

THE NORTHERN TERRITORY OF AUSTRALIA

No. 3 of 1981

AN ACT

To amend the Inspection of Machinery Act

[Assented to 9 January 1981]

3E 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 Inspection of Machinery Amendment Act 1980.

2. PRINCIPAL ACT

The Inspection of Machinery Act is in this Act referred to as the Principal Act.

3. DEFINITIONS

Section 5(1) of the Principal Act is amended -

- (a) by omitting from paragraph (b) of the definition of "boiler" the words "but does not include containers used for transport";
- (b) by omitting from the definition of "inspector" the word "inspector" (last occurring) and substituting "inspector, and includes the Chief Inspector"; and
- (c) by omitting the definition of "this Ordinance" and substituting the following definition:

"'this Act' includes the Regulations;"

4. EXEMPTIONS

Section 6 of the Principal Act is amended by omitting paragraph (a).

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5. NEW SECTION

The Principal Act is amended by inserting after section 7 but in Part I the following section:

"7A. ACT TO BIND CROWN

"This Act binds the Crown."

6. NEW SECTION

The Principal Act is amended by inserting after section 10 the following section:

"10A. PROTECTION OF INSPECTORS, &c.

"An act done or omitted to be done by an inspector or a person called to the aid of an inspector under section 10 in good faith in the exercise, or purported exercise, of a power conferred or a duty imposed by this Act does not render the Territory, or the inspector or the person personally, liable with respect to that act or omission."

7. REPEAL

Sections 13 and 55 of the Principal Act are repealed.

8. NEW SECTION

The Principal Act is amended by inserting after section 78 the following section:

"78A. AVERMENTS

"In any proceedings for an offence against this Act or the Regulations, an averment in the complaint or information that -

- (a) a specified person is the Chief Inspector or an inspector;
- (b) a specified person at a specified time was not the holder of a specified certificate of competency; or
- (c) a certificate under section 39 was not in force at a specified time in relation to a specified boiler or specified machinery,

is evidence of the fact so averred."

9. SCHEDULES

The Principal Act is amended by omitting the First to Sixth Schedules inclusive.

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10. FURTHER AMENDMENTS

The Principal Act is amended by omitting from each section specified in Column 1 of the Schedule the words specified opposite thereto in Column 2 of the Schedule and substituting therefor the words, specified opposite thereto in Column 3 of the Schedule.

11. SAVINGS

Notwithstanding the amendments to sections 18(1), 21, 32(1), 39 and 62A of the Principal Act effected by this Act, until regulations under the Principal Act are made prescribing forms for the purposes of those sections, the forms prescribed by the Principal Act may be used as the forms for the purposes of those sections of the Principal Act as amended by this Act and a certificate in such a form is as valid and effectual as though it had been in the appropriate prescribed form.

SCHEDULE

Section 10

Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
12	"Penalty: 40 dollars."	"Penalty: \$2,000."
14	"Penalty: 40 dollars."	"Penalty: \$500."
15(8)	"Penalty: 100 dollars."	"Penalty: \$2,000."
15AA(1), (2) and (3)	"Penalty: 100 dollars."	"Penalty: \$1,000."
16(1)	"in writing in accordance with the Form in the First Schedule"	"in the prescribed form"
18(1)	"in accordance with the Form in the Second Schedule"	"in the prescribed form"
18(3)	"Penalty: 100 dollars."	"Penalty: \$5,000 plus \$200 in respect of each day during which the offence continues."

