

# NORTHERN TERRITORY (ADMINISTRATION) AMENDMENT ACT 1976

**No. 66 of 1976**

An Act to amend the *Northern Territory (Administration) Act* 1910-1974.

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

1. (1) This Act may be cited as the *Northern Territory (Administration) Amendment Act* 1976.<sup>1</sup> Short title  
and citation.

(2) The *Northern Territory (Administration) Act* 1910-1974<sup>2</sup> 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* 1910-1976.

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

3. Section 3 of the Principal Act is amended by inserting in subsection (1), after the definition of “Central Australia”, the following definitions:— Interpret-  
ation.

“ ‘Council’ means the Executive Council of the Northern Territory of Australia;

‘executive member’ means a person holding an executive office;

‘executive office’ means an office of executive member of the Legislative Assembly; ”.

4. The heading to Part II of the Principal Act is repealed and the following heading substituted:— Heading to  
Part II.

“PART II—THE ADMINISTRATOR”.

5. The heading to Part IV of the Principal Act is repealed and the following heading substituted:— Heading to  
Part IV.

“PART IV—THE EXECUTIVE COUNCIL”.

6. (1) Sections 4ZA and 4ZB of the Principal Act are repealed and the following sections substituted:—

The  
Executive  
Council.

“4ZA. (1) There shall be a Council to be known as the Executive Council of the Northern Territory of Australia.

“(2) The Council shall consist of the persons for the time being holding office as executive members.

“(3) The Administrator is entitled to attend all meetings of the Council, and shall preside at all meetings at which he is present.

“(4) Meetings of the Council shall be convened by the Administrator and not otherwise.

“(5) Subject to the preceding provisions of this section and to any provision made by the regulations, the procedure of the Council shall be as the Council determines.

Function of  
Council.

“4ZB. (1) The function of the Council is to advise the Administrator on matters relating to the administration of the government of the Territory.

“(2) The Administrator may introduce into the Council any matter for discussion in the Council.”.

(2) In—

(a) a law of the Territory; or

(b) an instrument under such a law,

being a law or instrument passed or made before the commencement of this Act, a reference to the Administrator’s Council shall, in relation to anything done or to be done after the commencement of this Act, be read as a reference to the Executive Council of the Northern Territory of Australia.

7. After Part IV of the Principal Act the following Part is inserted:—

“PART IVA—EXECUTIVE MEMBERS

Executive  
offices.

“4ZE. (1) There shall be such number of offices of executive member of the Legislative Assembly, and of such respective designations, as the Administrator from time to time, after consultation with the Minister, determines.

“(2) In respect of each executive office, the Administrator shall from time to time, after consultation with the Minister, determine the matters in respect of which the holder of the office is to perform the functions of an executive member, being—

- (a) matters arising under specified laws of the Territory, other than laws of the Commonwealth, as amended from time to time; or
- (b) matters to which the functions of a specified Department of the Public Service of the Territory relate.

“(3) A determination under sub-section (2) shall be in writing under the hand of the Administrator and a copy of the determination shall be published in the *Government Gazette* of the Territory.

“4ZF. (1) The functions of an executive member are, in relation to the matters determined in relation to his office under sub-section (2) of section 4ZE, and subject to the directions (if any) of the Administrator, to assist in the administration of the government of the Territory and, in particular—

Functions of  
holder of  
executive  
office.

- (a) to formulate policies and plans, and proposals for expenditure, in relation to those matters;
- (b) to make recommendations to the Council in relation to those matters;
- (c) to administer any laws of the Territory specified in relation to that office in a determination in force under that sub-section to the extent that those laws relate to any of those matters; and
- (d) where any of those matters are dealt with by a Department of the Public Service of the Territory—to direct the activities of that Department relating to those matters.

“(2) The Administrator shall not give a direction under sub-section (1) to an executive member unless the Council has given him advice, or has had an opportunity to give him advice, in respect of the matters to which the direction relates, but the Administrator is not bound to act in conformity with any such advice.

“(3) In the event of the Administrator acting contrary to, or failing to act in conformity with, any advice given to him by the Council in relation to the giving of a direction under sub-section (1), the Administrator shall cause a statement of the reasons for his so acting or failing to act, as the case may be, to be laid before the Legislative Assembly within 12 sitting days of the Legislative Assembly after the giving of the advice.

“4ZG. The Administrator may appoint a member of the Legislative Assembly to an executive office, and may, at any time, terminate any such appointment.

Appointment  
of holder of  
executive  
office, &c.

“4ZH. The appointment of a person to an executive office takes effect on the day specified in the instrument of appointment and terminates when—

Tenure of  
office.

- (a) he ceases, by reason of his resignation or by reason of the provisions of section 4KA, to be a member of the Legislative Assembly;
- (b) his appointment is terminated by the Administrator;

- (c) he resigns his office of executive member by writing under his hand delivered to the Administrator and the resignation is accepted by the Administrator; or
- (d) the Legislative Assembly first meets after a general election of the Legislative Assembly that takes place after the appointment takes effect.

Oath or  
affirmation  
of office.

“4ZI. (1) A person who is appointed to an executive office shall, before entering on the duties of the office, make and subscribe an oath or affirmation in accordance with the form in Schedule 4.

“(2) An oath or affirmation under sub-section (1) shall be made before the Administrator or a person authorized by the Administrator to administer such oaths or affirmations.”.

Additional  
amendments.

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

## SCHEDULE

Section 8

### ADDITIONAL AMENDMENTS

| Provision                          | Amendments  |
|------------------------------------|---|
| Section 3D (1) . . . . .           | Omit “the First Schedule”, substitute “Schedule 1”.   |
| Section 4 . . . . .                | Omit “the Second Schedule”, substitute “Schedule 2”.  |
| Section 4ZC (1) . . . . .          | (a) Omit “Administrator’s Council (other than the Administrator)”, substitute “Council”.          |
|                                    | (b) Omit “the Fourth Schedule”, substitute “Schedule 3”.  |
| Section 4ZD . . . . .              | Omit “Administrator’s Council who are members of the Legislative Assembly”, substitute “Council”. |
| Heading to the Schedules . . . . . | Omit “THE SCHEDULES”.   |
| First Schedule . . . . .           | Omit “FIRST SCHEDULE”, substitute “SCHEDULE 1”.   |
| Second Schedule . . . . .          | Omit “SECOND SCHEDULE”, substitute “SCHEDULE 2”.  |
| Fourth Schedule . . . . .          | Omit, substitute the following Schedules:—  |

### SCHEDULE 3

Section 4ZC

#### OATH

I, A.B., do swear that, except as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Executive Council of the Northern Territory of Australia: So help me God!

#### AFFIRMATION

I, A.B., do solemnly and sincerely promise and declare that, except as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Executive Council of the Northern Territory of Australia.

## SCHEDULE—continued

| Provision | Amendments  |
|-----------|---|
|           | SCHEDULE 4                      Section 4ZI   |
|           | OATH  |
|           | I, A.B., do swear that, except in the course of my duties or as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my holding the office of executive member of the Legislative Assembly: So help me God!                      |
|           | AFFIRMATION   |
|           | I, A.B., do solemnly and sincerely promise and declare that, except in the course of my duties or as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my holding the office of executive member of the Legislative Assembly. |

## NOTES

1. Act No. 66, 1976; assented to 9 June 1976.
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 and 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; No. 216, 1973 (as amended by No. 20, 1974); and No. 30, 1974.