

# THE TERRITORY FOR THE SEAT OF GOVERNMENT

No. 18 of 1928

## AN ORDINANCE

**To provide for the Location and Character of National Memorials, and the Nomenclature of Divisions of, and Public Places in, the Canberra City District.**

BE it ordained by the Deputy of the Governor-General of the Commonwealth of Australia with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*, as follows:—

### Short Title

1. This Ordinance may be cited as the *National Memorials Ordinance 1928*.

### Definitions

2. In this Ordinance, unless the contrary intention appears—
  - “Chief Commissioner” means the member of the Commission appointed to be Chief Commissioner;
  - “City District” means the Canberra City District as and when determined in accordance with the provisions of the *Districts Ordinance 1927*, and until the Canberra City District is so determined means the City Area as defined in the *City Area Leases Ordinance 1924-1926*;
  - “public place” includes any avenue, road, street and place which the public are entitled to use and any unleased lands belonging to the Commission;
  - “the Commission” means the Federal Capital Commission;
  - “the Committee” means the Canberra National Memorials Committee established by this Ordinance.

### Establishment of Committee

3. (1.) For the purposes of this Ordinance there shall be a Canberra National Memorials Committee.
  - (2.) The Committee shall consist of the Prime Minister of the Commonwealth, the Minister of State for Home and Territories, the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Opposition in the House of Representatives, the Chief Commissioner and two other members to be appointed by the Governor-General from amongst persons who are recognized as authorities on Australian history.
  - (3.) The Prime Minister shall be the Chairman of the Committee.
  - (4.) Meetings of the Committee shall be summoned by the Chief Commissioner.

(5.) In the absence of the Chairman from any meeting, the members present at the meeting may elect one of their number to be the Chairman of the meeting.

(6.) At any meeting of the Committee, the Chairman or the member presiding thereat shall have a deliberative vote, and in the event of an equality of voting, a second or casting vote.

(7.) Three members shall form a quorum at any Meeting of the Committee.

(8.) In the case of the illness or absence from Australia of any member of the Committee, or in the event of the office of a member of the Committee becoming vacant, the Governor-General may, if he thinks fit, appoint a person to act during the illness or absence of the member, or until the vacancy is filled, as the case may be, and the person so acting shall have all the powers and perform all the duties of the member.

#### **Expenses of members of Committee**

4. The members of the Committee shall severally receive, in re-imbusement of their travelling and other expenses, such sums as, or sums calculated at such rates as, the Governor-General approves.

#### **Period of office of members of Committee**

5. (1.) The members of the Committee appointed by the Governor-General shall hold office during the pleasure of the Governor-General.

(2.) Upon the happening of a vacancy in the office of a member of the Committee appointed by the Governor-General, the Governor-General may appoint a person to the vacant office.

#### **Powers and functions of Commission**

6. (1.) The Commission shall consider all matters referred to it by the Committee, and all communications, representations and recommendations made to it or to the Committee with regard to the nomenclature of divisions of, or of public places in, the City District, or the location or character of national memorials in the City District, and for that purpose the Committee shall refer to the Commission all such communications, representations and recommendations made to the Committee.

(2.) The Commission shall furnish to the Committee a report with respect to all matters, communications, representations or recommendations referred to it by the Committee, and may, with respect thereto or to any communications representations or recommendations made to the Commission, or on its own initiative, submit to the Committee proposals or recommendations for the nomenclature of divisions of, or of public places in, the City District, or the location or character of national memorials in the City District.

#### **Powers and functions of Committee**

7. (1.) The Committee may—

- (a) approve, without alterations, or subject to such alterations as the Committee thinks fit, any proposal or recommendation made by the Commission; or
- (b) reject any such proposal or recommendation; or

- (c) return the proposal or recommendation to the Commission for further consideration and report and submission of a fresh proposal or recommendation.

(2.) Where the Committee approves of any proposal or recommendation submitted to the Committee by the Commission in pursuance of this Ordinance, the Committee shall forthwith notify the Commission of the approval, and shall furnish to the Commission a statement of the alterations (if any) subject to which the approval is given, and the Commission shall thereupon determine in accordance with the approval of the Committee, the nomenclature of divisions of, or of public places in the City District, or the location or character of national memorials in the City District, as the case may be.

(3.) Every determination of the Commission under this section with regard to the nomenclature of divisions or public places shall—

- (a) forthwith be published in the *Gazette*;
- (b) be laid before both Houses of the Parliament within thirty days after the making thereof, or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament; and
- (c) come into operation as provided in the next succeeding sub-section.

#### **Disallowance of determination by Parliament**

**8.** (1.) If notice of a resolution disallowing the determination wholly or in part is not given in either House of the Parliament within fifteen sitting days after the determination is laid before that House the determination shall come into operation upon the expiration of that period.

(2.) If notice of a resolution disallowing the determination wholly or in part is given in either House of Parliament within that period, the determination, except that portion referred to in the notice, shall come into operation upon the expiration of that period.

(3.) If either House of the Parliament passes any such resolution disallowing the determination wholly or in part so much of the determination as is not already in operation shall, except to the extent to which it is disallowed, thereupon come into operation, and the disallowed portion shall be again dealt with as if it were a matter referred to the Commission in pursuance of section six of this Ordinance:

Provided that any new determination in respect of the disallowed portion shall not be laid before both Houses of the Parliament in the same session of the Parliament as that in which the resolution was passed.

(4.) Subject to sub-sections (1.) and (2.) of this section if neither House of the Parliament passes any such resolution so much of the determination as is not already in operation shall come into operation upon the day immediately following the last day of the session in which the notice was given.

(5.) A new determination made in respect of a matter referred to in sub-section (3.) of this section shall not be disallowed either wholly or in part unless a resolution to that effect of which notice has been given in either House of the Parliament within fifteen sitting days after the determination is laid before that House is passed by both Houses of the Parliament.

Dated this thirtieth day of August One thousand nine hundred and twenty-eight.

W. P. CULLEN  
Deputy of the Governor-General

By His Excellency's Command,

THOS. W. CRAWFORD  
for Minister of State for Home and Territories