Australian Capital Territory (Self-Government) Act 1988

No. 106, 1988

Compilation No. 24

Compilation date:	1 July 2016
Includes amendments up to:	Act No. 33, 2016
Registered:	14 July 2016

Prepared by the Office of Parliamentary Counsel, Canberra

Authorised Version C2016C00802 registered 14/07/2016

About this compilation

This compilation

This is a compilation of the *Australian Capital Territory (Self-Government) Act 1988* that shows the text of the law as amended and in force on 1 July 2016 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to provide for the Government of the Australian Capital Territory, and for related purposes

Part I—Preliminary

1 Short title

This Act may be cited as the *Australian Capital Territory (Self-Government) Act 1988*.

2 Commencement

(1) Section 1 and this section commence on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

3 Interpretation

In this Act, unless the contrary intention appears:

Assembly means the Legislative Assembly for the Australian Capital Territory established by section 8.

Attorney-General of the Territory means the Minister who has the responsibility for the administration of justice in the Territory.

casual vacancy means a vacancy in the membership of the Assembly occurring otherwise than because of section 10 or 16.

Chief Magistrate means the Chief Magistrate appointed under the *Magistrates Court Act 1930* of the Territory.

Chief Minister means the Chief Minister elected under section 40.

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commencing day means the day on which section 22 commences.

Commissioner means a Commissioner appointed under section 16.

Commonwealth Gazette means the *Commonwealth of Australia Gazette*.

Commonwealth Minister means the Minister of State administering this Act, and has the additional meaning given by section 19 of the *Acts Interpretation Act 1901*.

Deputy Chief Minister means the Deputy Chief Minister appointed under section 44.

Deputy Presiding Officer means the person (if any) elected under subsection 21(2).

elector of the Territory means a person who is entitled to vote at a general election.

enactment means:

(a) a law (however described or entitled) made by the Assembly under this Act; or

(b) a law, or part of a law, that is an enactment because of section 34.

Executive means the Australian Capital Territory Executive established by section 36.

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

general election means a general election of members of the Assembly.

judicial commission means a body or authority established by the Assembly having the function (whether alone or together with another body or authority of the Territory) of investigating, and reporting to the Attorney-General of the Territory on, complaints concerning the conduct or the physical or mental capacity of a judicial officer.

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judicial officer means:

(a) the Chief Justice of the Supreme Court; or

(b) a Judge (other than an additional Judge) of the Supreme Court; or

(c) the Master of the Supreme Court; or

(d) the Chief Magistrate; or

(e) a Magistrate; or

(f) any other judicial office holder or member of a tribunal specified in an enactment relating to the establishment of a judicial commission for the Territory.

Magistrate means a Magistrate (other than a Special Magistrate) appointed under the *Magistrates Court Act 1930* of the Territory.

meeting means a meeting of the Assembly.

member means a member of the Assembly.

Minister means the Chief Minister or a Minister appointed under section 41.

Presiding Officer means the officer elected under section 11, by whatever title determined by the Assembly.

public money of the Territory means revenues, loans and other money received by the Territory.

resolution of no confidence means a resolution passed in accordance with section 19.

subordinate law means an instrument of a legislative nature (including a regulation, rule or by-law) made under an enactment.

Supreme Court means the Supreme Court of the Territory existing under the *Supreme Court Act 1933* of the Territory.

Territory:

(a) when used in a geographical sense, means the Australian Capital Territory; and

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(b) when used in any other sense, means the body politic established by section 7.

Territory authority:

(a) except in Part VII—means a body, whether corporate or not:

(i) established by or under enactment; or

(ii) otherwise established by the Executive; or

(b) in Part VII—means a body corporate established for a public purpose by or under enactment and having power to borrow money.

Territory Gazette means the *Australian Capital Territory Gazette*.

4 Meaning of day on which election held

A reference in this Act to the day on which an election has been, is, or is to be, held, is a reference to the polling day for that election.

5 Meaning of day on which result of election declared

Where the results of a general election are declared on different days, a reference in this Act to the day on which the result of the election is declared is a reference to the last of those days.

6 Powers includes functions and duties

In this Act, unless the contrary intention appears:

(a) a reference to powers includes a reference to functions or duties; and

(b) a reference to the exercise of powers includes a reference to the performance of functions or duties.

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Part II—Australian Capital Territory

7 Establishment of body politic

The Australian Capital Territory is established as a body politic under the Crown by the name of the Australian Capital Territory.

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Part III—Legislative Assembly

Division 1—Constitution of Assembly

8 Legislative Assembly

(1) There shall be a Legislative Assembly for the Australian Capital Territory.

(2) The Assembly is to consist of:

(a) such number of members as is provided by enactment (subject to subsection (3)); or

(b) until provision is made—17 members.

(3) An enactment providing for the number of members of the Assembly (or an enactment amending or repealing such an enactment) has no effect unless it is passed by a number of members at least equal to two-thirds of the number of members provided for, at that time, by or in accordance with subsection (2).

(4) Subsection (3) has effect despite anything else in this Act.

9 Oath or Affirmation of Allegiance

(1) A member shall, before taking his or her seat, make and subscribe an oath or affirmation in accordance with the form in Schedule 1.

(2) The oath or affirmation shall be made before the Chief Justice of the Supreme Court of the Australian Capital Territory or some person authorised by the Chief Justice.

(3) This section has effect subject to any enactment.

10 Term of office of member

The term of office of a member duly elected begins at the end of the day on which the election of the member is declared and, unless sooner ended by resignation or disqualification, or by

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dissolution of the Assembly, ends on the polling day for the next general election.

11 Presiding Officer of Assembly

(1) At the first meeting of the Assembly after a general election, the members present shall, before any other business, elect one of their number to be the Presiding Officer of the Assembly.

(2) The title of the Presiding Officer shall be determined by the Assembly.

(3) If there is a vacancy in the office of Presiding Officer (not because of a dissolution of the Assembly), then:
   (a) if the vacancy happens at a meeting, the members present shall, before any further business, elect one of their number to be the Presiding Officer; or
   (b) if the vacancy happens at any other time, at the next meeting the members present shall, before any other business, elect one of their number to be the Presiding Officer.

