

SEAT OF GOVERNMENT (ADMINISTRATION).

No. 8 of 1924.

An Act to make further provision for the Government
of the Territory for the Seat of Government.

[Assented to 23rd July, 1924.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- Short title.** 1. This Act may be cited as the *Seat of Government (Administration) Act 1924*.
- Commencement.** 2. This Act shall commence on a date to be fixed by Proclamation.
- Definitions.** 3. In this Act, unless the contrary intention appears—
 “Commissioner” means a member of the Commission;
 “the Territory” means the Territory accepted by the Commonwealth in pursuance of the *Seat of Government Acceptance Act 1909*, and described in the Second Schedule to that Act, and includes the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915*, and described in the agreement contained in the Schedule to that Act;
 “the Commission” means the Commission appointed under this Act.
- Publication of plan of city and environs.** 4.—(1.) As soon as practicable after the commencement of this Act the Minister shall publish in the *Gazette* a plan of lay-out of the city of Canberra and its environs.
 (2.) The Minister may at any time, by writing under his hand, modify or vary the plan so published, but no such modification or variation shall be made until after the expiration of thirty days after notice of intention, published in the *Gazette*, so to modify or vary the plan has been given.
 (3.) A copy of the instrument by which any modification or variation of the plan has been made shall be laid before both Houses of the Parliament within fifteen days of the making thereof if the Parliament is then sitting, or, if not, then within fifteen days of the next meeting of the Parliament.

(4.) If either House of the Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after the instrument has been laid before it, disallowing the modification or variation made by the instrument, the modification or variation shall cease to have effect.

5.—(1.) For the purposes of this Act there shall be a Federal Capital Commission, which shall be charged with the general administration of this Act. Establishment
of Commission.

(2.) The Commission shall be a body corporate, with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property, and shall be capable of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice, and shall deem that it was duly affixed.

6.—(1.) The Commission shall consist of three members who shall be appointed by the Governor-General. Members of
Commission,

(2.) The Governor-General shall appoint one of the Commissioners to be Chairman of the Commission.

(3.) The Chairman of the Commission shall devote the whole of his time to the duties of his office.

(4.) In the case of the illness, or absence from Australia, or suspension of any Commissioner, or in the event of the office of a Commissioner becoming vacant, the Governor-General may appoint a person to act during the illness, absence or suspension, or until the appointment of a Commissioner, as the case may be, and the person so acting shall have all the powers and perform all the duties of a Commissioner.

(5.) At their first meeting in each calendar year the members of the Commission may elect one of their number to be Deputy Chairman until the first meeting of the Commission in the next calendar year.

(6.) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside.

(7.) At any meeting of the Commission two Commissioners shall form a quorum.

(8.) At any meeting of the Commission at which the Chairman is present, he shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.

(9.) If at any meeting of the Commission at which the Chairman is not present the members present differ in opinion upon a matter, the determination of that matter shall be postponed to the next meeting of the Commission.

7. The remuneration of the Chairman of the Commission shall not exceed Three thousand pounds per annum, and the remuneration of each of the other members shall be by way of fees as prescribed. Remuneration
of
Commissioners.

The total amount of remuneration paid by fees shall not exceed the sum of Four thousand pounds per annum.

Period of
office of
Commissioners.

8.—(1.) Of the three persons first appointed as members of the Commission, one person shall be appointed for a term of five years, one for a term of four years, and one for a term of three years.

(2.) Thereafter each appointment of a member of the Commission shall be for a term not exceeding three years.

(3.) Every person who is appointed a member of the Commission shall, on the expiration of his term of office, be eligible for re-appointment.

(4.) Upon the happening of a vacancy in the office of a Commissioner, the Governor-General may appoint a person to the vacant office, and the person so appointed shall, subject to this Act, hold office until the expiration of the term for which his predecessor was appointed.

Suspension of
Commissioner
or Acting
Commissioner.

9.—(1.) The Minister may suspend a Commissioner, or an Acting Commissioner, from office for inability, inefficiency or misbehaviour, or neglect or failure to carry out any of the provisions of this Act or the regulations.

(2.) The Minister shall, within seven days after the suspension, if the Parliament is then sitting, or, if the Parliament is not then sitting, within seven days after the next meeting of the Parliament, cause to be laid before both Houses of the Parliament a full statement of the grounds of suspension, and if within sixty days thereafter an address is presented to the Governor-General by the Senate and the House of Representatives praying for the restoration of the Commissioner or Acting Commissioner, as the case may be, to office he shall be restored accordingly; but if no such address is so presented the Governor-General may confirm the suspension and declare the office of the Commissioner or Acting Commissioner, as the case may be, to be vacant, and the office shall thereupon be and become vacant.

Office of
Commissioner,
how vacated.

