

# NORTHERN AUSTRALIA.

## No. 16 of 1926.

An Act to make further provision for the Development and Government of the Northern Territory of Australia and for other purposes.

[ Assented to 4th June, 1926.]

**W**HEREAS under and in pursuance of the *Northern Territory Acceptance Act 1910-1919* the Northern Territory of Australia was accepted by the Commonwealth as a Territory under the authority of the Commonwealth: Preamble.

And whereas by the *Northern Territory (Administration) Act 1910* provision was made for the provisional government of the Northern Territory:

And whereas by the *Northern Territory Representation Act 1922-1925* provision was made for the representation of the Northern Territory in the Parliament of the Commonwealth:

And whereas it is expedient that in anticipation of, and with a view to the making of preparation for, the establishment of a measure of self-government in the Northern Territory, further provision be made for the development and government of the Territory:

Be it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

### PART I.—PRELIMINARY.

1. This Act may be cited as the *Northern Australia Act 1926*. Short title.
2. This Act shall commence on a date to be fixed by Proclamation. Commencement.
3. This Act is divided into Parts, as follows:— Parts.
  - PART I.—Preliminary.
  - PART II.—Constitution and Powers of North Australia Commission.
  - PART III.—Co-operation with States.
  - PART IV.—Division of Territory into North Australia and Central Australia.
    - Division 1.—Procedure for effecting Division.
    - Division 2.—North Australia.
    - Division 3.—Central Australia.
    - Division 4.—North Australia and Central Australia.
  - PART V.—Miscellaneous.

Repeal.

4. The Acts mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed as from the proclaimed day mentioned in section thirty-six of this Act.

Definitions.

5.—(1.) In this Act, unless the contrary intention appears—

“Central Australia” means that part of the Territory situated south of the twentieth parallel of South Latitude;

“North Australia” means that part of the Territory situated north of the twentieth parallel of South Latitude;

“the Advisory Council”, when used in relation to North Australia, means the North Australian Advisory Council appointed under this Act, and when used in relation to Central Australia, means the Central Australian Advisory Council appointed under this Act;

“the Chairman” means the Chairman of the Advisory Council in relation to which the expression is used;

“the Commission” means the Commission appointed under this Act;

“the Government Resident”, when used in relation to North Australia, means the Government Resident of North Australia appointed under this Act, and when used in relation to Central Australia means the Government Resident of Central Australia appointed under this Act;

“the Territory” and “the Northern Territory” mean the Northern Territory of Australia.

(2.) In Part II. of this Act, unless the contrary intention appears—

“Commissioner” means a member of the Commission appointed by the Governor-General in pursuance of Part II. of this Act;

“member of the Commission” means a member appointed in pursuance of Part II. or Part III. of this Act.

#### PART II.—CONSTITUTION AND POWERS OF NORTH AUSTRALIA COMMISSION.

Establishment of Commission.

6.—(1.) For the purposes of this Act there shall be a North Australia Commission, which shall be charged with the general administration of this Part of this Act.

(2.) The Commission shall be a body corporate, with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property, and shall be capable of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice, and shall deem that it was duly affixed.

Members of Commission.

7.—(1.) The Commission shall consist of three members who shall be appointed by the Governor-General, and such additional members (if any) as are appointed in pursuance of Part III. of this Act.

(2.) The Governor-General shall appoint one of the Commissioners to be Chairman of the Commission.

(3.) Each Commissioner shall devote the whole of his time to the duties of the office or offices held by him under the Commonwealth.

(4.) In the case of the illness, or absence from Australia, or suspension of any Commissioner, or in the event of the office of a Commissioner becoming vacant, the Governor-General may appoint a person to act during the illness, absence or suspension, or until the appointment of a Commissioner, as the case may be, and the person so acting shall have all the powers and perform all the duties of a Commissioner.

(5.) At their first meeting in each calendar year the members of the Commission may elect one of their number to be Deputy Chairman until the first meeting of the Commission in the next calendar year.

(6.) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside.

(7.) At any meeting of the Commission two members of the Commission shall form a quorum where the number of members does not exceed three, and three members shall form a quorum where the number of members of the Commission exceeds three.

(8.) At any meeting of the Commission at which the Chairman is present, he shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.

(9.) If at any meeting of the Commission at which the Chairman is not present the members present differ in opinion upon a matter, the determination of that matter shall, unless there are present at least three members of the Commission, be postponed to the next meeting of the Commission.

8. The Commission shall sit at such times and places in North Australia as the Chairman determines.

Times and places of meetings of Commission.

9.—(1.) The Commissioners shall be appointed for a term not exceeding five years, and at such rates of remuneration as the Governor-General thinks fit.

Period of office and remuneration of Commissioners.

(2.) Thereafter each appointment of a Commissioner shall be for a term not exceeding five years.

(3.) Every person who is appointed a Commissioner shall, on the expiration of his term of office, be eligible for re-appointment.

(4.) Upon the happening of a vacancy in the office of a Commissioner, the Governor-General may appoint a person to the vacant office, and the person so appointed shall, subject to this Act, hold office until the expiration of the term for which his predecessor was appointed.

10.—(1.) The Minister may suspend a Commissioner or Acting Commissioner from office for inability, inefficiency or misbehaviour, or neglect or failure to carry out any of the provisions of this Act or the regulations.

