

THIS Bill originated in the House of Representatives ; and, having this day passed, is now ready for presentation to the Senate for its concurrence.

E. W. PARKES,
Clerk of the House of Representatives.

House of Representatives,
 Canberra, 9th December, 1930.

A BILL

FOR

AN ACT

To amend the *Northern Territory (Administration) Act 1910-1926*, to repeal the *Northern Australia Act 1926*, and for other purposes.

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

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|----|---|--------------------------|
| 5 | 1.—(1.) This Act may be cited as the <i>Northern Territory (Administration) Act 1930</i> . | Short title and citation |
| | (2.) The <i>Northern Territory (Administration) Act 1910-1926*</i> is in this Act referred to as the Principal Act. | |
| | (3.) The Principal Act, as amended by this Act, may be cited as the <i>Northern Territory (Administration) Act 1910-1930</i> . | |
| 10 | 2. This Act shall commence on a date to be fixed by Proclamation. | Commencement. |
| | 3. The <i>Northern Australia Act 1926</i> is repealed. | Repeal. |
| | 4. Section three of the Principal Act is amended by inserting, before the definition of " the Territory ", the following definitions :— | Definitions. |
| 15 | " ' Central Australia ' means that part of the Territory situated south of the twentieth parallel of South Latitude ; | |
| | " ' North | |

* Act No. 27, 1910, as amended by No. 19, 1926.

“ ‘North Australia’ means that part of the Territory situated north of the twentieth parallel of South Latitude ;

“ ‘the Commission’ means the North Australia Commission appointed under the *Northern Australia Act 1926* ;”.

“ ‘the Council’ ” means the Advisory Council constituted under this Act. 5

5. After section three of the Principal Act the following sections are inserted :—

“ *Administration* ”.

Appointment
of
Administrator.

“ 4.—(1.) The Governor-General may appoint an Administrator 10
for the Territory. The Administrator shall be appointed by the
Governor-General by Commission under the seal of the Common-
wealth, and shall hold office during pleasure.

(2.) The Administrator shall exercise and perform all powers and
functions that belong to his office according to the tenor of his 15
Commission, and according to such instructions as are given to him
by the Minister.

(3.) The Minister may appoint, or may delegate to the Adminis-
trator power to appoint, such officers as are necessary for the adminis-
tration of the *Northern Territory Acceptance Act 1910–1919* or this 20
Act or for the proper government of the Territory.”.

Advisory
Council.

“ 4A.—(1.) There shall be an Advisory Council for the Territory.

(2.) The Council shall consist of a Chairman and four other members
elected in the manner provided in this Act.

(3.) The Administrator shall be *ex officio* chairman of the Council. 25

Election of
members.

“ 4B.—(1.) For the purposes of the election of members of the
Council, the Territory shall be divided into four districts having such
boundaries as are from time to time specified by the Minister by
notice in the *Gazette*.

(2.) A member of the Council shall be elected for each district by 30
persons entitled to vote in respect of that district.

Application of
*Commonwealth
Electoral Act
1918–1929*.

“ 4C.—(1.) Subject to this Act, the provisions of the *Commonwealth
Electoral Act 1918–1929* shall apply, with such exceptions and subject
to such modifications and adaptations as are prescribed, to the
election of members of the Council in like manner as if— 35

(a) each district into which the Territory is divided under this
Act were an electoral division ;

(b) the election of a member of the Council were the election of a
member to represent, in the House of Representatives,
an electoral division of a State ; and 40

(c) the Supreme Court of the Northern Territory were the Supreme
Court of a State.

Term of office.

“ 4D. Each elected member of the Council shall hold office for a
period of three years but shall be entitled to resign during that period.

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“ 4E. The Minister shall, by notice in the *Gazette*, fix a date for the holding of elections of members of the Council. Dates of elections.

“ 4F. In the event of the happening of a vacancy in the office of an elected member of the Council before the expiration of the period for which that member was elected, the Governor-General may, on the recommendation of the Administrator, appoint a person to hold the vacant office until the expiration of that period. Casual vacancies.

“ 4G. The qualifications of a member of the Council shall be as follows:— Qualifications of member of Council.

- 10 (a) he must be of the full age of twenty-one years and must be an elector entitled to vote at an election of a member of the Council, or a person qualified to become such elector, and must have been for three years at least a resident within the Territory; and
- 15 (b) he must be a subject of the King, either natural born or for at least five years naturalized under a law of the United Kingdom, or of a colony which has become a State, or of the Commonwealth, or of a State.

“ 4H. An elected member of the Council shall be deemed to have vacated his office if— Office of member—how vacated.

