

AUSTRALIAN CAPITAL TERRITORY REPRESENTATION.

No. 57 of 1948.

An Act to provide for the Representation of
the Australian Capital Territory in the
Parliament of the Commonwealth.

[Assented to 6th December, 1948.]

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. This Act may be cited as the *Australian Capital Territory* Short title
and citation.
Representation Act 1948.

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

3. In this Act, unless the contrary intention appears, "the Definition.
Australian Capital Territory" includes the Territory accepted by the
Commonwealth in pursuance of the *Jervis Bay Territory Acceptance*
Act 1915, and described in the agreement set out in the Schedule to
that Act.

Representation
of Australian
Capital
Territory.

4. The representation of the Australian Capital Territory in the Parliament of the Commonwealth shall consist of one member of the House of Representatives elected in accordance with this Act.

Qualifications
of member for
the Australian
Capital
Territory.

5. The qualifications of the member representing the Australian Capital Territory shall be as follows :—

- (a) He must be of the full age of twenty-one years ;
- (b) He must be a subject of the King, either natural born or for at least five years naturalized under a law of the United Kingdom or of the Commonwealth ;
- (c) He must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen ; and
- (d) He must be either—
 - (i) an elector entitled to vote at the election of members of the House of Representatives ; or
 - (ii) a person qualified to become such elector.

Disabilities of
member for
Australian
Capital
Territory.

6.—(1.) Subject to the next succeeding sub-section, the member representing the Australian Capital Territory shall not be entitled to vote on any question arising in the House of Representatives.

(2.) The member representing the Australian Capital Territory may vote on any motion for the disallowance of any Ordinance of the Australian Capital Territory and on any amendment of any such motion.

(3.) The presence in the House of Representatives at any time of the member representing the Australian Capital Territory and the fact that he is a member of the House shall not be taken into account in determining whether at that time a sufficient number of members is present to constitute a meeting of the House for the exercise of its powers.

(4.) The member representing the Australian Capital Territory shall be incapable of being chosen to be the Speaker or the Chairman of Committees of the House of Representatives or to perform the duties of the Speaker or the Chairman of Committees.

(5.) The member representing the Australian Capital Territory shall not be counted for the purpose of ascertaining whether there is an absolute majority in favour of any question in respect of which an absolute majority of either House or both Houses of the Parliament is required under section fifty-seven or section one hundred and twenty-eight of the Constitution.

Privileges, &c.,
of member.

7. Subject to this Act, the member representing the Australian Capital Territory shall have all the powers, immunities and privileges of a member representing a Commonwealth Electoral Division of a

State and the provisions of sections thirty-two, thirty-three, thirty-seven and thirty-eight and sections forty-two to forty-eight inclusive of the Constitution, and the provisions of the *Parliamentary Allowances Act* 1920-1947, shall apply in relation to the member in the same way as to other members of the House of Representatives.

8. Subject to this Act, the provisions of the *Commonwealth Electoral Act* 1918-1948 shall apply, with such exceptions and subject to such modifications and adaptations as are prescribed, in the Australian Capital Territory in like manner as if—

Application of Commonwealth Electoral Act 1918-1948.

- (a) the Australian Capital Territory were an Electoral Division ;
- (b) the election of a member to represent the Australian Capital Territory were the election of a member to represent an Electoral Division of a State ; and
- (c) the Supreme Court of the Australian Capital Territory were the Supreme Court of a State.

9. An election of a member representing the Australian Capital Territory shall be held as nearly as practicable at the same time as each general election of members of the House of Representatives and on any other occasion upon which the place of the member representing the Australian Capital Territory becomes vacant.

Election to be held on same day as House of Representatives election.

10.—(1.) Any petition disputing an election under this Act may be lodged with the District Registrar of the High Court at Canberra, and, upon being so lodged, shall, for the purposes of the *Commonwealth Electoral Act* 1918-1948 and the regulations thereunder, be deemed to be duly filed.

Lodging and hearing of petitions.

(2.) Upon an application being made by a party to the petition, the High Court shall have jurisdiction—

- (a) to hear the petition ; or
- (b) to refer the petition for hearing to the Supreme Court of the Australian Capital Territory;

and may take such other action as in the circumstances it deems necessary.

(3.) If the High Court refers the petition for hearing to the Supreme Court of the Australian Capital Territory, that Court shall have jurisdiction to hear and decide the petition.

(4.) An appeal shall lie from the Supreme Court of the Australian Capital Territory to the High Court against the decision of the Supreme Court upon any question of law or of mixed law and fact, arising in connexion with a petition heard by the Supreme Court.

11. 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 giving effect to this Act.

Regulations.