Suspension of Commissioner or Acting Commissioner.

(2.) The Minister shall, within seven days after the suspension, if the Parliament is then sitting, or, if the Parliament is not then sitting, within seven days after the next meeting of the Parliament, cause to be laid before both Houses of the Parliament a full statement of the

grounds of suspension, and if within sixty days thereafter an address is presented to the Governor-General by the Senate and the House of Representatives praying for the restoration of the Commissioner or Acting Commissioner, as the case may be, to office he shall be restored accordingly; but if no such address is so presented the Governor-General may confirm the suspension and declare the office of the Commissioner or Acting Commissioner, as the case may be, to be vacant, and the office shall thereupon be and become vacant.

Office of  
Commissioner,  
how vacated.

**11.**—(1.) A Commissioner or Acting Commissioner shall be deemed to have vacated his office if—

- (a) he becomes bankrupt or insolvent, or applies to take the benefit of any Act or State Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors or makes an assignment of his salary for their benefit; or
- (b) he is wilfully absent from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorized to grant), or becomes permanently incapable of performing his duties; or
- (c) he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—
  - (i) becomes concerned or interested in any contract or agreement made by or on behalf of the Commission; or
  - (ii) participates, or claims to be entitled to participate, in the profit of any such contract or agreement or in any benefit or emolument arising therefrom.

(2.) If a Commissioner or Acting Commissioner becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Commission, or in any way participates, or claims to be entitled to participate, in the profit thereof, or in any benefit or emolument arising therefrom, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons, he shall be guilty of an indictable offence

Penalty: Five hundred pounds, or imprisonment for three years, or both.

**12.** A person who is an uncertificated bankrupt or insolvent shall be incapable of being appointed a Commissioner or an Acting Commissioner.

**13.**—(1.) The Commissioners shall not, in respect of their services as Commissioners, be subject to the *Commonwealth Public Service Act 1922-1924*.

(2.) If an officer of the Public, Railway or other Service of the Commonwealth or of the Territory is appointed a Commissioner, his service as Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were

Uncertificated  
insolvent not  
to be  
Commissioner  
or Acting  
Commissioner.  
Commissioners  
not subject to  
*Commonwealth  
Public Service  
Act 1922-1924*.

service in the Public, Railway or other Service of the Commonwealth or of the Territory, as the case may be, and if an officer of the Public, Railway or other Service of a State is appointed a Commissioner, his service as Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

14.—(1.) Subject to this Act, the Commission may appoint such officers as it thinks necessary for the purposes of this Act. Appointment of officers.

(2.) Officers employed under this Act shall not be subject to the *Commonwealth Public Service Act 1922-1924* or to the *Public Service Ordinance 1913-1925* of the Territory, but shall be engaged for such periods and shall be subject to such conditions as are prescribed.

(3.) An officer of the Public, Railway or other Service of the Commonwealth, or of the Public, Railway or other Service of a State, or of the Public Service of the Territory, who becomes an officer under this Act shall retain all his existing and accruing rights.

(4.) An officer of the Public, Railway or other Service of the Commonwealth or of the Public Service of the Territory who becomes an officer under this Act shall not thereby be required to resign from the Public, Railway or other Service of the Commonwealth or the Public Service of the Territory, as the case may be, but may be granted leave of absence for the period of his employment under this Act, and the period of leave so granted shall, for all purposes, be included as part of the officer's period of service.

(5.) Upon the termination of the employment under this Act of any such officer who has not been dismissed for misconduct, he shall be entitled to re-appointment to a position in the Public, Railway or other Service of the Commonwealth or the Public Service of the Territory, as the case may be, with such advancement in salary and status beyond those held by him in that Service immediately prior to his appointment under this Act, as the authority having power to make appointments to the Public, Railway or other Service of the Commonwealth, or Public Service of the Territory, as the case may be, in the circumstances, thinks just.

(6.) In determining the status and salary to which the officer shall be advanced, the authority shall take into consideration the period of service of the officer under this Act.

15. The Commission shall not, without the sanction of the Minister— Restriction on powers of Commission in relation to appointments and increments.

(a) create any office carrying remuneration in excess of Five hundred pounds per annum ;

(b) appoint any person to any such office ; or

(c) increase the remuneration of any officer to an amount exceeding Five hundred pounds per annum.

16.—(1.) Subject to this Act, the powers of the Commission shall extend to the following matters in relation to the development of Powers of Commission.

so much of the Territory as is situated north of the twentieth parallel of South Latitude (in this Act referred to as "the prescribed part of the Territory") :—

- (a) the maintenance and operation of railways subject to the terms of any arrangement made between the Minister and the Commonwealth Railways Commissioner ;
- (b) the construction and maintenance of roads ;
- (c) the erection of telegraph and telephone lines ;
- (d) water boring and conservation ;
- (e) ports and harbours ; and
- (f) such other matters in relation to the development of the Territory as are specified in any regulation made under this Act.

(2.) The Governor-General may, by Proclamation, declare that, as regards any power conferred on the Commission by this Act, the power shall not extend to the whole of the prescribed part of the Territory, but only to a specified portion thereof, or may, by Proclamation, exclude any portion of the prescribed part of the Territory from the scope of any power conferred on the Commission by this Act.

