NORTHERN TERRITORY (SELF-GOVERNMENT) BILL 1978

Date Introduced: 11 May 1978
House: House of Representatives
Presented by: The Honourable E. Adermann, Minister for the Northern Territory

Short Digest of Bill

Purpose

To confer self-government on the Northern Territory by providing for the establishment of separate political, representative and administrative institutions and to give the Territory control over its own Treasury.

Background

Before the last general election, the Government made a policy commitment to devolve executive responsibility on the Northern Territory and to bring the Territory to ultimate statehood. The Northern Territory (Administration) Act 1910 was amended in 1976 to facilitate the transfer of executive responsibility to the Legislative Assembly through the appointment of Executive members to that Assembly.

In a press statement of 17 July 1977 (and confirmed in a statement to the House on 14 September 1977) the Minister for the Northern Territory announced a definite program of constitutional development for the Territory. This program called for the progressive transfer of functions to the Territory commencing on 1 January 1978 through to the transfer of many State-type functions on 1 July 1978 and the completion of the whole program on 1 July 1979 with the conferral of fully responsible self-government. This Bill represents the second stage in that program.

Main Provisions

The Bill is divided into 7 Parts. The Preamble recites the provisions regulating the constitutional position of the Territory before the introduction of this Bill. Part 1 sets out the relevant definitions. Part II declares the Northern Territory to be a separate political entity under the Crown.
Part III - Legislative Assembly

Owing to the repeal of the Northern Territory (Administration) Act 1910 several provisions of that Act have been re-enacted in this Bill. Part III retains the general legislative authority presently held by the Assembly (clause 6). The assent procedures covering the legislative process (clauses 7, 8, 9, 10) provide that the final decision on laws dealing with matters in respect of which the Territory has executive authority (to be declared by Regulations to this Bill) will rest with the Administrator. In the case of other laws, the Administrator will have the option of reserving the measure for the Governor-General's pleasure. Clause 9 bestows on the Governor-General a reserve power to disallow any laws within 6 months of their receiving the Administrator's assent.

Clause 12 is a similar provision to s.49 of the Commonwealth Constitution in that it provides for the Assembly to make laws declaring its powers, privileges and immunities but these are not to exceed those of the House of Representatives. Clauses 13 to 30 are general machinery provisions regulating the constitution, procedure and membership of the Assembly.

Part IV - The Administration

This Part provides for the conferral of executive authority on the Territory. In particular, clause 32 vests the duty of administering the Government of the Territory in the Administrator who, under clause 33 will be advised by an Executive Council in matters in respect of which the Ministers of the Territory have executive authority. The matters in respect of which the Ministers of the Territory will have executive authority are to be prescribed by regulation (clause 35). Clause 36 provides that the Administrator has sole responsibility for the appointment of Ministers.

Part V - Finance

This Part enables the Territory to establish its own Treasury and exercise control over its own finances (clause 44). Clause 46 permits the Territory to borrow in its own right from the Commonwealth. Clause 47 enhances this borrowing power by enabling the Territory to borrow from other sources but only as approved by the Treasurer or the Commonwealth. In his second reading speech, the Minister stated that detailed financial arrangements were now being negotiated between the Territory and the Commonwealth.

Part VI - Miscellaneous

This Part guarantees the application to the Territory of certain Commonwealth constitutional provisions and legislative enactments. Clauses 49 and 50 guarantee the application of freedom
of trade between the Territory and States and the acquisition of property on just terms by the Legislative Assembly. Clause 51 is an all-encompassing enactment providing that, unless otherwise provided, all Commonwealth Acts binding on the States shall be binding on the Territory. Clauses 52 and 53 provide that the Secret Commissions Act and the Conciliation and Arbitration Act shall apply in the Territory.


The major effect of this Part is to provide for the continuance of existing laws of the Territory (clause 57), the current Legislative Assembly (clause 59) and the Administrator (clause 58). Clause 69 provides for the Commonwealth's interests in land and minerals in the Territory to be transferred to the Territory. Minerals which are prescribed substances under the Atomic Energy Act 1953 remain vested in the Commonwealth. However, clause 70 empowers the Commonwealth to acquire any land or interest in that land in the Territory in which no person other than the Territory holds any interest without payment of compensation.

Clause 71 stipulates that regulations made under the Bill may substitute the Territory for the Commonwealth in contracts relating to transferred matters.

In his second reading speech, the Minister stated that the establishment of a Northern Territory Government will necessitate amendments to a number of pieces of Commonwealth Legislation. A list of these amending Bills is included in the Minister's speech.