

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

(As read a first time)

**AUSTRALIAN CAPITAL TERRITORY COUNCIL
(CONSEQUENTIAL PROVISIONS) BILL 1986**

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CONSEQUENTIAL AMENDMENT OF ACTS

1985-86

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 19 March 1986

(Minister for Territories)

A BILL

FOR

**An Act to enact certain transitional provisions, and to
amend certain Acts, in consequence of the enactment of the
*Australian Capital Territory Council Act 1986***

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

PART I—PRELIMINARY

Short title

- 5 **1.** This Act may be cited as the *Australian Capital Territory Council
(Consequential Provisions) Act 1986*.

Commencement

- 10 **2. (1)** Subject to this section, this Act shall come into operation on the
day on which it receives the Royal Assent.
- (2)** Section 7 shall come into operation on Proclamation day.

(3) Section 10, and the amendments of the *Australian Capital Territory Electricity Supply Act 1962* and the *Commonwealth Electoral Act 1918* made by this Act, shall come into operation on a day, or on respective days, to be fixed by Proclamation.

Interpretation

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

“Council Act” means the *Australian Capital Territory Council Act 1986*;

“establishment day” means the day on which the Council Act receives the Royal Assent;

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“interim period” means the period commencing on establishment day and ending immediately before Proclamation day;

“Proclamation day” means the day fixed under sub-section 2 (2) of the Council Act.

(2) Except so far as the contrary intention appears, expressions in this Act have the same meanings as in the Council Act.

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PART II—TRANSITIONAL

First meeting of Council

4. The first meeting of the Council shall be convened by the Minister.

Commencement of Council Laws

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5. (1) A Council Law, other than a Council Law made pursuant to a prescribed provision of the Council Act, made before Proclamation day shall not commence before that day.

(2) During the interim period, section 4 of the *Acts Interpretation Act 1901* applies to a Council Law as if paragraph 46 (a) of that Act applied to a Council Law.

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(3) The Council shall not make a Council Law pursuant to section 56 of the Council Act until the first consultation has been held under section 74 of that Act.

(4) In sub-section (1), “prescribed provision” means sub-section 14 (2) or 50 (2), paragraph 53 (e), sub-section 54 (2) or section 56 or 69.

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Staff during interim period

6. During the interim period, persons shall not be appointed or employed under a law made pursuant to section 56 of the Council Act except with the approval of the Minister.

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Staff from Australian Public Service

7. (1) The persons required to assist the Council, other than persons employed under section 56 of the Council Act, shall be persons appointed or employed under the *Public Service Act 1922*.

5 (2) The Head of Administration shall perform all the functions of a Secretary of a Department of the Australian Public Service under the *Public Service Act 1922*, so far as those functions relate to the branch of the Australian Public Service comprising the persons to whom sub-section (1) applies as if that branch were a separate Department of the Australian
10 Public Service.

(3) Without limiting the generality of sub-section (2), in the application of section 25 of the *Public Service Act 1922* pursuant to that sub-section, that section has effect as if—

15 (a) references to the Secretary of a Department were references to the Head of Administration;

(b) references to the Minister were references to the Chairperson; and

(c) sub-section (6) were omitted.

(4) A reference in the Council Act to a member of the staff includes a reference to a person to whom sub-section (1) applies.

20 (5) This section ceases to have effect on a day to be fixed by Proclamation.

Contracts

8. (1) The regulations may make provision with respect to

25 (a) the substitution of the Council for the Commonwealth as a party to a prescribed contract or a class of prescribed contracts; and

(b) matters arising from, connected with or consequential upon any such substitution.

(2) In sub-section (1), "contract" means a contract relating to a prescribed matter.

Commonwealth to indemnify Council

30 9. (1) The Commonwealth shall indemnify the Council, and keep the Council indemnified, against any action, claim or demand brought or made against the Council in relation to a prescribed matter in respect of any act done or omitted to be done by or on behalf of the Commonwealth in
35 relation to the matter at a time before—

(a) the day on which it became a prescribed matter; or

(b) Proclamation day,

whichever is the later.

(2) The indemnification under sub-section (1) extends to damages, expenses and costs arising from, connected with or consequential upon an action, claim or demand referred to in that sub-section.

