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AUSTRALIAN CAPITAL TERRITORY EFFECTIVE SELF-GOVERNMENT
BILL 1986

(Private Senator's Bill)

Date introduced: 22 August 1986
House: Senate
Presented by: Senator the Hon. David Vigor

DIGEST OF BILL

Purpose

To introduce self-government to the Australian Capital Territory.

Background

Refer to the Digest of the Australian Capital Territory Council Bill 1986 (86/36).

Main Provisions

An Australian Capital Territory House of Assembly will be established by clause 4. The Assembly will have the power to govern the ACT with respect to a broad range of matters listed in Schedule 1 to the Bill (clause 5).

The Assembly will consist of 21 members (clause 9) from whom a Chairperson and Deputy Chairperson will be elected (clause 10). Assembly meetings will generally be held in public (clause 13).

Members of the Assembly will hold office on a full time basis (clause 19) from election to election (clause 18). Amongst other things, Members will cease to hold office if they fail to disclose a direct or indirect interest in a contract to supply the Assembly with goods and services (clause 21).

The Assembly will be dissolved if a resolution of a lack of confidence in the Chairperson is passed (clause 22).

The ACT will be divided in 3 Electoral Districts and 7 members will be chosen for each District (clause 27). Each District will have an electoral roll (clause 28). The first election will be not later than 120 days after this Bill receives the Royal Assent, the next election will be in March 1991 and thereafter every fourth year (clause 29). People will be entitled to vote if their real place of living for the 3 months prior to the election was within a District, their names appear on the roll and they would be entitled to vote with respect to an election in the House of Representatives (clause 31). Generally, Australian citizens entitled to vote in a District will also be entitled to stand for election (clause 32).

The Assembly will have the power to make laws for the peace, order and good government of the ACT. However, the Assembly will not have power to make laws about industrial relations, the establishment of a Court or the provision of police services in the ACT (clause 37). Notice of laws passed by the Assembly will appear in the Gazette and will generally take effect from that day (clause 38). The Chairperson will have power to make by-laws (clause 39). Assembly laws will not bind the Crown (clause 41).

The Governor-General will be restricted to making Ordinances under section 12 of the **Seat of Government (Administration) Act 1910** which are in the national interest (clause 47).

A comprehensive review of all ACT laws will be undertaken (clause 50). Existing ACT laws will cease to have effect after five years (clause 51) at which time the appropriateness of the law and any necessary changes will be considered (clause 52).

The management structure, administration and staff of the Assembly are dealt with in Part V of the Bill (clauses 53 to 59). The Chairperson will be the chief executive officer of the Assembly (clause 53). The Assembly will appoint a head of Administration (clause 54) who will be responsible for the general working and business of the Assembly (clause 55) and will hold office for not more than 7 years (clause 56). The Assembly will be able to make laws providing for the establishment of offices and the appointment of people to these offices (clause 58).

The Commonwealth Grants Commission will be responsible for determining a fair and equitable amount of money which the Commonwealth will expend on the administration of the ACT (clause 62). The Minister for Finance will be able to lend money to the Assembly (clause 63). The Assembly will be able to borrow money from other sources only with the Treasurer's approval (clause 64). The Treasurer may guarantee loans to the Assembly (clause 65). The Assembly may give security over its lands or other assets (clause 66). The Commonwealth Auditor-General will be the Assembly's auditor (clause 70).

Trade between the ACT and the States (and the Northern Territory) will be free (clause 72). An action of the Chairperson, Deputy Chairperson or Head of Administration will not be rendered invalid by reason of a defect or irregularity in the election or appointment (clause 74). The Assembly will have to consult the Commonwealth and staffing organisations on matters which relate to the staffing of the Assembly (clause 75). Fines, penalties or money or property forfeited under Assembly law will be payable to the Assembly (clause 76).

There are seven schedules to the Bill as follows:

1. matters with respect to which the Assembly has functions;
2. laws deemed to be Assembly laws,
3. matters with respect to which the Assembly has functions on and after 1 January 1990;
4. laws deemed to be Assembly laws on and after 1 January 1990;
5. electoral districts;
6. by-elections;

7. modifications of the Electoral Act 1918 in its application to elections.

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

8 October 1986

Bills Digest Service
LEGISLATIVE RESEARCH SERVICE



This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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