



THE NORTHERN TERRITORY OF AUSTRALIA

No. 36 of 1981

AN ACT

To amend the Ports Act

[Assented to 30 March 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 Ports Amendment Act 1981.

2. PRINCIPAL ACT

The Ports Act is in this Act referred to as the Principal Act.

3. COMMENCEMENT

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

4. DEFINITIONS

Section 3 of the Principal Act is amended -

(a) by omitting the definitions of "Chairman", "declared port" and "Deputy Chairman" and substituting the following:

"'Chairman' means the Chairman of the Port Authority and includes the person appointed under section 7 to act as Chairman, while he is so acting;"; and

(b) by omitting the definitions of "member" and "Port Superintendent" and substituting the following:

"'member' means a member of the Port Authority appointed under section 6, and includes the Chairman;

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'Port' means the area of the Port of Darwin described in the Schedule;

'Port Superintendent' means the Chairman;".

5. NEW SECTION

The Principal Act is amended by inserting after section 5 the following:

"5A. DIRECTIONS OF THE MINISTER

"The Port Authority, in the exercise of its powers or the performance of its functions under this Act, is subject to the directions of the Minister."

6. REPEAL AND SUBSTITUTION

Section 6 of the Principal Act is repealed and the following substituted:

"6. CONSTITUTION OF PORT AUTHORITY

"(1) The Port Authority shall consist of the Chairman and 2 other members, appointed by the Minister.

"(2) The members, other than the Chairman, shall be appointed for a period of 3 years.

"(3) The Chairman shall be paid such salary, allowances and expenses, and hold office on such terms and conditions, as the Minister determines.

"(4) Payments of salary, allowances and expenses to the Chairman and fees and allowances to the members shall be made from the revenue of the Port Authority.

"6A. AUTHORITY OF CHAIRMAN

"The Chairman shall, subject to the directions of the Port Authority, administer the affairs of the Port Authority."

7. REPEAL AND SUBSTITUTION

Sections 7 and 8 of the Principal Act are repealed and following substituted:

"7. ACTING CHAIRMAN

"The Minister may appoint a person to act from time to time as the Chairman during the absence from duty of the Chairman or a vacancy in the office of Chairman.

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"8. MEETINGS OF PORT AUTHORITY

"The Port Authority shall meet at such times and places as the Chairman considers necessary for the efficient conduct of its affairs but so that the period between any 2 successive meetings does not exceed 3 months.

"8A. PROCEDURE AT MEETINGS

"At a meeting of the Port Authority -

- (a) the Chairman and one member shall constitute a quorum;
- (b) the Chairman shall preside;
- (c) all questions shall be decided by a majority of votes of members present and voting; and
- (d) the Chairman has a deliberative vote and, in the event of an equality of votes, has also a casting vote."

8. REPEAL

Sections 18, 24 and 29 of the Principal Act are repealed.

9. THE SCHEDULE

The Schedule to the Principal Act is repealed and the Schedule set out in Schedule 1 to this Act is substituted.

10. EXISTING APPOINTMENTS TO CEASE

Where, immediately before the commencement of this Act, a person was the Chairman, Deputy Chairman or other member of the Port Authority under the Principal Act, he shall, on the commencement of this Act, cease to hold that office but is eligible for reappointment as a member under the Principal Act as amended by this Act.

11. FURTHER AMENDMENTS

The Principal Act is further amended as set out in Schedule 2.

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SCHEDULE 1

Section 9

Substitution of Schedule in Principal Act

"SCHEDULE

Section 3

Area of the Port of Darwin

ALL THAT area bounded by a line commencing at Lee Point at high water mark at a post bearing 19 degrees 37 minutes 20 seconds distant 1350.6 feet from a peg at the northeast corner of Section 25 Hundred of Sanderson thence following the line of high water mark of Port Darwin and Fannie Bay generally southwesterly southerly and southeasterly to its intersection with a line bearing 260 degrees 4 minutes from a concrete block at the southwest corner of Lot 3675 Town of Darwin Hundred of Bagot thence on a bearing of 80 degrees 4 minutes 63 feet thence on a bearing of 151 degrees 2 minutes 40 seconds 330.2 feet thence on a bearing of 147 degrees 43 minutes 30 seconds 326.51 feet thence on a bearing of 41 degrees 5 minutes 10 seconds 241.96 feet thence on a bearing of 30 degrees 10 minutes 239.09 feet thence on a bearing of 35 degrees 21 minutes 50 seconds 406.41 feet thence on a bearing of 45 degrees 4 minutes 40 seconds 362.41 feet thence on a bearing of 55 degrees 27 minutes 30 seconds 221.43 feet to a concrete block on the boundary of the Railway Reserve thence southeasterly along the boundary of the said Railway Reserve to its intersection with high water mark as defined in Certificate of Title Volume 10 folio 162 thence generally easterly southeasterly easterly and northerly along the said high water mark to its junction with present high water mark of Frances Bay thence generally southeasterly along the high water mark of Frances Bay East Arm and Elizabeth River to the junction of Bennetts Creek with Elizabeth River excluding therefrom all surveyed blocks of the Hundreds of Bagot and Strangways thence southwesterly to the northeast corner of Section 1670 Hundred of Ayers thence west along the northern boundaries of Sections 1670 and 1657 Hundred of Ayers thence north along the eastern boundary of Section 1661 Hundred of Ayers thence west along the northern boundaries of the said Section 1661 and Sections 1660 and 1659 Hundred of Ayers thence slightly south of west to the northern corner of the easternmost boundary of Section 1 Hundred of Ayers thence generally northerly westerly southerly and southeasterly along the boundaries of the said Section 1 to the southern corner of the easternmost boundary of the said Section 1 Hundred of Ayers thence generally southerly along high water mark of the eastern side of Middle Arm and Blackmore River to its intersection with the southern boundary of the Hundred of Ayers thence generally westerly along the said southern boundary of the Hundred of Ayers to its intersection with high water mark on the western side of the Blackmore River thence along high water mark generally northerly westerly southerly westerly to its northernmost intersection with the western boundary of the Hundred of Ayers excluding therefrom all surveyed blocks in the said Hundred of Ayers