10.—(1.) A Commissioner, or an Acting Commissioner, shall be deemed to have vacated his office if—

(a) he becomes bankrupt or insolvent, or applies to take the benefit of any Act or State Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors or makes an assignment of his salary for their benefit; or

(b) he is wilfully absent from duty for a period of fourteen consecutive days, (or, where his remuneration is by way of fees, he is wilfully absent from three consecutive meetings of the Commission of which the prescribed notice has been given), except on leave granted by the Minister (which leave the Minister is hereby authorized to grant), or becomes permanently incapable of performing his duties; or

(c) he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—

(i) becomes concerned or interested in any contract or agreement made by or on behalf of the Commission ; or

(ii) participates, or claims to be entitled to participate, in the profit of any such contract or agreement or in any benefit or emolument arising therefrom.

(2.) If a Commissioner, or an Acting Commissioner, becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Commission, or in any way participates, or claims to be entitled to participate, in the profit thereof, or in any benefit or emolument arising therefrom, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons, he shall be guilty of an indictable offence.

Penalty : Five hundred pounds, or imprisonment for three years, or both.

11. A person who is an uncertificated bankrupt or insolvent shall be incapable of being appointed a Commissioner or an Acting Commissioner.

Uncertificated insolvent not to be Commissioner or Acting Commissioner.

12.—(1.) The Commissioners shall not, in respect of their services as Commissioners, be subject to the *Commonwealth Public Service Act 1922*.

Commissioners not subject to *Commonwealth Public Service Act 1922*.

(2.) If an officer of the Public Service of the Commonwealth is appointed Chairman of the Commission, his service as Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and if an officer of the Public Service of a State is appointed Chairman, his service as Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

13.—(1.) The appointment of all permanent officers required for the purposes of this Act shall be made under and in accordance with the provisions of the *Commonwealth Public Service Act 1922*.

Appointment of officers.

(2.) The Chairman of the Commission shall have all the powers of a Permanent Head under the *Commonwealth Public Service Act 1922* in relation to permanent officers employed for the purposes of this Act.

14.—(1.) Subject to this Act, and to any Ordinance made in pursuance of the *Seat of Government (Administration) Act 1910*, the powers of the Commission in relation to the Territory shall include the following :—

Powers of the Commission.

(a) the control and management of Crown lands (including lands acquired by the Commonwealth prior to the

- commencement of this Act which are contiguous to the Territory), not being lands which the Minister notifies the Commission are required by the Commonwealth for the erection of buildings or for any other public purpose ;
- (b) the levying and collection of rates upon land in the Territory alienated from the Crown, and upon land held under lease from the Crown (not being land exempted by or under any regulation made in pursuance of this Act) ;
 - (c) the construction, maintenance and operation of tramways ;
 - (d) the construction, maintenance and control of roads, bridges, culverts, levees, sewers, drains and water-courses ;
 - (e) the provision of gas, electricity, water and sewerage ;
 - (f) the provision and maintenance of markets, weighbridges, pounds, and abattoirs ;
 - (g) forestry and afforestation, and the preservation of fauna and flora ;
 - (h) the destruction of vermin and noxious weeds ;
 - (i) the protection of public health and the maintenance of sanitation ;
 - (j) subject to the approval of the Minister, the construction of all works and buildings required by the Commonwealth in the Territory, except works exempted by Order in Council from the operation of this paragraph ;
 - (k) the construction and maintenance of all works and buildings required for the purposes of the Commission ;
 - (l) such other matters as are specified in any regulation made under this Act ; and
 - (m) generally the municipal government of the Territory.

(2.) In the designing and construction of all works and buildings in pursuance of the last preceding sub-section, the Commission shall utilize as far as possible the services of officers of the Department of Works and Railways.

(3.) In the exercise of its powers under this Act the Commission shall not depart from, or do anything inconsistent with, the plan published in the *Gazette*, with such modifications or variations (if any) as are made in pursuance of this Act.

(4.) The provisions of the *Commonwealth Public Works Committee Act 1913-1921* shall apply in relation to works and buildings proposed to be constructed by the Commission in like manner as they apply in relation to public works proposed to be constructed by the Commonwealth.

Transfer to and vesting in Commission of public works, buildings and utilities.

15.—(1.) The Governor-General may direct the transfer to the Commission, at a valuation to be made in the prescribed manner and on such terms as he thinks fit, of any land (other than the sites allotted for Parliament House and the residence of the Governor-General) situated in the Territory, or acquired by the Commonwealth prior to the commencement of this Act and contiguous to the Territory, upon, in, or in connexion with which, or adjacent to which, public works, buildings or utilities are constructed.