(4) This section does not prevent the Assembly from appointing a person to preside at meetings in the absence of the Presiding Officer, but a person holding office as a Minister shall not be so appointed.

12 Vacation of office by Presiding Officer

(1) A person holding office as Presiding Officer vacates the office:
   (a) immediately before a Presiding Officer is elected at the first meeting of the Assembly after a general election;
   (b) when the person resigns office as Presiding Officer;
   (c) when the person ceases to be a member of the Assembly (not because of a general election); or
   (d) when an absolute majority of the members of the Assembly vote in favour of the person's removal from office.

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(2) A person who has vacated the office of Presiding Officer may be re-elected.

13 Resignation of members

(1) A member may resign office as a member by written notice delivered to a person authorised by the Assembly to receive it.

(2) The Presiding Officer may resign office as Presiding Officer by written notice delivered to a person authorised by the Assembly to receive it.

(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.

14 Disqualification of member

(1) A member vacates office if the member:

(a) at any time after the beginning of the first meeting of the Assembly after a general election, is not qualified to take a seat as a member;

(b) is absent without permission of the Assembly from:

(i) such number of consecutive meetings as is specified by enactment for the purposes of this subparagraph; or

(ii) if no such enactment is in force—4 consecutive meetings of the Assembly; or

(c) takes or agrees to take, directly or indirectly, any remuneration, allowance, honorarium or reward for services rendered in the Assembly, otherwise than under section 73.

(2) A person who has vacated an office of member may be re-elected.

(3) Paragraph (1)(c) does not apply to a superannuation scheme:

(a) that is established by or under an enactment; and

(b) under which any or all of the following benefits are provided:

(i) benefits for a person upon ceasing to hold an office of member;

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(ii) benefits for a person who is or was a member in the event of the permanent or temporary disability of the person;

(iii) benefits for dependants of a person who is or was a member in the event of the death of the person.

(4) In subsection (3):

dependant has the same meaning as in the *Superannuation Industry (Supervision) Act 1993*.

15 Conflict of interest

(1) A member of the Assembly who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

(2) A question concerning the application of subsection (1) shall be decided by the Assembly, and a contravention of that subsection does not invalidate anything done by the Assembly.

16 Dissolution of Assembly by Governor-General

(1) If, in the opinion of the Governor-General, the Assembly:

(a) is incapable of effectively performing its functions; or

(b) is conducting its affairs in a grossly improper manner;

the Governor-General may dissolve the Assembly.

(2) Where the Assembly is dissolved:

(a) the Governor-General:

(i) shall appoint a Commissioner for the purposes of this section; and

(ii) may, at any time, give directions to the Commissioner about the exercise of the powers of the Executive; and

(b) a general election shall be held on a day specified by the Commonwealth Minister by notice published in the

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Commonwealth Gazette, being not earlier than 36 days, nor later than 90 days, after the dissolution of the Assembly.

(3) The Commonwealth Minister shall not specify a day that is the polling day for an election of the Senate or a general election of the House of Representatives.

(4) The Commissioner:

(a) shall exercise all the powers of the Executive in accordance with any directions given by the Governor-General; and

(b) if it is necessary to issue or spend public money of the Territory when not authorised to do so by or under enactment—may do so with the authority of the Governor-General.

(5) The Commissioner shall be paid such remuneration and allowances as are determined by the Governor-General.

(6) Unless sooner terminated by the Governor-General, the term of office of the Commissioner ceases at the beginning of the first meeting of the Assembly held after the next general election.

(7) The powers of the Governor-General under this section shall be exercised by Proclamation.

(8) The Commonwealth Minister shall cause a statement of the reasons for the dissolution to be:

(a) published in the *Commonwealth Gazette* as soon as practicable after the day of the dissolution; and

(b) laid before each House of the Parliament within 15 sitting days of that House after the day of the dissolution.

(9) A person holding office, or acting as, Chief Executive of the Chief Minister's Department must not be appointed as a Commissioner under this section.

(10) If the name of the office of Chief Executive, or of the Chief Minister's Department, is changed, a reference in subsection (9) to that office or Department is to be taken to be a reference to the office or Department under the new name.

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Division 2—Procedure of Assembly

17 Times of meetings

(1) Subject to subsection (3), the Assembly shall meet:

(a) within 7 days after the result of a general election is declared; and

(b) within 7 days after a written request for a meeting, signed by such number of members as is fixed by enactment, is delivered to the Presiding Officer.

(2) The Presiding Officer shall, by notice published in the *Territory Gazette*, convene a meeting when it is necessary to do so to comply with subsection (1).

(3) If the Presiding Officer is required by subsection (2) to convene a meeting within a particular period and:

(a) the office of Presiding Officer is vacant, whether or not a person has been previously elected to the office; or

(b) the Presiding Officer is unable, or refuses or fails, to convene a meeting within that period;

the Commonwealth Minister shall, by notice published in the *Commonwealth Gazette*, convene the meeting within that period or, if that is not practicable, within 7 days after that period.

18 Procedure at meetings

(1) At a meeting of the Assembly, a quorum is formed by an absolute majority of the members.

(2) Questions arising at a meeting shall be decided by a majority of the votes of the members present and voting, unless a special majority is required by the standing rules and orders.

(3) The member presiding at a meeting has a deliberative vote only, and, if the votes on a question are equal, the question shall pass in the negative.

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(4) Subject to subsection 15(1) and to the standing rules and orders, the Presiding Officer shall preside at all meetings of the Assembly at which he or she is present.

19 Resolution of no confidence in Chief Minister

A resolution of no confidence in the Chief Minister has no effect unless:

(a) it affirms a motion that is expressed to be a motion of no confidence in the Chief Minister;

(b) at least one week's notice of the motion has been given in accordance with the standing rules and orders; and

(c) the resolution is passed by at least the number of members necessary to be a quorum.

20 Minutes of meetings

(1) The Assembly shall cause minutes to be kept of meetings.

(2) A copy of any minutes so kept shall, on request made by a person:

(a) be made available for inspection by the person; or

(b) be supplied to the person on payment of such fee (if any) as is fixed by or under enactment.

