

NORTHERN TERRITORY (ADMINISTRATION).

No. 89 of 1953.

An Act to amend the *Northern Territory (Administration) Act 1910-1952.*

[Assented to 11th December, 1953.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Northern Territory (Administration) Act 1953.* Short title and citation.

(2.) The *Northern Territory (Administration) Act 1910-1952** 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 1910-1953.*

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on a date to be fixed by Proclamation. Commencement.

(2.) Sections fourteen and fifteen, paragraph (a) of section sixteen and sections seventeen and eighteen of this Act shall be deemed to have come into operation on the twelfth day of June, One thousand nine hundred and thirty-one.

* 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; and No. 71, 1952.

Title. 3. The title of the Principal Act is amended by omitting the word "Provisional".

Definitions. 4. Section three of the Principal Act is amended—

(a) by inserting before the definition of "Central Australia" the following definition:—

" 'Acting Administrator' means a person appointed under section three B of this Act to act in the office of Administrator, and includes a member of the Council acting in the office of Administrator in pursuance of sub-section (3.) of that section ; " : and

(b) by inserting after the definition of "North Australia" the following definition:—

" 'the Administrator' means the Administrator of the Territory, and includes an Acting Administrator : " .

5.—(1.) Sections four, four A and four B of the Principal Act are repealed and the following sections inserted in their stead:—

Office of Administrator.

" 3A.—(1.) There shall be an Administrator of the Territory.

" (2.) The Administrator shall be appointed by the Governor-General by Commission under the Seal of the Commonwealth and shall hold office during the pleasure of the Governor-General.

" (3.) The Administrator is charged with the duty of administering the government of the Territory on behalf of the Commonwealth.

" (4.) The Administrator shall exercise and perform all powers and functions that belong to his office in accordance with the tenor of his Commission and in accordance with such instructions as are given to him by the Minister.

Acting Administrator.

" 3B.—(1.) The Governor-General may, by Commission under the Seal of the Commonwealth, appoint a person to act in the office of Administrator and to administer the government of the Territory during any vacancy in the office of Administrator or whenever the Administrator is absent from the Territory or is unable by reason of illness or incapacity to exercise and perform the powers and functions of his office.

" (2.) Whenever—

(a) there is a vacancy in the office of Administrator or the Administrator is, or is about to be, absent from the Territory or is unable by reason of illness or incapacity to exercise and perform the powers and functions of his office ; and

(b) there is no Acting Administrator holding office in pursuance of the last preceding sub-section or the Acting Administrator so holding office is absent from the Territory or is unable by reason of illness or incapacity to act in the office of Administrator,

the Governor-General may appoint a person to act in the office of Administrator and to administer the government of the Territory during the period of the vacancy or of the absence or inability of the Administrator.

“(3.) If in the circumstances specified in the last preceding sub-section an appointment has not been made in pursuance of that sub-section, the senior official member of the Council present in the Territory and able to act in the office of Administrator shall act in that office and administer the government of the Territory during the period of the vacancy or of the absence or inability of the Administrator.

“(4.) A person acting as Administrator in pursuance of either of the last two preceding sub-sections shall cease so to act when a person appointed in pursuance of sub-section (1.) of this section notifies him that the person so appointed is ready to assume duty as Acting Administrator, and a person acting as Administrator in pursuance of the last preceding sub-section shall cease so to act when a person appointed in pursuance of sub-section (2.) of this section notifies him that the person so appointed is ready to assume duty as Acting Administrator.

“(5.) An Acting Administrator administering the government of the Territory has, and may exercise and perform, all the powers and functions of the Administrator.

“(6.) The exercise or performance by an Acting Administrator of the powers and functions of the Administrator during the absence of the Administrator from the Territory does not prevent the exercise or performance by the Administrator himself of any of those powers or functions.

“(7.) The appointment of an Acting Administrator, and any act done by an Acting Administrator as such, shall not, in any proceedings, be questioned on the ground that the occasion for his appointment, or for the exercise of his powers or functions, had not arisen or had ceased.

