ASHMORE AND CARTIER ISLANDS ACCEPTANCE
AMENDMENT BILL 1985

Date Introduced: 17 April 1985
House: House of Representatives
Presented by: Hon. Gordon Scholes, M.P., Minister for Territories

Short Digest of Bill

Purpose

To allow for the automatic adoption of changes to Northern Territory law in the Ashmore and Cartier Islands and to clarify which laws operate in the Islands.

Background

Ashmore and Cartier Islands are situated in the Indian Ocean off the coast of north-western Australia, approximately 800 kilometres from Darwin and 200 kilometres from Timor. There are three islands, Middle, East and West, in the Ashmore Islands; Cartier is a single island. Though the islands are uninhabited, interest in the area has increased following the recent discovery of nearby oil reserves. The Jabiru 1A well is in this area.

By an Imperial Order in Council of 23 July 1931, the islands were to be placed under Australian authority when Parliament legislated for their acceptance. The Ashmore and Cartier Islands Acceptance Act 1933 (the Principal Act) brought the islands under Australian control from 10 May 1934. The Principal Act adopted the laws of the Northern Territory for the islands and, as it currently stands, the law in force in the islands is fixed as it stood at 1 July 1978 (section 6), the date when the Northern Territory received self-government.

Main Provisions

The Bill is to operate from a day fixed by Proclamation (clause 2).

The automatic adoption of law changes in the Northern Territory is affected by clause 4, which substitutes a new section 6 in the Principal Act. Changes in Northern Territory law, including changes in the common
law and equity, other than changes affected by Commonwealth Acts, will be adopted.

The application of Commonwealth Acts to the islands is dealt with in new section 8 of the Principal Act (clause 6). The new section removes current doubt arising from the drafting of the previous section and makes it clear that Commonwealth Acts are to apply to the islands unless such application is specifically excluded.

Clause 7 amends section 11 of the Principal Act to allow the Minister to delegate his functions.

For further information, if required, contact:

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