



Ministers of State Act 1952

No. 1, 1952

Compilation No. 12

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Ministers of State Act 1952* that shows the text of the law as amended and in force on 29 November 2023 (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 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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 matters relating to Ministers of State and Executive Councillors, and for related purposes

1 Short title

This Act may be cited as the *Ministers of State Act 1952*.

2 Commencement

This Act shall be deemed to have come into operation on 1st January, 1952.

4 Number of Ministers

The number of the Ministers of State must not exceed:

- (a) in the case of those designated, when appointed by the Governor-General, as Parliamentary Secretary—12; and
- (b) in the case of those not so designated—30.

Note: For the annual limit on the sum payable for the salaries of Ministers of State, see section 55 of the *Parliamentary Business Resources Act 2017*.

5 Notification of certain matters relating to Executive Councillors

Choosing, summoning and swearing of an Executive Councillor

- (1) If the Governor-General has chosen, summoned and sworn an Executive Councillor as a member of the Federal Executive Council under section 62 of the Constitution, the Official Secretary to the Governor-General must by notifiable instrument:
 - (a) notify that the Executive Councillor has been so chosen, summoned and sworn; and
 - (b) specify:
 - (i) the name of the Executive Councillor; and

- (ii) the day (the ***swearing day***) on which the Executive Councillor was so chosen, summoned and sworn.
- (2) The notifiable instrument under subsection (1):
 - (a) must be made as soon as practicable after the swearing day; and
 - (b) may comprise a copy of the instrument (the ***section 62 instrument***) made by the Governor-General notifying that the Governor-General has chosen, summoned and sworn the Executive Councillor as a member of the Federal Executive Council under section 62 of the Constitution.
- (3) The validity of a section 62 instrument is not affected by any failure to comply with subsections (1) and (2).

Revocation of Executive Councillor's membership of the Federal Executive Council

- (4) If the Governor-General revokes an Executive Councillor's membership of the Federal Executive Council, the Official Secretary to the Governor-General must by notifiable instrument:
 - (a) notify that the Executive Councillor's membership of the Federal Executive Council has been revoked by the Governor-General; and
 - (b) specify:
 - (i) the name of the former Executive Councillor; and
 - (ii) the day (the ***revocation day***) on which the revocation occurred.
- (5) The notifiable instrument under subsection (4):
 - (a) must be made as soon as practicable after the revocation day; and
 - (b) may comprise a copy of the instrument (the ***section 62 revocation instrument***) made by the Governor-General revoking the Executive Councillor's membership of the Federal Executive Council.

- (6) The validity of a section 62 revocation instrument is not affected by any failure to comply with subsections (4) and (5).

6 Notification of appointment of officer to administer a department of State of the Commonwealth etc.

Appointment of an officer to administer a department of State of the Commonwealth

- (1) If the Governor-General appoints an officer to administer a department of State of the Commonwealth under section 64 of the Constitution, the Official Secretary to the Governor-General must by notifiable instrument:
- (a) notify that the officer has been so appointed by the Governor-General; and
 - (b) specify:
 - (i) the name of the officer; and
 - (ii) the name of the department of State of the Commonwealth; and
 - (iii) the day (the **appointment day**) on which the officer was so appointed.
- (2) The notifiable instrument under subsection (1):
- (a) must be made as soon as practicable after the appointment day; and
 - (b) may comprise a copy of the instrument (the **section 64 instrument**) made by the Governor-General appointing the officer to administer the department of State of the Commonwealth under section 64 of the Constitution.
- (3) The validity of a section 64 instrument is not affected by any failure to comply with subsections (1) and (2).

