

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) BILL 1988

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for the Arts, Sport, the
Environment, Tourism and Territories,
Senator the Hon Graham Richardson)

A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) BILL 1988

OUTLINE

The purpose of this Bill is to make consequential and transitional provisions arising out of the Australian Capital Territory (Self-Government) Bill 1988. Its object is to ensure that the normal business of government and existing rights enjoyed by residents and staff continue during the transfer of functions from the Commonwealth to the Australian Capital Territory (the Territory) until such time as the Territory enacts its own laws or chooses to amend the transitional provisions included in this Bill.

The principal features of the Bill are as follows.

Part I deals with commencement and interpretive matters.

Part II deals with various transitional matters. Among other things, provision is made for:

- (a) the transfer of relevant rights and assets (including contracts) from the Commonwealth to the Territory;
- (b) the transfer of relevant public moneys from the Commonwealth to the Territory;
- (c) interim staffing arrangements for the Territory (including the application of existing terms and conditions of employment of transferred staff and the need to consult with the Commonwealth and relevant unions before any change is made to them);
- (d) interim and transitional arrangements relating to administrative law; and
- (e) the regulations under this Bill and ACT Ordinances to deal with a range of other necessary transitional and consequential provisions.

Part III effects modifications and amendments to the various Commonwealth Acts listed in the Schedule consequential upon the establishment of the Australian Capital Territory as a body politic.

FINANCIAL IMPACT STATEMENT

The provisions in themselves will have no financial impact other than in the context of proposed financial arrangements between the Commonwealth and the Australian Capital Territory.

NOTES ON CLAUSES

PART 1 - PRELIMINARY

Clause 1 : Short title

This clause cites the short title of the Act.

Clause 2 : Commencement

This clause provides for the commencement of the provisions of the Bill.

Clause 3 : Definitions

This clause provides definitions relating to the interpretation of the Bill.

Clause 4 : Expressions to have same meaning as in Self-Government Act

This clause provides that expressions used in this Bill are to have the same meaning as those in the Australian Capital Territory (Self-Government) Bill 1988.

PART II - TRANSITIONAL PROVISIONS

Clause 5 : Transfer of assets and rights of Commonwealth to Territory

This clause deals with the transfer of assets and rights from the Commonwealth to the Territory. It will enable the Minister to transfer assets and rights which relate to Territory functions.

['Territory function' is defined in clause 3 of this Bill to mean a matter relating to the functions of the ACT Executive.]

In relation to the application of this provision to Commonwealth records created or in existence prior to Self-Government Day, the Director-General of The Australian Archives will be consulted as to which records should properly be transferred to the ACT.

Clause 6 : Transfer of rights and obligations of Commonwealth under contracts

This clause allows the Minister to substitute the Territory for the Commonwealth as a party to contracts which exist before Self-Government Day and which relate to Territory functions.

Clause 7 : Acts that bind States to bind Territory

This clause provides that where a Commonwealth Act has the effect of binding the States it also binds the ACT unless there is provision to the contrary.

Clause 8 : Ordinances modifying converted Acts

This clause allows ACT Ordinances to be made before Self-Government Day in order to effect necessary consequential amendments to Commonwealth Acts which are to become Assembly laws.

Clause 9 : Uncommenced Acts

This clause allows the Chief Minister to commence provisions of Commonwealth Acts which become Assembly laws and which were not commenced before Self-Government Day.

Clause 10 : Uncommenced Ordinances

This clause allows the Chief Minister to commence provisions of ACT Ordinances which were not commenced before Self-Government Day and which are to become Assembly laws.

Clause 11 : Ordinances not to be treated as inconsistent with Acts

This clause allows ACT Ordinances to make necessary consequential and transitional provisions in respect of laws of the Territory which are to become Assembly laws. This clause saves Ordinances, made for this purpose before Self-Government Day, which might otherwise be inconsistent with a Commonwealth Act.

The Commonwealth proposes by this means to make interim laws dealing with, among other things, ACT administrative law and the auditing of the public monies of the Territory. These laws will be based on existing equivalent Commonwealth legislation, subject only to necessary modifications, and will be able to be amended or repealed by the Assembly as it wishes.

Clause 12 : Appointments under Audit Act

This clause secures continuity in the financial administration of the Territory by providing that certain appointments and delegations under the Commonwealth Audit Act continue as if they were appointments and delegations under the corresponding provisions of the Territory audit law.

