

AUSTRALIAN CAPITAL TERRITORY

ADVISORY COUNCIL ORDINANCE (NO. 2) 1959.

EXPLANATORY MEMORANDUM

No. 9 of 1959

Under the Advisory Council Ordinance, the provisions of the Commonwealth Electoral Act, as they apply to the election of members of the Senate, apply, with such exceptions and subject to such modifications as are prescribed in the regulations, to Advisory Council elections.

Part XVIII of the Commonwealth Electoral Act provides that the High Court is the Court of Disputed Returns. As jurisdiction cannot be conferred on the High Court by a Territory Ordinance, this Ordinance modifies Part XVIII of the Commonwealth Electoral Act to the extent necessary to make the Supreme Court of the Australian Capital Territory the Court of Disputed Elections for Advisory Council elections.

These modifications are being made by Ordinance and not by regulations (as with other exceptions and modifications) because jurisdiction cannot be conferred on the Supreme Court by regulation.