

Northern Territory (Administration)

No. 69 of 1965

An Act to amend the *Northern Territory (Administration) Act 1910–1962*.

[Assented to 22 November, 1965]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Northern Territory (Administration) Act 1965*.

(2.) The *Northern Territory (Administration) Act 1910–1962** 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 1910–1965*.

Commencement.

2.—(1.) Sections 1 and 2, sub-section (1.) of section 3 and section 14 of this Act shall come into operation on the day on which this Act receives the Royal Assent.

(2.) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.

Interpretation.

3.—(1.) Section 3 of the Principal Act is amended by inserting in sub-section (1.), before the definition of “Acting Administrator”, the following definition:—

“ ‘Aborigines’ or ‘Aboriginals’ means aboriginal natives of Australia; ”.

(2.) Section 3 of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the definition of “the Legislative Council”, the following definition:—
“ ‘the President’ means the President of the Legislative Council; ”; and

(b) by adding at the end thereof the following sub-section:—

“(3.) A reference in this Act to the powers or functions of the President shall be read as including a reference to the powers or functions of the President under any law in force in the Territory.”.

* Act No. 27, 1910, as amended by Nos. 16 and 19, 1926; Nos. 5 and 7, 1931; No. 18, 1933; No. 85, 1939; Nos. 20 and 87, 1940; Nos. 10 and 39, 1947; No. 53, 1949; No. 71, 1952; No. 89, 1953; No. 71, 1955; Nos. 50 and 110, 1956; No. 28, 1959; No. 68, 1961; and No. 77, 1962.

4. Section 4 of the Principal Act is amended by omitting paragraph (a) of sub-section (2.). Legislative Council.
5. Section 4B of the Principal Act is repealed. Resignation of official and non-official members.
6. Section 4H of the Principal Act is repealed and the following section inserted in its stead:—
- “4H.—(1.) A member of the Legislative Council who desires to resign his office shall deliver an instrument of resignation signed by him to the President or, if there is no President or the President is absent from the Territory, to the Administrator. Resignation of members of Legislative Council.
- “(2.) Where the President receives an instrument of resignation signed by an official member or by a non-official member of the Legislative Council, he shall transmit the instrument to the Administrator.
- “(3.) Where the Administrator receives an instrument of resignation signed by an official member or by a non-official member of the Legislative Council, he shall transmit the instrument to the Minister for submission to the Governor-General.
- “(4.) The resignation of an elected member or of a non-official member of the Legislative Council becomes effective when the instrument of resignation is received by the President or, where it is delivered to the Administrator, by the Administrator, but the resignation of an official member is not effective until the resignation has been accepted by the Governor-General.”.
7. Section 4KA of the Principal Act is amended by omitting from paragraph (c) of sub-section (3.) the word “ Administrator ” and inserting in its stead the words “ Legislative Council ”. Disqualifications for membership of Legislative Council.
8. Section 4M of the Principal Act is amended by omitting from sub-section (2.) the word “ nine ” and inserting in its stead the word “ eight ”. Sessions of Legislative Council.
9. Section 4N of the Principal Act is amended— Quorum.
- (a) by omitting from sub-section (1.) the word “ nine ” and inserting in its stead the word “ eight ”; and
- (b) by omitting sub-section (2.).
10. Section 4P of the Principal Act is repealed and the following sections are inserted in its stead:—
- “4P.—(1.) The Legislative Council shall, before proceeding to the despatch of any other business, choose an elected member or a non-official member of the Legislative Council to be the President of the Legislative Council and, as often as the office of President becomes vacant, the Legislative Council shall again choose an elected member or a non-official member to be the President. Election of President.

“(2.) The President ceases to hold his office if he ceases to be an elected member or a non-official member of the Legislative Council.

“(3.) The President may be removed from office by the Legislative Council or he may resign his office by delivering an instrument of resignation signed by him to the Administrator.

Appointment
of Acting
President by
Legislative
Council.

