



A.C.T. Self-Government (Consequential Provisions) Regulations

Statutory Rules No. 3, 1989

made under the

A.C.T. Self-Government (Consequential Provisions) Act 1988

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *A.C.T. Self-Government (Consequential Provisions) Regulations* 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Citation

These Regulations may be cited as the A.C.T. Self-Government (Consequential Provisions) Regulations.

1A Interpretation

In these Regulations, unless the contrary intention appears:

contract means a contract to which subsection 6 (1) of the Act applies.

responsible administrative unit, in relation to a contract, means an administrative unit established under subsection 54 (2) of the Self-Government Act the functions of which include the subject-matter of the contract.

the Act means the *A.C.T. Self-Government (Consequential Provisions) Act 1988*.

2 Modifications of Legislation

The legislation specified in Schedule 1 is modified as set out in the Schedule.

3 Commonwealth contracts relating to Territory functions

- (1) The Territory is substituted for the Commonwealth as a party to any contract.
- (2) Any liability of the Commonwealth under a contract which had accrued immediately before Self-Government Day continues to be a liability of the Commonwealth.
- (3) Where a contract, or a document that relates to a contract refers to a person or matter specified in column 1 of an item in Schedule 2, the reference shall be taken to be a reference to the person or matter specified in column 2 of that item.
- (4) Where:
 - (a) a contract or a document that relates to a contract refers to an Ordinance of the Australian Capital Territory that has become an enactment within the meaning of the Self-Government Act or by virtue of subsection 10 (3) or 12 (2) or (3) of the Act; and
 - (b) the short title of the enactment is amended by a law of the Australian Capital Territory;each reference in the contract or document:
 - (c) to the short title of that enactment—shall be read as a reference to the short title of that enactment as so amended; and
 - (d) to the enactment otherwise than by its short title—shall be read as if for the word “Ordinance”, there were substituted the word “Act”.

4 Citation of certain A.C.T. laws

Where:

- (a) a law of the Commonwealth refers to an Ordinance of the Australian Capital Territory that has become an enactment within the meaning of the Self-Government Act or by virtue of subsection 10 (3) or 12 (2) or (3) of the Act; and
- (b) the short title of the enactment is amended by a law of the Australian Capital Territory;

each reference in the law of the Commonwealth:

- (c) to the short title of that enactment—shall be read as a reference to the short title of that enactment as so amended; and
- (d) to the enactment otherwise than by its short title—shall be read as if, for the word “Ordinance”, there were substituted the word “Act.”.

Schedule 1—Modifications

(regulation 2)

Administrative Appeals Tribunal Act 1975

After section 36A:

Insert the following section:

“36AA Interpretation of sections 36B, 36C and 36D

In sections 36B, 36C and 36D, unless the contrary intention appears:

Attorney-General includes the Minister administering the *Administrative Appeals Tribunal Act 1989* of the Australian Capital Territory.

Cabinet includes the Australian Capital Territory Executive.

State includes the Australian Capital Territory.”.

Air Accidents (Commonwealth Government Liability) Act 1963

After subsection 11 (3):

Insert the following subsections:

“(3A) Subject to this section, this Part applies to the carriage in an aircraft operated by a person other than the Commonwealth or a Commonwealth authority of a passenger, being a person to whom paragraph (1) (a), (b) or (c) would apply if the references in those paragraphs to the Commonwealth were references to the Australian Capital Territory and the references in those paragraphs to a Commonwealth authority were omitted.

“(3B) For the purposes of the application of this Part in accordance with subsection (3A), the succeeding provisions of this Part have effect as if references in those provisions to the Commonwealth (other than references to a Commonwealth authority, or references to the Commonwealth in the expression ‘whether in the Commonwealth or elsewhere’) were references to the Australian Capital Territory.”.

Australian Bureau of Statistics Act 1975

Subsection 19 (3):

- (a) after “Chief Minister” (first occurring) insert “of the Australian Capital Territory or”;
- (b) omit “the Northern Territory” (second occurring), substitute “that Territory”.

Australian Capital Territory Supreme Court Act 1933

Subsection 8 (1):

Insert “, 8AABA” after “8AA”.

Paragraph 8AA (1) (a):

After “Ordinance” insert “or enactment”.

Paragraph 8AA (1) (b):

After “Ordinance” insert “or enactment”.

