

NORTHERN TERRITORY (ADMINISTRATION).

No. 5 of 1931.

An Act to amend the *Northern Territory (Administration) Act 1910-1926*, to repeal the *Northern Australia Act 1926*, and for other purposes.

[Assented to 21st May, 1931.]

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

1.—(1.) This Act may be cited as the *Northern Territory (Administration) Act 1931*. Short title
and citation.

(2.) The *Northern Territory (Administration) Act 1910-1926** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Northern Territory (Administration) Act 1910-1931*.

2. This Act shall commence on a date to be fixed by Proclamation. Commencement.

3. The *Northern Australia Act 1926* is repealed. Repeal.

4. Section three of the Principal Act is amended by inserting, before the definition of "the Territory", the following definitions :— Definitions.

“ ‘Central Australia’ means that part of the Territory situated south of the twentieth parallel of South Latitude ;

“ ‘North Australia’ means that part of the Territory situated north of the twentieth parallel of South Latitude ;

“ ‘the Commission’ means the North Australia Commission appointed under the *Northern Australia Act 1926* ;” .

* Act No. 27, 1910, as amended by No. 19, 1926.

5. After section three of the Principal Act the following section is inserted :—

“ Administration ”.

Appointment
of
Administrator.

“ 4.—(1.) The Governor-General may appoint an Administrator for the Territory. The Administrator shall be appointed by the Governor-General by Commission under the seal of the Commonwealth, and shall hold office during pleasure.

(2.) The Administrator shall exercise and perform all powers and functions that belong to his office according to the tenor of his Commission, and according to such instructions as are given to him by the Minister.

(3.) The Minister may appoint, or may delegate to the Administrator power to appoint, such officers as are necessary for the administration of the *Northern Territory Acceptance Act 1910-1919* or this Act or for the proper government of the Territory.”.

6. After section five of the Principal Act the following sections are inserted :—

Application of
*Commonwealth
Conciliation
and
Arbitration
Act
1904-1930.*

“ 6. The *Commonwealth Conciliation and Arbitration Act 1904-1930* shall apply to industrial disputes in the Territory as if from the definition of ‘ industrial disputes ’ in section four of that Act the words ‘ extending beyond the limits of any one State ’ were omitted.

Application of
*Australian
Industries
Preservation
Act
1906-1930.*

“ 7. The *Australian Industries Preservation Act 1906-1930* shall apply in the Territory as if the words ‘ with other countries or among the States ’, wherever they occur in relation to trade or commerce, were omitted.

Application of
*Secret
Commissions
Act
1905.*

“ 8. The *Secret Commissions Act 1905* shall apply in the Territory to trade and commerce with the Territory as if the words ‘ with other countries and among the States ’ were omitted from section two of that Act.

Application of
*Lands
Acquisition Act
1906-1916.*

“ 9. The provisions of the *Lands Acquisition Act 1906-1916* shall apply to the acquisition by the Commonwealth, for any public purpose, of any land owned in the Territory by any person :

Provided that, in determining the compensation to which the owner is entitled under that Act, the value of the land shall be taken not to exceed the unimproved value of the land, or the interest therein of the owner, on the date of the passing of this Act, together with the value of his interest in the improvements on the land on the date of the acquisition of the land.

Trade and
commerce
with States
to be free.

“ 10. Trade, commerce and intercourse between the Territory and the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

“ 11.—(1.) Any land vested in the Commission immediately prior to the commencement of this Act is hereby vested in the Commonwealth for the same estate as that for which it was held by the Commission. Vesting of land and other property.

“ (2.) All moneys and other assets the property of the Commission immediately prior to the commencement of this Act are hereby vested in the Commonwealth.

“ 12. Any contract, lease or agreement to which the Commission is a party, which is in force or continuing immediately prior to the commencement of this Act, shall continue in force as if this Act had not been passed : Continuance of contracts, &c.

Provided that the Commonwealth shall be substituted as a party to any such contract, lease or agreement in lieu of the Commission.

“ 13. The repeal of the *Northern Australia Act* 1926 shall not affect any agreement, licence or permit made, granted or preserved thereunder and existing at the commencement of this Act, or any right, title, interest, power, duty, obligation or liability created by, acquired under, or at any time existing under, or by virtue or in respect of, any such agreement, licence or permit, and all such agreements, licences and permits shall continue to be of the same force and effect as if this Act had not been passed. Saving.

