

NORTHERN TERRITORY (ADMINISTRATION) ACT 1974

No. 30 of 1974

An Act to amend the *Northern Territory (Administration) Act* 1910-1973, and for other purposes.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Northern Territory (Administration) Act* 1974.¹ Short title
and citation.

(2) The *Northern Territory (Administration) Act* 1910-1973² 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* 1910-1974.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment.

3. Section 3 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “Acting Administrator” and substituting the following definition:—

“ ‘Acting Administrator’ means a person appointed under section 3B to act in the office of Administrator; ”; and

(b) by omitting from sub-section (1) the definitions of “the Legislative Council” and “the President” and substituting the following definitions:—

“ ‘the Legislative Assembly’ means the Legislative Assembly for the Territory;

“ ‘the Speaker’ means the Speaker of the Legislative Assembly; ”.

4. Section 3B of the Principal Act is amended by omitting sub-sections (3) and (4) and substituting the following sub-section:— Acting
Adminis-
trator.

“(3) A person acting as Administrator in pursuance of sub-section (2) shall cease so to act when a person appointed in pursuance of sub-section (1) notifies him that the person so appointed is ready to assume duty as Acting Administrator.”.

5. Section 4 of the Principal Act is repealed and the following section substituted:—

Legislative
Assembly.

“4. (1) There shall be a Legislative Assembly for the Territory.

“(2) The Legislative Assembly shall consist of 19 members.

“(3) The members of the Legislative Assembly shall be elected as provided by this Act.

“(4) A member of the Legislative Assembly shall, before taking his seat, make and subscribe an oath or affirmation in writing in the form in the Schedule to the Constitution and also an oath or affirmation of office in the form in the Second Schedule.

“(5) An oath or affirmation under sub-section (4) shall be made before the Administrator or a person authorized by the Administrator to administer such oaths or affirmations.”.

Seniority of
official
members of
the
Legislative
Council.

6. Section 4A of the Principal Act is repealed.

Resignation
of members
of
Legislative
Assembly.

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

(a) by omitting sub-sections (2) and (3); and

(b) by omitting from sub-section (4) the words “, but the resignation of an official member is not effective until the resignation has been accepted by the Governor-General”.

Sessions of
Legislative
Assembly.

8. Section 4M of the Principal Act is amended by omitting from sub-section (2) the word “eight” and substituting the figures “10”.

Quorum.

9. Section 4N of the Principal Act is amended by omitting the word “eight” and substituting the figures “10”.

10. Section 4P of the Principal Act is repealed and the following section substituted:—

Election of
Speaker.

“4P. (1) The Legislative Assembly shall, before proceeding to the despatch of any other business, choose a member of the Legislative Assembly to be the Speaker of the Legislative Assembly and, as often as the office of Speaker becomes vacant, the Legislative Assembly shall again choose a member to be the Speaker.

“(2) The Speaker ceases to hold his office if he ceases to be a member of the Legislative Assembly.

“(3) The Speaker may be removed from office by the Legislative Assembly or he may resign his office by writing under his hand delivered to the Administrator.”.

11. Section 4QA of the Principal Act is amended by omitting from paragraph (a) the words “, in the case of an elected member,”.

Validation of acts of Legislative Assembly.

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

(a) by omitting sub-section (2) and substituting the following sub-section:—

The Administrator's Council.

“(2) The Administrator's Council shall consist of—

(a) the Administrator; and

(b) 5 persons who are members of the Legislative Assembly.”; and

(b) by omitting sub-section (6).

13. After section 19 of the Principal Act the following section is inserted:—

“19A. In—

(a) any law of Australia or of the Northern Territory; or

(b) any instrument having effect under such a law,

a reference to the Legislative Council or to the President shall, where the context so admits, be read as including a reference to the Legislative Assembly or to the Speaker, as the case may be.”.

Interpretation.

14. The Principal Act is amended as set out in the Schedule.

Amendments.

15. The first general election of members of the Legislative Assembly shall be held before 24 October 1974.

First election of Legislative Assembly.

16. (1) In this section, the “relevant day” means the day immediately preceding the day of the first general election of members of the Legislative Assembly.

Saving.

