

NORTHERN TERRITORY (ADMINISTRATION).

No. 28 of 1959.

An Act to amend the *Northern Territory
(Administration) Act 1910-1956.*

[Assented to 30th April, 1959.]

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 1959.* Short title and citation.

(2.) The *Northern Territory (Administration) Act 1910-1956** 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 1910-1959.*

2.—(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Sections five, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, eighteen, twenty-four and twenty-five of this Act shall come into operation on such dates as are respectively fixed by Proclamation.

(3.) Section twenty of this Act shall be deemed to have come into operation on the sixteenth day of February, One thousand nine hundred and fifty-six.

* 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; and Nos. 50 and 110, 1956.

Heading.

3. The Principal Act is amended by omitting the heading preceding section one and inserting in its stead the following heading:—

“ PART I.—PRELIMINARY.”.

4. After section two of the Principal Act the following section is inserted:—

Parts.

“ 2A. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–3).

Part II.—Administration (Sections 3A–3D).

Part III.—The Legislative Council (Sections 4–4Z).

Part IV.—The Administrator’s Council (Sections 4ZA–4ZD).

Part V.—Application of Laws (Sections 5–9).

Part VI.—Miscellaneous (Sections 10–22).”.

Interpretation.

5. Section three of the Principal Act is amended—

(a) by omitting the definition of “ the Council ” and inserting in its stead the following definition:—

“ ‘ the Legislative Council ’ means the Legislative Council for the Territory; ”; and

(b) by adding at the end thereof the following sub-section:—

“ (2.) For the purposes of this Act a person employed under the law relating to the Public Service of the Territory or of the Commonwealth as a temporary employee or as an officer or employee to whom any provisions of that law do not apply shall be deemed to be employed in the Public Service of the Territory or of the Commonwealth, as the case may be.”.

Heading.

6. The Principal Act is amended by omitting the heading preceding section three A and inserting in its stead the following heading:—

“ PART II.—ADMINISTRATION.”.

Heading.

7. The Principal Act is amended by inserting before section four the following heading:—

“ PART III.—THE LEGISLATIVE COUNCIL.”.

Legislative Council.

8. Section four of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

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

(a) the Administrator;

(b) six official members;

- (c) three non-official members; and
- (d) eight elected members.

“(2A.) A member of the Legislative Council referred to in paragraph (b) of the last preceding sub-section shall be appointed by the Governor-General on the nomination of the Administrator and shall hold office during the pleasure of the Governor-General.

“(2B.) A member of the Legislative Council referred to in paragraph (c) of sub-section (2.) of this section—

- (a) shall be appointed by the Governor-General on the nomination of the Administrator; and
- (b) shall, unless re-appointed, cease to hold office on the date immediately preceding the date of the next general election of members of the Legislative Council.

“(2C.) The members of the Legislative Council referred to in paragraph (c) of sub-section (2.) of this section shall be persons who are not employed in the Public Service of the Territory or of the Commonwealth.

“(2D.) The members of the Legislative Council referred to in paragraph (d) of sub-section (2.) of this section shall be elected as provided by this Act.”.

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

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

“(2.) The resignation of an official member of the Legislative Council does not become effective unless and until it has been accepted by the Governor-General.

“(3.) The resignation of a non-official member of the Legislative Council becomes effective when it is received by the Administrator.”.

10. Section four c of the Principal Act is repealed and the following sections are inserted in its stead:—

“4C.—(1.) For the purposes of the election of the members of the Legislative Council referred to in paragraph (d) of sub-section (2.) of section four of this Act, the Territory shall be distributed into eight Electoral Districts. Election of members of Legislative Council.

“(2.) One member shall be elected for each Electoral District by electors entitled to vote in respect of that District.

Electoral
Districts.

“4CA.—(1.) The boundaries of each Electoral District shall be as prescribed, after report to the Minister by a Distribution Committee appointed under section four CC of this Act.

“(2.) The boundaries of an Electoral District as prescribed shall have effect for the purposes of the next general election of the elected members of the Legislative Council after the commencement of the regulations prescribing those boundaries and, subject to any subsequent regulations, for the purposes of all subsequent elections, whether general or to fill casual vacancies.

Distribution
of Territory into
Electoral
Districts.

“4CB. A distribution of the Territory into Electoral Districts shall be made whenever the Minister so directs.

Distribution
Committee.

“4CC.—(1.) For the purpose of a distribution of the Territory into Electoral Districts, the Minister may appoint a Distribution Committee consisting of three persons.

“(2.) Of the members of a Distribution Committee—

(a) one shall be the Chief Electoral Officer for the Commonwealth or a person having similar qualifications; and

(b) one shall be the Surveyor-General for the Territory or a person having similar qualifications.

“(3.) The Minister may appoint one of the members of a Distribution Committee to be Chairman.