“3c.—(1.) The Administrator may appoint a person, or persons jointly or severally, to be the deputy or deputies of the Administrator in the Territory, or a part of the Territory, and in that capacity to exercise during the pleasure of the Administrator such powers and functions of the Administrator as he assigns to the deputy or deputies.

Deputies of
Administrator.

“(2.) The appointment of a deputy does not affect the exercise or performance by the Administrator himself of a power or function.

“3D.—(1.) The Administrator, an Acting Administrator and a deputy of the Administrator shall, before entering on the duties of his office, make and subscribe an oath or affirmation of allegiance in the form in the Schedule to the Constitution and also an oath or affirmation of office in the form in the First Schedule to this Act.

Oath to be
taken by
Administrator,
&c.

“(2.) An oath or affirmation under this section shall be made before the Governor-General, a judge of the Supreme Court of the Territory or a person authorized by the Governor-General to administer the oath or affirmation.

Legislative Council.

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

“(2.) The Legislative Council shall consist of—

(a) the Administrator ;

(b) seven official members, who shall be appointed by the Governor-General on the nomination of the Administrator and shall hold office during the pleasure of the Governor-General ; and

(c) six elected members, who shall be elected in the manner provided in this Act.

“(3.) A member of the Council shall, before taking his seat, make and subscribe an oath or affirmation of allegiance in the form in the Schedule to the Constitution and also an oath or affirmation of office in the form in the Second Schedule to this Act.

“(4.) An oath or affirmation under the last preceding sub-section shall be made before the Administrator or a person authorized by the Administrator to administer the oath or affirmation.

Seniority of official members of the Council.

“4A.—(1.) The Minister may, by notice published in the *Government Gazette* of the Territory, fix the order of seniority of official members of the Council.

“(2.) Official members of the Council the order of whose seniority has not been fixed by the Minister have seniority (after any members the order of whose seniority has been so fixed) according to the order in which they were appointed.

“(3.) For the purposes of the last preceding sub-section, official members of the Council appointed by the same instrument shall be deemed to have been appointed in the order in which they are named in that instrument.

Resignation of official members.

“4B.—(1.) An official member of the Council who desires to resign shall deliver a written resignation to the Administrator for transmission to the Governor-General.

“(2.) The resignation is not effective unless and until it has been accepted by the Governor-General.”

(2.) The person holding the office of Administrator of the Northern Territory of Australia immediately before the date of commencement of this Act shall continue to hold that office as if he had been appointed to that office under the Principal Act as amended by this Act.

(3.) A member of the Legislative Council for the Northern Territory of Australia holding office immediately before the date of commencement of this Act shall continue to hold office under the Principal Act as amended by this Act and shall, for the purposes of sub-section

(3.) of section four of the Principal Act as so amended, be deemed to take his seat at his first attendance at a meeting of the Council after that date.

6. Section four c of the Principal Act is amended—

Election of
members of
Council.

- (a) by omitting from sub-section (1.) the words “the last preceding section” and inserting in their stead the words “sub-section (2.) of section four of this Act”; and
- (b) by omitting from sub-section (1.) the words “the Schedule” and inserting in their stead the words “the Third Schedule”.

7. Section four e of the Principal Act is amended—

Application of
Commonwealth
Electoral Act.

- (a) by omitting from sub-section (1.) the words “the *Commonwealth Electoral Act 1918-1946*” and inserting in their stead the words “the *Commonwealth Electoral Act 1918-1952*”; and
- (b) by omitting from sub-section (2.) the words “the provisions of sub-sections (5.), (6.) and (11.) of section one hundred and thirty-five of the *Commonwealth Electoral Act 1918-1946*” and inserting in their stead the words “section one hundred and thirty-five of the *Commonwealth Electoral Act 1918-1952*”.

8.—(1.) Sections four F to four K (inclusive) of the Principal Act are repealed and the following sections inserted in their stead :—

“4F. Subject to this Act, the term of office of an elected member of the Council commences on the date of his election and ends on the date immediately preceding the date of the next general election of members of the Council.

