

[BEGIN TRANSCRIPTION]

**Senate (Representation of Territories)
Act 1973**

No. 39 of 1974

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AN ACT

To provide for the Representation in the Senate of the Australian Capital Territory, the Jervis Bay Territory and the Northern Territory of Australia.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. This Act may be cited as the *Senate (Representation of Territories) Act 1973*. Short title.
- 5 2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. (1) In this Act— Interpretation.
“Territory” means a Territory to which this Act applies;
“the Australian Capital Territory” includes the Territory that was
10 accepted by the *Jervis Bay Territory Acceptance Act 1915*.
- (2) The Territories to which this Act applies are the Australian Capital Territory and the Northern Territory of Australia.

[END PAGE 1]

4. Each Territory shall be represented in the Senate by two senators for the Territory directly chosen by the people of the Territory voting as one electorate. Representation in the Senate.
5. (1) A senator for a Territory has all the powers, immunities and privileges of a senator for a State and— Powers, immunities and privileges of senator.
- (a) shall be included in the whole number of the senators for the purpose of ascertaining the number of senators necessary to constitute a meeting of the Senate for the exercise of its powers and, if present, shall be counted for the purpose of determining whether the necessary number of senators are present; and
- (b) shall have a vote on all questions arising in the Senate.
- (2) The provisions contained in sections 16, 19 and 20 and sections 42 to 48 (inclusive) of the Constitution, to the extent, if any, to which they do not apply, by virtue of the Constitution, in relation to a senator for a Territory, apply, by force of this Act, in relation to such a senator in the same way as they apply in relation to other senators.
6. The term of service of a senator for a Territory commences on the day of his election and expires at the close of the day next preceding the polling day for the general election of members of the House of Representatives next following his election. Term of service.
7. (1) Subject to sub-section (2), the first election of senators for a Territory shall be held at the same time as an election of senators for a State, being the first election of senators for that State that is held after the commencement of this Act. Time of elections.
- (2) An election of senators for each Territory shall be held at the same time as each general election of members of the House of Representatives.
8. (1) The Governor-General may cause writs to be issued for elections of senators for a Territory. Issue of writs.
- (2) The writs for the elections of senators for a Territory in accordance with sub-section 7 (2) shall be issued within ten days from the expiry of the House of Representatives or from the proclamation of a dissolution thereof.
9. (1) If the place of a senator for a Territory becomes vacant before the expiration of his term of service, the President of the Senate may issue his writ for the election of a new senator, or if there is no President or if he is absent from the Commonwealth the Governor-General may issue the writ. Writs for vacancy.
- (2) If the places of both the senators for a Territory become vacant before the expiration of their term of service, a writ may be issued

40 under this section for the election of two new senators at the one election.

[END PAGE 2]

1974	<i>Senate (Representation of Territories)</i>	No.	3
5	<p>10. (1) Subject to this Act, the provisions of the <i>Commonwealth Electoral Act 1918–1973</i> apply, with such exceptions and subject to such modifications and adaptations as are prescribed, to and in relation to an election of a senator or senators for a Territory in like manner as they apply to and in relation to an election of a senator or senators for a State and those provisions so apply as if the Territory were a State.</p>		Application of Commonwealth Electoral Act.
10	<p>(2) Regulations for the purposes of this section shall not affect the application, in relation to elections under this Act, of the principles in accordance with which, under the provisions of the <i>Commonwealth Electoral Act 1918–1973</i> applied by this section, ballot papers are to be prepared, votes are to be marked, the scrutiny is to be conducted and vacancies are to be filled at an election of senators for a State.</p>		
15	<p>11. (1) The provisions of section 21 of the <i>Australian Capital Territory Representation (House of Representatives) Act 1973</i> apply to and in relation to a petition disputing an election under this Act of a senator or senators for the Australian Capital Territory in like manner as they apply to and in relation to a petition disputing an election under that Act.</p>		Disputed elections.
20	<p>(2) The provisions of section 8A of the <i>Northern Territory Representation Act 1922–1968</i> apply to and in relation to a petition disputing an election under this Act of a senator or senators for the Northern Territory of Australia in like manner as they apply to and in relation to a petition disputing an election under that Act.</p>		
25	<p>12. 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 giving effect to this Act.</p>		Regulations.

WE HEREBY CERTIFY that the above is a fair print of the proposed law intituled—

Senate (Representation of Territories) Act 1973

as last proposed by the House of Representatives and as affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives at the joint sitting

convened by the Governor-General pursuant to section 57 of the Constitution by Proclamation dated 30 July 1974.

[SIGNED BY]
J. R. Odgers
Clerk of the Senate

[SIGNED BY]
N. J. Parkes
Clerk of the House of Representatives

IN THE NAME OF HER MAJESTY, I assent to this proposed law.

[SIGNED BY]
John R Kerr
Governor-General
7 August 1974

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[END TRANSCRIPTION]