

Northern Territory (Administration) (No. 2)

No. 47 of 1968

An Act relating to the Composition of the Legislative Council of the Northern Territory of Australia and to the Assent by the Governor-General to Ordinances of that Territory.

[Assented to 21 June 1968]

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 (No. 2) 1968*.

(2.) The *Northern Territory (Administration) Act 1910–1967*,* as amended by the *Northern Territory (Administration) Act 1968*,† is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Northern Territory (Administration) Act 1968* is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Northern Territory (Administration) Act 1910–1968*.

Commence-
ment.

2.—(1.) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sections 3, 7, 8 and 9 of this Act shall come into operation on a date to be fixed by Proclamation.

Legislative
Council.

3. Section 4 of the Principal Act is amended by omitting sub-sections (2.) to (2D.) (inclusive) and inserting in their stead the following sub-sections:—

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

(a) six official members; and

(b) eleven elected members.

“ (2A.) An official member of the Legislative Council shall be appointed by the Governor-General on the nomination of the Administrator and holds office during the pleasure of the Governor-General.

* 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; No. 77, 1962; No. 69, 1965; No. 111, 1965 (as amended by No. 30, 1967); and No. 65, 1966 (as amended by No. 15, 1967).

† Act No. 5, 1968.

“(2B.) The elected members of the Legislative Council shall be elected as provided by this Act.”.

4. Section 4C of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Election of members of Legislative Council.

“(1.) For the purposes of the election of the elected members of the Legislative Council, the Territory shall be distributed into as many Electoral Districts as there are members to be elected.”.

5. Section 4x of the Principal Act is amended—

Signification of pleasure on Ordinance reserved.

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) Where the Administrator reserves an Ordinance for the Governor-General’s pleasure, the Governor-General shall, subject to this section, declare—

(a) that he assents to the Ordinance;

(b) that he withholds assent to the Ordinance; or

(c) that he withholds assent to part of the Ordinance and assents to the remainder of the Ordinance.”;

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) As soon as practicable after the Governor-General has made a declaration in respect of an Ordinance in accordance with sub-section (1.) of this section, the Administrator shall publish in the *Government Gazette* of the Territory a notice of the declaration.”; and

(c) by inserting in sub-section (5.), after the words “an Ordinance”, the words “, or to part of an Ordinance,”.

6. Section 4z of the Principal Act is amended—

Ordinances to be laid before the Parliament.

(a) by inserting after sub-section (1.) the following sub-section:—

“(1A.) The last preceding sub-section extends to an Ordinance to part only of which the Governor-General has assented and, in the case of such an Ordinance, there shall be indicated on the Ordinance, as laid before each House of the Parliament, the part of the Ordinance to which assent has been withheld.”; and

(b) by omitting from sub-section (2.) all the words from and including the word “Where” to and including the words “in part” and inserting in their stead the words “Where the Administrator withholds assent to an Ordinance, or the Governor-General withholds assent to an Ordinance or a part of an Ordinance or disallows an Ordinance or part of an Ordinance”.

The
Administrator's
Council.

7. Section 4ZA of the Principal Act is amended—

(a) by omitting paragraph (c) of sub-section (2.) and inserting in its stead the following paragraph:—

“(c) three persons who are elected members of the Legislative Council.”;

and

(b) by omitting sub-section (7.) and inserting in its stead the following sub-section:—

“(7.) The resignation of a member of the Administrator's Council who is an elected member of the Legislative Council becomes effective when it is received by the Administrator.”.

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

Fees,
allowances and
travelling
expenses.

“4ZD. The members of the Administrator's Council who are elected members of the Legislative Council shall receive in respect of their services as members such fees, allowances and travelling expenses as are prescribed.”.

Additional
amendments.

9. The Principal Act is amended as set out in the Schedule to this Act.

Application of
amendments.

10.—(1.) In the application of sub-section (1.) of section 4c of the Principal Act as amended by this Act to the general election of members of the Legislative Council of the Northern Territory of Australia next held after this Act receives the Royal Assent, the number of members to be elected shall be deemed to be eleven.

(2.) Section 4x of the Principal Act, as amended by this Act, applies in relation to an Ordinance that was reserved by the Administrator for the Governor-General's pleasure before the date on which this Act receives the Royal Assent and in respect of which the Governor-General had not, before that date, made a declaration in accordance with sub-section (1.) of section 4x of the Principal Act.

THE SCHEDULE

Section 9.

ADDITIONAL AMENDMENTS OF THE PRINCIPAL ACT

Provision amended	Extent of amendment
Section 4H (2.)	Omit “ or by a non-official member ”.
Section 4H (3.)	Omit “ or by a non-official member ”.
Section 4H (4.)	Omit “ or of a non-official member ”.
Section 4KA (3.)	Omit “ or non-official member ”.
Section 4KA (4.)	Omit the sub-section.
Section 4KA (5.)	Omit “ or non-official member ”.
Section 4L	Omit “ and the non-official members ”.
Section 4P (1.)	Omit “ or a non-official member ” (wherever occurring).
Section 4P (2.)	Omit “ or a non-official member ”.
Section 4PA (1.)	Omit “ or a non-official member ”.
Section 4PA (3.) (d)	Omit “ or a non-official member ”.
Section 4PB (1.)	Omit “ or a non-official member ”.
Section 4PB (3.) (d)	Omit “ or a non-official member ”.