Member of Australian Capital Territory Electricity Authority

10. The person holding office under sub-section 6 (3) of the *Australian Capital Territory Electricity Supply Act 1962* as a member of the Australian Capital Territory Electricity Authority immediately before the commencement of the amendments of that Act made by this Act continues to hold office until a member of the Authority is appointed under sub-section 6 (3) of that Act as amended by this Act.

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Exemption from stamp duty

11. (1) Stamp duty is not payable under the *Australian Capital Territory Stamp Duty Act 1969* in respect of instruments, or classes of instruments, specified by the Minister by notice in writing published in the *Gazette*.

(2) In sub-section (1), "instrument" means an instrument relating to a transfer by the Commonwealth to the Council of an interest in land.

(3) This section ceases to have effect on a day to be fixed by Proclamation.

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Application of Audit Act

12. (1) The *Audit Act 1901* applies, subject to section 13, as if the Council and all Council authorities were prescribed authorities as defined by that Act.

(2) This section ceases to have effect on a day to be fixed by Proclamation.

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Modification of Acts

13. (1) The regulations may—

(a) provide for the application of an Act (other than the Council Act or this Act) with such exceptions, and subject to such modifications, as are necessary or convenient in consequence of the enactment of the Council Act; and

(b) make consequential and transitional provisions in relation to the application of the Act as so provided.

(2) In this section, "modifications" includes additions, omissions and substitutions.

(3) Regulations shall not be made by virtue of sub-section (1) on or after a day to be fixed by Proclamation.

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Regulations

14. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters required or permitted by this Act to be prescribed.

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PART III—CONSEQUENTIAL AMENDMENT OF ACTS

Consequential amendment of Acts

15. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 15

CONSEQUENTIAL AMENDMENT OF ACTS

Australian Capital Territory Electricity Supply Act 1962

Section 4—

- (a) After the definition of "Commonwealth land" insert the following definition:
" 'Council' means the Australian Capital Territory Council;".
- (b) Omit the definition of "House of Assembly".
- (c) After the definition of "the Chairman" insert the following definition:
" 'the Council member' means the member appointed under sub-section (3) of section 6;".
- (d) Omit the definition of "the elected member".

Sub-section 6 (3)—

- (a) Omit "member of the House of Assembly elected by the members of that House", substitute "person appointed by the Council".
- (b) Omit "that House", substitute "the Council".

Sub-section 6 (7)—

Omit the sub-section.

Sub-section 6 (8)—

Omit the sub-section.

Sub-section 6 (10)—

Omit the sub-section.

Sub-section 6 (11)—

- (a) Omit "election", substitute "appointment".
- (b) Omit "Speaker of the House of Assembly", substitute "Chairperson of the Council".
- (c) Omit "elected" (wherever occurring), substitute "appointed".

Sub-section 10 (3)—

Omit the sub-section.

Section 11—

Omit "elected member" (wherever occurring), substitute "Council member".

SCHEDULE—continued

Australian Federal Police Act 1979

Paragraph 40 (1) (e)—

Omit “House of Assembly”, substitute “Council”.

Commonwealth Electoral Act 1918

Sub-section 123 (1) (definition of “Parliamentary party”)—

Omit from paragraph (d) “House of Assembly”, substitute “Council”.

Sub-paragraph 126 (1) (b) (ii)—

Omit “an Assembly” (wherever occurring), substitute “the Assembly or Council”.

Paragraph 164 (c)—

Omit “House of Assembly”, substitute “Council”.

Public Service Act 1922

Sub-paragraph 47C (1) (a) (i)—

After “Northern Territory” insert “or the Australian Capital Territory Council”.

Remuneration Tribunals Act 1973

Section 3—

(a) Omit sub-section (3).

(b) After sub-section (4) insert the following sub-section:

“(4A) For the purposes of paragraphs (4) (a) and (b), the *Australian Capital Territory Council Act 1986* shall be deemed to be a law of a Territory and not a Commonwealth Act.”.

Reserve Bank Act 1959

Section 27—

Add at the end the following sub-section:

“(2) The Bank shall, in so far as the Australian Capital Territory Council requires it to do so, act as banker and financial agent of the Council.”.