(2.) Upon the giving of any such direction—

- (a) all land specified or indicated in the direction shall be vested in the Commission, for the same estate, and on the same conditions, and with the same rights, and subject to the same liabilities, as those on which the land is held by the Commonwealth; and
- (b) where in any Act, State Act, regulation, register, contract, or other document whatsoever, relating or applying to the land so vested, any reference is made to the Commonwealth, or to the Governor-General, or to a Minister of State, or to any other prescribed authority, the reference shall, unless otherwise prescribed, be read as a reference to the Commission, or to such other authority or person as is prescribed.

(3.) The Commission shall not, without the written consent of the Minister, sell or otherwise dispose of, any land vested in it in pursuance of this section, nor shall the Commission dispose of the freehold title to any land.

(4.) Subject to the last preceding sub-section, and to any Act or to any Ordinance made under the *Seat of Government (Administration) Act 1910*, the Commission shall have full powers of managing, leasing, and otherwise dealing with any land vested in it in pursuance of this section.

(5.) Without limiting the scope of the powers conferred upon the Commission by the last preceding sub-section, it is hereby declared that those powers shall include the power to charge the Commonwealth or any authority or person occupying any land vested in the Commission, rent for the use of the land, and a reasonable sum for any services rendered to the Commonwealth, authority or person by the Commission.

(6.) The maximum rent which may be charged in respect of the use of any land may be fixed in the prescribed manner.

(7.) In this section "land" includes any estate or interest in land, and any improvements thereon.

16.—(1.) The Commission may, subject to the approval of the Governor-General, make by-laws, not inconsistent with this Act or with any regulation made under this Act, or with any ordinance made in pursuance of the *Seat of Government (Administration) Act 1910*, prescribing all matters which appear to it to be necessary or convenient, for carrying out or giving effect to any power conferred by this Act upon the Commission, and in particular for prescribing penalties not exceeding Fifty pounds or imprisonment for three months for any contravention of the by-laws. By-laws.

(2.) All such by-laws shall—

- (a) be notified in the *Gazette*; and
- (b) take effect from the date of notification, or from a later date specified in the by-laws; and

(c) be laid before both Houses of the Parliament within thirty days of the making thereof, or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

(3.) If either House of the Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after any by-law has been laid before that House, disallowing that by-law, that by-law shall thereupon cease to have effect.

(4.) By-laws shall be deemed to be Statutory Rules within the meaning of the *Rules Publication Act 1903-1916*.

Accounts of the
Commission.

17.—(1.) The revenue of the Commission shall consist of the following moneys :—

- (a) rates ;
- (b) charges for services ;
- (c) rents received from lands leased by the Commission, or under any Ordinance made under the *Seat of Government (Administration) Act 1910* ;
- (d) moneys received in pursuance of any by-law made under this Act ;
- (e) fines recovered for any contravention of any by-law made under this Act ;
- (f) moneys borrowed by the Commission in pursuance of this Act ; and
- (g) any other moneys received by the Commission.

(2.) All such moneys shall be carried to the credit of a fund to be called the "Seat of Government Fund".

(3.) The Seat of Government Fund shall be applied by the Commission towards the payment of the salaries and expenses of members of the Commission and officers employed under this Act, and of all other expenses necessarily incurred in carrying this Act into execution, and of doing and performing all acts and things which the Commission is empowered or required to do or perform.

(4.) Any surplus standing to the credit of the Seat of Government Fund shall be applied in the first instance to the reduction of the liability of the Commission in respect of moneys borrowed under this Act, and of any liability of the Commission under this Act, and thereafter in payment into the Consolidated Revenue Fund.

Audit.

18. The books and accounts of the Commission shall be subject to inspection and audit by the Auditor-General.

Application of
Committee of
Public Accounts
Act 1913-1920.

19.—(1.) The provisions of the *Committee of Public Accounts Act 1913-1920* shall apply in relation to the accounts of the receipts and expenditure of the Commission in like manner as they apply in relation to the accounts of the receipts and expenditure of the Commonwealth.

(2.) For the purposes of this section, the expression "public accounts", contained in section three of that Act, shall be deemed to include the accounts of the Commission.

20.—(1.) For the purpose of the exercise of any of its powers under this Act, the Commission may, in pursuance of a resolution passed by both Houses of the Parliament, borrow moneys to such amount, in such manner, and on such terms, as the Treasurer approves. Borrowing of moneys.

(2.) Moneys borrowed under the authority of this section shall be used only for the expenses of borrowing and for the purposes approved by the Minister.

(3.) The Commonwealth by this Act guarantees the payment by the Commission of the principal moneys borrowed by the Commission in pursuance of this section, and of any interest due upon those moneys, and the Consolidated Revenue Fund is hereby appropriated for the purpose of this section.

(4.) Pending the borrowing of moneys in pursuance of this section, the Treasurer may from time to time advance to the Commission, out of any moneys in the Commonwealth Public Account, such sums as he thinks fit.