**“8AABA Exercise of jurisdiction under subsections 46 (4) and 48 (2) of the
Administrative Appeals Tribunal Act 1989 of the Australian Capital
Territory**

- “(1) The jurisdiction conferred by subsection 46 (4) of the *Administrative Appeals Tribunal Act 1989* of the Australian Capital Territory:
- (a) may be exercised by the Court constituted by not less than 3 Judges;
 - (b) shall be so exercised if:
 - (i) the Tribunal’s decision was given by the Tribunal constituted by a member who was, or by members at least one of whom was, a presidential member other than a judge; and
 - (ii) after consulting the President, the Chief Justice considers that it is appropriate for the appeal from the decision to be heard and determined by the Court constituted by not less than 3 Judges; and
 - (c) shall be so exercised if the Tribunal’s decision was given by the Tribunal constituted by a member who was, or by members at least one of whom was, a Judge.
- “(2) The jurisdiction conferred by subsection 48 (2) of the *Administrative Appeals Tribunal Act 1989* of the Australian Capital Territory shall be exercised by the Court constituted by not less than 3 judges if, after consulting the President, the Chief Justice considers that it is appropriate for the question to be heard and determined by the Court as so constituted.”.

Section 8AC:

Insert “, 8AABA” after “8AA”.

Subsection 28 (1):

Omit “with any Ordinance”, substitute “with any Ordinance or enactment”.

After subsection 53 (3A):

Insert the following subsection:

- “(3B) A reference in subsection (1) to an indictable offence triable before the Supreme Court does not include a reference to an offence against an enactment.”.

Australian Wine and Brandy Corporation Act 1980

Subsection 40 (9):

Omit the subsection, substitute:

- “(9) In this section:

Parliament means:

- (a) in relation to the Australian Capital Territory—the legislative Assembly for the Territory; and
- (b) in relation to the Northern Territory—the Legislative Assembly of the Territory.”.

State includes the Australian Capital Territory and the Northern Territory.”.

Automotive Industry Authority Act 1984

Subsection 25 (5) (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Broadcasting Act 1942

After subsection 116 (3):

Insert the following subsection:

- “(3A) Subsection (3) applies to the first general election for the Legislative Assembly of the Australian Capital Territory as if all the words from and including ‘, being parties’ to the end of the subsection were omitted.”.

Paragraph 116 (4) (a):

After “issued” insert “or, in the case of a general election for the Legislative Assembly of the Australian Capital Territory, the pre-election period within the meaning of the *Australian Capital Territory (Electoral) Act 1988* has begun”.

Subsection 116 (6) (definition of *election period*):

Omit the definition, substitute:

election period, in relation to an election means the period that begins:

- (a) in relation to a general election for the Legislative Assembly of the Australian Capital Territory—on the day that is the first day of the pre-election period within the meaning of the *Australian Capital Territory (Electoral) Act 1988*; or
- (b) in any other case—on the day on which the writ for the election is issued; and ends at the close of the poll on the polling day for the election.”.

Subsection 117 (4) (subparagraph (b) (ii) of the definition of *required period*):

Omit the subparagraph, substitute:

- “(ii) if that period ends before the day on which the writ for the election is returned or, in the case of a general election for the Legislative Assembly of the Australian Capital Territory, the day on which the result of the election is declared under section 283 of the *Commonwealth Electoral Act 1918* as applied by the *Australian Capital Territory (Electoral) Act 1988*—the day on which the writ is so returned or the result is so declared, as the case may be;”.

Child Care Act 1972

Subsection 4 (1) (definition of *eligible organization*):

After paragraph (a) insert the following paragraph:

“(aa) an organisation conducted or controlled by, or by persons appointed by, the Australia Capital Territory;”.

Section 13A (definition of *State*):

After “includes” insert “the Australian Capital Territory and”.

Commonwealth Motor Vehicles (Liability) Act 1959

Subsection 3 (1) (definition of *Commonwealth authority*):

Before “the Northern Territory” (wherever occurring) insert “the Australian Capital Territory or”.

Copyright Act 1968

Subsection 10 (1) (definition of the *Crown*):

Before “the Northern Territory” (first occurring) insert “the Australian Capital Territory and”.

Paragraph 10 (3) (e):

Before “the Northern Territory” insert “the Australian Capital Territory and”.

Paragraph 10 (3) (n):

- (a) Before “the Northern Territory” (first occurring) insert “the Australian Capital Territory and”;
- (b) Before “the Northern Territory” (second occurring) insert “the Australian Capital Territory or”.

Subsection 183 (11):

Omit “State or” (twice occurring), substitute “State, the Australian Capital Territory or”.

Dairy Produce Act 1986

Subsection 36 (5):

Omit the subsection, substitute:

“(5) In this section:

Parliament means:

- (a) in relation to the Australian Capital Territory—the Legislative Assembly for the Territory; and
- (b) in relation to the Northern Territory—the Legislative Assembly of the Territory.