(3.) Any Proclamation issued in pursuance of the last preceding sub-section shall be of full force and effect as if incorporated in this Act, but may at any time be revoked.

(4.) In addition to the powers specified in sub-section (1.) of this section, the powers of the Commission shall include the administration throughout the Territory of Crown lands in accordance with Ordinances made or to be made in pursuance of the *Northern Territory (Administration) Act 1910* or in pursuance of this Act.

(5.) In the exercise of its powers under this Act, the Commission shall utilize as far as possible the services of officers of the Public, Railway or other Service of the Commonwealth, the North Australia Public Service and the Central Australia Public Service.

Preparation  
of scheme  
for development  
of Territory  
generally.

**17.**—(1.) As soon as practicable after its appointment the Commission shall prepare and submit to the Minister a scheme for the development of the prescribed part of the Territory, together with information and explanations in detail in relation thereto.

(2.) The Minister may at any time require the Commission to supply further information or explanations in relation to the scheme, and the Commission shall furnish such information or explanations accordingly.

(3.) If the Minister approves of the whole or part of the scheme, the Commission shall take all necessary steps to give effect to the whole or part of the scheme as so approved.

(4.) If the Minister declines to approve any part of the scheme, it shall be the duty of the Commission to prepare and supply a fresh scheme.

(5.) The provisions of sub-sections (2.) and (3.) of this section shall apply in relation to any scheme submitted in pursuance of the last

preceding sub-section in like manner as they apply to a scheme submitted in pursuance of sub-section (1.) of this section.

18.—(1.) The Minister may at any time require the Commission to prepare and submit to him a scheme for carrying out any particular phase of development of the prescribed part of the Territory, and the Commission shall prepare and submit a scheme accordingly.

Preparation of scheme for development of Territory in a particular direction.

(2.) The provisions of sub-sections (2.) to (4.) inclusive of section seventeen shall apply in relation to any such scheme in like manner as they apply in relation to a scheme submitted in pursuance of sub-section (1.) of that section.

19.—(1.) The Commission may, subject to the approval of the Governor-General, make by-laws, not inconsistent with this Act or with any regulation made under this Act, or with any ordinance made in pursuance of the *Northern Territory (Administration) Act* 1910 or in pursuance of this Act or with any regulation made under any such ordinance, prescribing all matters which appear to it to be necessary or convenient, for carrying out or giving effect to any power conferred by this Act upon the Commission, and in particular for prescribing penalties not exceeding Fifty pounds or imprisonment for three months for any contravention of the by-laws.

By-laws.

(2.) All such by-laws shall—

(a) be notified in the *Gazette* ;

(b) take effect from the date of notification, or from a later date specified in the by-laws ; 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 sitting days after any by-law has been laid before that House, disallowing that by-law, that by-law shall thereupon cease to have effect.

(4.) By-laws shall be deemed to be Statutory Rules within the meaning of the *Rules Publication Act* 1903-1916.

20.—(1.) If the Commission is of opinion that the construction of any railway in North Australia is desirable, it shall so report to the Minister.

Preliminary investigation of proposed railway route.

(2.) Upon receipt of any such report, the Minister may refer the matter to the Commonwealth Railways Commissioner for the purpose of having investigations, inspections and preliminary surveys made of the route of the proposed railway.

(3.) The Commonwealth Railways Commissioner shall supply to the Minister, if required, such plans, reports, estimates and information generally in respect of any proposed railway route in North Australia, as the Minister requires or as will in the opinion of the Commissioner be of service to the Minister.

(4.) The expenditure incurred by the Commissioner in making investigations, inspections and surveys at the direction of the Minister

shall not in any case exceed the sum authorized by the Minister for the purpose.

(5.) For the purpose of carrying out his duties under this section, the Commissioner shall have and may exercise any of the powers conferred on him by Part V. of the *Commonwealth Railways Act 1917-1925* in relation to the construction of new railways.

(6.) Upon receipt of the plans, reports, estimates and information supplied to him in pursuance of this section, the Minister shall refer them to the Commission for consideration, and shall require the Commission to furnish him with a report as to whether, in the opinion of the Commission, the construction of the railway is desirable.

Procedure for  
authorization  
of construction  
of railways.

**21.**—(1.) The construction of a railway in North Australia shall not be authorized by the Parliament except in pursuance of an Act of the Parliament the Bill for which was introduced into the House of Representatives by or on behalf of the Minister.

(2.) If, upon consideration of the report furnished by the Commission in pursuance of sub-section (6.) of the last preceding section, the Minister proposes to introduce into the House of Representatives a Bill for the purpose of authorizing the construction of a railway in North Australia, the Minister shall so inform the Commonwealth Railways Commissioner, and shall require the Commissioner to transmit to him the following information :—

- (a) A plan of the railway and of the lands through which it is to pass ;
- (b) A book of reference in which shall be set forth the names of the owners of the said lands so far as can with reasonable diligence be ascertained, a description of the said lands showing the bearings of the railway and the nature and quality of cultivation, the state of the enclosures (if any) and the quantity of the land required for the purpose of the railway ;
- (c) The estimated cost of the railway (including station buildings, signalling, &c.), when completed ;
- (d) The additional rolling stock (if any) likely to be required for working the railway, and an estimate of the cost thereof ;
- (e) The estimated working expenses of the railway, including traffic, locomotive and maintenance charges ;
- (f) The probable revenue which would be derived from the traffic on the railway ;
- (g) Any other special advantages which are likely to accrue to the Territory generally from the construction of the railway ; and
- (h) A general statement of the primary and other industries, and the possibilities thereof, of the district served by the proposed railway.

