

SENATE (REPRESENTATION OF TERRITORIES) ACT 1973

No. 39 of 1974

An Act to provide for the Representation in the Senate of the Australian Capital Territory, the Jervis Bay Territory and the Northern Territory of Australia.

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

1. This Act may be cited as the *Senate (Representation of Territories) Act 1973*.¹ Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commencement.
3. (1) In this Act— Interpretation.
“Territory” means a Territory to which this Act applies;
“the Australian Capital Territory” includes the Territory that was accepted by the *Jervis Bay Territory Acceptance Act 1915*.
(2) The Territories to which this Act applies are the Australian Capital Territory and the Northern Territory of Australia.
4. Each Territory shall be represented in the Senate by two senators for the Territory directly chosen by the people of the Territory voting as one electorate. Representation in the Senate.
5. (1) A senator for a Territory has all the powers, immunities and privileges of a senator for a State and— Powers, immunities and privileges of senator.
 - (a) shall be included in the whole number of the senators for the purpose of ascertaining the number of senators necessary to constitute a meeting of the Senate for the exercise of its powers and, if present, shall be counted for the purpose of determining whether the necessary number of senators are present; and
 - (b) shall have a vote on all questions arising in the Senate.

(2) The provisions contained in sections 16, 19 and 20 and sections 42 to 48 (inclusive) of the Constitution, to the extent, if any, to which they do not apply, by virtue of the Constitution, in relation to a senator for a Territory, apply, by force of this Act, in relation to such a senator in the same way as they apply in relation to other senators.

Term of service.

6. The term of service of a senator for a Territory commences on the day of his election and expires at the close of the day next preceding the polling day for the general election of members of the House of Representatives next following his election.

Time of elections.

7. (1) Subject to sub-section (2), the first election of senators for a Territory shall be held at the same time as an election of senators for a State, being the first election of senators for that State that is held after the commencement of this Act.

(2) An election of senators for each Territory shall be held at the same time as each general election of members of the House of Representatives.

Issue of writs.

8. (1) The Governor-General may cause writs to be issued for elections of senators for a Territory.

(2) The writs for the elections of senators for a Territory in accordance with sub-section 7 (2) shall be issued within ten days from the expiry of the House of Representatives or from the proclamation of a dissolution thereof.

Writs for vacancy.

9. (1) If the place of a senator for a Territory becomes vacant before the expiration of his term of service, the President of the Senate may issue his writ for the election of a new senator, or if there is no President or if he is absent from the Commonwealth the Governor-General may issue the writ.

(2) If the places of both the senators for a Territory become vacant before the expiration of their term of service, a writ may be issued under this section for the election of two new senators at the one election.

Application of Commonwealth Electoral Act.

10. (1) Subject to this Act, the provisions of the *Commonwealth Electoral Act* 1918-1973 apply, with such exceptions and subject to such modifications and adaptations as are prescribed, to and in relation to an election of a senator or senators for a Territory in like manner as they apply to and in relation to an election of a senator or senators for a State and those provisions so apply as if the Territory were a State.

(2) Regulations for the purposes of this section shall not affect the application, in relation to elections under this Act, of the principles in accordance with which, under the provisions of the *Commonwealth Electoral Act* 1918-1973 applied by this section, ballot papers are to be prepared, votes are to be marked, the scrutiny is to be conducted and vacancies are to be filled at an election of senators for a State.

11. (1) The provisions of section 21 of the *Australian Capital Territory Representation (House of Representatives) Act 1973* apply to and in relation to a petition disputing an election under this Act of a senator or senators for the Australian Capital Territory in like manner as they apply to and in relation to a petition disputing an election under that Act. Disputed elections.

(2) The provisions of section 8A of the *Northern Territory Representation Act 1922-1968* apply to and in relation to a petition disputing an election under this Act of a senator or senators for the Northern Territory of Australia in like manner as they apply to and in relation to a petition disputing an election under that Act.

12. 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.

NOTE

1. Act No. 39, 1974; assented to 7 August 1974.