(2) Notwithstanding the amendments of the Principal Act made by this Act, until and including the relevant day—

(a) the Legislative Council established by section 4 of the Principal Act continues in existence and has and may exercise all the powers conferred on it by the Principal Act;

(b) the Administrator's Council shall continue to be constituted in accordance with section 4ZA of the Principal Act;

(c) the Principal Act continues to apply to and in relation to the Legislative Council, the President and the Administrator's Council;

(d) subject to the Principal Act, the members of the Legislative Council continue to hold office;

(e) subject to the Principal Act, the President of the Legislative Council continues to hold office; and

(f) subject to the Principal Act, the members of the Administrator's Council continue to hold office.

(3) The amendments of the Principal Act made by this Act do not affect the continuance in force of Ordinances in force immediately before the commencement of this Act.

(4) Notwithstanding the amendments of the Principal Act made by this Act, an Ordinance passed before the relevant day may come or be brought into force or operation in accordance with that Ordinance.

(5) Notwithstanding the amendments of the Principal Act made by this Act, sections 4Y and 4Z of the Principal Act continue to apply after the relevant day to and in relation to Ordinances made by the Legislative Council.

(6) In relation to an Ordinance made by the Legislative Council on or before the relevant day, being an Ordinance that has not been assented to on or before that day—

- (a) the provisions of sections 4V, 4W and 4X of the Principal Act continue to apply, and the Ordinance may be assented to, or be otherwise dealt with, in accordance with those provisions; and
- (b) for that purpose, those provisions have effect, in relation to anything to be done, after the relevant day, by or in relation to the Legislative Council under those provisions, as if the Legislative Assembly were the Legislative Council.

(7) Ordinances in force immediately before the relevant day and Ordinances made by the Legislative Council and coming into force after that day may be amended or repealed by Ordinances made by the Legislative Assembly.

SCHEDULE

Section 14

AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting the words "Legislative Council" (wherever occurring) and substituting the words "Legislative Assembly":—

Sections 4C (1), 4CA (2), 4D, 4E, 4EA, 4F, 4G, 4H (1) and (4), 4J, 4K, 4KA, 4L, 4M, 4N, 4PA (1) and (3), 4PB (1) and (3), 4Q, 4QA, 4R (1), 4S, 4SA, 4T, 4U, 4V (1), (2), (4) and (5), 4X (3), 4ZA (4) and (7), 4ZD.

2. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 3 (3)	Omit "President" (wherever occurring), substitute "Speaker".
Heading to Part III	Omit "LEGISLATIVE COUNCIL", substitute "LEGISLATIVE ASSEMBLY".
Section 4C (1)	Omit "elected members", substitute "members".
Section 4CA (2)	Omit "elected members", substitute "members".

SCHEDULE—continued

Provision	Amendment
Section 4CC (2) (a)	Omit “Chief Electoral Officer for the Commonwealth”, substitute “Chief Australian Electoral Officer”.
Section 4E	Omit “elected members”, substitute “members”.
Section 4F	Omit “an elected member”, substitute “a member”.
Section 4H	Omit “President” (wherever occurring), substitute “Speaker”.
Section 4H (4)	Omit “an elected member”, substitute “a member”.
Section 4J	Omit “an elected member” (wherever occurring), substitute “a member”.
Section 4KA (1) (c)	Omit “of the Commonwealth” (last occurring).
Section 4KA (2), (3) and (5)	Omit “An elected member” (wherever occurring), substitute “A member”.
Section 4L	Omit “elected members”, substitute “members”.
Section 4PA	Omit “President” (wherever occurring), substitute “Speaker”.
Section 4PA (1) and (3)	Omit “an elected member”, substitute “a member”.
Section 4PB	Omit “President” (wherever occurring), substitute “Speaker”.
Section 4PB (3) (d)	Omit “an elected member”, substitute “a member”.
Section 4Q (2)	Omit “President”, substitute “Speaker”.
Section 4ZA (7)	Omit “an elected member”, substitute “a member”.
Section 4ZD	Omit “elected members”, substitute “members”.
Second Schedule	Omit “Legislative Council” (wherever occurring), substitute “Legislative Assembly”.

NOTES

1. Act No. 30, 1974; assented to 1 August 1974.
2. 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); No. 65, 1966 (as amended by No. 15, 1967); Nos. 5 and 47, 1968; No. 88, 1969; No. 39, 1972; No. 9, 1973; and No. 216, 1973 (as amended by No. 20, 1974).