

No. 44 of 1974

AN ORDINANCE

Relating to the Australian Capital Territory
Legislative Assembly.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this fifteenth day of October, 1974.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

LEGISLATIVE ASSEMBLY ORDINANCE (No. 4) 1974

1. (1) This Ordinance may be cited as the *Legislative Assembly Ordinance (No. 4) 1974*.^{*} Short title and citation.

(2) The *Advisory Council Ordinance 1936-1974*,[†] as amended by the *Legislative Assembly Ordinance 1974*,[‡] the *Legislative Assembly Ordinance (No. 2) 1974*[§] and the *Legislative Assembly Ordinance (No. 3) 1974*,^{||} is in this Ordinance referred to as the Principal Ordinance.

(3) Section 1 of the *Legislative Assembly Ordinance (No. 3) 1974* is amended by omitting sub-section (4).

(4) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Legislative Assembly Ordinance 1936-1974*.

2. The title of the Principal Ordinance is amended by omitting the words "the establishment of an Advisory Council" and substituting the words "the establishment of a Legislative Assembly". Amendment of title.

3. Section 3 of the Principal Ordinance is amended by inserting in sub-section (1), after the definition of "elector", the following definition:— Interpretation.

"'President' means the President of the Australian Capital Territory Legislative Assembly;"

^{*} Notified in the *Australian Government Gazette* on 22 October 1974.

[†] Ordinance No. 49, 1936, as amended by No. 17, 1937; No. 30, 1938; No. 12, 1945; No. 6, 1951; No. 9, 1952; Nos. 5 and 7, 1957; Nos. 8 and 9, 1959; No. 20, 1961; No. 13, 1962; No. 2, 1965; No. 14, 1966; No. 6, 1967; No. 26, 1969; Nos. 13 and 21, 1973; and No. 21, 1974.

[‡] Ordinance No. 24, 1974.

[§] Ordinance No. 28, 1974.

^{||} Ordinance No. 36, 1974.

Election of
members.

4. Section 5 of the Principal Ordinance is amended by omitting from sub-section (6) the words "the Schedule" and substituting the word and figure "Schedule 1".

Filling of
vacancies.

5. Section 6 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (3) the word "an" and substituting the word "a"; and
- (b) by omitting from sub-section (5) the word "an" and substituting the word "a".

6. Section 7 of the Principal Ordinance is repealed and the following section substituted:—

President
of the
Assembly,
Chairman of
Committees.

"7. (1) The members of the Assembly shall, at the first meeting of the Assembly held after an election, elect one of the members to be President of the Australian Capital Territory Legislative Assembly and another of the members to be Chairman of Committees.

"(2) Whenever the office of President of the Australian Capital Territory Legislative Assembly or the office of Chairman of Committees becomes vacant, the members of the Assembly shall, at the first meeting of the Assembly held after the vacancy occurs, elect one of the members to the vacant office.

"(3) The President or Chairman of Committees may resign his office by writing addressed to the Minister.

"(4) The President or Chairman of Committees shall cease to hold office as such—

- (a) at the expiration of his term of office as a member of the Assembly that was current at the time of his election under sub-section (1) or (2), as the case may be; or
- (b) when he otherwise ceases to be a member of the Assembly, whichever first occurs.

"(5) The President shall preside at all meetings of the Assembly at which he is present.

"(6) In the absence of the President from a meeting of the Assembly, the Chairman of Committees shall, if he is present, preside at that meeting.

"(7) In the absence of both the President and the Chairman of Committees from a meeting of the Assembly, the members of the Assembly present shall elect one of their number to preside at that meeting.

"(8) The person presiding at a meeting of the Assembly shall have a deliberative vote only.

"(9) In the event of an equality of votes on a question, that question shall be deemed to have been resolved in the negative.

"(10) Where—

- (a) there is a vacancy in the office of President of the Australian Capital Territory Legislative Assembly;

(b) the President has been absent from the Territory for a period exceeding 7 days; or

(c) the President is, for any reason, unable to act,

the Chairman of Committees may, whilst the vacancy, absence or inability continues, exercise any of the powers, or perform any of the functions, of the President under this Ordinance.

“(11) Where, in pursuance of sub-section (10), the Chairman of Committees exercises a power or performs a function, this Ordinance applies as if the power had been exercised, or the function had been performed, as the case may be, by the President.

“(12) If, at an election held for the purposes of this section, there is an equality of votes, the election shall be decided by lot.”.

7. Section 8 of the Principal Ordinance is amended by omitting sub-sections (2), (3), (4) and (5) and substituting the following sub-sections:—

Meetings
of the
Assembly.

“(2) A meeting of the Assembly other than the first meeting after an election shall be convened by the President.

“(3) Where the offices of President of the Australian Capital Territory Legislative Assembly and Chairman of Committees are vacant and, but for this sub-section, the members of the Assembly would not be able to elect a member to be President, the Minister may convene a meeting of the Assembly.

“(4) Where—

(a) a period of not less than 21 days has expired since a meeting of the Assembly was last held; and

(b) neither the President nor the Chairman of Committees is able to convene a meeting of the Assembly,

the Minister may, at the request of not less than 4 members of the Assembly, convene a meeting of the Assembly.

“(5) A request made to the Minister for the purpose of sub-section (4) shall be in writing signed by the members making the request.”.

8. Section 9 of the Principal Ordinance is amended—

Allowance to
members.

(a) by omitting from sub-section (1) the word “Chairman” and substituting the word “President”; and

(b) by omitting from sub-section (2) the word “Chairman” and substituting the word “President”.

9. Section 12 of the Principal Ordinance is amended by omitting from sub-section (1) the word “Chairman” and substituting the word “President”.

Right of
members to
bring up
matters for
discussion.

10. Section 14 of the Principal Ordinance is amended—

Co-option
of experts.

(a) by omitting the word “Chairman” and substituting the word “President”; and

- (b) by omitting the words “of the Commonwealth or of the Territory” and substituting the words “or an officer or employee of an authority established by a law in force in the Territory”.

11. After section 15A of the Principal Ordinance the following section is inserted:—

Oath of
office.

“15B. A member of the Assembly shall, before taking his seat, make and subscribe before a Judge of the Supreme Court an oath or affirmation in the form set forth in Schedule 2 to this Ordinance.”.

Amendments
of the
Schedule.

12. The Schedule to the Principal Ordinance is amended—

- (a) by omitting the heading “THE SCHEDULE” and substituting the heading “SCHEDULE 1”;
- (b) by omitting from Item 6 the words “Fifty pounds” and substituting the symbol and figures “\$100”;
- (c) by omitting Item 9; and
- (d) by omitting from Item 14 the word “Chairman” and substituting the word “President”.

Schedule 2.

13. After the Schedule to the Principal Ordinance the following Schedule is added:—

“ SCHEDULE 2

Section 15B

OATH

I, A.B., do swear that I will render true and faithful service as a member of the Australian Capital Territory Legislative Assembly. So **HELP ME** GOD!

AFFIRMATION

I, A.B., do solemnly and sincerely affirm and declare that I will render true and faithful service as a member of the Australian Capital Territory Legislative Assembly.”.