“(4.) The members of a Distribution Committee shall hold office during the pleasure of the Minister.

Proceedings
at meetings.

“4CD.—(1.) At a meeting of a Distribution Committee, the Chairman shall preside if he is present.

“(2.) In the absence of the Chairman from a meeting of a Distribution Committee, the members of the Committee present shall appoint one of their number to preside at that meeting.

“(3.) At a meeting of a Distribution Committee, two members of the Committee form a quorum.

“(4.) Questions arising before a Distribution Committee shall be decided by a majority of votes.

“(5.) In the event of an equality of votes, the member of the Committee presiding at the meeting shall have a casting vote in addition to a deliberative vote.

Matters to be
considered in
distribution.

“4CE. For the purpose of a proposed distribution of the Territory into Electoral Districts, the Distribution Committee shall give due consideration to—

- (a) distribution of population;
- (b) community or diversity of interest;
- (c) means of communication; and
- (d) physical features.

“4CF. Before making its report, the Distribution Committee shall cause a map with a description of the boundaries of the proposed Electoral Districts to be exhibited at post offices in the Territory and shall invite public attention to the map by advertisement in the *Government Gazette* of the Territory.

Notice of proposed distribution.

“4CG. Objections or suggestions in writing may be lodged with the Distribution Committee not later than thirty days after the first advertisement in the *Government Gazette* and the Committee shall consider all objections and suggestions so lodged before making its report.

Objections and suggestions.

“4CH.—(1.) The Distribution Committee shall as soon as practicable after the expiration of the period of thirty days referred to in the last preceding section forward to the Minister a report of its proposals for the distribution of the Territory into Electoral Districts, together with a map signed by the members of the Committee showing the boundaries of each proposed District.

Report of Distribution Committee.

“(2.) The report shall state the number of electors residing in each proposed Electoral District.”.

11. Section four E of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the word “divided” and inserting in its stead the word “distributed”; and
- (b) by omitting sub-section (2.)

Application of Commonwealth Electoral Act.

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

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

Disqualifications for membership of Legislative Council.

- (a) he is employed in the Public Service of the Territory or of the Commonwealth;
- (b) he is an undischarged bankrupt; or
- (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.

“(2.) An elected member of the Legislative Council vacates his office if he ceases to be entitled, or qualified to become entitled, to vote at elections of members of the Legislative Council.

“(3.) An elected member or non-official member of the Legislative Council vacates his office if—

- (a) he becomes a person to whom any of the paragraphs of sub-section (1.) of this section applies;
- (b) he ceases to be a British subject;

(c) he is absent from three consecutive meetings of the Legislative Council otherwise than on leave of absence granted by the Administrator; or

(d) he takes or agrees to take, directly or indirectly, a fee or honorarium, other than a fee, an allowance or travelling expenses under the next succeeding section, for services rendered in the Legislative Council.

“(4.) Any question concerning the application of the last preceding sub-section in relation to a non-official member of the Legislative Council shall be decided by the Legislative Council, unless the Legislative Council refers the question to the Supreme Court of the Northern Territory, in which case the question shall be determined by that Court.

“(5.) An elected member or non-official member of the Legislative Council who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Commonwealth under which goods or services are to be supplied to the Commonwealth shall not take part in a discussion of a matter, or vote on a question, in the Legislative Council where the matter or question relates directly or indirectly to that contract.

“(6.) Any question concerning the application of the last preceding sub-section shall be decided by the Legislative Council and a contravention of that sub-section does not affect the validity of anything done by the Legislative Council.”.

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

Fees,
allowances and
travelling
expenses.

“4L. The elected members and the non-official members of the Legislative Council shall receive in respect of their services as members such fees, allowances and travelling expenses as are prescribed.”.

Sessions of
Legislative
Council.

14. Section four M of the Principal Act is amended by omitting from sub-section (2.) the word “ seven ” and inserting in its stead the word “ nine ”.

Quorum.

15. Section four N of the Principal Act is amended by omitting from sub-section (1.) the word “ seven ” and inserting in its stead the word “ nine ”.

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

Validation
of acts of
Legislative
Council.

“4QA. Where a person who has, whether before or after the commencement of this section, purported to sit or vote as a member of the Legislative Council at a meeting of the Legislative Council or of a Committee of the Legislative Council—

(a) was not, in the case of an elected member, a duly elected member by reason of his not having been qualified for election or of any other defect in his election; or

(b) had vacated his office as a member,

all things done or purporting to have been done by the Legislative Council or that Committee shall be deemed to be as validly done as if that person had, when so sitting or voting, been a duly elected member of the Legislative Council, or had not vacated his office, as the case may be.”.

17. Sections four v to four z (inclusive) of the Principal Act are repealed and the following sections inserted in their stead:—

“ 4v.—(1.) An Ordinance made by the Legislative Council shall not have any force or effect until it has been assented to as provided by this Act. Assent to Ordinances.