- 20 (a) he becomes bankrupt or insolvent or applies to take the benefit of any Act or Ordinance for the relief of bankrupt or insolvent debtors; or
- 25 (b) he is convicted of any offence punishable under the law of the Commonwealth or of a State or of the Territory by imprisonment for one year or longer; or
- (c) he is absent from three consecutive meetings of the Council except on leave granted by the Administrator (which leave the Administrator is hereby authorized to grant); or
- 30 (d) he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—
- (i) becomes concerned or interested in any contract or agreement made by or on behalf of the Commonwealth; or
- 35 (ii) participates, or claims to be entitled to participate, in the profit of any such contract or agreement or in any benefit or emolument arising therefrom; or
- 40 (e) directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Territory or for services rendered in the Council to any person.

“ 4J. An elected member of the Council shall not receive any remuneration in respect of his services as member but shall be entitled to receive travelling expenses in such circumstances and at such rates as are prescribed. Travelling expenses.

4K.—(1.) Meetings

Meetings of the Council.

“ 4K.—(1.) Meetings of the Council shall be held at least twice in each year at such times and places as the Administrator appoints.

(2.) The Administrator shall call a meeting of the Council upon application in writing by not less than two members of the Council.

(3.) At any meeting of the Council three members shall form a quorum. 5

(4.) The Administrator shall notify in writing each member of the Council of the time and place of each meeting and of the subjects which will be considered at each such meeting.

(5.) Any elected member of the Council shall give at least seven days' notice in writing to the Administrator of any matter which he desires to be considered at the next meeting of the Council. 10

(6.) The Chairman shall preside at all meetings of the Council at which he is present and in his absence the members present shall elect a member to preside at that meeting. 15

(7.) Questions arising in the Council shall be determined by a majority of votes.

(8.) The Chairman or member presiding shall in all cases be entitled to vote, and shall also, if the numbers are equal, have a casting vote. 20

(9.) Minutes of the proceedings of all meetings of the Council shall be kept, and copies of the Minutes shall be transmitted to the Minister.

Powers of Council.

“ 4L.—(1.) The Council shall advise the Administrator in respect of any matter arising at any meeting of the Council or submitted by the Administrator to such meeting. 25

(2.) The Council may report upon—

(a) the necessity for undertaking any public work in the Territory or concerning the continuance of any public work already undertaken ; and 30

(b) upon the rates charged for fares or freights in respect of the carriage of passengers or goods upon any railway within the Territory.

(3.) Any report made under this section shall be transmitted to the Administrator who shall forthwith forward it to the Minister. 35

(4.) In any case any member of the Council may require that the grounds of advice or opinion which he gives upon any question be recorded at length.”

6. After section five of the Principal Act the following sections are inserted :— 40

Application of Commonwealth Conciliation and Arbitration Act 1904-1930.

“ 6. The *Commonwealth Conciliation and Arbitration Act 1904-1930* shall apply to industrial disputes in the Territory as if from the definition of ‘ industrial disputes ’ in section four of that Act the words ‘ extending beyond the limits of any one State ’ were omitted.

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“7. The *Australian Industries Preservation Act* 1906–1930 shall apply in the Territory as if the words ‘with other countries or among the States’, wherever they occur in relation to trade or commerce, were omitted.

Application of
*Australian
Industries
Preservation
Act*
1906–1930.

5 “8. The *Secret Commissions Act* 1905 shall apply in the Territory to trade and commerce with the Territory as if the words ‘with other countries and among the States’ were omitted from section two of that Act.

Application of
*Secret
Commissions
Act*
1905.

10 “9. The provisions of the *Lands Acquisition Act* 1906–1916 shall apply to the acquisition by the Commonwealth, for any public purpose, of any land owned in the Territory by any person :

Application of
*Lands
Acquisition Act*
1906–1916.

15 Provided that, in determining the compensation to which the owner is entitled under that Act, the value of the land shall be taken not to exceed the unimproved value of the land, or the interest therein of the owner, on the date of the passing of this Act, together with the value of his interest in the improvements on the land on the date of the acquisition of the land.

20 “10. Trade, commerce and intercourse between the Territory and the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

Trade and
commerce
with States
to be free.

“11.—(1.) Any land vested in the Commission immediately prior to the commencement of this Act is hereby vested in the Commonwealth for the same estate as that for which it was held by the Commission.

Vesting of
land and
other
property.

25 “(2.) All moneys and other assets the property of the Commission immediately prior to the commencement of this Act are hereby vested in the Commonwealth.

30 “12. Any contract, lease or agreement to which the Commission is a party, which is in force or continuing immediately prior to the commencement of this Act, shall continue in force as if this Act had not been passed :

Continuance
of contracts,
&c.

Provided that the Commonwealth shall be substituted as a party to any such contract, lease or agreement in lieu of the Commission.

35 “13. The repeal of the *Northern Australia Act* 1926 shall not affect any agreement, licence or permit made, granted or preserved thereunder and existing at the commencement of this Act, or any right, title, interest, power, duty, obligation or liability created by, acquired under, or at any time existing under, or by virtue or in respect of, any such agreement, licence or permit, and all such agreements, licences and permits shall continue to be of the same force and effect
40 as if this Act had not been passed.

Saving.

