constitute the Northern Territory Emergency Service under this Act until they are appointed as registered voluntary members under section 16(2)(a) or until their appointments under the repealed Act lapse, whichever is the sooner.
- (5) A person who, immediately before the commencement of this Act, was appointed under the repealed Act as a Regional Counter Disaster Co-ordinator in respect of a particular region shall be a Regional Controller under this Act in respect of the particular region until a Regional Controller for that particular region is appointed under section 22.
- (6) A person who, immediately before the commencement of this Act, was appointed under the repealed Act as a Local Co-ordinator for a particular town, community or locality shall be a Local Controller under this Act in respect of the particular town, community or locality until a Local Controller for that town, community or locality is appointed under section 28.
- (7) Where, immediately before the commencement of this Act, the Northern Territory Counter Disaster Council constituted under the repealed Act had, in accordance with that Act, divided the Territory into regions, for the purpose of this Act those regions shall be the regions of the Territory under this Act until publication of a notice specifying regions for the purpose of this Act is published under section 9(2).

Schedule

section 3

Repealed Acts

<i>Northern Territory Disasters Ordinance 1976</i>	(No. 31 of 1977)
<i>Northern Territory Disasters Act 1978</i>	(No. 91 of 1978)
<i>Northern Territory Disasters Act 1979</i>	(No. 7 of 1980)
<i>Northern Territory Disasters Act 1981</i>	(No. 74 of 1981)

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Disasters Act 1982 (Act No. 96, 1982)***

Assent date	15 December 1982
Commenced	21 December 1982 (<i>Gaz S36</i> , 21 December 1982)

Statute Law Revision Act 1987 (Act No. 9, 1987)

Assent date	27 May 1987
Commenced	27 May 1987

Disasters Amendment Act 1988 (Act No. 52, 1988)

Assent date	17 November 1988
Commenced	17 November 1988

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993 (Act No. 11, 1993)</i> and <i>Gaz S53</i> , 29 June 1993)

Statute Law Revision Act 1994 (Act No. 50, 1994)

Assent date	20 September 1994
Commenced	20 September 1994

3**LIST OF AMENDMENTS**

s 4	amd No. 52, 1988, s 2
s 5	amd No. 52, 1988, s 3
s 11	rep No. 52, 1988, s 3
s 14	amd No. 28, 1993, s 3
s 17	amd No. 50, 1994, s 7
s 24	amd No. 9, 1987, s 2; No. 28, 1993, s