

No. 57 of 1976

AN ORDINANCE

To amend the *Legislative Assembly Ordinance 1936*.

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

Dated this fourth day of November, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

LEGISLATIVE ASSEMBLY (AMENDMENT) ORDINANCE 1976

1. (1) This Ordinance may be cited as the *Legislative Assembly (Amendment) Ordinance 1976*.^{*} Short title.

2. In this Ordinance, "Principal Ordinance" means the *Legislative Assembly Ordinance 1936*.[†] Principal Ordinance.

3. Section 4 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-section:— Constitution of Legislative Assembly.

"(3) Subject to this Ordinance, the term of office of a person as a member—

- (a) commences on the day on which the person is declared, in accordance with regulation 61 of the Legislative Assembly (Election) Regulations, to have been elected at an election of members of the Assembly; and
- (b) ends at the expiration of the period of three years commencing on that day or on the day appointed for the polling at the next succeeding election of members of the Assembly, whichever is the sooner."

^{*} Notified in the *Australian Government Gazette* on 10 November 1976.
[†] 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 Nos. 21, 24, 28, 36 and 44, 1974.

Filling of
vacancies.

4. Section 6 of the Principal Ordinance is amended by omitting sub-sections (5) and (6) and substituting the following sub-sections:—

“ (5) A member of the Assembly shall be deemed to have vacated his office if—

- (a) he becomes of unsound mind;
- (b) he is convicted in Australia of an offence punishable by imprisonment for 1 year or longer; or
- (c) he is absent, except on leave granted by the Assembly, from 4 consecutive meetings of the Assembly.

“ (6) A member of the Assembly may, by writing signed by him and delivered to the President, resign his office.

“ (7) The President shall notify the Minister of each resignation under sub-section (6).”.

President of
the
Assembly,
Chairman of
Committees.

5. Section 7 of the Principal Ordinance is amended by omitting sub-sections (11) and (12) and substituting the following sub-sections:—

“ (10A) Where—

- (a) there is a vacancy in the office of Chairman of Committees;
- (b) the Chairman of Committees has been absent from the Territory for a period exceeding 7 days; or
- (c) the Chairman of Committees is, for any reason, unable to act,

sub-section (10) has effect as if a reference in that sub-section to the Chairman of Committees were a reference to a member of the Assembly elected for the purposes of this sub-section by the members of the Assembly at a meeting of the Assembly.

“ (11) Where, in pursuance of sub-section (10) or (10A), the Chairman of Committees or a member of the Assembly, as the case may be, 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 votes of the members of the Assembly shall again be taken, whereupon, if there is again an equality of votes, the election shall be decided by lot.”.

6. Section 8 of the Principal Ordinance is repealed and the following section substituted:—

Meetings
of the
Assembly.

“ 8. (1) The first meeting of the Assembly after an election shall be convened by the Minister on a date not later than 1 month after the declaration of the poll for that election.

“ (2) The Minister shall convene a meeting in accordance with sub-section (1) by giving to each of the members of the Assembly notice in writing of the date on which, and the time and place at which, the meeting is to be held.

“ (3) A notice under sub-section (2) may be given to a member of the Assembly by sending the notice by post to the member at his last known address.

“ (4) The Assembly shall meet at such other times as it determines but so that an interval longer than 3 months does not occur between any 2 consecutive meetings.

“ (5) At a meeting of the Assembly, 10 members constitute a quorum.”.

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| 7. Section 9 of the Principal Ordinance is repealed. | Repeal. |
| 8. Section 12 of the Principal Ordinance is repealed. | Repeal. |
| 9. Section 15 of the Principal Ordinance is repealed. | Repeal. |