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Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
19(2)	"Penalty: 100 dollars."	"Penalty: \$5,000 plus \$200 in respect of each day during which the offence continues."
21	"in writing in accordance with the Form in the Third Schedule"	"in the prescribed form"
22(5)(i)	"paragraph (a) of sub-section (3)"	"sub-section (3)(a)"
22(5)(v)	"paragraph (i) of sub-section (3)"	"sub-section (3)(i)"
22(6)(iv)	"paragraph (a) of sub-section (3)"	"sub-section (3)(a)"
22(6)(vi)	"paragraph (i) of sub-section (3)"	"sub-section (3)(i)"
22(7)(ii)	"paragraph (a) of sub-section (3)"	"sub-section (3)(a)"
22(7)(iv)	"paragraph (i) of sub-section (3)"	"sub-section (3)(i)"
22(9)	"Penalty: 40 dollars."	"Penalty: \$2,000."
23(1)	"paragraph (g) of sub-section (3) of section 22"	"section 22(3)(g)"
23(4)	"Penalty: 100 dollars."	"Penalty: \$2,000."
32(1)	"in writing, in the Form in the Fourth Schedule"	"in the prescribed form"

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Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
32(3)	"Penalty: 200 dollars."	"Penalty: \$5,000 plus \$200 in respect of each day during which the offence continues."
34(4)	"Penalty: 40 dollars."	"Penalty: \$2,000."
35(1)	"Penalty: 100 dollars or imprisonment for 6 months."	"Penalty: \$5,000 or imprisonment for 6 months."
35(2)	"offence under this section."	"offence against this section."
38	"Penalty: 100 dollars or forfeiture of his office, or both."	"Penalty: \$5,000 and forfeiture of his office."
39	"in Form 1, Form 2 or Form 3, as the case may be, in the Fifth Schedule,"	"in the prescribed form"
40(1)	"Penalty: 40 dollars."	"Penalty: \$500."
43(2)	"Penalty: 40 dollars."	"Penalty: \$500."
44(1)	"Penalty: 100 dollars."	"Penalty: \$2,000."
45(3)	"Penalty: 20 dollars."	"Penalty: \$1,000."
46(2)	"Penalty: 100 dollars."	"Penalty: \$2,000."
51(2)	"2 weeks or more."	"one week or more."
51(3)	"Penalty: 100 dollars."	"Penalty: \$2,000."
52	"Stipendiary Magistrate"	"Magistrate"

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Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
58	"registered or entitled to apply for registration as a medical practitioner under the <u>Medical Practitioners Registration Ordinance</u> "	"or a person entitled to apply for registration as a medical practitioner under the <u>Medical Practitioners Registration Act</u> "
62A(b)	"the form in the Sixth Schedule"	"the prescribed form"
67(1)	"Penalty: 10 dollars for every day or part of a day during which the first-mentioned person so acts."	"Penalty: \$2,000 plus \$100 in respect of each day during which the offence continues."
68(1)	"Penalty: 40 dollars or imprisonment for 6 months."	"Penalty: \$2,000 or imprisonment for 6 months."
68(3)	"Penalty: 40 dollars."	"Penalty: \$2,000."
69	"Penalty: 40 dollars."	"Penalty: \$2,000."
70(2)	"Penalty: 20 dollars."	"Penalty: \$1,000."
74(1)	"Penalty: 100 dollars."	"Penalty: \$5,000."
77	"a penalty not exceeding 40 dollars."	"a penalty not exceeding \$2,000."
78	" <u>Justices Ordinance</u> "	" <u>Justices Act</u> "
79	" <u>Mines Regulation Ordinance</u> "	" <u>Mines Regulation Act</u> "
80	"40 dollars"	"\$2,000"

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Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
Long title and sections 1, 2, 5(1), (3), 6, 7, 8(1), 9(1), 10, 11, 16, 18(1), 19(1), 20, 21, 22(1), (8), 23(1), 24, 25, 30(2), 34(3), 46(1), 47, 48, 49(1), (3), 51(1), 52(1), 53(1), (2), 54(1), 56(2), (3), (4), (6), (8A), (9), 57(1), 65(1), 66, 67(1), 68(1), (2), 69, 73, 75, 76(1), 77, 78, 79 and 80	"Ordinance" (wherever occurring)	"Act"