“4PA.—(1.) Before or during any absence of the President, or during any inability of the President, by reason of illness or incapacity, to exercise the powers or perform the functions of the President, the Legislative Council may appoint an elected member or a non-official member to exercise those powers and perform those functions during the absence or inability of the President.

“(2.) A reference in this Act or in any other law in force in the Territory to the President shall be read as including a reference to a person appointed under the last preceding sub-section.

“(3.) An appointment under sub-section (1.) of this section remains in force—

- (a) until the absence or inability of the President ceases;
- (b) until the appointment is revoked by the Legislative Council;
- (c) until the person appointed resigns the appointment by delivering an instrument of resignation signed by him to the Administrator; or
- (d) until the person appointed ceases to be an elected member or a non-official member of the Legislative Council, whichever first happens.

Appointment
of Acting
President by
Administrator
in certain
circumstances.

“4PB.—(1.) Where—

- (a) the office of President has become vacant and the Legislative Council has not chosen another President to fill the vacancy;
- (b) the President is absent or is unable, by reason of illness or incapacity, to exercise the powers or perform the functions of the President and the Legislative Council has not appointed a person under sub-section (1.) of the last preceding section;
- (c) the appointment of a person under sub-section (1.) of the last preceding section has ceased to be in force, otherwise than by reason of the absence or inability of the President ceasing, and the Legislative Council has not appointed another member under that sub-section; or

- (d) a person appointed under sub-section (1.) of the last preceding section is absent or is unable, by reason of illness or incapacity, to exercise the powers or perform the functions of the President and the Legislative Council has not appointed another person under that sub-section,

the Administrator may, by instrument in writing, appoint an elected member or a non-official member of the Legislative Council to exercise the powers and perform the functions of the President.

“(2.) A reference in this Act or in any other law in force in the Territory to the President shall be read as including a reference to a person appointed under the last preceding sub-section.

“(3.) An appointment under sub-section (1.) of this section remains in force—

- (a) until the next meeting of the Legislative Council is held;
- (b) until the Administrator, by instrument in writing, revokes the appointment;
- (c) until the person appointed resigns the appointment by delivering an instrument of resignation signed by him to the Administrator;
- (d) until the person appointed ceases to be an elected member or a non-official member of the Legislative Council;
- (e) in the case of the absence or inability of the President—until that absence or inability ceases; or
- (f) in the case of the absence or inability of a person appointed under sub-section (1.) of the last preceding section—until that absence or inability ceases or, if the absence or inability of the President ceases before the absence or inability of that person ceases, until the absence or inability of the President ceases,

whichever first happens.”.

11. Section 4Q of the Principal Act is amended by omitting from sub-section (2.) the words “Administrator or” and inserting in their stead the words “President or other”.

Voting in
Legislative
Council.

12. Section 4R of the Principal Act is repealed and the following section inserted in its stead:—

“4R.—(1.) The Legislative Council shall cause minutes of its proceedings to be kept.

Minutes of
proceedings.

“(2.) A copy of any minutes so kept shall, on request made by any person, be made available for inspection by him or, on payment of such fee as is fixed by Ordinance, be supplied to him.”.

Proposal of
money votes.

13. Section 4s of the Principal Act is amended by omitting the words “except by the Administrator, unless the proposal has been expressly allowed or directed by him” and inserting in their stead the words “unless it has in the same session been recommended by message of the Administrator to the Legislative Council”.

Aborigines
Benefits Trust
Fund.

14. Section 21 of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word “Wards” and inserting in its stead the word “Aborigines”; and

(b) by omitting sub-sections (3.) and (4.) and inserting in their stead the following sub-sections:—

“(3.) There shall be paid into the Fund, out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts from time to time received by or on behalf of the Commonwealth as royalties under a law of the Territory, being royalties in respect of mining, or the taking of timber, on land that is a reserve within the meaning of a law of the Territory providing for the care and assistance of persons.

“(4.) There shall be paid out of the Fund such amounts as the Minister directs to be paid or applied to or for the benefit of Aborigines.”.