(3) Subsection (2) does not apply to minutes of a committee meeting held in private.

21 Standing rules and orders

(1) Subject to this Act, the Assembly may make standing rules and orders with respect to the conduct of business.

(2) Without limiting the generality of subsection (1), standing rules and orders may be made:

(a) for the election of a deputy (however titled) to the Presiding Officer; and

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(b) conferring on that deputy such powers as are specified in the rules and orders (including powers of the Presiding Officer under this Act).

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Part IV—Powers of Legislative Assembly

22 Power of Assembly to make laws

(1) Subject to this Part and Part VA, the Assembly has power to make laws for the peace, order and good government of the Territory.

(2) The power to make laws extends to the power to make laws with respect to the exercise of powers by the Executive.

23 Matters excluded from power to make laws

(1) Subject to this section, the Assembly has no power to make laws with respect to:

(a) the acquisition of property otherwise than on just terms;

(c) the provision by the Australian Federal Police of police services in relation to the Territory;

(d) the raising or maintaining of any naval, military or air force;

(e) the coining of money;

(g) the classification of materials for the purposes of censorship.

(1A) The Assembly has no power to make laws permitting or having the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.

(1B) The Assembly does have power to make laws with respect to:

(a) the withdrawal or withholding of medical or surgical measures for prolonging the life of a patient but not so as to permit the intentional killing of the patient; and

(b) medical treatment in the provision of palliative care to a dying patient, but not so as to permit the intentional killing of the patient; and

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(c) the appointment of an agent by a patient who is authorised to make decisions about the withdrawal or withholding of treatment; and

(d) the repealing of legal sanctions against attempted suicide.

(2) The regulations may omit any of the paragraphs in subsection (1) or reduce the scope of any of those paragraphs.

24 Powers, privileges and immunities of Assembly

(1) In this section:

powers includes privileges and immunities, but does not include legislative powers.

(2) Without limiting the generality of section 22, the Assembly may also make laws:

(a) declaring the powers of the Assembly and of its members and committees, but so that the powers so declared do not exceed the powers for the time being of the House of Representatives or of its members or committees; and

(b) providing for the manner in which powers so declared may be exercised or upheld.

(3) Until the Assembly makes a law with respect to its powers, the Assembly and its members and committees have the same powers as the powers for the time being of the House of Representatives and its members and committees.

(4) Nothing in this section empowers the Assembly to imprison or fine a person.

25 Notification of enactment

(1) Where a proposed law has been passed by the Assembly, the Chief Minister, or another person authorised by enactment to do so, shall publish in the *Territory Gazette* a notice of the proposed law having been passed and of the place or places where copies of the law can be purchased.

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(2) Where a proposed law is notified in the *Territory Gazette*, it takes effect upon the day of notification or, if the proposed law otherwise provides, as so provided.

(3) At the time of publication of the notice under subsection (1) of the passing of a proposed law or as soon as practicable thereafter, copies of the law shall be made available for purchase at the place, or at each of the places, specified in the notice.

(4) Where, on the day of publication of the notice under subsection (1) of the passing of a proposed law, there are no copies of the law available for purchase at the place, or at one or more of the places, specified in the notice, the Chief Minister shall cause to be laid before the Assembly, within 15 sitting days of the Assembly after that day, a statement that copies of the law were not so available and the reason why they were not so available.

(5) Failure to comply with the requirements of subsection (3) or (4) in relation to a proposed law shall not be taken to constitute a failure to comply with subsection (1).

(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 Assembly otherwise than under subsection (1); and

(b) the commencement of such a proposed law.

26 Special procedures for making certain enactments

(1) The Assembly may pass a law (in this section called the ***entrenching law***) prescribing restrictions on the manner and form of making particular enactments (which may include enactments amending or repealing the entrenching law).

(2) The entrenching law shall be submitted to a referendum of the electors of the Territory as provided by enactment.

(3) If a majority of the electors approve the entrenching law, it takes effect as provided by section 25.

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(4) While the entrenching law is in force, an enactment to which it applies has no effect unless made in accordance with the entrenching law.

(5) If an entrenching law includes the requirement (however expressed) that an enactment or enactments be passed by a specified majority of the members (in this subsection called a ***special majority***), the same requirement shall be taken to apply to the entrenching law, so that it must be passed by:

(a) that special majority; or

(b) if it specifies different special majorities for different enactments—the highest of those special majorities.

(6) If an entrenching law passed by the Assembly:

(a) includes the requirement (however expressed) that an enactment or enactments be submitted to a referendum of the electors of the Territory; and

(b) includes provision (however expressed) that, to have effect, the referendum is to be passed by a specified majority of the electors (in this subsection called a ***special majority***);

the same requirement shall be taken to apply to the entrenching law, so that the reference in subsection (3) to a majority of the electors shall be taken to be a reference to:

(c) that special majority; or

(d) if the entrenching law specifies different special majorities for different enactments—the highest of those special majorities.

27 Crown may be bound

Except as provided by the regulations, an enactment does not bind the Crown in right of the Commonwealth.

28 Inconsistency with other laws

(1) A provision of an enactment has no effect to the extent that it is inconsistent with a law defined by subsection (2), but such a

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provision shall be taken to be consistent with such a law to the extent that it is capable of operating concurrently with that law.

(2) In this section:

law means:

(a) a law in force in the Territory (other than an enactment or a subordinate law); or

(b) an order or determination, or any other instrument of a legislative character, made under a law falling within paragraph (a).

Note: Sections 29 and 40 of the *Fair Work Act 2009* deals with inconsistency between awards and agreements made under that Act, and laws of the Territory.

29 Avoidance of application of enactments to Parliament

(1) In this section:

enactment includes a part of an enactment.

Parliamentary precincts means the precincts defined by subsection 3(1) of the *Parliamentary Precincts Act 1988*.

(2) If either House of the Parliament passes a resolution declaring that an enactment made after the commencing day does not apply:

(a) to that House;

(b) to the members of that House; or

(c) in the Parliamentary precincts;

the resolution has effect according to its tenor and the enactment does not apply accordingly.