State includes the Australian Capital Territory and the Northern Territory.”.

Director of Public Prosecutions Act 1983

Subsection 3 (1) (definition of law of the Commonwealth):

- (a) before paragraph (a) insert the following paragraph:
“(aa) the *Australian Capital Territory (Self-Government) Act 1988*.”;
- (b) after “paragraph” in paragraph (c) insert “(aa),”.

Subsection 3 (1) (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Subsection 3 (1) (definition of Territory):

After “include” insert “the Australian Capital Territory or”.

Disability Services Act 1986

Section 7

Omit the definition of *State*, substitute the following definition:

“*State* includes the Australian Capital Territory and the Northern Territory.”.

Subsection 23 (10)

Insert “of the Australian Capital Territory,” after “States,”.

Subsection 27 (5)

Insert “of the Australian Capital Territory,” after “States,”.

Employment, Education and Training Act 1988

Subsection 3 (1) (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Subsection 3 (1) definition of (State Minister):

Omit paragraphs (a) and (b), substitute the following paragraphs:

- “(a) a Minister of the Crown of a State other than the Australian Capital Territory or the Northern Territory; or
- (b) a person holding the office of Chief Minister or Minister under the *Australian Capital Territory (Self-Government) Act 1988*; or
- (c) a person holding ministerial office under section 36 of the *Northern Territory (Self-Government) Act 1978*.”.

Subsection 3 (1) (definition of Territory):

Before “the Northern Territory” in paragraph (a) insert “the Australian Capital Territory or”.

Paragraph 43 (1) (a):

Add at the end “and”.

Paragraph 43 (1) (b):

Omit the paragraph.

Paragraph 43 (1) (c):

Omit “7”, substitute “8”.

Section 44:

Omit “Minister, or State Minister,”, substitute “State Minister”.

Section 45:

Omit “Minister, or State Minister,”, substitute “State Minister”.

Subsection 46 (2):

Omit “Minister, or State Minister,”, substitute “State Minister”.

Environment (Financial Assistance) Act 1977

Section 3:

Add at the end the following definition:

“*State* includes the Australian Capital Territory.”

Environment Protection (Nuclear Codes) Act 1978

Subsection 7 (2):

After “State,” insert “of the Australian Capital Territory,”.

Paragraph 8 (a):

After “the appropriate Minister” (second occurring) insert “of the Australian Capital Territory or”.

Paragraph 9 (2) (a):

After “State,” insert “of the Australian Capital Territory,”.

Fishing Industry Research and Development Act 1987

Section 4 (definition of *Parliament*):

Omit the definition, substitute:

“*Parliament* means:

- (a) in relation to the Australian Capital Territory—the Legislative Assembly for the Territory; and
- (b) in relation to the Northern Territory—the Legislative Assembly of the Territory.”

Section 4 (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Freedom of Information Act 1982**After section 16:**

Insert the following section:

“16A Requests transferred from the ACT

Where a request under the *Freedom of Information Act 1989* of the Australian Capital Territory is transferred to an agency in accordance with section 33 of that Act, it becomes a request under this Act at the time at which it is received by the agency.”.

Home and Community Care Act 1985**Subsection 3 (4):**

After “includes” insert “the Australian Capital Territory and”.

Schedule:

After “Department” (first occurring) in clause 34 insert “, or in the case of the Australian Capital Territory, the administrative unit of the public service referred to in section 54 of the *Australian Capital Territory (Self-Government) Act 1988*,”.

Judiciary Act 1903**Section 78AA:**

After “includes” insert “the Australian Capital Territory and”.

Merit Protection (Australian Government Employees) Act 1984**Section 31 (definition of application):**

Add at the end “or under section 87ZI of the *Public Service Act 1922* as modified by regulation 2 of the A.C.T. Self-Government (Consequential Provisions) Regulations.”.

Section 32:

Add at the end “and Parts II and III of the *Legislative Assembly (Members’ Staff) Act 1989* of the Australian Capital Territory.”.

Mutual Assistance in Criminal Matters Act 1987**Subsection 3 (1): (definition of Governor):**

Omit the definition, substitute the following definition:

“*Governor*, means:

- (a) in relation to the Australian Capital Territory—the Chief Minister of the Australian Capital Territory; and
- (b) in relation to the Northern Territory—the Administrator of the Northern Territory.”.

Subsection 3 (1): (Definition of State):

Before “the Northern Territory” insert “the Australian Capital Territory and”.

Subsection 3 (1): (Definition of Territory):

Before “the Northern Territory” insert “the Australian Capital Territory or”.

