ASHMORE AND CARTIER ISLANDS ACCEPTANCE AMENDMENT BILL 1978

Date Introduced: 24 May 1978
House: House of Representatives
Presented by: Honourable A.E. Adermann, M.P., Minister for the Northern Territory

Purpose

To enable the Territory of Ashmore and Cartier Islands (the Territory), which has been administered as part of the Northern Territory, to be treated as a separate Territory from the implementation of self-government in the Northern Territory on 1 July 1978.

Background

The Ashmore and Cartier Islands Acceptance Act 1933 provides for the acceptance of Ashmore and Cartier Islands as a Territory (section 5). The Territory is annexed to and deemed to form part of the Northern Territory and laws, Acts, Ordinances and regulations, as in force from time to time in the Northern Territory, apply in the Territory (section 6). The islands are uninhabited.

Provisions

Clause 4 repeals section 6 of the Act so that the Territory is no longer part of the Northern Territory and Northern Territory laws do not apply to it. New section 6 provides that laws in force in the Territory immediately before 1 July 1978 continue in force; this does not apply to the Northern Territory Administration Act 1910 which is no longer relevant for the Territory. The effect is that Northern Territory law, as in force immediately before 1 July 1978, will form the body of law for the Territory but any changes to Northern Territory law from 1 July 1978 will not affect the law of the Territory. New section 9 confers power on the Governor-General to make Ordinances for the peace, order and good government of the Territory; these may alter the Northern Territory law adopted for the Territory except for provisions of Commonwealth Acts and regulations (new section 7). Ordinances made by the Governor-General must be notified in the Commonwealth Gazette and be tabled in both Houses of Parliament within 15 sitting days of being made and may be disallowed by either House (new sections 9 and 10). By new section 8, Commonwealth Acts and regulations apply to the Territory as an internal Territory.
All powers and functions under the continued laws may be exercised by the Minister for the Northern Territory unless the Governor-General gives directions that some other person should exercise the power (new section 11). The Northern Territory courts are to continue to exercise jurisdiction for the Territory (new section 12) while matters such as the granting of pardons or remissions are to be dealt with by the Governor-General with the Minister's advice (new section 13).

30 May 1978

Law and Government Group
LEGISLATIVE RESEARCH SERVICE