(3.) If it is proposed that the construction of the railway should be along, over or across any public reserve or road, the plans, sections and books of reference shall also contain particulars of the levels and specify the several areas required to be taken for the purposes of the railway.



(4.) The information supplied by the Commissioner in response to a requirement made in pursuance of this section shall be laid before both Houses of the Parliament before the introduction into the Parliament of any Bill for the purpose of authorizing the construction of the railway.

(5.) Any such Bill shall contain provisions relating to the following matters :—

- (a) A detailed description of the route of the proposed railway ;
- (b) The limit of deviation ; and
- (c) The maximum cost of the proposed railway.

(6.) If the Parliament by Act authorizes the construction of any railway in North Australia, the construction shall be undertaken by the Commonwealth Railways Commissioner on behalf, and at the expense, of the Commission, and for the purposes of that construction the Commissioner shall have all the powers conferred upon him by the *Commonwealth Railways Act 1917-1925* in relation to the construction of railways.

**22.—(1.)** The construction of any public work in North Australia in relation to ports or harbours, or to the erection of telegraph or telephone lines, the estimated cost of completing which exceeds Twenty-five thousand pounds, whether such work is a continuation, completion, repair, re-construction or extension, or a new work, shall not be authorized by the Parliament except in pursuance of an Act of the Parliament the Bill for which was introduced into the House of Representatives by or on behalf of the Minister.

Construction of  
public works  
exceeding  
£25,000.

(2.) If the Commission is of opinion that the construction of any such work in North Australia is desirable, it shall so report to the Minister.

(3.) Upon receipt of any such report, the Minister, if the proposed work relates to ports or harbours, may refer the matter to the Minister for Works and Railways of the Commonwealth for the preparation of plans and specifications of the proposed work and estimates of the cost thereof, and, if the proposed work relates to the erection of telegraph or telephone lines, may refer the matter to the Postmaster-General for the preparation of plans of the route and estimates of the cost of the proposed line.

(4.) Upon receipt of any plans, specifications and estimates prepared in pursuance of the last preceding sub-section, the Minister shall refer them to the Commission for consideration and shall require the Commission to furnish him with a report as to whether in the opinion of the Commission it is expedient to carry out the proposed work.

(5.) The report of the Commission in relation to any proposed work, together with any plans, specifications and estimates prepared in pursuance of this section, shall be laid before both Houses of the Parliament before the introduction into the Parliament of any Bill for the purpose of authorizing the construction of the proposed work.

(6.) If the Parliament by Act authorizes the construction of the proposed work the construction shall, if the work relates to ports or

harbours, be undertaken by the Department of Works and Railways of the Commonwealth on behalf, and at the expense, of the Commission.

Non-application of Commonwealth Public Works Committee Act 1913-1921 to certain works.

**23.** The provisions of the *Commonwealth Public Works Committee Act* 1913-1921 shall not apply in relation to any public work to which the provisions of any of the last three preceding sections apply, unless the Parliament otherwise directs.

Transfer to Commission of railways in North Australia.

**24.** Upon a date to be fixed by Proclamation there shall be vested absolutely in the Commission, and, in respect of land, for an estate in fee simple—

- (a) all railways in North Australia, and all rolling stock heretofore constructed or acquired by the Commonwealth pursuant to any Act in force for the time being authorizing the construction or acquisition of railways or rolling-stock for the purpose of any railway in North Australia ;
- (b) all wharves, stations, yards and buildings connected, or used in connexion, with such railways ;
- (c) all land the property of the Commonwealth over or upon which such wharves, stations, yards and buildings have been constructed or erected ;
- (d) all land acquired in North Australia for or on behalf of the Commonwealth for railway purposes ; and
- (e) all wires, instruments and other telegraphic or telephonic apparatus (not being the property of the Postmaster-General) used in North Australia in connexion with the railways.

Commission to prepare annual estimates.

**25.**—(1.) The Commission shall prepare, in such form as the Minister directs, and submit, not later than the thirty-first day of March in each year, for the approval of the Minister, and the concurrence of the Treasurer, estimates of the receipts and expenditure of the Commission for the next ensuing financial year.

(2.) No expenditure shall, without the sanction of the Minister and the concurrence of the Treasurer, be incurred by the Commission except in accordance with estimates approved by the Minister and concurred in by the Treasurer.

Quarterly reports by Commission.

**26.** In the first month in each quarter the Commission shall furnish to the Minister a written report setting out—

- (a) the approximate expenditure and receipts during the past quarter ;
- (b) the general condition as regards works under the control of the Commission ; and
- (c) the appointments and removals of officers.

Further reports to Minister.

**27.** The Commission shall furnish all such reports, documents and information relating to the prescribed part of the Territory as the Minister requires.

**28.**—(1.) The Commission shall, once in every year, make to the Minister a report containing an account of its control and management of the affairs of the prescribed part of the Territory during the preceding year. Annual report.