(3) A resolution under subsection (2):

(a) does not have effect in respect of the application of an enactment on a day before the day on which the resolution is passed; and

(b) has effect, to the extent that the enactment ceases to apply, as if the enactment were repealed by another enactment.

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30 Judicial notice

All courts, judges and persons acting judicially shall take judicial notice of enactments and subordinate laws.

31 Publication of enactments

The Executive shall publish copies of enactments and subordinate laws and make them available for purchase by the public.

33 Application of Acts Interpretation Act

Neither paragraph 46(1)(a) of the *Acts Interpretation Act 1901* nor paragraph 13(1)(a) or (b) of the *Legislation Act 2003* applies to:

(a) an enactment;

(b) a subordinate law; or

(c) an instrument required by this Act to be published in the *Territory Gazette*.

34 Certain laws converted into enactments

(1) In this section:

Imperial Act has the same meaning as in the *Imperial Acts Application Ordinance 1986* of the Territory.

law includes a provision of a law.

(2) A law specified in Schedule 2 shall be taken to be an enactment, and may be amended or repealed accordingly.

(4) A law (other than a law of the Commonwealth) that, immediately before the commencing day:

(a) was in force in the Territory; and

(b) was an Ordinance, an Act of the Parliament of New South Wales or an Imperial Act;

shall be taken to be an enactment, and may be amended or repealed accordingly.

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(5) Subsection (4) does not apply to a law specified in Schedule 5.

(9) This section does not limit the power of the Assembly to make laws with respect to the common law.

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Part V—The Executive

36 Australian Capital Territory Executive

There shall be an Australian Capital Territory Executive.

37 General powers of Executive

The Executive has the responsibility of:

(a) governing the Territory with respect to matters specified in Schedule 4;

(b) executing and maintaining enactments and subordinate laws;

(c) exercising such other powers as are vested in the Executive by or under a law in force in the Territory or an agreement or arrangement between the Territory and the Commonwealth, a State or another Territory; and

(d) exercising prerogatives of the Crown so far as they relate to the Executive's responsibility mentioned in paragraph (a), (b) or (c).

38 Executive matters not limited by Schedule 4

A matter specified in Schedule 4 does not limit the generality of any other matter specified in that Schedule.

38A Executive's powers under Commonwealth Acts

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.

39 Membership of Executive

(1) The members of the Executive are the Chief Minister and such other Ministers as are appointed by the Chief Minister.

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(2) The exercise of the powers of the Executive is not affected merely because of a vacancy or vacancies in the membership of the Executive.

40 Chief Minister for the Territory

(1) At the first meeting of the Assembly after a general election, the members present shall, after electing a Presiding Officer and before any other business, elect one of their number to be the Chief Minister for the Territory.

(2) If there is a vacancy in the office of Chief Minister (not because of a dissolution of the Assembly), then:

(a) if the vacancy happens at a meeting, the members present shall elect one of their number to be the Chief Minister; or

(b) if the vacancy happens at any other time, the Presiding Officer shall, by notice published in the *Territory Gazette*, convene a meeting as soon as practicable and, at the meeting, the members present shall elect one of their number to be the Chief Minister.

(3) If a resolution of no confidence in the Chief Minister is passed, the members present shall elect one of their number to be the Chief Minister.

41 Ministers for the Territory

(1) The Chief Minister must appoint Ministers for the Territory from among the members of the Assembly.

(2) The number of Ministers is to be as provided by enactment.

(2A) Until provision is made, the number of Ministers is not to exceed 5.

(3) A Minister may be dismissed from office at any time by a person holding office as Chief Minister at that time.

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42 Presiding Officer or Deputy Presiding Officer not to be a Minister

The person for the time being holding office as Presiding Officer or Deputy Presiding Officer is not eligible to be a Minister.

43 Ministerial portfolios

(1) A Minister shall administer such matters relating to the powers of the Executive as are allocated to that Minister from time to time by the Chief Minister.

(2) The Chief Minister may authorise a Minister or Ministers to act on behalf of the Chief Minister or any other Minister.

(3) The Chief Minister shall publish particulars of such arrangements in the *Territory Gazette*.

44 Deputy Chief Minister for the Territory

(1) The Chief Minister shall appoint one of the Ministers to be Deputy Chief Minister for the Territory.

(2) The Deputy Chief Minister shall act as Chief Minister at any time when there is a vacancy in the office of Chief Minister or the Chief Minister is absent from duty or from Australia or is, for any other reason, unable to exercise the powers of Chief Minister.

(3) While the Deputy Chief Minister is acting as Chief Minister, he or she shall exercise all the powers of the Chief Minister other than the dismissal of a Minister.

(4) The exercise of the powers of the Chief Minister by the Deputy Chief Minister during the absence of the Chief Minister from Australia does not affect the exercise of a power by the Chief Minister.

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45 Resignation of Ministers

(1) The Chief Minister may resign office as Chief Minister by written notice delivered to the Presiding Officer.

(2) Any other Minister may resign office as Minister by written notice delivered to the Chief Minister.

46 Vacation of office by Ministers

(1) A person holding office as Chief Minister vacates the office:

(a) when the person resigns the office; or

(b) when the person ceases to be a member (not because of a general election); or

(c) immediately before a Chief Minister is elected after:

(i) the next general election; or

(ii) the passing of a resolution of no confidence in the Chief Minister.

(1A) A person holding office as a Minister (other than the Chief Minister) vacates the office:

(a) when the person resigns the office; or

(b) when the person ceases to be a member (not because of a general election); or

(c) when the person is dismissed from office by the Chief Minister; or

(d) immediately before another Chief Minister is elected after:

(i) the next general election; or

(ii) the passing of a resolution of no confidence in the Chief Minister.

(2) A person who has vacated an office of Minister may be re-elected or re-appointed.

47 Vacancies in all Ministerial offices

(1) If:

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(a) at any time after the election of a Chief Minister, all the Ministerial offices (including the office of Chief Minister) have become vacant; and

(b) it is necessary to exercise powers of the Executive for the purpose of maintaining the provision and control of essential services;

the Commonwealth Minister may exercise those powers for that purpose until a Chief Minister is elected.