National Occupational Health and Safety Commission Act 1985

Section 3

Omit the definitions of *Minister*, *Parliament*, *Premier*, *State* and *Territory*, substitute the following definitions:

“*Minister* means:

- (a) in relation to the Australian Capital Territory—a person holding office as Chief Minister or Minister under the *Australian Capital Territory (Self-Government) Act 1988*; or
- (b) in relation to the Northern Territory—a person holding Ministerial Office under section 36 of the *Northern Territory (Self-Government) Act 1978*.

Parliament means:

- (a) in relation to the Australian Capital Territory—the Legislative Assembly of the Australian Capital Territory; or
- (b) in relation to the Northern Territory—the Legislative Assembly of the Northern Territory.

Premier means:

- (a) in relation to the Australian Capital Territory—the Chief Minister of the Australian Capital Territory; or
- (b) in relation to the Northern Territory—the Chief Minister of the Northern Territory.

State includes the Australian Capital Territory and the Northern Territory.

Territory does not include the Australian Capital Territory or the Northern Territory.”.

Subsection 8 (10)

Omit the subsection, substitute:

“(10) In paragraphs (2) (a) and (8) (g) *Territory* includes the Australian Capital Territory and in paragraph 8 (c) *Territories* includes the Australian Capital Territory and the Northern Territory.”.

Parliamentary Contributory Superannuation Act 1948

Subsection 18A (5A):

- (a) After “Legislative Assembly” (first occurring) insert “for the Australian Capital Territory or”
- (b) Omit “references to the law of the Northern Territory providing for pensions for members of the Legislative Assembly of the Northern Territory.”, substitute “references to:
 - (a) the law of the Australian Capital Territory providing for pensions for members of the Legislative Assembly for the Australian Capital Territory; and
 - (b) the law of the Northern Territory providing for pensions for members of the Legislative Assembly of the Northern Territory.”.

Subsection 20A (1A):

After “references to” insert “the Legislative Assembly for the Australian Capital Territory and”.

Subsection 21 (1A):

- (a) After “references to” insert “the Legislative Assembly for the Australian Capital Territory,”.
- (b) After “Minister of” (second occurring) insert “the Australian Capital Territory or of”.

Subsection 21B (1) (definition of *holder of an office of profit under a State*):

- (a) Omit from sub-subparagraph (d) (ii) (B) “State,”, substitute “State; or”.
- (b) Add at the end of subparagraph (d) (ii):
 - “; or (iii) an office of Head of Administration or Associate Head of Administration under section 49 of the *Australian Capital Territory (Self-Government) Act 1988*.”.

Subsection 21 B (1) (definition of *Parliament*):

After “in relation to” insert “the Australian Capital Territory, means the Legislative Assembly for the Australian Capital Territory, and in relation to”.

Petroleum Retail Marketing Sites Act 1980

Subsection 7 (4) (definition of *State*):

After “includes” insert “the Australian Capital Territory and”.

Section 7:

Add at the end the following subsection:

- “(5) In subsection (4), a reference to:
 - (a) an enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*; or

- (b) the *Australian Capital Territory (Self-Government) Act 1988* or the *Canberra Water Supply (Googong Dam) Act 1974*; or
- (c) Part IV, sections 29 and 30, subsection 63 (2), section 66 or Division 5 of Part X of the *Australian Capital Territory (Planning and Land Management) Act 1988*;

is not a reference to a law of the Commonwealth or of a Territory but is a reference to a law of a State.”.

Prices Surveillance Act 1983

Subsection 3 (1) (definition of *Commonwealth authority*):

Add at the end of paragraph (b) “that is specified in Schedule 3 to the *Australian Capital Territory (Self-Government) Act 1988*”.

Subsection 3 (1) (definition of *law of the Commonwealth*):

Before “the *Northern*” in paragraph (a) insert “the *Australian Capital Territory (Self-Government) Act 1988* or”.

Subsection 3 (1) (definition of *prescribed authority*):

- (a) after “State,” in paragraph (a) insert “the *Australian Capital Territory*,”;
- (b) after “State,” in paragraph (b) insert “of the *Australian Capital Territory*,”;
- (c) after “State,” in paragraph (c) insert “the *Australian Capital Territory*,”.

Paragraph 4 (1) (f):

After “other than” insert “the *Australian Capital Territory* or”.

Section 4:

Add at the end the following subsection:

- “(3) A reference in this section to a body corporate incorporated in the *Australian Capital Territory* is a reference to a body corporate incorporated under a law of the Commonwealth or a law specified in Schedule 3 to the *Australian Capital Territory (Self-Government) Act 1988*.”.

Subsection 5 (1):

After “State,” insert “of the *Australian Capital Territory*,”.