Clause 13 : Auditor-General

On and after Self-Government Day, and until otherwise provided by ACT enactment, the Auditor-General for the Commonwealth shall be the Auditor-General for the Territory and for each Territory authority and, for these purposes, shall exercise such powers as are provided by ACT enactment.

Clause 14 : Transfer of Audit Act Accounts

This clause, together with clauses 15 and 16, operates as the mechanism for transferring Commonwealth money, applied in the Territory for territorial or municipal purposes, to the Territory.

Sub-clause 14(1) establishes Trust Accounts under the Territory audit law for the same purposes as those of the various accounts falling within the definition of 'Audit Act Account'. 'Audit Act Account' is defined in clause 3 and includes certain specified heads of account in the Trust Fund maintained under section 60 of the Audit Act 1901, such as the Life. Be-In-It Program in the Australian Capital Territory, and certain Trust Accounts established under section 62A of that Act, such as the Australian Capital Territory Community Development Fund Trust account and the Australian Capital Territory Transport Trust Account.

Sub-clauses 14(2) and (3) provide that money standing to the credit of an Audit Act Account on Self-Government Day (defined in clause 3 to mean the day on which the Assembly is empowered to make laws) shall be paid into the corresponding Territory Trust Account.

Sub-clause 14(4) deals with those monies which although payable into an Audit Act Account have yet to be actually paid as at Self-Government Day. These monies are also payable into the corresponding Territory Trust Account.

Clause 15 : Transfer of appropriations for Audit Act Accounts

Sub-clause 15(1) provides that a Commonwealth Appropriation Act appropriating money for the purposes of an Audit Act Account (as defined in clause 3) shall be deemed to have appropriated the money for the purpose of the corresponding Territory Trust Account.

Sub-clause 15(2) makes it clear that sub-clause (1) does not apply to money appropriated for the purposes of an Audit Act Account which has been spent prior to Self-Government Day.

Clause 16 : Abolition of Australian Capital Territory Trust Account

This clause describes the special position which applies in relation to the Australian Capital Territory Trust Account established under section 62A of the Audit Act 1901.

Sub-clause 16(2) provides that an amount standing to the credit of the ACT Trust Account on Self-Government Day shall be paid into the Consolidated Revenue Fund of the Territory established under the Territory audit law (the Territory CRF).

Sub-clause 16(3) provides that where an amount is payable but yet to be paid into the ACT Trust Account, the amount is payable into the Territory CRF.

Sub-clause 16(4) provides that money appropriated for the purposes of the ACT Trust Account by a Commonwealth Appropriation Act shall be deemed to have been appropriated for the purposes of the Territory CRF.

Sub-clause 16(5) provides that sub-clause (4) does not apply to money spent for the purposes of the ACT Trust Account before Self-Government Day.

Clause 17 : Closure of Accounts

This clause provides for the closure of the accounts comprising an Audit Act Account and the ACT Trust Account once the money standing to their credit has been paid under clause 14 or 16.

Clause 18 : Territory audit law to apply to new Accounts

This clause ensures that Trust Accounts established by this Bill as Trust Accounts under the Territory audit law may be dealt with or closed under the Territory audit law.

Clause 19 : Territory to Reimburse Commonwealth for certain development costs

The intention of this clause is to cover those circumstances where partly or fully serviced land, available for sale or commercial use in newly developed areas of the ACT, is transferred from the Commonwealth to the ACT Government as Territory Land. Costs of servicing will have been met by the Commonwealth but the receipts from the sale of this land will accrue to the ACT Government. Because of the commercial nature of land development activities, it is appropriate that costs incurred by the Commonwealth, in respect of servicing such land, should be repaid to the Commonwealth. The clause will allow repayment over an agreed period.

Clause 20 : Staff from Australian Public Service

This clause sets out the interim staffing arrangements for the ACT's administration and should be read in conjunction with the definition of 'transitional staff' in clause 3.

['Transitional staff' includes all staff presently engaged in Territory functions other than those employed outside the Public Service Act 1922.]

Transitional staff will continue to be appointed or employed under the Public Service Act 1922 until the ACT decides to establish its own public service and enacts legislation for that purpose. Sub-clause 20(1) has this effect.

Sub-clauses 20(2)-(5), read together with Schedule 1, makes necessary modifications to the application of the Public Service Act in relation to transitional employees.