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thence south along the said western boundary to a point 6 (six) chains south of the intersection of the said boundary and high water mark of part of Middle Arm thence generally northwesterly by a line 6 (six) chains above the said high water mark to the intersection of the said line and the southern boundary of the Hundred of Bray thence west 6 (six) chains along the said Hundred boundary to high water mark of West Arm and thence generally northerly and westerly along the said high water mark of West Arm and Port Darwin to terminate at the northern extremity of Charles Point excluding therefrom all surveyed blocks in the Hundred of Bray thence by a straight line to the point of commencement all bearings true. TOGETHER WITH the land comprised in Lot 5262 Town of Darwin Hundred of Bagot."

SCHEDULE 2

Section 11

Provision of the Principal Act	Amendment	
	Omit	Substitute
Section 3		
- definition of "employee"	<u>"Public Service Ordinance"</u>	<u>"Public Service Act"</u>
- definition of "liquor"	<u>"Licensing Ordinance"</u>	<u>"Liquor Act"</u>
Section 9(3)	"400 dollars"	"\$400"
Section 20A(1)	"Administrator in Council"	"Administrator"
	<u>"Crown Lands Ordinance"</u>	<u>"Crown Lands Act"</u>
Section 21(1)	"declared ports"	"the Port"
Section 21(2)	"the provisions of"	
	"a declared port" (wherever occurring)	"the Port"

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Provision of the Principal Act	Amendment	
	Omit	Substitute
Sections 21(2)(a)(ii)	"this Ordinance"	"this Act"
Section 21(2)(b)	sub-paragraphs (ii) and (iii)	
Section 22(1)	"a declared port"	"the Port"
Section 22(2)	"a declared port" (twice occurring)	"the Port"
	"that declared port"	"the Port"
Section 22(3)	"a declared port"	"the Port"
	"this Ordinance"	"this Act"
Section 22A(1)	"a declared port"	"the Port"
Section 22A(2)	"this Ordinance"	"this Act"
	"that declared port"	"the Port"
Section 22B	"a declared port"	"the Port"
Section 22C(1)	"a declared port"	"the Port"
	"this Ordinance" (twice occurring)	"this Act"
Section 23(2)(g)	"this Ordinance"	"this Act"
Section 23(2)(h)	"a declared port"	"the Port"
	"any declared port"	"the Port"
Section 23(2)(i)	"any declared port"	"the Port"
Section 23(2)(k) and (l)	"a declared port" (twice occurring)	"the Port"
Section 23A(1)	"of the Northern Territory"	
	"a declared port"	"the Port"

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Provision of the Principal Act	Amendment	
	Omit	Substitute
Section 23A(2)	"of the Northern Territory"	
Section 25(1)	"this Ordinance"	"this Act"
Section 25(2)	"The provisions of sub-section (1) do"	"Sub-section (1) does"
Section 26(1)	"this Ordinance"	"this Act"
	"the declared port" (twice occurring)	"the Port"
	"a declared port" (wherever occurring)	"the Port"
Section 26(2)	"a declared port"	"the Port"
	"400 dollars"	"\$400"
Section 27(5)	"a declared port"	"the Port"
Section 27A(1)	"a declared port" (wherever occurring)	"the Port"
	"inflammable"	"flammable"
	"500 tons"	"500 tonnes"
	"the declared port"	"the Port"
Section 27A(2)	"a declared port" (twice occurring)	"the Port"
Section 27B(2)	"a declared port"	"the Port"
Section 27C(3)	"100 dollars"	"\$100"
Section 27C(5)	"a declared port"	"the Port"
Section 27D(1)	"a declared port"	"the Port"
Section 27F	"this Ordinance" (twice occurring)	"this Act"
	"100 dollars"	"\$100"

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Provision of the Principal Act	Amendment	
	Omit	Substitute
Section 28	"this Ordinance" (wherever occurring)	"this Act"
	"a declared port" (wherever occurring)	"the Port"
	"inflammable" (twice occurring)	"flammable"
	"100 dollars"	"\$100"
Section 29A	"this Ordinance" (wherever occurring)	"this Act"
	"appointed under the <u>Magistrates Ordinance</u> "	
Section 29B	"this Ordinance" (wherever occurring)	"this Act"
Long title, sections 1, 2, 3, 4, 5, 27E, 27G and 30	"Ordinance" (wherever occurring)	"Act"