

Senate (Representation of Territories) Amendment Act 1980

No. 14 of 1980

An Act to amend the *Senate (Representation of Territories) Act 1973*

[Assented to 8 April 1980]

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

Short title, &c.

1. (1) This Act may be cited as the *Senate (Representation of Territories) Amendment Act 1980*.

(2) The *Senate (Representation of Territories) Act 1973*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on a date to be fixed by Proclamation.

3. Section 9 of the Principal Act is repealed and the following section is substituted:

Casual vacancies

“9. (1) If the place of a senator for the Northern Territory becomes vacant before the expiration of his term of service, the Legislative Assembly of the Territory shall choose a person to hold the place until the expiration of the term, but if it is not in session when the vacancy is notified, the Administrator of the Territory, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Legislative Assembly or the expiration of the term, whichever first happens.

“(2) If the place of a senator for the Australian Capital Territory becomes vacant before the expiration of his term of service, the Senate and the House of Representatives, sitting and voting together, shall choose a person to hold the place until the expiration of the term, but if the Parliament is not in session when the vacancy is notified, the Governor-General may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Parliament or the expiration of the term, whichever first happens.

“(3) Where a vacancy has at any time occurred in the place of a senator chosen by the people of a Territory and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

“(4) Where—

- (a) in accordance with sub-section (3), a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and
 - (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist),
- he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with sub-section (5).

“(5) Whenever the place of a senator for a Territory becomes vacant before the expiration of his term of service—

- (a) in the case of a senator for the Northern Territory—the President of the Senate shall notify the Administrator of the Northern Territory of the vacancy; and
- (b) in the case of a senator for the Australian Capital Territory—the President of the Senate shall notify the Governor-General of the vacancy.

“(6) The name of any senator chosen or appointed under sub-section (1) or chosen by the Senate and the House of Representatives under sub-section (2) shall be certified by the Administrator of the Northern Territory or the President of the Senate, as the case may be, to the Governor-General.”.

Application

4. If the place of a senator for a Territory is vacant at the commencement of this Act and became vacant before the expiration of his term of service, section 9 of the Principal Act as amended by this Act applies as if the place of the senator had become vacant after that commencement.

NOTE

1. No. 39, 1974.