

NORTHERN TERRITORY (ADMINISTRATION).

No. 39 of 1947.

An Act to amend the *Northern Territory (Administration) Act 1910-1947.*

[Assented to 12th June, 1947.]

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 1947.*

Short title
and citation.

(2.) Section twenty-eight of the *Commonwealth Conciliation and Arbitration Act 1947** is amended by omitting sub-section (2.).

(3.) The *Northern Territory (Administration) Act 1910-1940†*, as amended by the *Commonwealth Conciliation and Arbitration Act 1947*, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Northern Territory (Administration) Act 1910-1947.*

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. Section three of the Principal Act is amended by inserting after the definition of "the Commission" the following definition:— Definitions.

" 'the Council' means the Legislative Council for the Territory; "

4. After section four A of the Principal Act the following sections are inserted:—

" 4B.—(1.) There shall be a Legislative Council for the Territory. Legislative Council.

* Act No. 10, 1947.

† Act No. 27, 1910, as amended by Nos. 16 and 19, 1928; Nos. 6 and 7, 1931; No. 18, 1933; No. 85, 1939; and Nos. 20 and 87, 1940.

“(2.) The Legislative Council shall consist of—

- (a) the Administrator ;
- (b) seven official members, who shall be appointed by the Governor-General on the nomination of the Administrator and shall hold office during the pleasure of the Governor-General ; and
- (c) six elected members, who shall be elected in the manner provided in this Act.

“(3.) Official members of the Council shall have seniority according to the dates of their appointments, or, when two or more are appointed on the same date, according to the precedence assigned to them by their appointments.

Election of
members of
Legislative
Council.

“4c.—(1.) For the purposes of the election of the members of the Council referred to in paragraph (c) of the last preceding section, the Territory shall be divided into five Electoral Districts described in the Schedule to this Act.

“(2.) Two members shall be elected for the Electoral District of Darwin and one member shall be elected for each of the other four Electoral Districts.

“(3.) The elected member or members of the Council for each Electoral District shall be elected by electors entitled to vote in respect of that District.

Qualification
of electors.

“4d. All persons who are, under Part V. of the Northern Territory Electoral Regulations from time to time in force under the *Northern Territory Representation Act 1922–1936* and the *Commonwealth Electoral Act 1918–1946*, qualified to vote at an election of a member of the House of Representatives for the Northern Territory, shall be qualified to vote at an election of members of the Council.

Application of
*Commonwealth
Electoral Act
1918–1946*.

“4e.—(1.) Subject to this Act, the provisions of the *Commonwealth Electoral Act 1918–1946* shall apply, with such exceptions and subject to such modifications as are prescribed, to the election of the elected members of the Council in like manner as if—

- (a) each Electoral District into which the Territory is divided were an Electoral Division ;
- (b) the election of a member of the Council were the election of a member to represent, in the House of Representatives, an Electoral Division of a State ; and
- (c) the Supreme Court of the Northern Territory were the Supreme Court of a State.

“(2.) Where, in any Electoral District, two members of the Council are to be elected, the result of the election shall be determined by scrutiny in accordance with the provisions of sub-sections (5.), (6.) and (11.) of section one hundred and thirty-five of the *Commonwealth Electoral Act 1918–1946*, but subject to such modifications of those provisions as are prescribed.

Term of office
of elected
member.

“4f.—(1.) The term of office of the members first elected to the Council shall expire on the date immediately preceding the date fixed for the next general election of the House of Representatives.

“(2.) Thereafter the term of office of elected members of the Council shall be a period commencing on the date of their election and ending on the expiration of three years from that date, or on the date immediately preceding the next election, whichever is the earlier.

“(3.) An elected member of the Council may resign his office during his term of office.

“4G. Each election of members of the Council shall be held on such date as is determined by the Administrator, which date shall, if practicable, be the same date as that fixed for a general election of the House of Representatives.

Dates of elections.

“4H. In the event of the happening of a vacancy in the office of an elected member of the Council before the expiration of his term of office, the Governor-General may, on the recommendation of the Administrator, appoint a person to hold the vacant office until the expiration of that term.

Casual vacancies.

“4J. The qualification of an elected member of the Council shall be as follows :—

Qualification of elected member of Council.

He must be a British subject of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the Council, or a person qualified to become such an elector, and must have been for six months at the least resident within the Commonwealth and three months at the least resident within the Territory at the date of nomination.

“4K. An elected member of the Council shall be deemed to have vacated his office if—

Office of elected member—how vacated.