(2.) The Minister shall cause the report of the Commission to be laid before both Houses of the Parliament within thirty days after the receipt thereof, if the Parliament is then sitting, and, if not, within thirty days after the next meeting of the Parliament.

**29.**—(1.) The revenue of the Commission shall consist of the following moneys :— Receipts and expenditure of Fund.

- (a) Charges for services ;
- (b) Moneys received in pursuance of any by-law made under this Act or any Ordinance administered by the Commission ;
- (c) Moneys appropriated by the Parliament of the Commonwealth for the purposes of the development of the Territory ;
- (d) Fines recovered for any contravention of—
  - (i) any by-law made under this Act, or
  - (ii) any Ordinance administered by the Commission ;
- (e) Moneys borrowed by or on behalf of the Commission in pursuance of this Act ; and
- (f) Any other moneys received by the Commission.

(2.) All such moneys shall be carried to the credit of a fund to be called the "North Australia Commission Fund".

(3.) The North Australia Commission Fund shall be applied by the Commission towards the payment of the salaries and expenses of members of the Commission and officers employed under this Act, and of all other expenses necessarily incurred in carrying this Act into execution, and of doing and performing all acts and things which the Commission is empowered or required to do or perform.

(4.) Any surplus standing to the credit of the North Australia Commission Fund shall be applied in the first instance to the reduction of the liability of the Commission in respect of moneys borrowed under this Act, and of any liability of the Commission under this Act, and thereafter in payment into the Consolidated Revenue Fund.

**30.** The accounts of the Commission shall be subject to inspection and audit by the Auditor-General. Accounts subject to audit by Auditor-General.

**31.**—(1.) For the purpose of the exercise of any of its powers under this Act the Commission may, in pursuance of a resolution passed by both Houses of the Parliament, borrow moneys to such amount, in such manner, and on such terms, as the Treasurer approves. Borrowing of moneys.

(2.) The Commission may, from time to time, in lieu of exercising the power conferred on it by the last preceding sub-section, request the Treasurer to borrow moneys on its behalf, and the Treasurer may thereupon, under the provisions of the *Commonwealth Inscribed Stock Act 1911-1918* or under the provisions of any Act authorizing the issue of Treasury Bills, borrow, on behalf of the Commission, moneys not exceeding the amounts authorized, by any

Act or in pursuance of any resolution passed by both Houses of the Parliament, to be borrowed for the purpose of the exercise of any of the powers of the Commission.

(3.) The indebtedness of the Commission to the Commonwealth in respect of moneys borrowed by the Treasurer on its behalf shall include such amounts as the Treasurer certifies are necessary to cover all costs and charges (including exchange) incurred in connexion with the relative loans and all discounts on the flotation of such loans.

(4.) Interest shall be payable by the Commission to the Commonwealth, on such dates as the Treasurer determines, on the indebtedness of the Commission as determined in the last preceding sub-section at a rate sufficient to recoup the Commonwealth the interest paid by it in respect of that indebtedness and the terms and conditions of the repayment of the indebtedness of the Commission to the Commonwealth shall be as determined by the Treasurer.

(5.) The Commission shall in each year during which interest is payable to the Commonwealth pay to the Treasurer such amounts as the Treasurer certifies are necessary to cover the cost of exchange on interest payments, commission for paying interest, stamp duty on loan transfers and charges (other than those referred to in sub-section (3.) of this section) payable by the Commonwealth in respect of the relative loans.

(6.) In addition to any interest payable by the Commission on its indebtedness to the Commonwealth, the Commission shall, in each year during which interest is payable, and on the dates on which interest is payable, pay to the Treasurer a sinking fund contribution at the rate of Ten shillings per annum for every One hundred pounds or portion of One hundred pounds of its indebtedness until those moneys are repaid to the Commonwealth.

(7.) Each contribution received by the Treasurer under the last preceding sub-section shall be paid into the National Debt Sinking Fund established under the *National Debt Sinking Fund Act 1923-1925*.

(8.) There may be issued and applied out of the proceeds of any loan raised by the Treasurer under the authority of any Act, including this Act, any sum not exceeding the amounts authorized by the Act to be borrowed for the purpose of the exercise of any of the powers of the Commission and for the expenses of borrowing.

(9.) Moneys borrowed under the authority of this section shall be used only for the expenses of borrowing and for the purposes approved by the Minister.

(10.) The Commonwealth by this Act guarantees the payment by the Commission of the principal moneys borrowed by the Commission in pursuance of this section, and of any interest due upon those moneys.

(11.) Pending the borrowing of moneys in pursuance of this section, the Treasurer may from time to time advance to the Commission, out of any moneys in the Commonwealth Public Account, such sums as he thinks fit.

(12.) Any moneys so advanced shall bear interest at such rate as is fixed by the Treasurer, and shall be repayable to the Commonwealth from the proceeds of the first loan raised by or on behalf of the Commission after the moneys have been advanced.

**32.—**(1.) Subject to this Act and to the consent of the Minister, any private lands, or any lands being Crown lands of the Commonwealth, roads or lands, which have been dedicated, reserved or set apart for any public or other purpose, whether by the Commonwealth or by any private person, may be acquired by the Commission for the purposes of this Act.

