

LEGISLATIVE RESEARCH SERVICE
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

AUSTRALIAN CAPITAL TERRITORY COUNCIL (CONSEQUENTIAL
PROVISIONS) BILL 1986

Date introduced: 19 March 1986
House: House of Representatives
Presented by: Hon. Gordon Scholes, M.P.,
Minister for Territories

DIGEST OF BILL

Purpose

To provide for the functioning of the Australian Capital Territory Council (the Council) between the date of its first election and the date that it formally receives its powers. The Bill will also amend other Acts as a consequence of the proposed enactment of the Australian Capital Territory Council Bill 1986.

Background

Refer to the Digest for the Australian Capital Territory Council Bill 1986 (No. 86/36).

Main Provisions

The interim period is defined in clause 3 as the period between the day on which the Australian Capital Territory Council Bill 1986 receives the Royal Assent and the day on which functions are formally transferred to the Council by Proclamation.

The first meeting of the Council will be convened by the Minister (clause 4).

A Council Law made before the day on which functions are formally transferred to the Council will not come into operation until that day (clause 5).

Clause 6 will forbid the employment of staff by the Council during the interim period except with the Minister's approval.

Staff, other than people directly employed by the Council under Council Law will be required to be officers of the Australian Public Service (sub-clause 7(1)). The Head of Administration of the Council will perform the functions of a Secretary of a Department of the Australian Public Service (sub-clause 7(2)). Sub-clause 7(5) states that this clause shall cease to have effect on a day fixed by Proclamation.

Clause 8 will allow regulations to be made to substitute the Council for the Commonwealth where the Council assumes responsibility for contracts previously the responsibility of the Commonwealth.

The Commonwealth will be required to indemnify the Council for acts or omissions relating to prescribed matters made before the functions are formally transferred to the Council (clause 9).

The member of the Australian Capital Territory Electricity Authority (the Authority), who is the House of Assembly's nominee, will continue as a member of the Authority until the Council rescinds the membership (clause 10).

Transfers of interests in land from the Commonwealth to the Council will be exempt from stamp duty (clause 11).

Clause 12 will apply the Audit Act 1901 to the Council. Sub-clause 12(2) states that this clause will cease to have effect on a day fixed by Proclamation.

The Governor-General may make regulations that are not inconsistent with the proposed Act (clause 14) and the regulations may provide for the modification of other Acts as is necessary as a consequence of the enactment of the proposed Australian Capital Territory Council Act 1986 (clause 13).

The Schedule to the Bill provides for consequential amendments to the:

Australian Capital Territory Electricity Supply
Act 1962
Australian Federal Police Act 1979
Commonwealth Electoral Act 1918
Public Service Act 1922
Remuneration Tribunals Act 1973
Reserve Bank Act 1959

The proposed amendments are principally of a drafting nature and will deem references to the House of Assembly to be references to the Council. An exception is the last amendment which requires the Reserve Bank to act as the Council's banker.

For further information, if required, contact the Law and Government Group.

28 April 1986

Bills Digest Service
LEGISLATIVE RESEARCH SERVICE

© Commonwealth of Australia 1986

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.