Sub-clause 20(6) makes it clear that references to a member of the staff of the Territory in the Self-Government Act includes a reference to staff appointed or employed under the Public Service Act.

Sub-clause 20(7) requires consultations between the ACT, the Commonwealth and relevant unions concerning the terms and conditions of employment to be offered by the Territory to its employees after self-government under its own laws.

Clause 21 : Transitional Application of Commonwealth Employees Rehabilitation and Compensation Act

This clause ensures that, until the ACT decides to make its own provision covering the compensation and rehabilitation of its employees, the provisions of the Commonwealth Employees Rehabilitation and Compensation Act 1988 continue to apply to staff transferred from the Commonwealth to the Territory.

Clause 22 : Transitional application of Long Service Leave (Commonwealth Employees) Act

This clause ensures that, until the ACT decides to make its own provision covering the long service leave of its employees, the provisions of the Long Service Leave (Commonwealth Employees) Act 1976 continue to apply to staff transferred from the Commonwealth to the Territory.

This clause should be read in conjunction with Schedule 2 which makes necessary modifications to the application of the Long Service Leave Act in relation to transferred staff.

Clause 23 : Transitional application of Maternity Leave (Australian Government Employees) Act

This clause ensures that, until the ACT decides to make its own provision covering the maternity leave of its employees, the provisions of the Maternity Leave (Australian Government Employees) Act 1973 continue to apply to staff transferred from the Commonwealth to the Territory.

This clause should be read in conjunction with Schedule 3 which makes necessary modifications to the application of the Maternity Leave Act in relation to transferred staff.

Clause 24 : Transitional application of Merit Protection (Australian Government Employees) Act

This clause ensures that, until the ACT decides to make its own provision for merit protection and grievance review for its employees, the jurisdiction of the Merit Protection and Review Agency continues in relation to staff of the Territory who are employed under the Public Service Act.

This clause should be read in conjunction with Schedule 4 [which makes necessary modifications to the application of the Merit Protection (Australian Government Employees) Act 1984] and the amendments to that Act in Schedule 5 [which allow the Merit Protection and Review Agency to have jurisdiction in relation to employees of the Territory not staffed under the Public Service Act].

Clause 25 : Administrative Decisions (Judicial Review) Act 1977 - saving of applications already made

This clause deals with relevant applications under the Administrative Decisions (Judicial Review) Act 1977 which have been lodged with the Federal Court before Self-Government Day and which have not been completed. Such applications will continue to be dealt with under the Commonwealth Act with appropriate substitution of parties.

Clause 26 : A.C.T. Administrative Appeals Tribunal - interim arrangements

This clause provides for interim arrangements concerning applications for the review of decisions under an ACT enactment which were lodged before Self-Government Day but have not been finalised.

It provides that such applications continue to be dealt with under the Commonwealth Act with appropriate substitution of parties.

Clause 27 : A.C.T. Ombudsman - interim arrangements

This clause transfers relevant matters presently being investigated by the Commonwealth Ombudsman to the ACT Ombudsman but also provides that the Commonwealth Ombudsman shall be the ACT Ombudsman until another appointment is made under ACT law.

Clause 28 : Freedom of Information Act - transitional

This clause has the effect of transferring to the new ACT Government requests for access to documents which have been transferred to the ACT where ACT law makes provision for freedom of information. It deems steps already taken in relation to the request to have taken place under the ACT law dealing with access to documents.

Clause 29 : Appropriation

The purpose of this clause is to facilitate the transfer of moneys in the Trust Fund to the relevant trust accounts established under the Territory audit law.

Clause 30 : Regulations

This clause enables the Governor-General to make regulations consequential upon the establishment of the new government of the Territory. Regulations may not be made under this provision after 31 December 1989.

PART III - Consequential Amendments of Acts

Clause 31 : Amendments of Acts

This clause authorises consequential amendments and modifications to the various Commonwealth Acts set out in the Schedule.

SCHEDULE 1 - MODIFICATIONS TO PUBLIC SERVICE ACT 1922

This Schedule should be read in conjunction with clause 20.

The Schedule makes modifications to the manner in which the Public Service Act 1922 applies in relation to the transitional staff of the ACT. The modifications recognise that the staff are employees of the Territory, answerable to Territory Ministers and the ACT Legislative Assembly.