(2) Subsection (1) does not apply where the vacancies result from a dissolution of the Assembly.

48 Resolution of no confidence in Chief Minister

(2) If:

(a) on a particular day, the Assembly passes a resolution of no confidence in the Chief Minister;

(b) the Assembly does not, within the period of 30 days after that day, elect a Chief Minister; and

(c) the Governor-General does not, within that period of 30 days, dissolve the Assembly under section 16;

a general election shall be held on a day specified by the Commonwealth Minister by notice published in the *Commonwealth Gazette*, being not earlier than 36 days, nor later than 90 days, after the end of that period of 30 days.

(3) The Commonwealth Minister shall not specify a day that is the polling day for an election of the Senate or a general election of the House of Representatives.

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Part VA—The Judiciary

48A Jurisdiction and powers of the Supreme Court

(1) The Supreme Court is to have all original and appellate jurisdiction that is necessary for the administration of justice in the Territory.

(2) In addition, the Supreme Court may have such further jurisdiction as is conferred on it by any Act, enactment or Ordinance, or any law made under any Act, enactment or Ordinance.

(3) The Supreme Court is not bound to exercise any powers where it has concurrent jurisdiction with another court or tribunal.

48AA ACT laws may give concurrent jurisdiction to the Federal Court of Australia

Nothing in section 48A is to be taken to imply that a law of the Australian Capital Territory may not confer on the Federal Court of Australia original or appellate jurisdiction in any matter in respect of which, by virtue of section 48A, jurisdiction is conferred on the Supreme Court.

48B Retirement age of Judges etc. of the Supreme Court

(1) This section applies to the following offices:
  (a) Chief Justice of the Supreme Court;
  (b) Judge (other than additional Judge) of the Supreme Court;
  (c) Master of the Supreme Court.

(2) An enactment that changes the retirement age in relation to an office to which this section applies does not affect the term of office of a person who was appointed to such an office before the commencement of that enactment unless the person has consented in writing to the application of the enactment to him or her.

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48C Judicial commission

(1) An enactment relating to the establishment of a judicial commission for the Territory must provide that:

(a) the commission is to be constituted by persons who:

(i) have been Justices of the High Court or are, or have been, Judges of a superior court of record of the Commonwealth or of a State or Territory (other than persons who are Judges of the Supreme Court of the Territory appointed under subsection 7(1) of the *Supreme Court Act 1933* of the Territory); and

(ii) are appointed by the Executive for such terms as are determined in accordance with the enactment; and

(b) the commission is to have the function (whether alone or together with another body or authority of the Territory) of investigating, and reporting to the Attorney-General of the Territory on, complaints concerning the conduct or the physical or mental capacity of a judicial officer.

(2) A judicial commission may have functions in addition to the function mentioned in paragraph (1)(b).

48D Removal of a judicial officer from office

An enactment relating to the removal from office of a judicial officer must provide that:

(a) a judicial officer may only be removed from office if:

(i) a judicial commission appointed by the Executive to examine a complaint concerning the judicial officer has submitted to the Attorney-General of the Territory a report that:

(A) sets out the facts found by the commission in relation to the subject matter of the complaint; and

(B) states that, in the commission's opinion, the facts so found could amount to misbehaviour or physical or mental incapacity (as the case may

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be) warranting the officer's removal from office; and

(ii) the Assembly:

(A) has determined that the facts so found amount to misbehaviour or physical or mental incapacity identified by the commission; and

(B) has passed a motion requiring the Executive to remove the officer from office on the ground of that misbehaviour or incapacity; and

(b) a judicial officer may only be removed from office by the Executive in writing.

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Part VII—Finance

57 Public money

(1) The public money of the Territory shall be available for the expenditure of the Territory.

(2) The receipt, spending and control of public money of the Territory shall be regulated as provided by enactment.

58 Withdrawals of public money

(1) Subject to subsection 16(4), no public money of the Territory shall be issued or spent except as authorised by enactment.

(2) The public money of the Territory may be invested as provided by enactment.

59 Financial relations between Commonwealth and Territory

(1) The Commonwealth shall conduct its financial relations with the Territory so as to ensure that the Territory is treated on the same basis as the States and the Northern Territory, while having regard to the special circumstances arising from the existence of the national capital and the seat of government of the Commonwealth in the Territory.

(2) The Territory is not liable to bear the cost, or part of the cost, of:
   (a) any power of the Commonwealth relating to a matter referred to in section 23;
   (b) administering a law, or a provision of a law, referred to in Schedule 5; or
   (c) any other power of the Commonwealth, or of a Commonwealth authority, relating to the Territory.

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60 Borrowing from Commonwealth

The Finance Minister may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Territory or to a Territory authority on such terms and conditions as that Minister determines in writing.

65 Proposal of money votes

(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.

(2) Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the amendment is to increase the amount of public money of the Territory to be appropriated.

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Part VIII—Elections to Assembly

66 Interpretation

In this Part:

electoral enactment means an enactment described in subsection 67A(1).

66A Part to bind Crown

This Part binds the Crown in right of the Territory, but nothing in this Act renders the Crown liable to be prosecuted for an offence.

66B Election of members

The members are to be elected in accordance with this Part.

67 Qualifications of candidates

(1) The qualifications of a person to be elected and take a seat as a member shall be as provided by enactment.

67A General elections

(1) The members to be elected at a general election are to be elected as provided by sections 67, 67C and 67D and by an enactment that:
  (a) provides for general elections; and
  (b) complies with section 67B; and
  (c) was made after polling day for the second general election.

67B Electoral enactment

An electoral enactment is to provide, among other things:
  (a) for the times of general elections; and

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(b) for a Roll of the electors of the Territory for the purposes of general elections; and

(c) that every person who is entitled to be enrolled on that Roll and who is resident in the Territory is required to claim enrolment; and

(d) if the electoral enactment provides for the distribution of the Territory into electorates—that a redistribution of the Territory into electorates is to commence not later than 6 years after the previous distribution or redistribution.