(5.) Any moneys so advanced shall bear interest at such rate as is fixed by the Treasurer, and shall be repayable to the Commonwealth from the proceeds of the first loan raised by the Commission after the moneys have been advanced.

21.—(1.) The Commission shall be liable for the amount expended by the Commonwealth, prior to the commencement of this Act, in connection with the establishment and administration of the Territory (together with interest thereon for the prescribed periods and at the prescribed rates), after deducting therefrom the amount of the receipts of the Territory. Liability of Commission in respect of Territory.

(2.) The sum for which the Commission is liable under the last preceding sub-section shall be certified to by the Auditor-General, and shall be taken to be the amount of the liability of the Commission as at the commencement of this Act.

(3.) The amount of the liability of the Commission as at the commencement of this Act shall bear interest at the prescribed rates, and the amount of the interest shall be calculated annually, and shall be added to and form part of the principal.

(4.) The Commission shall also assume the liability of the Commonwealth under any contracts or agreements in relation to the Territory which are in existence at the date of the commencement of this Act.

(5.) For the purposes of the last preceding sub-section, any reference in any such contract or agreement to the Commonwealth shall be read as a reference to the Commission, and any reference to any Minister or other authority or officer of the Commonwealth shall be read as a reference to such authority, officer or person as is prescribed.

22.—(1.) The Commission shall prepare, in such form as the Minister directs, and submit, not later than the thirty-first day of March in each year, for the Minister's approval, estimates of the receipts and expenditure of the Commission for the next ensuing financial year. Commission to prepare annual estimates.

(2.) No expenditure shall, without the sanction of the Minister, be incurred by the Commission except in accordance with estimates approved by the Minister.

Quarterly reports by Commission.

23. In the first month in each quarter the Commission shall furnish to the Minister a written report setting out—

- (a) the approximate expenditure and receipts during the past quarter;
- (b) the general condition as regards works under the control of the Commission; and
- (c) the appointments and removals of officers.

Further reports to Minister.

24. The Commission shall furnish all such reports, documents and information relating to the Territory as the Minister requires.

Annual report.

25.—(1.) The Commission shall, once in every year, make to the Minister a report containing an account of its control and management of the affairs of the Territory during the preceding year.

(2.) The Minister shall cause the report of the Commission to be laid before both Houses of the Parliament within thirty days after the receipt thereof, if the Parliament is then sitting, and, if not, within thirty days after the next meeting of the Parliament.

Preference to returned soldiers.

26.—(1.) In the making of appointments of members of the Commission, preference shall be given, other things being equal, to persons who are returned soldiers.

(2.) For the purposes of this section a returned soldier means a person who enlisted prior to the eleventh day of November One thousand nine hundred and eighteen and served in the war with satisfactory record in any Expeditionary Force raised under the provisions of the *Defence Act 1903-1918*, and includes—

- (a) a member of the Army Medical Corps Nursing Service who was accepted or appointed by the Director-General of Medical Services for service outside Australia during the war;
- (b) any member of the Naval Forces of the Commonwealth who has during the war been on active service outside Australia or on a ship of war;
- (c) any person who, during the war, has been employed as a radio-telegraphist in the transport service in connexion with any such Expeditionary Force, and who, while so employed, served in the zone of war; and
- (d) any person who was born in Australia, or resident in Australia within six months prior to enlistment, and who, at any time during the war, served with satisfactory record in a Naval or Military Expeditionary Force raised in the United Kingdom or in any British Dominion.

(3.) For the purposes of this section "the War" means the War which commenced on the fourth day of August One thousand nine hundred and fourteen.

27.—(1.) The Commission may appear before any Court, or in any legal proceedings, by any officer authorized generally or in respect of any special proceeding by writing under the hand of the Chairman, and any officer so authorized may institute and carry on any proceeding on behalf of the Commission. Appearance of Commission.

(2.) The officer so authorized shall be reimbursed out of the Seat of Government Fund all damages, costs, charges and expenses to which he is put, or with which he is chargeable.

(3.) The Chairman or officer may, in all proceedings under or for the purpose of procuring any adjudication of insolvency against any person against whom the Commission has any claim or demand, represent the Commission, and act in its behalf in all respects as if the claim or demand had been the claim or demand of the Chairman or officer.

28.—(1.) An action shall not be brought against the Commission, or any member thereof, or any officer of the Commission, or person acting in his aid, until the expiration of one month after notice in writing has been served on the Commission, member, officer, or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his solicitor or agent. Notice of action.

(2.) On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

(3.) Unless the notice is proved, judgment shall be given for the defendant.

(4.) Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor, or agent, at any time within one month after service of the notice, and, in case of non-acceptance of the amends, may plead the tender.

29 The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for more accurately defining the powers conferred on the Commission by this Act, and for specifying other matters with respect to which the powers of the Commission in relation to the control and management of the affairs of the Territory shall extend. Regulations.