“ 14.—(1.) The Commonwealth hereby assumes any liability of the Commission existing or accruing at the commencement of this Act in respect of any moneys borrowed by the Commission under the *Northern Australia Act* 1926 and not redeemed prior to the commencement of this Act. Loans.

“ (2.) Any sums advanced by the Treasurer to the Commission in pursuance of sub-section (11.) of section thirty-one of the *Northern Australia Act* 1926 shall be repayable to the Commonwealth Public Account from moneys appropriated as a loan to the Commission.

“ (3.) Any moneys appropriated by the *Loan Act* 1930 for the purposes of loans to the Commission may be expended in works and services required or undertaken by the Commonwealth in the Territory.

“ (4.) There shall be payable by the Treasurer to the National Debt Sinking Fund established under the *National Debt Sinking Fund Act* 1923-1929, the payments which but for this Act would have been payable by the Commission in pursuance of sub-section (6.) of section thirty-one of the *Northern Australia Act* 1926.

“ 15. The Consolidated Revenue Fund is to the necessary extent hereby appropriated for the purposes of any interest or sinking fund payments to which the Commonwealth is liable in pursuance of the provisions of this Act. Appropriation.

“ 16.—(1.) Subject to this Act, all laws in force in North Australia shall, so far as applicable, continue in force in that part of the Territory situated north of the twentieth parallel of South Latitude and shall apply, subject to such modifications and adaptations as are prescribed Continuance of laws.

by Ordinance made in pursuance of this Act, to that part of the Territory situated south of the twentieth parallel of South Latitude, but any such laws other than Acts of the Parliament of the Commonwealth may be altered or repealed by Ordinances made in pursuance of this Act.

“(2.) Where any law which is continued in force in the Territory by virtue of this section is a law of the Commonwealth, and any power or function is by that law vested in any officer in relation to any State, or in relation to North Australia or Central Australia, that power or function shall, in relation to the Territory, be vested in and exercised by such officer as the Governor-General directs.

“(3.) Where any law which is continued in force in the Territory by virtue of this section is a law of the State of South Australia, any power or function, which by that law is vested in the Governor of the State of South Australia, or in the Governor of that State with the advice of his Executive Council, or in any authority of that State, shall, in relation to the Territory, be vested in and exercised or performed by the Governor-General, or the Governor-General in Council, or the authority exercising similar powers and functions in the Territory, or as the Governor-General directs.

Transfer of
officers from
North
Australia and
Central
Australia
Service to
the
Northern
Territory
Service.

“17.—(1.) Every officer of the Public Service of North Australia and Central Australia shall, by force of this Act, be transferred to the Public Service of the Territory.

“(2.) Every such officer shall preserve all his existing and accruing rights as if his service with the Territory were a continuation of his service with North Australia or Central Australia, as the case may be.

“(3.) The provisions of section eighty-four of the Constitution shall be deemed to continue to apply to any officer to whom by virtue of sub-section (3.) of section thirty-nine of the *Northern Australia Act 1926* it was deemed to apply.

Continuance
of Courts.

“18. Until other provision is made by or under any law of the Commonwealth—

(a) all Courts of Justice in existence in North Australia or Central Australia shall continue in the Territory as Courts of the Territory; and

(b) the jurisdiction, practice and procedure of any Court which continues in pursuance of this section in the Territory shall continue as the jurisdiction, practice and procedure of that Court.

Continuance of
Magistrates,
&c.

“19. All Magistrates and Justices of the Peace holding office in North Australia or Central Australia, and entitled to exercise jurisdiction therein, and all public officers and public functionaries in and for North Australia or Central Australia, shall continue to hold office in relation to the Territory and shall continue to hold such office in the Territory on the same terms and conditions as they held office under the *Northern Australia Act 1926*.

“ 20. Any reference in any Act, other than the *Northern Australia Act 1926* to the Commission, shall be read as a reference to the Commonwealth or to such other authority (if any) as the Governor-General directs. Reference in other Acts to North Australia Commission.

“ 21.—(1.) Until the Parliament makes other provision for the Government of the Territory, the Governor-General may make Ordinances having the force of law in and in relation to the Territory. Ordinances.

“ (2.) Every such Ordinance shall—

(a) be notified in the *Gazette* ;

(b) take effect from the date of notification or from a later date to be specified in the Ordinance ; and

(c) be laid before each House of the Parliament within thirty sitting days of that House after the making thereof.

“ (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 such Ordinance has been laid before the House, disallowing the Ordinance, the Ordinance shall thereupon cease to have effect.

“ 22. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act 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.”. Regulations.