Protection of Movable Cultural Heritage Act 1986

Section 4:

After “States,” insert “of the *Australian Capital Territory*,”.

Public Accounts Committee Act 1951

Paragraph 8 (2) (a):

Before “the *Northern Territory*” insert “the *Australian Capital Territory* or”.

Subparagraph 8 (2) (b) (i):

Before “the Northern Territory” insert “the Australian Capital Territory or”.

Subsection 8 (6) (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Public Lending Right Act 1985

Subsection 8 (2):

After “a State, by” insert “the Australian Capital Territory or”.

Public Service Act 1922

Subsection 7 (1) (definition of Commonwealth authority):

After “(other than” in paragraph (b) insert “an enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988* or a law of”.

Paragraph 22B (14) (b):

Omit the paragraph.

Paragraph 22C (13) (b):

Omit the paragraph.

Subsection 87 (1) (definition of Commonwealth office):

- (a) omit from paragraph (a) “or” (last occurring);
- (b) after paragraph (b) insert the following word and paragraph:
“; or (ba) an office or appointment, other than an office of Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, the holder of which is appointed by the Executive, or by a Minister, within the meaning of that Act;”.

Paragraph 87 (2) (c):

Omit the paragraph.

Paragraph 87 (2) (j):

Insert “the Australian Capital Territory or” after “other than”.

Paragraph 87 (2) (k):

Omit “or” (last occurring).

Subsection 87 (2):

After paragraph (k) insert the following paragraphs:

- “(ka) employment as a member of the Australian Capital Territory Teaching Service:
- (kb) employment by the Australian Capital Territory as a member of staff of a member of the Legislative Assembly of that Territory; or”.

Paragraph 87J (2) (a):

Omit the paragraph.

After Part IV:

Insert the following Part:

**“Part IVA Officers and employees engaged or employed by
Assembly members**

“87ZH Interpretation

In this Part, unless the contrary intention appears:

Assembly means the Legislative Assembly for the Australian Capital Territory.

employee means an employee who is a member of the transitional staff.

Head of Administration has the same meaning as in the Self-Government Act.

Minister means a Minister appointed under section 41 of the Self-Government Act.

officer means an officer who is a member of the transitional staff.

Self-Government Act means the *Australian Capital Territory (Self-Government) Act 1988*.

transitional staff has the same meaning as in the *A.C.T. Self-Government (Consequential Provisions) Act 1988*.

“87ZI Rights of officers

- “(1) An officer employed by a member of the Assembly may apply in writing to the Merit Protection and Review Agency:
- (a) before the termination of the employment; or
 - (b) before the end of the period of 30 days, or such further period as the Merit Protection and Review Agency allows, after the termination of the employment;
- for the making of a determination under this section.
- “(2) The Merit Protection and Review Agency must refer an application to a Re-integration Assessment Committee constituted under the *Merit Protection (Australian Government Employees) Act 1984*.
- “(3) The Committee must inquire into the application and, having regard to:
- (a) the office in the Australian Public Service held by the officer before being employed under the *Legislative Assembly (Member’s Staff) Act 1989* of the Australian Capital Territory; and
 - (b) the duration of that employment; and
 - (c) the nature of the duties performed by the officer in that employment; and
 - (d) any other matter than in the opinion of the Committee is relevant;

must determine:

- (e) the classification (being a classification that is the same as, or higher than, the classification of the officer as an unattached officer at the time of the determination) that the officer is to have as an unattached officer in the branch of the Australian Public Service comprising the transitional staff; and
 - (f) the rate of salary at which the officer is to be paid, unless there is only 1 rate of salary applicable in respect of that classification.
- “(4) A determination in relation to an officer must be in writing and copies of the determination must be given by the Committee to the Head of Administration and the officer.
- “(5) A determination has effect, or is to be taken to have had effect, upon the termination of the employment of the officer to whom it relates.

“87ZJ Rights of employees

- “(1) Subject to subsection (2), for the purposes of this Act, an employee who is employed by a member of the Assembly is to be taken to be on leave without pay while the engagement or employment continues but the service of the employee under that engagement or employment must be taken into account as if it were service as an employee.
- “(2) An employee:
- (a) who was selected for employment under this Act; or
 - (b) whose employment under this Act was authorised;
- on the condition that the employment:
- (c) should not continue after the end of a specified period; or
 - (d) should not continue after the completion of specified work;
- is to be taken to have ceased to be an employee at the end of that period or the completion of the work.”.

Public Works Committee Act 1969

Section 5 (definition of authority of the Commonwealth):

Add at the end “or a body established by or under an enactment within the meaning of section 3 of the *Australian Capital Territory (Self-Government) Act 1988*.”.