Acquisition of  
lands for  
purposes of  
Act.

(2.) The provisions of the *Lands Acquisition Act* 1906-1916 shall apply, with such modifications and adaptations as are prescribed, in relation to lands acquired or to be acquired for the purposes of this Act.

(3.) Nothing in this section shall be deemed to empower the Commission, without the authority of the Parliament, to acquire any lands dedicated, reserved or set apart for public parks or recreation grounds.

**33.—**(1.) The Commission may appear before any Court, or in any legal proceedings, by any officer authorized generally or in respect of any special proceeding by writing under the hand of the Chairman, and any officer so authorized may institute and carry on any proceeding on behalf of the Commission.

Appearance of  
Commission.

(2.) The officer so authorized shall be reimbursed out of the North Australia Commission Fund all damages, costs, charges and expenses to which he is put, or with which he is chargeable.

(3.) The Chairman or officer may, in all proceedings under or for the purpose of procuring any adjudication of insolvency against any person against whom the Commission has any claim or demand, represent the Commission, and act in its behalf in all respects as if the claim or demand had been the claim or demand of the Chairman or officer.

**34.—**(1.) An action shall not be brought against the Commission, or any member thereof, or any officer of the Commission, or person acting in his aid, until the expiration of one month after notice in writing has been served on the Commission, member, officer or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his solicitor or agent.

Notice of  
action.

(2.) On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

(3.) Unless the notice is proved, judgment shall be given for the defendant.

(4.) Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor, or agent, at any time within one month after service of the notice, and, in case of non-acceptance of the amends, may plead the tender.

## PART III.—CO-OPERATION WITH STATES.

Agreement  
with States  
contiguous to  
Territory.

35.—(1.) The Governor-General may make an agreement with the Governor in Council of any State which adjoins the Northern Territory for the application to any part of the State contiguous to the Territory (in this section referred to as “the prescribed part of the State”) of any or all of the measures of development which have been or may be applied by the Commission to the prescribed part of the Territory.

(2.) An agreement made in pursuance of this section may provide for the appointment as a member of the Commission of one representative nominated by the Governor in Council of each State with which the agreement has been made, and for any other matters necessary or convenient to be provided for the purpose of ensuring the successful application to the prescribed part of the State of the measures of development contemplated by this Act.

(3.) An agreement made in pursuance of this section shall not have any force or effect until it has been approved by each House of the Parliament by resolution.

(4.) Any such agreement shall come into force upon such date as is specified by Proclamation, and shall thereupon have full force and effect as if enacted in this Act

## PART IV.—DIVISION OF TERRITORY INTO NORTH AUSTRALIA AND CENTRAL AUSTRALIA.

*Division 1.—Procedure for effecting Division.*

Division into  
North and  
Central  
Australia.

36.—(1.) On and after a date to be fixed by Proclamation (in this Act referred to as “the proclaimed day”) that part of the Northern Territory which comprises North Australia as defined in this Act shall be administered separately from that part of the Northern Territory which comprises Central Australia as defined in this Act.

(2.) Until other provision is made by law, North Australia and Central Australia shall severally be administered as Territories under the authority of the Commonwealth.

Apportionment  
of debts of  
Territory.

37.—(1.) As soon as practicable after the proclaimed day the Minister may, by notice published in the *Gazette*, apportion between North Australia and Central Australia the indebtedness of the Commonwealth in relation to the Northern Territory.

(2.) The apportionment shall be made as far as possible upon the basis of the amount fairly attributable to each portion of the Territory having regard to the expenditure incurred therein.

(3.) Upon the making of the apportionment the Commonwealth shall be liable in respect of North Australia for that portion of the indebtedness which is apportioned to North Australia, and shall be liable in respect of Central Australia for that portion of the indebtedness which is apportioned to Central Australia.

38.—(1.) Subject to this Act, all laws in force in the Territory on the proclaimed day shall, so far as applicable, continue in force in North Australia and in Central Australia, but any such laws, other than Acts of the Parliament of the Commonwealth, shall have effect in North Australia as if they were laws of North Australia, and in Central Australia as if they were laws of Central Australia, and may be altered or repealed by Ordinances made in pursuance of this Part.

Continuance of laws.

(2.) Where any law which is continued in force in North Australia or Central Australia by virtue of this section is a law of the Commonwealth, and any power or function is by that law vested in any officer in relation to any State, or in relation to the Northern Territory, that power or function shall, in relation to North Australia and to Central Australia, be vested in and exercised by such officer as the Governor-General directs.

(3.) Where any law which is continued in force in North Australia or Central Australia by virtue of this section is a law of the State of South Australia, any power or function, which by that law is vested in the Governor of the State of South Australia, or in the Governor of that State with the advice of his Executive Council, or in any authority of that State, shall, in relation to North Australia and to Central Australia, be vested in and exercised or performed by the Governor-General, or the Governor-General in Council, or the authority exercising similar powers and functions in North Australia or Central Australia, as the case may be, or as the Governor-General directs.

39.—(1.) Every officer of the Public Service of the Northern Territory, holding office on the proclaimed day, shall, by force of this Act—

Transfer of officers from Northern Territory Service to North Australia or Central Australia Service.

- (a) if resident in North Australia, be transferred to the Public Service of North Australia; and
- (b) if resident in Central Australia, be transferred to the Public Service of Central Australia.