- (a) he becomes bankrupt or insolvent or applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors ;
- (b) he is convicted of any offence punishable under the law of the Commonwealth or of a State or Territory of the Commonwealth by imprisonment for one year or longer ;
- (c) he is absent from three consecutive meetings of the Council except on leave granted by the Administrator (which leave the Administrator is hereby authorized to grant) ;
- (d) he, in any way, otherwise than as a member, and in common with 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 Commonwealth ; 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 ; or
- (e) he directly or indirectly takes or agrees to take any fee or honorarium (not being fees payable under the next succeeding section) for services rendered to the Territory or for services rendered in the Council.

Fees and travelling expenses.

" 4L. An elected member of the Council shall receive in respect of his services as member such fees and travelling expenses as are prescribed.

Session and prorogation of Council.

" 4M. The Administrator may, by notice published in the *Government Gazette* of the Territory, appoint such times for holding the sessions of the Council as he thinks fit and may also, from time to time, in a similar manner, prorogue the Council.

Quorum.

" 4N. At any meeting of the Council, seven members shall form a quorum.

Chairman of Council.

" 4P. The Administrator shall be Chairman of the Council and shall preside at all meetings of the Council at which he is present and, in his absence, the senior official member of the Council who is present shall preside.

Voting in Council.

" 4Q.—(1.) Questions arising in the Council shall be determined by a majority of votes.

" (2.) The Administrator or member presiding at any meeting of the Council shall in all cases be entitled to vote and shall also, where there is an equality of votes on any question, have a casting vote.

Minutes of meeting.

" 4R. The Council shall keep minutes of the proceedings at all its meetings and the Administrator shall forward to the Minister a copy of the minutes relating to each meeting.

Proposal of money votes.

" 4S. An ordinance, vote, resolution or question, the object or effect of which is to dispose of or charge any part of the revenue of the Territory, shall not be proposed in the Council except by the Administrator, unless the proposal has been expressly allowed or directed by him.

Standing rules and orders.

" 4T. The Council may make standing rules and orders with respect to the order and conduct of its business and proceedings.

Legislative power.

" 4U. Subject to this Act, the Council may make Ordinances for the peace, order and good government of the Territory.

Assent to Ordinances.

" 4V.—(1.) An Ordinance made by the Council shall not have any force or effect until it has been assented to as provided in this Act.

" (2.) Every Ordinance passed by the Council shall be presented to the Administrator for assent.

" (3.) The Administrator shall thereupon declare, according to his discretion, but subject to this Act, that he assents thereto, or that he withholds assent, or that he reserves the Ordinance for the Governor-General's pleasure.

Disallowance of Ordinance assented to.

" 4W. Within six months from the Administrator's assent to any Ordinance the Governor-General may disallow the Ordinance, and, on notice of the disallowance being published by the Administrator in the *Government Gazette* of the Territory, the Ordinance shall be disallowed from the date of publication.

" 4x. An Ordinance reserved for the Governor-General's pleasure shall not have any force or effect unless and until within six months from the day on which it was presented to the Administrator for the Governor-General's assent, the Administrator publishes in the *Government Gazette* of the Territory a notification that it has received the Governor-General's assent.

Signification of pleasure on Ordinance reserved.

" 4y. The Administrator shall not, unless the Ordinance contains a clause suspending its operation until the signification of the Governor-General's pleasure thereon, assent to any Ordinance—

Assent to certain Ordinances.

- (a) dealing with the granting or disposal of Crown lands ;
- (b) whereby any lease or grant of land or money or any donation or gratuity is made to him ; or
- (c) relating to aboriginals or aboriginal labour.

" 4z. Every Ordinance assented to by the Administrator or by the Governor-General shall, as soon as may be after being assented to, be laid before each House of the Parliament."

Ordinance to be laid before Parliament.

5. Section five of the Principal Act is amended by inserting after the word " Governor-General " the words " or the Council ".

Effect of continuance of State laws.

6. Section twenty-one of the Principal Act is repealed, but all Ordinances made in pursuance of that section, and in force at the commencement of this section, shall continue in force until amended or repealed by an Ordinance made by the Legislative Council in pursuance of the powers conferred by the Principal Act as amended by this Act.

Ordinances.

7. The Principal Act is amended by adding at the end thereof the following Schedule :—

The Schedule.

" THE SCHEDULE.

Section 40.

Name of Electoral District.	Description.
Darwin District . .	The Town of Darwin and its environs as described in the Schedule to the <i>Darwin Lands Acquisition Act 1945</i>
Batchelor District . .	The whole of that part of the Territory which is north of the twentieth degree of South Latitude, excepting the Darwin District and the Tennant Creek District, as described in this Schedule
Tennant Creek District . .	The area contained within a circle having a radius of twenty miles from the Tennant Creek Post Office
Alice Springs District . .	The area contained within a circle having a radius of ten miles from the Alice Springs Post Office
Stuart District . .	The whole of that part of the Territory which is south of the twentieth degree of South Latitude, excepting the Alice Springs District as described in this Schedule."