

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 49 of 1936.

AN ORDINANCE

Relating to the establishment of an Advisory Council.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Advisory Council Ordinance 1936*. Short title.

2.—(1.) The *Advisory Council Ordinance 1930*, the *Advisory Council Ordinance 1931*, the *Advisory Council Ordinance 1932*, the *Advisory Council Ordinance (No. 2) 1935*, and the *Advisory Council Ordinance 1936* are repealed. Repeal.

(2.) The repeal of any Ordinance effected by this section shall not affect the operation of any regulation made under that Ordinance which was in force immediately prior to the commencement of this Ordinance, and any such regulation shall, subject to this Ordinance and any regulations made thereunder, continue in force.

3. In this Ordinance, unless the contrary intention appears—
“the Council” means the Advisory Council constituted by this Ordinance. Definitions.

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

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

An officer of the Department of Health appointed by the Minister of State for Health to be a member of the Council;

The Assistant Secretary (Works and Services), Department of the Interior;

The Assistant Secretary (Civil Administration), Department of the Interior;

The Surveyor-General and Chief Property Officer, Department of the Interior; and

Three residents of the Territory who shall be elected in the manner provided in this Ordinance.

7028.—PRICE 5D.

(3.) Until the thirtieth day of September, One thousand nine hundred and thirty-seven the persons who immediately prior to the commencement of this Ordinance were elected members of the Council constituted under the *Advisory Council Ordinance 1930-1936* shall, subject to this Ordinance, be elected members of the Council and shall be eligible for re-election.

5.—(1.) For the purposes of the election of members of the 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.

6.—(1.) In the event of a vacancy occurring in the office of an elected member of the Council, the vacancy shall, subject to this section, be filled in the following manner:— Filling of vacancies.

- (a) where the number of candidates at the last preceding election of members of the Council was greater than three, the Minister shall, in accordance with the Regulations, appoint to the vacant office any person who was a candidate at that election but was not elected; and
- (b) where no person who was a candidate at the last preceding election of members of the Council is available for appointment in pursuance of this section, the Minister may appoint to the vacant office any resident of the Territory qualified for election as a member of the Council.

(2.) A person appointed in pursuance of the last preceding sub-section shall, subject to this Ordinance, hold office for the remainder of the term of the elected member whose office is vacated.

(3.) A person appointed in pursuance of sub-section (1.) of this section shall be deemed to be an elected member of the Council.

(4.) 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.

(5.) An elected member of the Council shall be deemed to have vacated his office if he becomes of unsound mind, or is attainted of treason, or has been convicted and is under sentence punishable under the law of any part of the King's Dominions by imprisonment for one year or longer or 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).

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

(7.) 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.

Chairman and
Deputy
Chairman
of the Council.

7.—(1.) At the first meeting of the Council held after an election, at the first meeting of the Council held in each calendar year, and whenever the office of Chairman or Deputy Chairman becomes vacant, the members of the Council shall elect one of their number to be Chairman, and one of their number to be Deputy Chairman, of the Council.

(2.) Until the thirty-first day of December, One thousand nine hundred and thirty-six, the members of the Council who immediately prior to the commencement of this Ordinance held the offices of Chairman and Deputy Chairman, respectively, of the Council constituted under the *Advisory Council Ordinance 1930-1936* shall, subject to this Ordinance, hold the office of Chairman and Deputy Chairman, respectively, of the Council.

(3.) If, at any election of the Chairman or Deputy Chairman, there is an equality of votes, it shall be decided by lot which of the members having an equal number of votes shall be Chairman or Deputy Chairman, as the case may be.

(4.) The Chairman or Deputy Chairman may resign his office by writing addressed to the Minister.

(5.) The Chairman or Deputy Chairman shall, subject to their continuing to be members of the Council, hold office until the thirty-first day of December next following their election to their respective offices.

(6.) The Chairman shall preside at all meetings of the Council at which he is present.

(7.) In the absence of the Chairman from any meetings of the Council, the Deputy Chairman shall, if he is present, preside at that meeting.

(8.) In the absence of both the Chairman and the Deputy Chairman from any meeting of the Council, the members of the Council present shall elect one of their number to preside at that meeting.

(9.) The person presiding at any meeting of the Council shall have a vote in the event of an equality of voting but not otherwise.

Meetings of
the Council.

8.—(1.) 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.

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

Payments to
members of
the Council.

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

Powers of
Council.

10. 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.

11.—(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.

12.—(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. Right of members to bring up matters for discussion.

(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.

13.—(1.) All advice of the Council shall be expressed in the form of resolutions. Resolutions and minutes.

(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.

14. 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. Co-option of experts.

15. The Council shall, once in each year, furnish to the Minister a report in relation to its proceedings and to such matters affecting the Territory as it thinks fit. Report by Council.

16. 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. Regulations.

Dated this twenty-second day of December, 1936.

GOWRIE

Governor-General.

By His Excellency's Command,

T. PATERSON

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.