“ (2.) Every Ordinance passed by the Legislative Council shall be presented to the Administrator for assent.

“ (3.) Upon the presentation of an Ordinance to the Administrator for assent, the Administrator shall declare, according to his discretion, but subject to this Act, that he assents to the Ordinance, that he withholds assent or that he reserves the Ordinance for the Governor-General’s pleasure.

“ (4.) The Administrator may return the Ordinance to the Legislative Council with amendments that he recommends.

“ (5.) The Legislative Council shall consider the amendments recommended by the Administrator and the Ordinance, with or without amendments, shall be again presented to the Administrator for assent.

“ 4w. The Administrator shall reserve for the Governor-General’s pleasure any Ordinance— Certain Ordinances to be reserved.

(a) dealing with the granting or disposal of lands of the Crown or of the Commonwealth;

(b) by which any lease is granted to the Administrator, a grant of land or money is made to the Administrator or any donation or gratuity is made to the Administrator;

(c) relating to, or to the employment of, aboriginals or persons who are wards within the meaning of a law of the Territory relating to the care and maintenance of wards; or

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

“ 4x.—(1.) Where the Administrator reserves an Ordinance for the Governor-General’s pleasure, the Governor-General shall, subject to this section, declare that he assents to the Ordinance or that he withholds assent. Signification of pleasure on Ordinance reserved.

“ (2.) The Governor-General may return the Ordinance to the Administrator with amendments that he recommends.

“(3.) The Legislative Council shall consider the amendments recommended by the Governor-General and the Ordinance, with or without amendments, shall be again presented to the Administrator, who shall reserve it for the Governor-General’s pleasure.

“(4.) As soon as practicable after the Governor-General has made a declaration that he has assented to an Ordinance, or that he has withheld assent, the Administrator shall publish in the *Government Gazette* of the Territory a notification of the declaration.

“(5.) The assent of the Governor-General to an Ordinance is of no effect until notification of the Governor-General’s declaration in respect of the Ordinance is published by the Administrator in the *Government Gazette* of the Territory.

Disallowance
of Ordinances
assented to.

“4y.—(1.) Subject to this section, the Governor-General may, within six months after the Administrator’s assent to an Ordinance, disallow the Ordinance or part of the Ordinance.

“(2.) The Governor-General may, within six months after the Administrator’s assent to an Ordinance, recommend to the Administrator any amendments of the laws of the Territory that the Governor-General considers to be desirable arising out of his consideration of the Ordinance.

“(3.) Where the Governor-General so recommends any amendments of the laws of the Territory, the time within which the Governor-General may disallow the Ordinance, or a part of the Ordinance, is extended until the expiration of six months after the date of the Governor-General’s recommendation.

“(4.) 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.

“(5.) 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.

Ordinances to
be laid before
Parliament.

“4z.—(1.) The Minister shall cause each Ordinance assented to by the Governor-General or the Administrator, or from which the Governor-General or the Administrator has withheld assent, to be laid before each House of the Parliament as soon as possible, but in any case within fifteen sitting days of that House, after the date of assent, or after the date on which assent was withheld, as the case may be.

“(2.) Where the Governor-General or the Administrator withholds assent from an Ordinance, or the Governor-General disallows an Ordinance in whole or in part, the Minister shall cause a statement of the reasons for withholding assent, or for disallowance, as the case may be, to be laid before each House of the Parliament as soon as possible, but in any case within fifteen sitting days of that House, after the date on which assent was withheld or the Ordinance was disallowed, as the case may be.”.

18. After section four z of the Principal Act the following Part is inserted:—

“PART IV.—THE ADMINISTRATOR’S COUNCIL.

“4ZA.—(1.) There shall be a Council to advise the Administrator, which shall be known as the Administrator’s Council. The Administrator’s Council.

“(2.) The Administrator’s Council shall consist of—

- (a) the Administrator;
- (b) two persons who are official members of the Legislative Council; and
- (c) three other members of the Legislative Council, none of whom shall be official members and of whom at least two shall be elected members.

“(3.) Each member of the Administrator’s Council (other than the Administrator) shall be appointed by the Minister on the nomination of the Administrator and shall, subject to this section, hold office during the pleasure of the Minister.

“(4.) A member of the Administrator’s Council (other than the Administrator) shall not hold office for a longer period than three months after the date on which he ceases to be a member of the Legislative Council unless, within that period, he again becomes a member of the Legislative Council.

“(5.) A member of the Administrator’s Council (other than the Administrator) who desires to resign shall deliver a written resignation to the Administrator for transmission to the Minister.

“(6.) The resignation of a member of the Administrator’s Council who is an official member of the Legislative Council does not become effective unless and until it has been accepted by the Minister.

“(7.) The resignation of any other member of the Administrator’s Council becomes effective when it is received by the Administrator.