Section 5 (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Subsection 6 (2):

Before paragraph (a) insert the following paragraph:

- “(aa) a work:
- (i) that is proposed to be carried out by or for the Australian Capital Territory; and
 - (ii) in respect of the carrying out of which moneys of that Territory are proposed to be expended by that Territory; or”

Racial Discrimination Act 1975

Section 6:

After “States,” insert “of the Australian Capital Territory,”.

Subsection 24F (9) (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Referendum (Machinery Provisions) Act 1984

Section 3B:

After “States” insert “, of the Australian Capital Territory”.

Paragraph 12 (a):

After “States” insert “, to the Chief Minister of the Australian Capital Territory”.

After subsection 27 (2):

Insert the following subsection:

“(2A) The Chief Minister of the Australian Capital Territory, or a person authorised by him or her to act under this subsection, may appoint one person to act as a scrutineer during the voting at a referendum at each place in that Territory where voting is being conducted.”.

After subsection 89 (3):

Insert the following subsection:

“(3A) The Chief Minister of the Australian Capital Territory, or a person authorised by him or her to act under this subsection, may appoint one person to act as a scrutineer during the scrutiny at each counting centre in the Territory.”.

Subsection 95 (2):

After “State” insert “, the Chief Minister of the Australian Capital Territory”.

Section 99:

After “States” insert “, to the Chief Minister of the Australian Capital Territory”.

Section 100:

After “State” insert “, by the Australian Capital Territory”.

Paragraph 101 (c):

After “the State” insert “, the Attorney-General of the Australian Capital Territory for and on behalf of the Territory”.

Subsections 105 (1) and (2):

After “States,” insert “the Attorney-General of the Australian Capital Territory”.

After subsection 105 (2):

Insert the following subsection:

“(2A) Where a petition of the kind referred to in section 100 is filed by the Australian Capital Territory, the Attorney-General of the Territory shall notify the Attorney-General of the Commonwealth, the Attorneys-General of the several States, the Attorney-General of the Northern Territory and the Electoral Commission of the filing of the petition.”.

Subsections 105 (3) and (4):

After “States” insert “, the Attorney-General of the Australian Capital Territory”.

Section 106:

After “State,” insert “of the Australian Capital Territory,”.

Remuneration Tribunal Act 1973**Subsection 3 (1):**

Insert the following definition:

“*enactment* has the same meaning as in section 3 of the *Australian Capital Territory (Self-Government) Act 1988*.”;

Add “or a corporation established for a public purpose by a law of the Australian Capital Territory” at the end of the definition of “public statutory corporation”.

Subsection 3 (4):

Insert in paragraph (b) “(other than an enactment)” after “Territory”;

Omit paragraph (fb), substitute:

- “(fb) an executive education office;
- (fc) an office established by, or an appointment made under, an enactment, being an office or appointment, or an office or appointment included in a class of offices or appointments, specified by a Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, by a notice given to the Chairman, to be an office or appointment or a class of offices or appointments to which this Part is to apply;
- (fd) an appointment, otherwise than under an enactment, made by a Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, being an appointment, or an appointment included in a class of appointments, specified by the Minister, by a notice given to the Chairman, to be an appointment or a class of appointments to which this Part is to apply;
- (fe) an office or appointment in the service or employment of a public statutory corporation established under an enactment, being an office or appointment that is specified by a Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, by a notice given to the Chairman to be a senior office or senior appointment, as the case may be, in the service or employment of the corporation to which this Part is to apply;

- (ff) an appointment as a director of an incorporated company limited by guarantee where the interests and rights of the members in or in relation to the company are beneficially owned by the Australian Capital Territory, being an appointment that is specified by a Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, by a notice given to the Chairman, to be an appointment to which this Part is to apply;
- (fg) an appointment as a director of an incorporated company all the stock or shares in the capital of which is or are beneficially owned by the Australian Capital Territory;
- (fh) an office or appointment in the service or employment of an incorporated company referred to in paragraph (ff) or (fg), being an office or appointment that is specified by a Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, by a notice given to the Chairman, to be a senior office or senior appointment, as the case may be, in the service or employment of the Company to which this Part is to apply;”;

Omit from paragraph (k) “Commonwealth Teaching Service”, substitute “Australian Capital Territory public service established under subsection 54 (1) of the *Australian Capital Territory (Self-Government) Act 1988*”;

Omit from paragraph (t) “or (f)”, substitute “(f), (ff) or (fg)”.

Subsection 7 (3):

Omit “and to the holders of”, substitute “, the offices of Head of Administration and Associate Head of Administration within the meaning of the *Australian Capital Territory (Self-Government) Act 1988* and”.