(2.) Every such officer shall preserve all his existing and accruing rights as if his service with North Australia or Central Australia, as the case may be, were a continuation of his service with the Northern Territory.

(3.) The provisions of section eighty-four of the Constitution shall be deemed to continue to apply to any officer to whom by virtue of sub-section (2.) of section twelve of the *Northern Territory Acceptance Act 1910-1919* it was deemed to apply.

40. Until other provision is made by or under any law of the Commonwealth—

Continuance of Courts.

- (a) the Supreme Court of the Northern Territory as existing on the proclaimed day shall continue as the Supreme Court of North Australia and as the Supreme Court of Central Australia;

- (b) all Courts of Justice (other than the Supreme Court of the Northern Territory) in existence in the Northern Territory on the proclaimed day shall—
- (i) if situated within North Australia, continue in North Australia ; and
  - (ii) if situated within Central Australia, continue in Central Australia,
- as Courts of North Australia, or of Central Australia, as the case may be ; and
- (c) the jurisdiction, practice and procedure of any Court which continues in pursuance of this section in North Australia or Central Australia, or both, shall continue as the jurisdiction, practice and procedure of that Court.

Continuance of  
Magistrates, &c.

41. All Magistrates and Justices of the Peace holding office in the Northern Territory on the proclaimed day, and entitled to exercise jurisdiction therein, and all public officers and public functionaries in and for the Northern Territory on the proclaimed day, shall continue to hold office in relation to North Australia, or Central Australia, according as to whether they are resident in North Australia or Central Australia on the proclaimed day, and shall continue to hold such office in North Australia or Central Australia, as the case may be, on the same terms and conditions as they held office under the Commonwealth.

*Division 2.—North Australia.*

Appointment  
and tenure of  
Government  
Resident.

42.—(1.) The Governor-General may appoint a Government Resident for North Australia.

(2.) The Government Resident shall hold office, subject to good behaviour, for such period as is specified in the instrument by which he is appointed.

(3.) The Government Resident shall exercise and perform all powers and functions that belong to his office, according to such instructions as are given to him by the Minister.

(4.) On and after the proclaimed day any reference to the Administrator, contained in any other law of, or relating to, the Northern Territory, shall, in so far as North Australia is concerned, be read as a reference to the Government Resident of North Australia.

Creation of  
Advisory  
Council for  
North  
Australia.

43.—(1.) There shall be an Advisory Council for North Australia to advise the Government Resident in relation to any matter affecting North Australia, including advice as to the making of new Ordinances or the repeal or amendment of existing Ordinances (other than Ordinances relating to the administration of Crown lands), but not including any matter relating to the powers of the Commission or any matter under the control of the Commission.

(2.) The Advisory Council shall consist of the Government Resident, and of four members, two of whom shall be appointed by the Minister, and shall hold office, during good behaviour, for a period of three



years, and be eligible for re-appointment, and two of whom shall, subject to this Act, be elected for a period of three years, and be eligible for re-election.

(3.) For the purposes of the election of members of the Advisory Council, North Australia shall be regarded as one district returning two members.

(4.) The qualifications and disqualifications of members of the Advisory Council and of electors shall be the same as the qualifications and disqualifications prescribed for electors of members of the House of Representatives.

(5.) The elections of members of the Advisory Council shall be by ballot, and shall be conducted in the prescribed manner.

(6.) In the event of a vacancy occurring in the membership of the Advisory Council, the vacancy shall be filled in the prescribed manner.

**44.—**(1.) The Government Resident shall be *ex-officio* Chairman of the Advisory Council.

Chairman of  
Advisory  
Council.

(2.) In the absence of the Government Resident from any meeting the members present shall elect one of their number to act as Chairman of the meeting.

**45.—**(1.) Meetings of the Advisory Council shall be held at least twice in each year at such times and places as the Government Resident appoints.

Meetings of  
Council.

(2.) The presence of at least three members shall be necessary to constitute a quorum.

(3.) The Government Resident shall notify members of the time and place of each meeting, and shall include in the notice a list of the subjects on which he desires the advice of the Council, together with a short explanatory statement on each subject.

(4.) Any member of the Council may, by giving at least seven days' notice in writing to the Government Resident, have placed upon the agenda of the Council any subject which he desires to submit to the Council.

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

Resolutions and  
minutes.

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

(3.) Any member of the Council may request that the grounds of advice or opinion which he gives upon any question shall be recorded at length in the minutes, and thereupon the grounds shall be so recorded.

**47.** The seat of Government of North Australia shall be established as soon as practicable at Newcastle Waters, and until the seat of Government is so established it shall be at Darwin.

Seat of  
Government of  
North  
Australia.

*Division 3.—Central Australia.*

Appointment  
and tenure of  
Government  
Resident.

48.—(1.) The Governor-General may appoint a Government Resident for Central Australia.

(2.) The Government Resident shall hold office, subject to good behaviour, for such period as is specified in the instrument by which he is appointed.

(3.) The Government Resident shall exercise and perform all powers and functions that belong to his office, according to such instructions as are given to him by the Minister.

(4.) On and after the proclaimed day, any reference to the Administrator, contained in any other law of, or relating to, the Northern Territory, shall, in so far as Central Australia is concerned, be read as a reference to the Government Resident of Central Australia.