67C Qualifications of electors

(1) At a general election held on a particular day, a person is entitled to vote if:

(a) on that day, the person's name is on the Roll of the electors of the Territory for the purposes of general elections; and

(b) the person would be entitled to vote at an election held on that day to choose a member of the House of Representatives for the Territory.

(2) A person's name is taken not to be on the Roll for the purposes of paragraph (1)(a) if an electoral enactment so provides.

(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.

67D Territory electorates

(1) In this section:

quota, in relation to an electorate for the Territory, means the number calculated in accordance with the formula:

$$\frac{\text{Number of Territory electors} \times \text{Number of electorate members}}{\text{Number of Territory members}}$$

where:

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Number of Territory electors means the number of electors of the Territory.

Number of electorate members means the number of members to be elected by the electorate.

Number of Territory members means the number of members of the Assembly.

(2) A distribution or redistribution of the Territory into electorates is not to result in any electorate having, immediately after the distribution or redistribution:

(a) a number of electors of the Territory greater than 110% of its quota; or

(b) a number of electors of the Territory less than 90% of its quota.

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Part IX—Miscellaneous

69A Acts that bind States to bind Territory

(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.

(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.

69 Trade and commerce to be free

(1) Subject to subsection (2), trade, commerce and intercourse between the Territory and a State, and between the Territory and the Northern Territory, Norfolk Island, the Jervis Bay Territory, the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands, shall be absolutely free.

(2) Subsection (1) does not bind the Commonwealth.

70 Validity of certain actions

(1) In subsection (2):

office means the office of Chief Minister, Deputy Chief Minister, Minister, Presiding Officer, Deputy Presiding Officer or Commissioner.

(2) Anything done by or in relation to a person who has been elected or appointed to an office, or a person purporting to act in an office, under this Act is not invalid on the ground that:

(a) the occasion for the election or appointment had not arisen;

(b) there was a defect or irregularity in connection with the election or appointment;

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(c) the election or appointment had ceased to have effect; or

(d) the occasion for the person to act had not arisen or had ceased.

(3) Anything done by or in relation to a person who has purported to sit or vote as a member at a meeting of the Assembly or of a committee is not invalid on the ground that the person:

(a) was not duly elected or chosen; or

(b) had vacated office as a member.

73 Remuneration and allowances

(1) In this section:

office means any of the following offices:

(a) Chief Minister;

(b) Deputy Chief Minister;

(c) Minister;

(d) member;

(e) Presiding Officer;

(f) Deputy Presiding Officer;

(fa) Chief Justice of the Supreme Court;

(fb) Judge of the Supreme Court;

(fc) Master of the Supreme Court;

(fd) Chief Magistrate;

(fe) Magistrate;

(g) an office declared by an enactment to be an office to which this section applies.

(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

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(b) in any other case—as are determined by the Remuneration Tribunal.

(3A) The remuneration and allowances of a person holding an office specified in paragraph (1)(fa), (fb), (fc), (fd) or (fe) are not to be diminished while the person holds that office.

(4) Where:

(a) the term of office of a person as member ends on the polling day for a general election; and

(b) the person is re-elected at that general election;

then, for the purposes of this section, the person shall be taken to have continued to serve in the office of member until the day on which the election of the person is declared.

(5) Where:

(a) the term of office of a person as member ends because the Assembly is dissolved under section 16; and

(b) the person is a candidate at the next general election;

then, for the purposes of this section, the person shall be taken to have continued to serve in the office of member until the polling day for that general election or, if the person is re-elected, until the day on which the election of the person is declared.

74 Regulations

The Governor-General may make regulations:

(a) prescribing matters:

(i) required or permitted by this Act to be prescribed; or

(ii) necessary or convenient to be prescribed for carrying out or giving effect to this Act; and

(b) adding further matters to Schedule 4.

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Schedule 1

Section 9

OATH

I, *A.B.*, swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law: So help me God!

AFFIRMATION

I, *A.B.*, solemnly affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law.

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Schedule 2—Commonwealth Acts and provisions to become enactments

Section 34

Commonwealth Functions (Statutes Review) Act 1981, Part II
Commonwealth Teaching Service Act 1972
Removal of Prisoners (Australian Capital Territory) Act 1968
Australian Capital Territory Evidence (Temporary Provisions) Act 1971
Australian Capital Territory Supreme Court Act 1933
University of Canberra Act 1989.

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Schedule 4—Matters concerning which the Executive has power to govern the Territory

Section 37

Remuneration, allowances and other entitlements in respect of services of members of the Assembly, the Chief Minister, the Deputy Chief Minister, Ministers, the Presiding Officer, the Deputy Presiding Officer, and the holders of offices established by or under Assembly Law

Territory insurance

Territory banking

Taxation

Provision of rural, industrial and home finance credit and assistance

The public service

Legal aid

Correctional and remand services

Private law

Administration of estates and trusts

Civil liberties and human rights

Inquiries and administrative reviews (including matters relating to a Territory Ombudsman)

Markets and marketing

Consumer affairs

Sales and leases of goods, supply of services, and security interests in or over goods

Control of prices and of rents

Industry, including primary production

Regulation of businesses, professions, trades and callings (excluding the legal profession)

Tourism

Printing and publishing

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Industrial relations (including training and apprenticeship and workers' compensation and compulsory insurance)

Occupational health and safety

Exploration for, and recovery of, minerals in any form, whether solid, liquid or gaseous

Territory Land as defined in the *Australian Capital Territory (Planning and Land Management) Act 1988*

Use, planning and development of land

Civil aviation

Regulation of transport on land and water (including traffic control, carriers, roads, tunnels and bridges, vehicle registration and compulsory third party insurance, driver licensing and road safety)

Environment protection and conservation (including parks, reserves and gardens and preservation of historical objects and areas)

Flora and fauna

Fire prevention and control

Water resources

Use and supply of energy

Public utilities

Public works

Registration of instruments

Registration of births, deaths and marriages

Local government

Housing

Public health

Public safety

Education

Territory Archives

Welfare services

Territory museums, memorials, libraries and art galleries

Scientific research

Recreation, entertainment and sport

Community, cultural and ethnic affairs

Gambling

Liquor

Firearms, explosives and hazardous and dangerous substances

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Civil defence and emergency services

