

NORTHERN TERRITORY OF AUSTRALIA
ESSENTIAL GOODS AND SERVICES ACT
No. 99 of 1981
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NORTHERN TERRITORY OF AUSTRALIA

No. 99 of 1981

AN ACT

To control and manage prescribed goods or services during periods of shortage, and for related purposes

[Assented to 21 December 1981]

BE 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:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Essential Goods and Services Act 1981.

2. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"community" means a group of persons identified by their presence in a geographical area or by common interest;

"declaration" means a declaration under section 5(1) or (2);

"goods" means -

(a) fuel, including fossil fuel derivatives and gases;

(b) bread, eggs, milk; or

(c) any other foodstuff or commodity required for the maintenance of public health or a service, being a foodstuff or commodity prescribed under section 18 as goods for the purposes of this Act;

"notice" means a notice of a declaration;

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"service" means -

- (a) any of the following services or facilities ordinarily available to the public:
 - (i) public transportation of persons or freight other than taxi-cab services;
 - (ii) fire fighting services;
 - (iii) hospitals administered under the Hospitals and Medical Services Act;
 - (iv) electricity supplied under the Electricity Commission Act;
 - (v) water supply;
 - (vi) garbage collection, sanitary cleansing or sewerage; or
- (b) any other service or facility -
 - (i) concerned with the maintenance of public health or a public utility; or
 - (ii) upon which a service listed in paragraph (a) or concerned with the maintenance of public health or a public utility depends for its maintenance or operation, being a service or facility prescribed under section 18 as a service for the purposes of this Act.

(2) A power of prohibition under this Act shall include a power to prohibit generally or with limitations as to place, time and subject-matter and either absolutely or subject to specified conditions or restrictions.

3. APPLICATION

Where a provision of another Act is inconsistent with this Act or a declaration, direction, prohibition or requisition made or given under this Act, this Act or the declaration, direction, prohibition or requisition so made or given shall prevail.

4. CROWN TO BE BOUND

This Act binds the Crown.

PART II - DECLARATION OF SHORTAGE

5. DECLARATION OF SHORTAGE

(1) The Administrator may, by notice in the Gazette, declare that a shortage exists in relation to goods or services specified in the

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notice if he is satisfied that the provision, supply or distribution of the goods or services is, or is likely to become, less than is sufficient for the reasonable requirements of a community.

(2) Where a declaration is in force, including a declaration in force by virtue of this sub-section, and the Administrator is satisfied that it is necessary for the declaration to continue for a greater period than the period specified in the notice, he may, by notice in the Gazette, further declare that the shortage continues to exist.

(3) A declaration shall have effect on and from the date specified in the notice -

(a) for one month; or

(b) for such shorter period as is specified in the notice.

6. PRESENTATION OF DECLARATION TO LEGISLATIVE ASSEMBLY

The Minister shall lay a copy of a notice before the Legislative Assembly within 3 sitting days of the Assembly after its publication in the Gazette and the declaration may be revoked by resolution of the Assembly.

7. POWER OF MINISTER

(1) Where a declaration is in force, the Minister may take such action as he thinks fit to ensure that the goods or services specified in the notice are available for use, and are used, in a manner best calculated by him to serve the interests of a community.

(2) Without limiting the generality of sub-section (1), the Minister may, by instrument in writing, in relation to goods or services specified in a notice -

(a) give such directions as he thinks fit to prohibit or promote the sale, supply, distribution, use or consumption of the goods or services;

(b) direct a person who extracts, produces, holds, transports, distributes or provides the goods or services to extract the goods or services for, or produce, transport, distribute or provide the goods or services to, a person specified in the direction and direct that person to accept those goods or services;

(c) direct a person who extracts, produces, holds, transports, distributes or provides the goods or services to provide such information in relation to the goods or services as the Minister thinks fit;

(d) in relation to services -

(i) direct what services shall be maintained and upon what terms and conditions they shall operate;

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- (ii) direct persons and bodies to operate and maintain services to the extent and upon the terms specified in the direction;
 - (iii) direct at what times and places and upon what terms and conditions, and in what manner, services may be used or availed of;
 - (iv) prohibit the operation or use of services except, if so specified in the prohibition, with the consent of the Minister;
 - (v) requisition the use of property of any kind which is used or may be used for or in connection with the operation or maintenance of a service which, in his opinion, is an essential service; and
 - (vi) provide for or control, by direction, prohibition or requisition, the operation, use, disposal, distribution, storage, repair, upkeep and maintenance of any property or commodity used or which may be used for or in connection with a service which, in his opinion, is an essential service; and
- (e) provide, by direction, prohibition or requisition, for any matter or thing incidental to the carrying into effect of the powers referred to in this section.

8. PROTECTION OF EMPLOYMENT RIGHTS

(1) A person who, in complying with a direction, prohibition or requisition under section 7, is absent from his usual place of employment, 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 other terms of service applicable to his usual employment by reason only of his absence, whether his absence is with or without the consent of his usual employer.

(2) A person who, in complying with a direction, prohibition or requisition under section 7, commences or continues in employment whether with or without the consent of the person for whom the work is done, shall be entitled to the benefits to which he would be entitled in the industrial award or other terms of service applicable to that form of employment from the person for whom the work is done.

(3) Nothing in sub-section (1) or (2) shall entitle a person to claim double payments or benefits for the same period of time, except if such payment or benefit is provided for by the direction, prohibition or requisition under section 7 in compliance with which the person is absent from his usual place of employment or commences or continues in employment.

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9. CERTAIN PROCEEDINGS NOT TO BE TAKEN

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

10. TABLING OF DIRECTION, &c.

The Minister shall lay a direction, prohibition or requisition under section 7 before the Legislative Assembly within 3 sitting days of the Assembly after it is made or given.

PART III - COMPENSATION

11. COMPENSATION

(1) Notwithstanding section 9, a person who -

(a) complies with a direction, prohibition or requisition under section 7 or is engaged in complying with or carrying into effect the direction, prohibition or requisition; and

(b) suffers a loss, injury or damage resulting or arising from, or by reason of complying with the direction, prohibition or requisition under section 7,

shall be compensated by the Crown, on just terms, for the loss, injury or damage so suffered.

(2) Where a person dies as a result of, or whilst engaged in, complying with a direction, prohibition or requisition under section 7 and, but for his death, he would have had a right under sub-section (1) to compensation from the Crown on just terms -

(a) his death is deemed to be the result of a wrongful act; and

(b) his right to compensation is deemed to be an action for damages,

for the purposes of section 7(1) of the Compensation (Fatal Injuries) Act.

(3) A person who has a right to compensation from the Crown on just terms, under sub-section (1), may apply to the Supreme Court to determine the amount of compensation and the Supreme Court shall determine the amount accordingly.