SCHEDULE 2 - MODIFICATIONS OF LONG SERVICE LEAVE (COMMONWEALTH EMPLOYEES) ACT 1976

This Schedule should be read in conjunction with clause 22.

The Schedule makes modifications to the manner in which the Long Service Leave (Commonwealth Employees) Act 1976 applies in relation to the staff of the ACT. The modifications recognise that the staff are employees of the Territory, answerable to Territory Ministers and the ACT Legislative Assembly.

SCHEDULE 3 - MODIFICATIONS OF MATERNITY LEAVE (COMMONWEALTH EMPLOYEES) ACT 1973

This Schedule should be read in conjunction with clause 23.

The Schedule makes modifications to the manner in which the Maternity Leave (Commonwealth Employees) Act 1973 applies in relation to the staff of the ACT. The modifications recognise that the staff are employees of the Territory, answerable to Territory Ministers and the ACT Legislative Assembly.

SCHEDULE 4 - MODIFICATIONS OF MERIT PROTECTION (AUSTRALIAN GOVERNMENT EMPLOYEES) ACT 1984

This Schedule should be read in conjunction with clause 24.

The Schedule makes modifications to the manner in which the Merit Protection (Australian Government Employees) Act 1984 applies in relation to the transitional staff of the ACT. The modifications recognise that the staff are employees of the Territory, answerable to Territory Ministers and the ACT Legislative Assembly.

SCHEDULE 5

This Schedule makes necessary amendments to various Commonwealth Acts consequential upon the establishment of self-government for the Territory.

Administrative Appeals Tribunal Act 1975

These amendments ensure this Act does not apply to administrative decisions made under Assembly laws and to decisions made by Territory officials under certain Commonwealth Acts.

Administrative Decisions (Judicial Review) Act 1977

These amendments ensure this Act does not apply to administrative decisions made under Assembly laws and to decisions made by Territory officials under certain Commonwealth Acts.

Archives Act 1983

The object of the amendments to this Act is to place the ACT in the same position as the States and the other self-governing Territories in relation to the functions of the Australian Archives.

Audit Act 1901

The principal amendment to this Act is designed to ensure that the Audit Act does not apply in relation to the financial administration and audit of the Australian Capital Territory, thereby placing the Australian Capital Territory in the same position as the Northern Territory.

The Act is also amended to treat the Australian Capital Territory in the same manner as a State for the purposes of sections 48C, 48D and 48F. This will enable:

- . an efficiency audit to be carried out of the operations of a body established under an agreement between the Commonwealth and the Territory;
- . an efficiency audit to be carried out of the operations of the relevant Commonwealth organisation responsible for the administration of a grant of financial assistance to the Territory made by the Commonwealth under enactment; and
- . the Commonwealth Attorney-General to declare, as contrary to the public interest, the disclosure of information which would prejudice Commonwealth/Territory relations or breach the confidential nature of any communications between the two governments.

Australian Antarctic Territory Act 1954

The Australian Antarctic Territory Act provides in essence that the laws in force in the ACT, so far as applicable, are in force in the Australian Antarctic Territory. These amendments insert

definitions of "Act" and of "enactment" into section 4 of the Australian Antarctic Territory Act, and insert references to enactment into subsection 10(2) of that Act. The purpose of these amendments is to ensure that references in the Australian Antarctic Territory Act to "Acts" are references to Commonwealth Acts only, and that ACT laws made after self-government, however described, will continue to apply (subject to section 6 of the Australian Antarctic Territory Act) to the Australian Antarctic Territory.

Australian Capital Territory Supreme Court Act 1933

These amendments ensure that the ACT Supreme Court will continue to have jurisdiction in relation to matters arising under Assembly law.

Australian Federal Police Act 1979

This amendment permits the Commonwealth to enter into arrangements with the ACT concerning the provision of police services in the Territory as they relate to the functions of the Territory. It also allows regulations to be made which permit a member of the Australian Federal Police to resign for the purpose of becoming a candidate at an election for the ACT Legislative Assembly.

Australian National University Act 1946

This amendment ensures that Traffic Statutes made under the Act are not inconsistent with Assembly laws.

Broadcasting Act 1942

This Act is amended to extend to elections for the ACT Legislative Assembly the same broadcasting blackout arrangements which apply to material relating to elections to Federal and State Parliaments.