Term of office
of elected
member.

“4G.—(1.) A general election of members of the Council shall be held on a date determined by the Administrator.

Dates of
elections.

“(2.) Subject to the next succeeding sub-section, the period from the date of a general election of members of the Council to the date of the next succeeding general election of members of the Council shall not be more than three years.

“(3.) Where a general election of members of the Council is held on the same date as a general election of the House of Representatives, the next general election of members of the Council may be held on the same date as the next general election of the House of Representatives.

“4H.—(1.) An elected member who desires to resign shall deliver a written resignation to the Administrator for transmission to the Governor-General.

Resignation of
elected
members.

“(2.) The resignation becomes effective when it is received by the Administrator.

Filling of
casual vacancy
in office of
elected member.

“ 4J.—(1.) Where a casual vacancy occurs in the office of an elected member of the Council less than two years and nine months after the date of the last preceding general election, an election shall be held in the Electoral District in which the vacancy occurs for the purpose of filling the vacant office for the remainder of the term of office of the member who last held that office.

“ (2.) Where the casual vacancy occurs in the office of an elected member of the Council otherwise than as provided in the last preceding sub-section, the Governor-General may, on the recommendation of the Administrator, appoint a person who is qualified to be an elected member of the Council to hold the vacant office, from and including the date of the appointment, for the remainder of the term of office of the member who last held that office.

“ (3.) A person appointed under the last preceding sub-section to hold a vacant office shall, for the purposes of this Act, be deemed to be an elected member of the Council.

Qualifications
for election.

“ 4K. Subject to the next succeeding section, a person is qualified to be a candidate for election as a member of the Council if, at the date of nomination—

- (a) he is a British subject ;
- (b) he has attained the age of twenty-one years ;
- (c) he is entitled, or qualified to become entitled, to vote at elections of members of the Council ; and
- (d) he has been resident within the Commonwealth for at least six months and within the Territory for at least three months.

Disqualifications
for membership
of Council.

“ 4KA.—(1.) A person is not qualified to be a candidate for election as a member of the Council if, at the date of nomination—

- (a) he is employed in the Public Service of the Territory or of the Commonwealth ;
- (b) he is an undischarged bankrupt ;
- (c) he has been convicted and is under sentence, or subject to be sentenced, for an offence punishable under the law of the Commonwealth, or of a State or Territory of the Commonwealth, by imprisonment for one year or longer ; or
- (d) he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons—
 - (i) is concerned or interested in a contract or agreement made by or on behalf of the Commonwealth ; or
 - (ii) participates, or claims to be entitled to participate, in the profit of, or in a benefit or emolument arising from, such a contract or agreement.

“ (2.) An elected member of the Council vacates his office if—

- (a) he becomes a person to whom any of the paragraphs of the last preceding sub-section applies ;
- (b) he ceases to be a British subject ;

- (c) he ceases to be entitled, or qualified to become entitled, to vote at elections of members of the Council ;
- (d) he is absent from three consecutive meetings of the Council otherwise than on leave of absence granted by the Administrator ; or
- (e) he takes or agrees to take, directly or indirectly, a fee or honorarium, other than a fee, allowance or travelling expenses under the next succeeding section, for services rendered in the Council.”.

(2.) Notwithstanding the provisions of sub-section (2.) of section four KA of the Principal Act as amended by this Act, a person employed in the Public Service of the Territory or of the Commonwealth who held office as an elected member of the Legislative Council for the Northern Territory of Australia immediately before the date of commencement of this Act shall be deemed not to be disqualified, by virtue of his being so employed, from continuing in office as such a member for the remainder of the term of office for which he was elected.

9. Section four L of the Principal Act is amended by inserting after the word “ fees ” the word “, allowances ”.

Fees, allowances and travelling expenses.

10. Section four N of the Principal Act is repealed and the following section inserted in its stead :—

“ 4N.—(1.) The presence of at least seven members of the Council is necessary to constitute a meeting of the Council for the exercise and performance of its powers and functions.