Section 7

Add at the end the following subsection:

- “(15) In spite of the preceding provisions of this section, remuneration or allowances:
- (a) payable to a person who holds an office or appointment referred to in subsection 3 (3) or paragraph 3 (4) (fc), (fd), (fe), (ff), (fg) or (fh); and
 - (b) to which a determination applies;
- may be paid in accordance with the determination out of the public money of the Australian Capital Territory within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*.”.

Subsection 8 (4):

After “1922” insert “or the office of Head of Administration or Associate Head of Administration within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*”.

Sales Tax (Exemptions and Classifications) Act 1935

First Schedule, Item 74:

- (a) omit “or of a State or of the Northern Territory” (first and second occurring), substitute “, a State, the Northern Territory or the Australian Capital Territory”.

- (b) omit “or of the Northern Territory, an arrangement” substitute “, the Northern Territory or the Australian Capital Territory, an arrangement”.
- (c) omit “or the Administrator in Council of the Northern Territory”, substitute”, the Administrator-in-Council of the Northern Territory or the Chief Minister of the Australian Capital Territory”.
- (d) omit “by the State or the Northern Territory”, substitute “by the State, the Northern Territory or the Australian Capital Territory”.
- (e) omit “or of the Northern Territory” (second-last and last occurring), substitute “, the Northern Territory or the Australian Capital Territory”.

Seat of Government (Administration) Act 1910

Paragraph 12 (2) (b):

Before “take” insert “subject to subsection (2AA),”.

After subsection 12 (2):

Insert the following subsection:

“(2AA) An Ordinance that:

- (a) makes provision in relation to a matter arising from, connected with or consequential upon the establishment of the Territory as a body politic under the Crown; and
- (b) is made on or before Self-Government Day within the meaning of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*;

may be expressed to take effect from the date of commencement of a provision of the *Australian Capital Territory (Self-Government) Act 1988*.”.

Snowy Mountains Hydro-electric Act 1949

Subparagraph 16 (1) (b) (i):

After “Commonwealth” (second occurring) insert “or the Australian Capital Territory”.

State and Territorial Laws and Records Recognition Act 1901

Section 2 (definition of Court):

After “State Act” insert “, enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*”.

States and Northern Territory Grants (Rural Adjustment) Act 1988

Section 3 (definition of State):

After “includes” insert “the Australian Capital Territory and”.

Schedule:

- (a) omit “THE NORTHERN TERRITORY OF AUSTRALIA of the eighth part,”, substitute:

“THE AUSTRALIAN CAPITAL TERRITORY of the eight part, THE NORTHERN TERRITORY OF AUSTRALIA of the ninth part,”;

- (b) after “Territory” in recital (C) insert “and to provide for the payment of financial assistance to the Australian Capital Territory”;
- (c) after “States” in recital (D) insert “, the Australian Capital Territory”;
- (d) after “each State” in subclause 1 (1) insert “, the Australian Capital Territory”;
- (e) after “all of the States” in subclause 1 (1) insert “, the Australian Capital Territory”;
- (f) after “Tasmania” in subclause 1 (3) insert “and the Australian Capital Territory”;
- (g) after “State or” in the definitions of “farm enterprise” and “farmer” in subclause 3 (1) insert “, in the Australian Capital Territory”.

States Grants (Nature Conservation) Act 1974

Section 3:

Insert the following definition:

“*State* includes the Australian Capital Territory.”.

States Grants (Nurse Education Transfer Assistance) Act 1985

Subsection 3 (1) (definition of relevant State Minister):

After paragraph (a) insert the following paragraph:

“(aa) in relation to the Australian Capital Territory—the Minister of the Australian Capital Territory who is responsible, or principally responsible, for the administration of matters relating to the education of nurses in the Australian Capital Territory; and”.

Subsection 3 (2):

Before “the Northern Territory” insert “the Australian Capital Territory and to”.

Superannuation Act 1976

Section 120:

After “State or of” insert “the Legislative Assembly for the Australian Capital Territory or”.

Subsection 125 (3):

After “by a person of” insert “the Legislative Assembly for the Australian Capital Territory or”.

Paragraph 131 (1) (b):

After “State or of” insert “the Legislative Assembly for the Australian Capital Territory or”.

Paragraph 132 (1) (b):

After “Commonwealth,” (first occurring) insert “by the Australian Capital Territory,”.

Subsection 153AA (1) (definition of *relevant law*):

Omit “(including this Act) or of the Australian Capital Territory”, substitute “(including this Act), other than the *Australian Capital Territory (Self-Government) Act 1988*”.

