



NORTHERN TERRITORY OF AUSTRALIA

No. 74 of 1981

AN ACT

To amend the Northern Territory Disasters Act

[Assented to 18 September 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:

1. SHORT TITLE

This Act may be cited as the Northern Territory Disasters Amendment Act 1981.

2. PRINCIPAL ACT

The Northern Territory Disasters Act is in this Act referred to as the Principal Act.

3. DEFINITIONS

Section 3 of the Principal Act is amended -

(a) by inserting after the definition of "counter disaster plan" the following:

"'Departmental Head' means a Departmental Head within the meaning of the Public Service Act"; and

(b) by inserting after the definition of "state of disaster" the following:

"'state of emergency' means a state of emergency declared under section 23A by the Minister;"

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4. COUNTER DISASTER COUNCIL

Section 6 of the Principal Act is amended -

(a) by omitting sub-section (2) and substituting the following:

"(2) Subject to sub-section (5), the Council shall consist of -

(a) the Departmental Head of the Department of the Chief Minister, who shall be the Chairman of the Council;

(b) the Director, who shall be the Executive Officer of the Council;

(c) the Territory Co-ordinator;

(d) the Departmental Head of the Department of Health;

(e) the Departmental Head of the Department of Transport and Works; and

(f) such other members appointed by the Minister in pursuance of this section.";

(b) by inserting after sub-section (4) the following:

"(4A) Before appointing a person in pursuance of sub-section (2)(f) who is to be a member as a representative of the Commonwealth of Australia, the Minister shall obtain the consent of the Commonwealth to the appointment."; and

(c) by inserting after sub-section (5) the following:

"(6) In the exercise of its powers or performance of its functions under this Act, the Council shall be subject to the direction of the Minister."

5. FUNCTIONS OF TERRITORY CO-ORDINATOR

Section 11 of the Principal Act is amended by omitting "during a state of disaster".

6. DIRECTOR

Section 12 of the Principal Act is amended by inserting after sub-section (2) the following:

"(3) In the exercise of his powers or performance of his functions under this Act, the Director shall be subject to the direction of the Territory Co-ordinator."

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7. REGIONAL COUNTER DISASTER CO-ORDINATOR

Section 16 of the Principal Act is amended by adding the following:

"(2) In the exercise of his powers and performance of his functions under this Act, a Regional Counter Disaster Co-ordinator shall be subject to the direction of the Territory Co-ordinator."

8. NEW PART

The Principal Act is amended by inserting after Part VI the following:

"PART VIA - STATE OF EMERGENCY

"23A. DECLARATION OF STATE OF EMERGENCY

"(1) If, at any time the Minister believes, on reasonable grounds, that there is an impending disaster likely to affect the Territory, and that the extent or degree of that impending disaster is, or is likely to be, so great that extraordinary measures are necessary or advisable for the protection of life or 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 impending disaster.

"(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 by the Minister or until a declaration under section 20 relating to the area comes into force, whichever first occurs.

"23B. SPECIAL POWERS DURING STATE OF EMERGENCY

"(1) During a state of emergency, the Territory Co-ordinator, a Regional Co-ordinator, a Local Co-ordinator, a member of the Police Force of the Northern Territory or an authorized person may, for the purposes of carrying out counter disaster activities or for the safety of the public generally -

- (a) require the owner or occupier of residential premises or person apparently in charge of a place of business, worship or entertainment to take such action as directed to alleviate the possibility of damage or injury should the impending disaster occur;
- (b) enter, by force if necessary, unoccupied premises and take such action as he thinks fit to alleviate the possibility of damage or injury should the impending disaster occur;

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- (c) require the owner or person in possession of any personal property to surrender it or place it under the control and discretion of the person making the requisition;
- (d) 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;
- (e) 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 that vehicle;
- (f) require a person to vacate premises; and
- (g) require a person to assist him in the exercise of his powers or performance of his functions during the state of emergency,

and shall carry out such other tasks as directed by the Minister.

"(2) A person who suffers a loss or damage to his property by reason of the exercise of the powers under sub-section (1) shall be entitled to receive fair and reasonable compensation from the Territory for such loss or damage."

9. PROTECTION OF EMPLOYMENT RIGHTS

Section 29 of the Principal Act is amended by inserting after "state of disaster" the words "or state of emergency".

10. COMPENSATION FOR PERSONAL INJURY

Section 30 of the Principal Act is amended by inserting after "Compensation (Australian Government Employees) Act 1971" the words "of the Commonwealth".

11. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

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SCHEDULE

Section 11

AMENDMENTS

Provision	Amendment	
	omit	substitute
Sections 12(2) and 14(2)(a)	" <u>Public Service Ordinance</u> "	" <u>Public Service Act</u> "
Section 20(2)(b)	"Administrator in Council"	"Administrator"
Section 22(1)(f)	" <u>Control of Roads Ordinance</u> "	" <u>Control of Roads Act</u> "
Section 22(2)	"Administrator in Council"	"Administrator"
Section 27	"500 dollars"	"\$500"
Long title and sections 1, 2, 3, 4, 5, 6(1), 14(2)(a), 15(1), 24(1), 25, 26, 27, 28 and 31	"Ordinance"	"Act"