Revocation of appointment of an officer to administer a department of State of the Commonwealth

- (4) If the Governor-General revokes an appointment made under section 64 of the Constitution that an officer administer a

department of State of the Commonwealth, the Official Secretary to the Governor-General must by notifiable instrument:

- (a) notify that the appointment of the officer has been revoked by the Governor-General; and
 - (b) specify:
 - (i) the name of the officer; and
 - (ii) the name of the department of State of the Commonwealth; and
 - (iii) the day (the **revocation day**) on which the revocation occurred.
- (5) The notifiable instrument under subsection (4):
- (a) must be made as soon as practicable after the revocation day; and
 - (b) may comprise a copy of the instrument (the **section 64 revocation instrument**) revoking the appointment of the officer to administer the department of State of the Commonwealth under section 64 of the Constitution.
- (6) The validity of a section 64 revocation instrument is not affected by any failure to comply with subsections (4) and (5).

6A Notification of direction that Minister of State holds an office etc.

Direction that a Minister of State holds an office

- (1) If the Governor-General directs that a Minister of State holds an office under section 65 of the Constitution, the Official Secretary to the Governor-General must by notifiable instrument:
- (a) notify that the Governor-General has directed that the Minister of State holds the office; and
 - (b) specify:
 - (i) the name of the Minister of State; and
 - (ii) the name of the office; and
 - (iii) the day (the **direction day**) on which the Governor-General so directed.

- (2) The notifiable instrument under subsection (1):
- (a) must be made as soon as practicable after the direction day; and
 - (b) may comprise a copy of the instrument (the **section 65 instrument**) made by the Governor-General directing that a Minister of State holds an office under section 65 of the Constitution.
- (3) The validity of a section 65 instrument is not affected by any failure to comply with subsections (1) and (2).

Revocation of direction that a Minister of State holds an office

- (4) If the Governor-General revokes a direction made under section 65 of the Constitution that a Minister of State holds an office, the Official Secretary to the Governor-General must by notifiable instrument:
- (a) notify that the direction that the Minister of State holds the office has been revoked by the Governor-General; and
 - (b) specify:
 - (i) the name of the Minister of State; and
 - (ii) the name of the former office; and
 - (iii) the day (the **revocation day**) on which the revocation occurred.
- (5) The notifiable instrument under subsection (4):
- (a) must be made as soon as practicable after the revocation day; and
 - (b) may comprise a copy of the instrument (the **section 65 revocation instrument**) made by the Governor-General revoking the direction that the Minister of State holds an office under section 65 of the Constitution.
- (6) The validity of a section 65 revocation instrument is not affected by any failure to comply with subsections (4) and (5).

7 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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 how an amendment is to be made. If, despite the misdescription, the amendment