Superannuation Benefit (Interim Arrangement) Act 1988**Subsection 3 (1) (definition of *qualified employee*):**

After “Ordinance” in paragraph (c) insert “or enactment”.

Telecommunications (Interception) Act 1979**Subsection 5 (1) (subparagraph (a) (vi) of the definition of *class 2 offence*):**

Omit “or of a State”, substitute “, a State or the Australian Capital Territory”.

Trade Practices Act 1974**Subsection 51 (1):**

Add at the end the following word and paragraph:

“; or (d) in the case of acts or things done in the Australian Capital Territory—except as provided by the regulations, to any act or thing that is, or is of a kind, specifically authorised or approved by, or by regulations under, an enactment as defined in section 3 of the *Australian Capital Territory (Self-Government) Act 1988*.”.

Urban and Regional Development (Financial Assistance) Act 1974**Section 3:**

Insert the following definition:

“*State* includes the Australian Capital Territory.”.

World Heritage Properties Conservation Act 1983**Section 5:**

After “State,” (twice occurring) insert “of the Australian Capital Territory,”.

Subsection 13 (3):

After “in a State,” insert “in the Australian Capital Territory,”.

Schedule 2—Corresponding references and provisions

(regulation 3)

Column 1 Item	Column 2 Commonwealth reference or provision	Column 3 Territory reference or provision
1	The Commonwealth	The Territory
2	A Commonwealth Minister of State other than the Minister for Finance	The Minister for the Territory responsible for the subject matter of the contract
3	The Commonwealth Minister for Finance	The Minister administering the Audit Ordinance 1989
4	A Commonwealth Department	The responsible administrative unit
5	The Administration of the Territory	The responsible administrative unit
6	The ACT Administration Central Office	The responsible administrative unit
7	A Secretary of a Commonwealth Department	The Head of Administration or an Associate Head of Administration in control of the responsible administrative unit
8	An officer of a Commonwealth Department	A public servant employed in the responsible administrative unit
9	Any other matter relating to a Commonwealth Department	The corresponding matter relating to the responsible administrative unit
10	Australian Capital Territory Trust Account	The Territory
11	An Audit Act Account	The corresponding Trust Account established by subsection 15 (1) of the 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 the amendment to be made. If, despite the misdescription, the amendment can 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.

Endnotes

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
1989 No. 3	25 Jan 1989	25 Jan 1989	
1989 No. 52	14 Apr 1989	r 4: 11 May 1989 (r 2(1)) r 4: 1 July 1990 (r 2(2)) Remainder: 14 Apr 1989	—
1989 No. 88	10 May 1989	11 May 1989	—
1989 No. 188	6 July 1989	11 May 1989	—
1989 No. 209	7 Aug 1989	11 May 1989	—
1989 No. 210	7 Aug 1989	11 May 1989	—
1989 No. 234	5 Sept 1989	11 May 1989	—
1989 No. 298	31 Oct 1989	11 May 1989	—
1989 No. 299	31 Oct 1989	11 May 1989	—
1989 No. 304	17 Nov 1989	17 Nov 1989	—
1989 No. 391	21 Dec 1989	11 May 1989	—
1989 No. 392	21 Dec 1989	11 May 1989	—
1989 No. 393	21 Dec 1989	21 Dec 1989	—
1989 No. 394	21 Dec 1989	11 May 1989	—
1989 No. 395	21 Dec 1989	11 May 1989	—
1989 No. 396	21 Dec 1989	21 Dec 1989	—
1989 No. 397	21 Dec 1989	11 May 1989	—
1989 No. 398	21 Dec 1989	21 Dec 1989	—
1990 No. 154	25 June 1990	1 July 1990	—
1998 No. 110	27 May 1998	27 May 1998	—

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 2 (item 32): 1 July 2016 (s 2(1) item 5) Sch 2 (items 356–396): 18 June 2015 (s 2(1) item 6)	Sch 2 (items 356–396)
Law and Justice Legislation Amendment (Northern Territory Local Court) Act 2016	26, 2016	23 Mar 2016	Sch 1 (items 1, 2, 34, 35): 1 May 2016 (s 2(1) item 2)	Sch 1 (items 34, 35)

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 1A	ad 1989 No. 88
r 2	rs 1989 No. 52 am 1989 No. 88
r 3	ad 1989 No. 88
r 4	ad 1989 No. 88
Schedule 1	am 1989 Nos. 52, 88, 188, 209, 210, 234, 298, 299, 304, 391, 392, 393, 394, 395, 396, 397 and 398; 1990 No. 154; 1998 No. 110; Act No 59, 2015 (amdt never applied (Sch 2 item 32)); Act No 26, 2016
Schedule 2	ad 1989 No. 88