The Broadcasting Legislation Amendment Bill 1988, which was introduced into the House on 29 September 1988, amends the Broadcasting Act to facilitate the extension of the electoral blackout provisions to the Territories by Regulation. The amendments here will avoid the need for Regulations in relation to the ACT Legislative Assembly.

Canberra College of Advanced Education Act 1967

This amendment ensures that Traffic Statutes made under the Act are not inconsistent with Assembly laws.

Commonwealth Electoral Act 1918

The principal amendment to this Act concerns the filling of casual vacancies of Senators for the Australian Capital Territory. The current position is that such a vacancy is filled by the members of both Houses of the Commonwealth Parliament choosing a replacement at a joint sitting. If the Parliament is

not in session the Governor-General can make an interim appointment. The amendment provides that if a casual vacancy of an ACT Senator occurs, the ACT Legislative Assembly shall choose a replacement to serve out the remainder of the member's term, but if the Assembly is not in session when the vacancy is notified, the Chief Minister for the Australian Capital Territory may appoint a person to hold that place until the expiration of 14 days from the beginning of the next session of the Assembly or the expiration of the member's term, whichever first happens.

Commonwealth Employees' Rehabilitation and Compensation Act 1988

Upon the proclamation of the amendments to this Act, the Act will cease to apply to statutory authorities of the ACT, statutory office holders of the ACT and other Territory officials. This will occur when the ACT decides to make provision for such persons under its own laws.

Commonwealth Grants Commission Act 1973

The amendments to this Act are designed to place the Australian Capital Territory in the same position as the States and the Northern Territory in relation to the granting of financial assistance by the Commonwealth.

The Act is amended to enable the Grants Commission to inquire into and report to the responsible Commonwealth Minister upon:

- . any application by the Territory to the Commission for a grant of special assistance; and
- . any matters relating to the grant, or the making of a grant, of financial assistance by the Commonwealth to the Territory which are referred to the Commission by the Commonwealth Minister.

In assessing the special assistance which should be given to the Australian Capital Territory, the Commission is to look at what financial assistance is necessary to enable the Territory, by its reasonable effort, to function at standards not appreciably below the standards of the States and the Northern Territory. In its assessment, the Commission must have regard to the special circumstances which follow from the fact that the Australian Capital Territory is both the National Capital and the Seat of Commonwealth Government.

Commonwealth Teaching Service Act 1972

This amendment transfers to this Bill the unproclaimed sub-section 4(1) of the Commonwealth Teaching Service Act 1988 (which amends paragraph 19(3)(b) and 5(b) of the 1972 Act) to enable it to be commenced by the Chief Minister under sub-clause 2(2) of this Bill. This amendment also omits Division 9 of the 1972 Act which is transferred to the Long Service Leave (Commonwealth Employees) Act 1976 below.

Commonwealth Teaching Service Act 1973

This amendment omits (the unproclaimed) subsection 3(1) of the Commonwealth Teaching Service Act 1973 which amends a section which has been repealed.

Commonwealth Teaching Service Amendment Act 1988

This amendment omits (the unproclaimed) subsection 4(1) of the Commonwealth Teaching Service Amendment Act 1988. Similar provision is now made in the amendment to the Commonwealth Teaching Service Act 1972 above.

Coral Sea Islands Act 1969

The Application of Laws Ordinance 1973, made under the Coral Sea Islands Act, provides in essence that the laws in force in the ACT, so far as applicable, are in force in the Coral Sea Islands Territory. These amendments insert definitions of "Act" and of "enactment" into subsection 2(1) of the Coral Sea Islands Act. The purpose of the amendments is to ensure that references in the Coral Sea Islands Act, and in subordinate legislation made under that Act, to "Acts" are references to Commonwealth Acts only and to ensure that ACT laws made after self-government, however described, will continue to apply to the Coral Sea Islands Territory.

Freedom of Information Act 1982

These amendments ensure that this Act does not apply in relation to documents of the ACT Government and places the ACT in the same position as the States in relation to documents of the Territory held by the Commonwealth.

