

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 27 May 1993)

(MINISTER REPRESENTING THE MINISTER FOR THE ENVIRONMENT,
SPORT AND TERRITORIES, SENATOR SCHACHT)

A BILL

FOR

An Act to amend legislation relating to arts, environment and Territories, and for related purposes

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

5 1. This Act may be cited as the *Arts, Environment and Territories
Legislation Amendment Act 1993*.

Commencement

2.(1) Subject to subsections (2) and (3), this Act commences on the day
on which it receives the Royal Assent.

10 (2) Subsection 4(1) is taken to have commenced on 11 May 1989,
immediately after the commencement of section 22 of the *A.C.T.
Self-Government (Consequential Provisions) Act 1988*.

(3) Subsection 4(2) is taken to have commenced on 14 November 1989, immediately after the commencement of the *Legislative Assembly (Members' Staff) Act 1989* of the Australian Capital Territory.

PART 2—AMENDMENTS OF THE A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) ACT 1988

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Principal Act

3. In this Part, “**Principal Act**” means the *A.C.T. Self-Government (Consequential Provisions) Act 1988*¹.

Transitional application of Commonwealth Employees Rehabilitation and Compensation Act

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4.(1) Section 22 of the Principal Act is amended:

(a) by omitting “and” from paragraph (c) of the definition of “Territory staff” in subsection (1);

(b) by adding at the end of that definition the following word and paragraph:

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“; and (e) the Commissioner, Deputy Commissioner and members of the Australian Capital Territory Fire Brigade under the *Fire Brigade (Administration) Act 1974* of the Territory.”.

(2) Section 22 of the Principal Act is amended:

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(a) by omitting “and” from paragraph (d) of the definition of “Territory staff” in subsection (1);

(b) by adding at the end of that definition the following word and paragraph:

“; and (f) persons employed under the *Legislative Assembly (Members' Staff) Act 1989* of the Territory.”.

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PART 3—AMENDMENTS OF ACTS

Amendments of Acts

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

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SCHEDULE

Section 5

AMENDMENTS OF ACTS

A.C.T. Self-Government (Consequential Provisions) Act 1988

Subsections 5(6) and (7):

Omit the subsections.

5 Section 7:

Repeal the section.

Australia Council Act 1975

Subsection 29(5):

After "he" insert "or she".

10 Subsection 29(9):

Omit "Chairman" (wherever occurring), substitute "Chairperson".

Australian Capital Territory (Electoral) Act 1988

Subsection 18(3):

Omit the subsection, substitute:

15 "(3) Paragraph (1)(b) does not prevent the making of special provisions for persons who are so sight impaired or physically incapacitated or illiterate that they cannot vote without assistance."

***Australian Capital Territory (Planning and Land Management)
Act 1988***

20 After section 31:

Insert:

Minerals in Territory Land

"31A.(1) In this section:

25 '**mineral**' means a naturally occurring substance or mixture of substances, whether in a solid, liquid or gaseous state.

"(2) So long as any land in the Territory is Territory Land, all rights of the Commonwealth in relation to minerals in that land are vested in the Territory."

Australian Capital Territory (Self-Government) Act 1988

30 Section 3 (definition of "elector of the Territory"):

Omit ", under section 67C,".

SCHEDULE—continued

Subsections 8(2) and (3):

Omit the subsections, substitute:

“(2) The Assembly consists of:

- (a) 17 members; or 5
- (b) if an enactment provides for a different number of members—that number of members.”.

Section 10:

Omit “, disqualification or expulsion”, substitute “or disqualification”.

Subsection 13(3): 10

Omit the subsection, substitute:

“(3) The person receiving a notice of resignation must arrange for it to be laid before the Assembly as soon as practicable after receiving that notice.”.

Paragraph 17(1)(a): 15

Add at the end “and”.

Paragraph 17(1)(b):

Omit “and”.

Paragraph 17(1)(c):

Omit the paragraph. 20

Section 25:

Add at the end:

“(6) Subsections (1) to (5) (inclusive) cease to have effect on and after the commencement of an enactment providing for:

- (a) the publication of a notice of the passing of a proposed law by the 25
Assembly otherwise than under subsection (1); and
- (b) the commencement of such a proposed law.”.

Subsection 26(3):

(a) Omit “shall be notified in the *Territory Gazette*, and”.

(b) Omit “subsection 25(2)”, substitute “section 25”. 30

Subsection 34(3):

Omit the subsection.

SCHEDULE—continued

Subsection 34(5):

Omit “3”, substitute “5”.

Subsections 34(6), (7), (8) and (8A):

5 Omit the subsections.

Paragraph 37(b):

Omit “and” (last occurring).

Section 37:

Add at the end:

10 “; and (d) exercising prerogatives of the Crown so far as they relate to the Executive’s responsibility mentioned in paragraph (a), (b) or (c).”.

After section 38:

Insert:

15 **Executive’s powers under Commonwealth Acts**

“38A. An enactment may provide for the exercise by a member or members of the Executive of powers vested in the Executive by or under an Act.”.

Paragraph 46(1)(d):

20 Omit the paragraph, substitute:

“(d) in the case of a person appointed as a Minister (other than the Chief Minister):

- 25 (i) when the person is dismissed from office by the Chief Minister; or
- (ii) immediately before another Chief Minister is elected after the passing of a resolution of no confidence in the Chief Minister.”.

Paragraph 59(2)(b):

Omit “3”, substitute “5”.

30 **Subsection 65(1):**

Omit the subsection, substitute:

“(1) An enactment, vote or resolution (**‘proposal’**) for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister.”.

SCHEDULE—continued

Subsection 65(2):

- (a) Omit “the object or effect of”.
- (b) Omit “disposed of or charged”, substitute “appropriated”.

Paragraph 67C(2)(a):

After “(2)” insert “or (3)”.

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Section 67C:

Add at the end:

“(3) This section does not prevent an electoral enactment from providing that other persons, in addition to persons entitled under subsection (1), be entitled to vote at a general election.”

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Before section 69:

Insert in Part IX:

Acts that bind States to bind Territory

“69A.(1) If an Act (whether or not by express provision) binds each of the States, or the Crown in right of each of the States, that Act binds the Territory, or the Crown in right of the Territory, by force of this subsection, unless that Act specifically provides otherwise.

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“(2) Subsection (1) does not affect the application of a law of the Commonwealth in and in relation to the Territory otherwise than as provided in that subsection.”

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Section 72:

Repeal the section.

Subsections 73(2) and (3):

Omit the subsections, substitute:

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“(2) Subject to subsection (3A) of this section and subsection 29A(2) of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*, a person is, in respect of services in an office, to be paid such remuneration and allowances:

- (a) if they are determined or specified by or under an enactment—as so determined or specified; or
- (b) in any other case—as are determined by the Remuneration Tribunal.”

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Section 74:

Repeal the section, substitute:

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*Arts, Environment and Territories
Legislation Amendment No. , 1993*

NOTE

1. No. 109, 1988, as amended. For previous amendments, see No. 60, 1989; and No. 49, 1992.

