

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 4 of 1930.

AN ORDINANCE

Relating to the Establishment of an Advisory Council.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, pursuant to the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910, as follows:—

1. This Ordinance may be cited as the *Advisory Council* Short title. *Ordinance* 1930.

2. This Ordinance shall commence on a date to be fixed by Commencement. the Minister by notice in the *Gazette*.

3. In this Ordinance, unless the contrary intention appears— Definitions.

“ Civic Administrator ” means the Civic Administrator appointed in pursuance of this Ordinance;

“ the Council ” means the Advisory Council constituted by this Ordinance.

4.—(1.) There shall be an Advisory Council for the Territory. Constitution of Advisory Council.

(2.) The Council shall consist of the following members:—

The Secretary, Department of Home Affairs;

The Director-General of Health;

The Secretary, Department of Works and Railways;

The Civic Administrator; and

Three residents of the Territory who shall, subject to this Ordinance, be elected for a period of twelve months and be eligible for re-election.

5.—(1.) For the purposes of the election of members of the Election of members. Advisory Council, the Territory shall be regarded as one electoral division returning three members.

(2.) Subject to the disqualifications set out in this section, every person not under twenty-one years of age, whether male or female, married or unmarried—

- (a) who has lived in Australia for six months continuously;
- (b) who is a natural-born or a naturalized subject of the King;
- (c) who has lived in the Territory for a period of one month immediately preceding the date of his claim for enrolment in pursuance of the Regulations; and
- (d) who is enrolled on the roll prepared in pursuance of those Regulations.

shall be entitled to vote at elections of members of the Advisory Council.

(3.) No person who is of unsound mind, and no person attainted of treason, or who has been convicted and is under sentence for any offence punishable under the law of any part of the King's Dominions by imprisonment for one year or longer, shall be entitled to have his name placed on or retained on the roll prepared in pursuance of the Regulations.

(4.) Subject to the next succeeding sub-section, the qualifications and disqualifications of the elected members of the Council shall be the same as the qualifications and disqualifications prescribed for electors of members of the Council.

(5.) No person shall be entitled to be elected as a member at any election under this Ordinance unless he has lived continuously in the Territory for six months immediately preceding the date of such election.

(6.) The election of members of the Council shall be by ballot and shall be conducted in the prescribed manner.

(7.) The provisions of the *Commonwealth Electoral Act 1918-1929* shall apply, with such exceptions, and subject to such modifications and adaptations as are prescribed, in relation to elections under this Ordinance as they apply in relation to the election of members of the Senate.

Filling of
vacancies.

6.—(1.) In the event of a vacancy occurring among the elected members of the Council, the Minister may appoint to the vacancy a resident of the Territory duly qualified to be an elected member, and such person shall hold office for the remainder of the term for which the elected member whose seat has been vacated was elected.

(2.) The Council shall be deemed to be duly constituted and capable of exercising its powers and carrying out its duties under this Ordinance notwithstanding that, at any time, there is a vacancy among members of the Council.

(3.) An elected member of the Council shall be deemed to have vacated his office if he is wilfully absent from three consecutive meetings of the Council (of which the prescribed notice has been given) except on leave granted by the Minister (which leave the Minister is hereby authorized to grant).

(4.) The Minister may accept the resignation of any elected member.

(5.) In the case of the illness or absence from the Territory of any member of the Council, that member may appoint a person, qualified as provided in sub-section (4.) of the last preceding section, to act in his stead during such illness or absence and, in default of such appointment within one month after the commencement of the illness, or before the departure of the member from the Territory, or within seven days thereafter, the Minister may appoint a person, so qualified, to act as member during the illness or absence and the person so acting shall have all the powers and perform all the duties of the member:

Provided that any member appointed in pursuance of this sub-section shall not act for a longer period than three months or, with the written consent of the Minister, six months.

7. There shall be a Civic Administrator who shall be appointed by the Minister and shall hold office during pleasure. Appointment
of Civic
Administrator.

8.—(1.) The Civic Administrator shall be the Chairman of the Council. Chairman of
the Council.

(2.) The Chairman shall preside at all meetings of the Council at which he is present and shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.

9.—(1.) At its first meeting in any year, the members of the Council may elect one of their number to be Deputy Chairman and, during the absence of the Chairman from any meeting, the Deputy Chairman shall preside. Deputy
Chairman.

(2.) At any meeting of the Council at which the Chairman is not present, the Deputy Chairman shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.

10.—(1.) The first meeting of the Council shall be convened by the Minister by notice in writing to each member of the Council within fourteen days after the election of the elected members of the Council. Meetings of
the Council.

(2.) Thereafter, meetings of the Council shall be convened by the Chairman by notice in writing to the other members of the Council and shall be held at such time and place as the Chairman appoints, but so that an interval greater than one month does not occur between any two consecutive meetings.

(3.) Four members of the Council shall form a quorum.

Payments to members of the Council.

11. Each elected member of the Council shall be paid an allowance at the rate of One hundred pounds per annum.

Powers of Council.

12. The Council may advise the Minister in relation to any matter affecting the Territory including the making of new Ordinances or the repeal or amendment of existing Ordinances.

References by Minister.

13.—(1.) The Minister may refer to the Council any matter upon which he desires the advice of the Council.

(2.) Any member of the Council may submit to it for consideration any proposal for the making, amendment or repeal of any Ordinance.

Right of members to bring up matters or discussion

14.—(1.) Any member of the Council may, by notice in writing to the Chairman, request that any matter affecting the Territory shall be submitted to the Council.

(2.) The notice shall be given at least seven days before the date upon which the question is proposed to be considered by the Council:

Provided that any such notice may be dispensed with upon the Council declaring that the matter is one of urgency.

(3.) Any motion for a declaration referred to in the preceding sub-section shall be submitted to the Council without debate.

Resolutions and minutes.

15.—(1.) All advice of the Council shall be expressed in the form of resolutions.

(2.) Minutes of all meetings of the Council shall be kept and copies of the minutes shall, after each meeting, be transmitted to the Minister.

Co-option of experts.

16. The Chairman may, if he thinks fit, upon the request in writing of any member of the Council, or of his own motion, and shall, upon the request of the Council expressed by resolution, request the attendance of any officer of the Public Service of the Commonwealth or of the Territory for the purpose of assisting the Council in the discussion of any question before the Council of which question the officer has expert knowledge.

Regulations.

17.—(1.) The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance and, in particular, prescribing the manner in which the elections of elected members of the Council are to be conducted.

(2.) All regulations made by the Minister under this Ordinance shall—

- (a) be notified in the *Gazette*;
- (b) take effect from the date of the notification or from a later date specified in the Regulations; and
- (c) be laid before both Houses of the Parliament within thirty days of the making thereof or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

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

Dated this ninth day of April, One thousand nine hundred and thirty.

STONEHAVEN

Governor-General.

By His Excellency's Command,

ARTHUR BLAKELEY

Minister of State for Home Affairs.