“(8.) The exercise of the functions of the Administrator’s Council is not affected by reason of a vacancy in the membership of the Council.

“ (9.) Subject to this Act, the procedure of the Administrator’s Council shall be as prescribed, or, in the absence of regulations, as the Council determines.

Functions of Administrator’s Council.

“ 4ZB. The functions of the Administrator’s Council are to advise the Administrator—

(a) on any matter referred to the Council by the Administrator; and

(b) in accordance with an Ordinance under this Act, on any other matter.

Oath of members of Administrator’s Council.

“ 4ZC.—(1.) A member of the Administrator’s Council (other than the Administrator) shall, before entering on the duties of his office, make and subscribe an oath or affirmation in accordance with the form in the Fourth Schedule to this Act.

“ (2.) An oath or affirmation under the last preceding subsection shall be made before the Administrator or a person authorized by the Administrator to administer the oath or affirmation.

Fees, allowances and travelling expenses.

“ 4ZD. The members of the Administrator’s Council (other than the Administrator and members who are official members of the Legislative Council) shall receive in respect of their services as members such fees, allowances and travelling expenses as are prescribed.”.

Heading.

19. The Principal Act is amended by omitting the heading preceding section five and inserting in its stead the following heading:—

“ PART V.—APPLICATION OF LAWS.”.

Application of *Lands Acquisition Act 1955.*

20. Section nine of the Principal Act is amended by inserting in sub-section (2.), after the word “ Crown ”, the words “ or the Commonwealth ”.

Heading.

21. The Principal Act is amended by inserting before section ten the following heading:—

“ PART VI.—MISCELLANEOUS.”.

22. Section twenty-one of the Principal Act is repealed and the following section inserted in its stead:—

Wards (Benefits from Mining) Trust Fund.

“ 21.—(1.) A Fund is hereby established to be known as the Wards (Benefits from Mining) Trust Fund.

“ (2.) The Fund is a Trust Account for the purposes of section sixty-two A of the *Audit Act 1901-1957.*

“(3.) There shall be paid into the Fund, out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts from time to time received by or on behalf of the Commonwealth as royalties under a law of the Territory relating to mining on land—

(a) which is, or is deemed to be, a reserve for the purposes of a law of the Territory relating to the care and assistance of wards; or

(b) which, at any time after the second day of September, One thousand nine hundred and fifty-three, was such a reserve.

“(4.) There shall be paid out of the Fund such amounts as the Minister directs to be paid or applied to or for the benefit of—

(a) persons who are wards within the meaning of a law of the Territory relating to the care and assistance of wards; or

(b) institutions within the meaning of such a law.

“(5.) Amounts that the Minister directs to be paid out of the Fund shall be paid or applied in accordance with the direction.

“(6.) Interest received from the investment of moneys standing to the credit of the Fund forms part of the Fund.”.

23. The Third Schedule to the Principal Act is repealed.

Third Schedule.

24. The Principal Act is amended by adding at the end thereof the following Schedule:—

Fourth Schedule.

“FOURTH SCHEDULE.

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 Administrator's Council: 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 Administrator's Council.”.

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

Additional amendments.

26. Notwithstanding the repeal of section four c of, and the Third Schedule to, the Principal Act by this Act, the Northern Territory shall continue to be divided into five Electoral Districts as provided by that section and Schedule until the distribution of the Northern Territory into eight Electoral Districts under the Principal Act as amended by this Act has become effective.

Transitional provisions.

THE SCHEDULE.

Section 25.

ADDITIONAL AMENDMENTS.

Sections amended.	Amendments.
3	Before " Council " in the definition of " Acting Administrator ", insert " Legislative "
3B	Before " Council " in sub-section (3.), insert " Legislative "
4	Before " Council " in sub-section (3.), insert " Legislative "
4A	Before " Council " (wherever occurring), insert " Legislative "
4D	Before " Council ", insert " Legislative "
4E	Before " Council " (wherever occurring) in sub-section (1.), insert " Legislative "
4EA	Before " Council ", insert " Legislative "
4F	Before " Council " (wherever occurring), insert " Legislative "
4G	Before " Council " (wherever occurring), insert " Legislative "
4J	Before " Council " (wherever occurring), insert " Legislative "
4K	Before " Council " (wherever occurring), insert " Legislative "
4M	Before " Council " (wherever occurring), insert " Legislative "
4N	Before " Council " (wherever occurring), insert " Legislative "
4P	Before " Council " (wherever occurring), insert " Legislative "
4Q	Before " Council " (wherever occurring), insert " Legislative "
4R	Before " Council ", insert " Legislative "
4S	Before " Council ", insert " Legislative "
4T	Before " Council ", insert " Legislative "
4U	Before " Council ", insert " Legislative "
5	Omit " made by the Governor-General or the Council ". insert " in force under this Act "