Heard Island and McDonald Islands Act 1954

The Heard Island and McDonald Islands Act provides in essence that the laws in force in the ACT, so far as applicable, are in force in the Territory of Heard Island and McDonald Islands. These amendments insert definitions of "Act" and of "enactment" into section 2 of the Heard Island and McDonald Islands Act, and insert references to enactment into subsection 9(2) of that Act. The purpose of these amendments is to ensure that references in the Heard Island and McDonald Islands Act to "Acts" are references to Commonwealth Acts only, and that ACT laws made after self-government, however described, will continue to apply (subject to section 5 of the Heard Island and McDonald Islands Act) to the Territory of Heard Island and McDonald Islands.

Industrial Relations Act 1988

The amendments to section 4 ensure that the Australian Industrial Relations Commission has jurisdiction in relation to public sector employment in the ACT (in particular in relation to employees of the ACT and ACT authorities).

The amendments to section 6 ensure that this Act binds the ACT government as it does the States and Northern Territory.

Jervis Bay Territory Acceptance Act 1915

The Jervis Bay Territory Acceptance Act provides that the laws in force in the ACT, so far as applicable, are in force in the Jervis Bay Territory. The amendments to the Jervis Bay Territory Acceptance Act provide:

- . laws in force in the ACT continue to be in force in the Jervis Bay Territory;
- . functions or powers under those laws may continue to be performed or exercised by the person or authority responsible in the ACT or, except in the case of courts, by a person or authority specified by the Governor-General;
- . the Governor-General may make Ordinances for the peace, order and good government of the Jervis Bay Territory;
- . Jervis Bay Territory Ordinances are subject to tabling and disallowance;
- . a Jervis Bay Territory Ordinance may amend or repeal an ACT law in force in the Jervis Bay Territory; and
- . the ACT Supreme Court has jurisdiction in the Jervis Bay Territory.

Judiciary Act 1903

The object of the amendments to this Act is to place the ACT in the same position as the States and the Northern Territory in relation to the functions of the Australian Government Solicitor.

Long Service Leave (Commonwealth Employees) Act 1976

Upon the proclamation of the amendments to sections 4 and 10 of this Act, the Act will cease to apply to statutory authorities of the ACT, statutory office holders of the ACT and other Territory officials. This will occur when the ACT decides to make provision for such persons under its own laws.

The amendments to sections 6, 7 and 11 ensure that service with the Territory or an ACT statutory authority is recognised for the purposes of this Act.

New section 24A inserts in this Act provisions which were formerly in Division 9 of the Commonwealth Teaching Service Act 1972 relating to the special long service leave rights of certain ACT teachers.

Maternity Leave (Commonwealth Employees) Act 1973

Upon the proclamation of the amendments to this Act, the Act will cease to apply to statutory authorities of the ACT, statutory office holders of the ACT and other Territory officials. This will occur when the ACT decides to make provision for such persons under its own laws.

Merit Protection (Australian Government Employees) Act 1984

Upon the proclamation of the amendments to this Act, the Act will cease to apply to statutory authorities of the ACT, statutory office holders of the ACT and other Territory officials.

However, if the ACT desires, new section 6A will allow the Merit Protection and Review Agency to have jurisdiction in respect of merit and grievance appeals from employees of the ACT and ACT statutory authorities. The section allows ACT laws to make necessary modifications to the Act for the purposes of such jurisdiction.

Ombudsman Act 1976

These amendments ensure that this Act does not apply in relation to the ACT Government and places the ACT into the same position as the States in relation to investigations carried out by the Commonwealth Ombudsman.

Remuneration Tribunals Act 1973

The purpose of this amendment is to enable the Remuneration Tribunal to make determinations under this Act in relation to the offices specified in sub-clause 72(1) of the Australian Capital Territory (Self-Government) Bill 1988.

Reserve Bank Act 1959

This Act is amended to provide that the Reserve Bank shall, in so far as required to do so by the ACT, act as the Territory's banker and financial agent.

Seat of Government (Administration) Act 1910

The new section 2A defines 'enactment' (an ACT Assembly law) for the purposes of this Act.

The amendment to section 4 excludes the operation of that section in relation to NSW State laws which continue in force in the ACT but which will become ACT Assembly laws.

The amendments to section 5 of this Act ensure that references to relevant laws for the purposes of industrial relations matters in the ACT include references to Assembly laws.

Section 12B is omitted as this relates to a matter that will be the responsibility of the ACT.

Territory Authorities (Financial Provisions) Act 1978

As the Commonwealth will not be appropriating moneys for the use of a body corporate established under an Assembly law, the Act is amended by redefining 'authority' to exclude such bodies corporate.