45 “14.—(1.) The Commonwealth hereby assumes any liability of the Commission existing or accruing at the commencement of this Act in respect of any moneys borrowed by the Commission under the *Northern Australia Act* 1926 and not redeemed prior to the commencement of this Act.

Loans.

“2. Any

“(2.) Any sums advanced by the Treasurer to the Commission in pursuance of sub-section (11.) of section thirty-one of the *Northern Australia Act* 1926 shall be repayable to the Commonwealth Public Account from moneys appropriated as a loan to the Commission.

“(3.) Any moneys appropriated by the *Loan Act* 1930 for the purposes of loans to the Commission may be expended in works and services required or undertaken by the Commonwealth in the Territory. 5

“(4.) There shall be payable by the Treasurer to the National Debt Sinking Fund established under the *National Debt Sinking Fund Act* 1923-1929, the payments which but for this Act would have been payable by the Commission in pursuance of sub-section (6.) of section thirty-one of the *Northern Australia Act* 1926. 10

Appropriation. “15. The Consolidated Revenue Fund is to the necessary extent hereby appropriated for the purposes of any interest or sinking fund payments to which the Commonwealth is liable in pursuance of the provisions of this Act. 15

Continuance of laws. “16.—(1.) Subject to this Act, all laws in force in North Australia shall, so far as applicable, continue in force in that part of the Territory situated north of the twentieth parallel of South Latitude and shall apply, subject to such modifications and adaptations as are prescribed by Ordinance made in pursuance of this Act, to that part of the Territory situated south of the twentieth parallel of South Latitude, but any such laws other than Acts of the Parliament of the Commonwealth may be altered or repealed by Ordinances made in pursuance of this Act. 20 25

“(2.) Where any law which is continued in force in the Territory by virtue of this section is a law of the Commonwealth, and any power or function is by that law vested in any officer in relation to any State, or in relation to North Australia or Central Australia, that power or function shall, in relation to the Territory, be vested in and exercised by such officer as the Governor-General directs. 30

“(3.) Where any law which is continued in force in the Territory by virtue of this section is a law of the State of South Australia, any power or function, which by that law is vested in the Governor of the State of South Australia, or in the Governor of that State with the advice of his Executive Council, or in any authority of that State, shall, in relation to the Territory, be vested in and exercised or performed by the Governor-General, or the Governor-General in Council, or the authority exercising similar powers and functions in the Territory, or as the Governor-General directs. 35 40

Transfer of officers from North Australia and Central Australia Service to the Northern Territory Service.

“17.—(1.) Every officer of the Public Service of North Australia and Central Australia shall, by force of this Act, be transferred to the Public Service of the Territory.

“(2.) Every such officer shall preserve all his existing and accruing rights as if his service with the Territory were a continuation of his service with North Australia or Central Australia, as the case may be. 45

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“(3.) The provisions of section eighty-four of the Constitution shall be deemed to continue to apply to any officer to whom by virtue of sub-section (3.) of section thirty-nine of the *Northern Australia Act* 1926 it was deemed to apply.

5 “18. Until other provision is made by or under any law of the Commonwealth— Continuance of Courts.

(a) all Courts of Justice in existence in North Australia or Central Australia shall continue in the Territory as Courts of the Territory ; and

10 (b) the jurisdiction, practice and procedure of any Court which continues in pursuance of this section in the Territory shall continue as the jurisdiction, practice and procedure of that Court.

15 “19. All Magistrates and Justices of the Peace holding office in North Australia or Central Australia, and entitled to exercise jurisdiction therein, and all public officers and public functionaries in and for North Australia or Central Australia, shall continue to hold office in relation to the Territory and shall continue to hold such office in the Territory on the same terms and conditions as they held office under Continuance of Magistrates, &c.

20 the *Northern Australia Act* 1926.

“20. Any reference in any Act, other than the *Northern Australia Act* 1926 to the Commission, shall be read as a reference to the Commonwealth or to such other authority (if any) as the Governor-General directs. Reference in other Acts to North Australia Commission.

25 “21.—(1.) Until the Parliament makes other provision for the Government of the Territory, the Council may, subject to this section, make Ordinances having the force of law in and in relation to the Territory. Ordinances.

30 “(2.) An Ordinance, the object or effect of which is to dispose of or create any charge upon, the Consolidated Revenue Fund or upon any revenue of the Territory, shall not be proposed in or made by the Council.

“ (3.) Every Ordinance made under this section shall be inoperative until it has been approved by the Governor-General.”

35 “(4.) Every such Ordinance shall—

(a) be notified in the *Gazette* ;

(b) take effect from the date of notification or from a later date to be specified in the Ordinance ; and

40 (c) be laid before each House of the Parliament within thirty sitting days of that House after the making thereof.

“ (5.) If either House of the Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after any such Ordinance has been laid before the House, disallowing the Ordinance, the Ordinance shall thereupon cease to have effect.

“ (22.) The

Regulations.

“22. 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 carrying out or giving effect to this Act.”.

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