

HEARD ISLAND AND MCDONALD ISLANDS.

No. 7 of 1953.

An Act to provide for the Government of Heard
Island and McDonald Islands.

[Assented to 27th March, 1953.]

[Date of commencement, 24th April, 1953.]

WHEREAS Heard Island and McDonald Islands (being the islands described in the Schedule to this Act) are territories acquired by the Commonwealth: **Preamble.**

AND WHEREAS it is desirable to make provision for the government of those territories as one Territory of the Commonwealth:

BE it therefore enacted by the Queen'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 *Heard Island and McDonald Islands Act 1953*. **Short title.**

2. In this Act, unless the contrary intention appears—
"Ordinance" means an Ordinance made under this Act;
"the Territory" means the Territory of Heard Island and McDonald Islands. **Definitions.**

3. Heard Island and McDonald Islands (being the islands described in the Schedule to this Act) are declared to be a Territory of the Commonwealth by the name of the Territory of Heard Island and McDonald Islands. **Territory of Heard Island and McDonald Islands.**

Existing laws to cease to be in force.

4. The laws in force in the Territory immediately before the commencement of this Act (not being laws of the Commonwealth in force in the Territory) shall, upon the commencement of this Act, cease to be in force.

Laws of Australian Capital Territory to be in force.

5.—(1.) Subject to this Act, the laws in force from time to time in the Australian Capital Territory (including the principles and rules of common law and equity so in force) are, by virtue of this section, so far as applicable to the Territory, in force in the Territory as if the Territory formed part of the Australian Capital Territory.

(2.) The last preceding sub-section does not extend to a law in force in the Australian Capital Territory, being an Act or a provision of an Act so in force, other than—

(a) sections six and nine of the *Seat of Government Acceptance Act* 1909-1938; and

(b) sections three, four and twelve c of the *Seat of Government (Administration) Act* 1910-1947 and the Schedule to that Act.

Exercise of powers and performance of functions under adopted laws.

6.—(1.) Subject to the next succeeding sub-section, where, by a law of the Australian Capital Territory in force in the Territory by virtue of the last preceding section, a power or function is vested in a person or authority (not being a court), that power or function is, in relation to the Territory, vested in, and may be exercised or performed by, that person or authority.

(2.) The Governor-General may direct that a power or function vested in a person or authority (not being a court) by a law of the Australian Capital Territory in force in the Territory by virtue of the last preceding section shall, in relation to the Territory, be vested in, and may be exercised or performed by, such other person or authority as the Governor-General specifies.

Application of Commonwealth Acts.

7.—(1.) An Act or a provision of an Act (whether passed before or after the commencement of this Act) is not, except as otherwise provided by that Act or by another Act, in force as such in the Territory, unless expressed to extend to the Territory.

(2.) An Ordinance shall not be made so as to affect the application of its own force in, or in relation to, the Territory of an Act or a provision of an Act.

Ordinance may amend or repeal adopted laws.

8. A law in force in the Territory by virtue of section five of this Act may be amended or repealed by an Ordinance or by a law made under an Ordinance.

Supreme Court of Australian Capital Territory to have jurisdiction in Territory.

9. The Supreme Court of the Australian Capital Territory has jurisdiction in and in relation to the Territory, and the *Australian Capital Territory Supreme Court Act* 1933-1950 and the rules of court for the time being in force under that Act apply in the Territory as if the Territory formed part of the Australian Capital Territory.

10.—(1.) The Governor-General may make Ordinances for the peace, order and good government of the Territory. **Ordinances.**

(2.) Notice of the making of an Ordinance shall be published in the *Gazette*, and an Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notice.

11.—(1.) An Ordinance shall be laid before each House of the Parliament within fifteen sitting days of that House after the making of the Ordinance, and, if it is not so laid before each House of the Parliament, shall be void and of no effect. **Tabling of Ordinances in Parliament.**

(2.) If either House of the Parliament passes a resolution (of which notice has been given at any time within fifteen sitting days after the Ordinance has been laid before that House) disallowing an Ordinance or a part of an Ordinance, the Ordinance or part so disallowed shall thereupon cease to have effect.

(3.) If, at the expiration of fifteen sitting days after notice of a resolution to disallow an Ordinance or part of an Ordinance has been given in either House of the Parliament in accordance with the last preceding sub-section, the resolution has not been withdrawn or otherwise disposed of, the Ordinance or part, as the case may be, shall thereupon be deemed to have been disallowed.

(4.) Where an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, the disallowance has the same effect as a repeal of the Ordinance or part of the Ordinance, as the case may be, except that, if a provision of the Ordinance or part of the Ordinance amended or repealed a law in force immediately before that provision came into operation, the disallowance revives the previous law from and including the date of the disallowance as if the disallowed provision had not been made.

(5.) If an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within six months after the date of the disallowance, that provision is void and of no effect, unless—

- (a) in the case of an Ordinance, or part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice to disallow that Ordinance or part was given approves, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

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Section 8.

THE SCHEDULE.

HEARD ISLAND AND McDONALD ISLANDS.

The islands known as Heard Island and McDonald Islands, comprising all the islands and rocks lying within the area bounded by the parallels 52 degrees 30 minutes and 53 degrees 30 minutes south latitude and the meridians 72 degrees and 74 degrees 30 minutes east longitude.