Territorial censorship, except classification of materials

Landlord and tenant

Co-operative societies

The Public Trustee and the Youth Advocate

Matters in respect of which the Assembly may make laws under section 24

Matters in respect of which powers or authorities are expressly conferred on the Chief Minister, the Deputy Chief Minister, a Minister or a member of the public service by or under any law in force in the Territory (including an enactment or subordinate law) or an agreement or arrangement referred to in paragraph 37(c)

Matters provided for by or under a law made by the Assembly under another Act that expressly provides for the making of such a law

Making instruments under enactments or subordinate laws

Matters arising under instruments made under enactments or subordinate laws

Entering into, and implementing, agreements and arrangements with the Commonwealth, a State or the Northern Territory

Matters incidental to the exercise of any power of the Executive

Law and Order

Legal practitioners

Magistrates Court and Coroners Court

Courts (other than the Magistrates Court and Coroners Court)

The formation of corporations, corporate regulation and the regulation of financial products and services

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Schedule 5—Laws and provisions other than those that shall become enactments

Section 34

Part 1—Ordinances of the Territory

Canberra Institute of the Arts Ordinance 1988
Classification of Publications Ordinance 1983
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982
Corporate Affairs Commission Ordinance 1980
National Land Ordinance 1989
National Memorials Ordinance 1928
Ordinance Revision (Companies Amendments) Ordinance 1982
Police Pensions Ordinance 1958
Reserved Laws (Administration) Ordinance 1989
Reserved Laws (Interpretation) Ordinance 1989
The Commercial Banking Company of Sydney Limited (Merger) Ordinance 1982
The Commercial Bank of Australia Limited (Merger) Ordinance 1982
Unlawful Assemblies Ordinance 1937

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Part 2—Acts of the Parliament of New South Wales in force in the Territory

Life, Fire and Marine Insurance Act 1902

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Part 3—Imperial Acts in force in the Territory

Demise of the Crown	(1760) 1 Geo. 3 c. 23
Naval Prize Act	(1864) 27 and 28 Vic. c. 25
Naval Prize (Procedure) Act	(1916) 6 and 7 Geo. 5 c. 2
Prize Act	(1939) 2 and 3 Geo. 6 c. 65
Prize Courts Act	(1894) 57 and 58 Vic. c. 39
Prize Courts Act	(1915) 5 and 6 Geo. 5 c. 57
Prize Courts (Procedure) Act	(1914) 4 and 5 Geo. 5 c. 13
Territorial Waters Jurisdiction	(1878) 41 and 42 Vic. c. 73.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Capital Territory (Self-Government) Act 1988	106, 1988	6 Dec 1988	ss. 1 and 2: Royal Assent ss. 3–6, 8–21, 66–68, 73 and 74: 7 Dec 1988 (*see Gazette* 1988, No. S374) s. 34(8): 31 Jan 1989 (*see Gazette* 1989, No. S39) s. 56(1): *(a)* Remainder: 11 May 1989 (*see Gazette* 1989, No. S164)	
Arts, Territories and Environment Legislation Amendment Act 1989	60, 1989	19 June 1989	ss. 11 and 13: 7 Dec 1988 Part 5 (ss. 14, 15): 11 May 1989 (*see* s. 2(3) and *Gazette* 1989, No. S164) Remainder: Royal Assent	s. 8(2)
Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act 1991	33, 1991	21 Mar 1991	ss. 3 (in part) and 5: 1 July 1991 Remainder: Royal Assent	s. 5
Australian Capital Territory Self-Government Legislation Amendment Act 1992	10, 1992	6 Mar 1992	ss. 4, 7–9 and 11: *(b)* Remainder: Royal Assent	—
A.C.T. Supreme Court (Transfer) Act 1992	49, 1992	17 June 1992	1 July 1992	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Territories Law Reform Act 1992	104, 1992	30 June 1992	s. 24: 1 July 1992 *(c)*	—
Superannuation Industry (Supervision) Consequential Amendments Act 1993	82, 1993	30 Nov 1993	ss. 1, 2, 14, 16(2), 41, 42, 45, 46, 48(1) and 52–64: 1 Dec 1993 Remainder: 1 July 1994	—
Arts, Environment and Territories Legislation Amendment Act 1993	6, 1994	18 Jan 1994	s. 5: Royal Assent *(d)*	—
Australian Capital Territory Government Service (Consequential Provisions) Act 1994	92, 1994	29 June 1994	1 July 1994 (*see Gazette* 1994, No. S256)	—
Australian Capital Territory Electoral Legislation Amendment Act 1994	165, 1994	16 Dec 1994	16 Dec 1994	—
Euthanasia Laws Act 1997	17, 1997	27 Mar 1997	27 Mar 1997	—
Education Legislation Amendment Act 1997	66, 1997	30 May 1997	Schedule 1 (item 14): *(e)*	Sch. 1 (items 19–23)
Gas Pipelines Access (Commonwealth) Act 1998	101, 1998	30 July 1998	Schedule 1 (item 1): 30 July 1998 *(f)*	—
Australian Capital Territory Legislation Amendment Act 2003	1, 2003	24 Feb 2003	Sch 1: 25 Feb 2003 (s 2)	—
Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003	140, 2003	17 Dec 2003	s 4 and Sch 1 (item 11): 1 Jan 2005 (s 2(1) items 2, 3)	s 4

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Act 2006	109, 2006	27 Sept 2006	Sch 2 (items 9–11): 27 Sept 2006 (s 2(1) item 3)	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Sch 5 (item 4): 1 July 2009 (s 2(1) item 11)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 5 (items 20, 21, 275, 276): 19 Apr 2011 (s 2(1) item 13)	Sch 5 (items 275, 276)
Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Act 2011	166, 2011	4 Dec 2011	s 4 and Sch 1: 4 Dec 2011 (s 2)	s 4
Australian Capital Territory (Self-Government) Amendment Act 2013	28, 2013	30 Mar 2013	31 Mar 2013 (s 2)	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 7 (item 193) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 37, 38): 5 Mar 2016 (s 2(1) item 2)	—
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 5 (item 11): 1 July 2016 (s 2(1) item 7)	—

