



## NORTHERN TERRITORY OF AUSTRALIA

---

No. 26 of 1987

---

### AN ACT

to amend the *National Companies and Securities Commission (Northern Territory Provisions) Act*

[Assented to 29 June, 1987]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

#### 1. SHORT TITLE

This Act may be cited as the *National Companies and Securities Commission (Northern Territory Provisions) Amendment Act 1987*.

#### 2. COMMENCEMENT

(1) Subject to this section, this Act shall come into operation on the day on which the Administrator's assent to it is declared.

(2) Section 5 shall be deemed to have come into operation on 1 July 1986.

(3) Section 6 shall come into operation on the day on which section 162 of the *Companies and Securities Legislation (Miscellaneous Amendments) Act 1985* of the Commonwealth comes into operation.

#### 3. PRINCIPAL ACT

The *National Companies and Securities Commission (Northern Territory Provisions) Act* is in this Act referred to as the Principal Act.

---

*National Companies and Securities Commission  
(Northern Territory Provisions) Amendment*

4. INTERPRETATION

Section 3(1) of the Principal Act is amended by inserting after the definition of "functions" the following:

"'futures contract' means a futures contract within the meaning of the *Futures Industry (Northern Territory) Code* or of the provisions of a law in force in a participating State or in a participating Territory that corresponds with that Code;"

5. PROCEEDINGS AT HEARINGS

Section 9(1) of the Principal Act is amended -

- (a) by omitting "and" following paragraph (d); and
- (b) by omitting paragraph (e) and substituting the following:

"(e) except in the case of a hearing before a Division of the Commission - the provisions of section 20 of the Commission Act (other than subsections (3A) and (3B)) apply, so far as they are capable of application, as if the hearing were a meeting of the Commission; and

- (f) in the case of a hearing before a Division of the Commission - the provisions of section 20 of the Commission Act (other than subsections (3A) and (3B)) and of section 21 of that Act (other than subsections (4A) and (4B)) apply, so far as they are capable of application, as if the hearing were a meeting of that Division."

6. DELEGATION BY COMMISSION

Section 12 of the Principal Act is amended -

- (a) by inserting after subsection (1) the following:

"(1A) Without limiting the generality of subsection (1), the Commission may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to a member or acting member all or any powers of the Commission under section 7, 8, 9 or 10.";

- (b) by inserting after subsection (6) the following:

"(6A) Any act or thing done in the exercise of a power by a person to whom that power has been delegated by the Commission under subsection (1A) shall be deemed to have been done by the Commission.";

*National Companies and Securities Commission  
(Northern Territory Provisions) Amendment*

- (c) by inserting in subsections (7), (8) and (13) after "subsection (1)" the words "or (1A)"; and
- (d) by inserting in subsection (13)(a) after "9(1)(e)" the words "and (f)".

7. RESTRICTIONS ON DEALING IN SECURITIES

Section 16 of the Principal Act is amended -

- (a) by omitting subsection (1) (other than the footnote) and substituting the following:

"(1) A person who -

- (a) is, or has at any time been -

- (i) appointed for the purposes of this Act or any other prescribed Act or law;
  - (ii) engaged as a member of the staff of the Commission; or
  - (iii) authorized to perform or exercise any function or power of the Commission or any function or power on behalf of the Commission; and

- (b) has, by reason that the person is, or has at any time been, so appointed, engaged or authorized, information that is not generally available but, if it were, would be likely materially to affect -

- (i) the price of securities; or
  - (ii) the price for dealing in a futures contract,

shall not -

- (c) in a case where paragraph (b)(i) applies - deal in, or cause or procure any other person to deal in, those securities; or
- (d) in a case where paragraph (b)(ii) applies - deal in, or cause or procure any other person to deal in, that futures contract or a futures contract of the same kind as that futures contract."

- (b) by omitting subsection (2) and substituting the following:

"(2) Where a person to whom subsection (1) applies has information as mentioned in that subsection and, in contravention of that subsection -

*National Companies and Securities Commission  
(Northern Territory Provisions) Amendment*

- (a) deals in, or causes or procures another person to deal in, securities; or
- (b) deals in, or causes or procures another person to deal in, a futures contract,

the first-mentioned person is liable to compensate any other party to the transaction for any loss sustained by that party by reason of -

- (c) any difference between the price at which the securities were dealt in in that transaction and the price at which they would be likely to have been dealt in in such a transaction at the time when the first-mentioned transaction took place if the information had been generally available; or
- (d) any difference between the price at which the dealing in that futures contract took place and the price at which it would be likely to have taken place if the information had been generally available,

as the case may be.";

- (c) by omitting subsection (5) and substituting the following:

"(5) An action under this section for recovery of compensation for a loss is not maintainable after the end of the period of 2 years commencing on the day of completion of -

- (a) the transaction in which securities were dealt in and in which the loss occurred; or
- (b) the dealing in a futures contract, being the dealing in which the loss occurred,

as the case requires."; and

- (d) by adding at the end the following:

"(8) An expression (other than a reference to a futures contract) used -

- (a) in a provision of subsection (1)(b)(ii) or (d), (2)(b) or (d) or (5)(b); or
- (b) in the *Futures Industry (Northern Territory) Code*,

has the same meaning in that provision as it has in that Code."

*National Companies and Securities Commission  
(Northern Territory Provisions) Amendment*

8. NOTIFICATION OF INTEREST

Section 17 of the Principal Act is amended -

- (a) by inserting after subsection (1)(c) the following:
    - "(ca) a futures contract in which the person has a relevant interest;
    - (cb) a futures contract that is of the same kind as a futures contract in which the person has a relevant interest;"
  - (b) by omitting from subsection (2) "or particular securities" and substituting ", particular securities or a particular futures contract"; and
  - (c) by inserting in subsection (3) after "securities" the words ", or in a futures contract, whether a futures contract is of the same kind as another futures contract".
-