Endnotes

Endnote 1—About the endnotes

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Ministers of State Act 1952	1, 1952	13 Mar 1952	1 Jan 1952	
Ministers of State Act 1956	1, 1956	24 Feb 1956	24 Feb 1956	—
Ministers of State Act 1959	18, 1959	23 Apr 1959	1 Mar 1959	—
Ministers of State Act 1964	1, 1964	4 Mar 1964	4 Mar 1964	—
Ministers of State Act (No. 2) 1964	71, 1964	30 Oct 1964	1 Nov 1964	—
Statute Law Revision (Decimal Currency) Act 1966	93, 1966	29 Oct 1966	1 Dec 1966	—
Ministers of State Act 1967	1, 1967	27 Feb 1967	27 Feb 1967	—
Ministers of State Act 1968	102, 1968	29 Nov 1968	1 Dec 1968	—
Ministers of State Act 1971	43, 1971	18 May 1971	18 May 1971	—
Remuneration and Allowances Act 1973	14, 1973	1 Apr 1973	1 Apr 1973	—
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	31 Dec 1973	s 9(1) and 10
Ministers of State Amendment Act 1978	82, 1978	22 June 1978	22 June 1978	—
Ministers of State Amendment Act 1979	141, 1979	23 Nov 1979	23 Nov 1979	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Ministers of State Amendment Act 1980	165, 1980	10 Dec 1980	10 Dec 1980	—
Remuneration and Allowances Amendment Act 1981	121, 1981	9 Sept 1981	1 July 1981	—
Remuneration and Allowances Amendment Act 1982	78, 1982	19 Sept 1982	19 Sept 1982	—
Remuneration and Allowances Amendment Act 1983	128, 1983	22 Dec 1983	s 8: 22 Dec 1983 (s 2(1))	—
Remuneration and Allowances Amendment Act 1984	73, 1984	25 June 1984	25 June 1984	—
Ministers of State Amendment Act 1985	56, 1985	4 June 1985	4 June 1985	—
Ministers of State Amendment Act 1986	26, 1986	13 May 1986	13 May 1986	—
Ministers of State Amendment Act 1987	71, 1987	5 June 1987	5 June 1987	—
Ministers of State Amendment Act (No. 2) 1987	91, 1987	18 Sept 1987	18 Sept 1987	—
Ministers of State Amendment Act 1988	19, 1988	11 May 1988	11 May 1988	—
Ministers of State Amendment Act 1989	20, 1989	20 Apr 1989	20 Apr 1989	—
Ministers of State Amendment Act 1990	109, 1990	18 Dec 1990	17 Jan 1991	—
Ministers of State Amendment Act 1992	50, 1992	17 June 1992	17 June 1992	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Ministers of State Amendment Act 1994	35, 1994	15 Mar 1994	15 Mar 1994	—
Ministers of State Amendment Act 1996	2, 1996	30 May 1996	30 May 1996	—
Ministers of State Amendment Act 1999	115, 1999	22 Sept 1999	22 Sept 1999	—
Ministers of State and Other Legislation Amendment Act 2000	1, 2000	29 Feb 2000	Sch 1: 10 Mar 2000 (s 2(1) and gaz 2000, No S112)	—
Ministers of State Amendment Act 2002	6, 2002	4 Apr 2002	4 Apr 2002 (s 2)	Sch 1 (item 2)
Ministers of State Amendment Act 2006	38, 2006	3 May 2006	3 May 2006	Sch 1 (item 2)
Ministers of State Amendment Act 2010	59, 2010	25 June 2010	25 June 2010	Sch 1 (item 3)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 1 (item 23): 10 Mar 2016 (s 2(1) item 2)	—
Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017	38, 2017	19 May 2017	Sch 1 (items 23–25) and Sch 3 (items 1–3, 11): 1 Jan 2018 (s 2(1) items 3, 5)	Sch 3 (items 1–3, 11)
Ministers of State Amendment Act 2023	104, 2023	28 Nov 2023	29 Nov 2023 (s 2(1) item 1)	Sch 1 (item 3)

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 38, 2017; No 104, 2023
s 2	am No 14, 1973
s 3	am No 14, 1973 rep No 216, 1973
s 4	am No 1, 1956; No 1, 1964; No 1, 1967; No 43, 1971; No 91, 1987 rs No 1, 2000 am No 38, 2017
s 5	am No 1, 1956; No 18, 1959; Nos 1 and 71, 1964; No 93, 1966; No 1, 1967; No 102, 1968; No 43, 1971; No 14, 1973; No 82, 1978; No 141, 1979; No 165, 1980; No 121, 1981; No 78, 1982; No 128, 1983; No 73, 1984; No 56, 1985; No 26, 1986; No 71, 1987; No 19, 1988; No 20, 1989; No 109, 1990; No 50, 1992; No 35, 1994; No 2, 1996 rs No 115, 1999 am No 1, 2000; No 6, 2002; No 38, 2006 rs No 59, 2010 rep No 38, 2017 ad No 104, 2023
s 6	am No 71, 1964; No 93, 1966; No 102, 1968; No 14, 1973 rs No 82, 1978 am No 4, 2016 rep No 38, 2017 ad No 104, 2023
s 6A	ad No 104, 2023
s 7	rs No 18, 1959 am No 71, 1964; No 93, 1966; No 102, 1968 rs No 14, 1973 rep No 82, 1978 ad No 59, 2010
s 8	ad No 14, 1973

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	rep No 82, 1978
s 9	ad No 14, 1973
	rep No 82, 1978
The Schedule heading.....	rep No 14, 1973
Schedule heading	ad No 14, 1973
Schedule	rep No 216, 1973