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Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1989 No. 86	10 May 1989	r. 5(1): 11 May 1989 (r 2(1)) r. 5(2): 1 July 1990 r. 5(3): 1 July 1992 Remainder: 10 May 1989	—
as amended by			
1989 No. 87	10 May 1989	10 May 1989	—
1990 No. 405	17 Dec 1990	17 Dec 1990	—
2006 No. 39	17 Feb 2006 (F2006L00453)	18 Feb 2006	—
2006 No. 50	17 Mar 2006 (F2006L00820)	Sch 48: 27 Mar 2006 (r 2(b))	—

(a) Subsection 56(1) of the *Australian Capital Territory (Self-Government) Act 1988* was repealed by section 22 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* before a date was fixed for the commencement.

(b) Subsection 2(2) of the *Australian Capital Territory Self-Government Legislation Amendment Act 1992* provides as follows:

> (2) Sections 4, 7, 8, 9 and 11 commence immediately after polling day for the second general election of members of the Legislative Assembly for the Australian Capital Territory.

Polling day for the second general election was 15 February 1992.

(c) The *Australian Capital Territory (Self-Government) Act 1988* was amended by section 24 only of the *Territories Law Reform Act 1992*, subsection 2(3) of which provides as follows:

> (3) The remaining provisions of this Act commence on 1 July 1992.

(d) The *Australian Capital Territory (Self-Government) Act 1988* was amended by section 5 only of the *Arts, Environment and Territories Legislation Amendment Act 1993*, subsection 2(1) of which provides as follows:

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

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(e) The *Australian Capital Territory (Self-Government) Act 1988* was amended by Schedule 1 (Part 2) only of the *Education Legislation Amendment Act 1997*, subsection 2(4) of which provides as follows:

(4) Parts 2, 3 and 4 of Schedule 1 commence immediately after the commencement of Part 1 of Schedule 1.

Part 1 of Schedule 1 commenced on 1 December 1997.

(f) The *Australian Capital Territory (Self-Government) Act 1988* was amended by Schedule 1 (item 1) of the *Gas Pipelines Access (Commonwealth) Act 1998*, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) and (3), this Act commences at the commencement of sections 13 and 14 of the *Gas Pipelines Access (South Australia) Act 1997* of South Australia.

The *Gas Pipelines Access (South Australia) Act 1997* of South Australia came into operation on 30 July 1998 (*see South Australian Government Gazette* 2 April 1998, p. 1606).

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Endnote 4—Amendment history

Provision affected	How affected
Part I	
s. 3	am. No. 33, 1991; Nos. 10 and 49, 1992; Nos. 6 and 92, 1994; No. 5, 2011; No 62, 2014; No 126, 2015
Part III	
Division 1	
s. 8	am. No. 28, 2013
s. 10	am. No. 6, 1994
s. 13	am. No. 6, 1994
s. 14	am. No. 33, 1991; No. 82, 1993
s. 16	am. No. 1, 2003
Division 2	
s. 17	am. No. 6, 1994
Part IV	
s. 22	am. No. 49, 1992
s. 23	am. Statutory Rules 1989 No. 86 (as am. by Statutory Rules 1989 No. 87; SLI 2006 No. 39); No. 49, 1992; No. 17, 1997
s. 25	am. No. 60, 1989; No. 6, 1994
s. 26	am. No. 6, 1994
s. 28	am. SLI 2006 No. 50; No. 54, 2009
s. 32	rep. No. 109, 2006
s. 33	am. No. 140, 2003; No 126, 2015
s. 34	am. No. 60, 1989; No. 49, 1992; No. 6, 1994
s. 35	am. No. 109, 2006
	rep. No. 166, 2011
Part V	
s. 37	am. No. 6, 1994
s. 38A	ad. No. 6, 1994
s. 41	am. No. 10, 1992
s. 46	am. No. 6, 1994; No. 1, 2003

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Provision affected	How affected
s. 48	am. No. 165, 1994; No. 1, 2003
Part VA	
Part VA	ad. No. 49, 1992
s. 48A	ad. No. 49, 1992
s. 48AA	ad. No. 101, 1998
ss. 48B–48D	ad. No. 49, 1992
Part VI	rep. No. 92, 1994
ss. 49–56	rep. No. 92, 1994
Part VII	
s. 59	am. No. 6, 1994
s. 60	am. No. 5, 2011
ss. 61–63	rep. No. 33, 1991
s. 64	rep. No. 10, 1992
s. 65	am. No. 6, 1994
Part VIII	
s. 66	rs. No. 10, 1992
ss. 66A, 66B	ad. No. 10, 1992
s. 67	am. No. 1, 2003
s. 67A	ad. No. 10, 1992
	am. No. 165, 1994; No. 1, 2003
s. 67B	ad. No. 10, 1992
s. 67C	ad. No. 10, 1992
	am. Nos. 6 and 165, 1994
s. 67D	ad. No. 10, 1992
s. 67E	ad. No. 10, 1992
	rep. No. 1, 2003
s. 68	am. No. 10, 1992; No. 165, 1994
	rep. No. 1, 2003
Part IX	
s. 69A	ad. No. 6, 1994
s. 69	am. No. 104, 1992; No 33, 2016

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Endnote 4—Amendment history

Provision affected	How affected
s. 70	am. No. 1, 2003
s. 71	rep. No. 92, 1994
s. 72	rep. No. 6, 1994
s. 73	am. No. 49, 1992; Nos. 6 and 92, 1994
s. 74	am. No. 60, 1989
	rs. No. 6, 1994
Schedule 2	
Schedule 2	am. No. 66, 1997
Schedule 3	am. SR 1989 No. 86
	rep. No. 6, 1994
Schedule 4	
Schedule 4	am. SR 1989 No. 86 (as am. by SLI 2006 No. 39); No. 1, 2003
Schedule 5	
Schedule 5	am. SR 1989 No. 86 (as am. by SR 1990 No. 405)

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