Creation of  
Advisory  
Council for  
Central  
Australia.

49.—(1.) There shall be an Advisory Council for Central Australia to advise the Government Resident in relation to any matter affecting Central Australia, including advice as to the making of new Ordinances or the repeal or amendment of existing Ordinances other than Ordinances relating to the administration of Crown lands.

(2.) The Advisory Council shall consist of the Government Resident, and of four members two of whom shall be appointed by the Minister, and shall hold office, during good behaviour, for a period of three years, and be eligible for re-appointment, and two of whom shall, subject to this Act, be elected for a period of three years, and be eligible for re-election.

(3.) For the purposes of the election of the members of the Advisory Council, Central Australia shall be regarded as one district returning two members.

(4.) The qualifications and disqualifications of members of the Advisory Council and of electors shall be the same as the qualifications and disqualifications prescribed for electors of members of the House of Representatives.

(5.) The elections of members of the Advisory Council shall be by ballot, and shall be conducted in the prescribed manner.

(6.) In the event of a vacancy occurring in the membership of the Advisory Council, the vacancy shall be filled in the prescribed manner.

Application of  
sections of  
this Act to  
Advisory  
Council of  
Central  
Australia.

50. The provisions of sections forty-four to forty-six inclusive of this Act shall apply in relation to the Advisory Council for Central Australia in like manner as they apply in relation to the Advisory Council for North Australia.

Seat of  
Government of  
Central  
Australia.

51. The seat of Government of Central Australia shall be at Alice Springs.

*Division 4.—North Australia and Central Australia.*

Application of  
Commonwealth  
Conciliation  
and  
Arbitration Act  
1904–1921.

52. The *Commonwealth Conciliation and Arbitration Act 1904–1921* shall apply to industrial disputes—

(a) in North Australia; and

(b) in Central Australia,

as if from the definition of "industrial disputes" in section four of that Act the words "extending beyond the limits of any one State" were omitted.

53. The *Australian Industries Preservation Act 1906-1910* shall apply—

(a) in North Australia ; and

(b) in Central Australia,

as if the words "with other countries or among the States" wherever they occur, in relation to trade or commerce, were omitted.

Application of  
*Australian  
Industries  
Preservation  
Act 1906-1910.*

54. The *Secret Commissions Act 1905* shall apply—

(a) in North Australia ; and

(b) in Central Australia,

to trade and commerce with North Australia or Central Australia, as the case may be, as if the words "with other countries and among the States" were omitted from section two of that Act.

Application of  
*Secret  
Commissions  
Act 1905.*

55. The provisions of the *Lands Acquisition Act 1906-1916* shall apply to the acquisition by the Commonwealth, for any public purpose, of any land owned in—

(a) North Australia ; or

(b) Central Australia,

by any person :

Provided that, in determining the compensation to which the owner is entitled under that Act, the value of the land shall be taken not to exceed the unimproved value of the land, or the interest therein of the owner on the date of the passing of this Act, together with the value of his interest in the improvements on the land at the date of the acquisition of the land.

Application of  
*Lands  
Acquisition  
Act 1906-1916.*

56. The rates and charges for postal articles and telegrams in North Australia or Central Australia, and to and from North Australia or Central Australia, shall be the same as if North Australia and Central Australia together formed one State.

Postal and  
telegraphic  
rates and  
charges.

57. Trade, commerce and intercourse between North Australia, Central Australia and the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

Trade and  
commerce with  
States to be  
free.

58.—(1.) The revenues of North Australia and of Central Australia (other than the revenue of the Commission) shall be paid into and form part of the Consolidated Revenue Fund.

Revenue and  
expenditure of  
North Australia  
and Central  
Australia.

(2.) There shall be paid out of the Consolidated Revenue Fund, for expenditure in or on account of North Australia and Central Australia, such sums as are from time to time appropriated by the Parliament for the purpose.

59.—(1.) Until the Parliament makes other provision for the Government of North Australia, the Governor-General may make Ordinances having the force of law in and in relation to North

Ordinances.

Australia, and until the Parliament makes other provision for the Government of Central Australia, the Governor-General may make Ordinances having the force of law in and in relation to Central Australia.

(2.) Every such Ordinance shall—

- (a) be notified in the *Gazette* ;
- (b) take effect from the date of notification or from a later date to be specified in the Ordinance ; 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 sitting days after any such Ordinance has been laid before the House, disallowing the Ordinance, the Ordinance shall thereupon cease to have effect.

#### PART V.—MISCELLANEOUS.

Regulations.

60. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for the following—

- (a) for empowering the Commission to make by-laws for any purpose specified by the Governor-General ;
- (b) for more accurately defining the powers conferred on the Commission by this Act ; and
- (c) for specifying other matters in relation to the development of the Territory with respect to which the powers of the Commission shall extend.

#### THE SCHEDULE.

Reference to Act.	Short title.	Extent of repeal.
No. 20 of 1910 ..	<i>Northern Territory Acceptance Act 1910</i>	Sections 8, 9, 11, 12, 13
No. 27 of 1910 ..	<i>Northern Territory (Administration) Act 1910</i>	Sections 4, 6, 7, 8, 9, 10, 12, 13