Quorum.

“ (2.) For the purposes of this section, the member presiding at the meeting (whether he is the Administrator or another member) shall be counted as a member present at the meeting.”.

11. Section four S of the Principal Act is amended by omitting the words “ any part of the revenue of the Territory ” and inserting in their stead the words “ public moneys ”.

Proposal of money votes.

12. Section four W of the Principal Act is repealed and the following section inserted in its stead :—

“ 4w.—(1.) Within six months after the Administrator’s assent to an Ordinance, the Governor-General may disallow the Ordinance or a part of the Ordinance.

Disallowance of Ordinances assented to.

“ (2.) Upon publication of notice of the disallowance of an Ordinance or part of an Ordinance in the *Government Gazette* of the Territory, the disallowance has, subject to the next succeeding sub-section, the same effect as a repeal of the Ordinance or part of the Ordinance.

“ (3.) If a provision of a disallowed Ordinance, or a provision of a disallowed part of an Ordinance, amended or repealed a law in force immediately before the commencement of that provision, the disallowance revives the previous law from the date of publication of the notice of disallowance as if the disallowed provision had not been made.”.

Assent to
certain
Ordinances.

13. Section four v of the Principal Act is amended—

(a) by omitting from paragraph (b) the word “or” (last occurring); and

(b) by adding at the end thereof the following word and paragraph:—

“; or (d) containing provisions from which the assent of the Governor-General has previously been withheld or which the Governor-General has disallowed.”.

Continuance of
contracts, &c.

14. Section twelve of the Principal Act is amended—

(a) by omitting the words “this Act” (first occurring) and inserting in their stead the words “the *Northern Territory (Administration) Act 1931*”; and

(b) by omitting the words “this Act” (second occurring) and inserting in their stead the words “that Act”.

Saving.

15. Section thirteen of the Principal Act is amended by omitting the words “this Act” (wherever occurring) and inserting in their stead the words “the *Northern Territory (Administration) Act 1931*”.

Loans.

16. Section fourteen of the Principal Act is amended—

(a) by omitting from sub-sections (1.) and (4.) the words “this Act” (wherever occurring) and inserting in their stead the words “the *Northern Territory (Administration) Act 1931*”; and

(b) by omitting sub-sections (2.) and (3.).

Preservation of
rights of officers
and
Commissioners.

17. Section seventeen a of the Principal Act is amended—

(a) by omitting the words “the Act repealed by this Act” and inserting in their stead the words “the *Northern Australia Act 1926*”; and

(b) by omitting from paragraph (b) the words “the Act so repealed” and inserting in their stead the words “the *Northern Australia Act 1926*”.

Rights of
officers
previously
Government
Resident.

18. Section seventeen b of the Principal Act is amended by omitting the words “the Act repealed by this Act” and inserting in their stead the words “the *Northern Australia Act 1926*”.

First and
Second
Schedules.

19. After section twenty-two of the Principal Act the following heading and schedules are inserted:—

“ THE SCHEDULES.

“ FIRST SCHEDULE.

Section 3d.

OATH.

I, *A.B.*, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Administrator (or Acting Administrator, or Deputy Administrator) of the Northern Territory of Australia, and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will: So help me God!

AFFIRMATION.

I, *A.B.*, do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lady the Queen in the office of Administrator (*or Acting Administrator, or Deputy Administrator*) of the Northern Territory of Australia, and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

"SECOND SCHEDULE.

Section 4.

OATH.

I, *A.B.*, do swear that I will render true and faithful service as a member of the Legislative Council for the Northern Territory of Australia : So help me God !

AFFIRMATION.

I, *A.B.*, do solemnly and sincerely promise and declare that I will render true and faithful service as a member of the Legislative Council for the Northern Territory of Australia."

20. The Schedule to the Principal Act is amended by omitting The Schedule.
the heading and inserting in its stead the following heading :—

"THIRD SCHEDULE."
