

AUSTRALIAN CAPITAL TERRITORY

Administrative Arrangements (Consequential Amendments) Ordinance 1988

No. 17 of 1988

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 21 April 1988.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

GARY PUNCH
Minister of State for the Arts
and Territories

An Ordinance to amend certain Ordinances of the Territory in consequence of revised administrative arrangements

Short title

1. This Ordinance may be cited as the *Administrative Arrangements (Consequential Amendments) Ordinance 1988*.¹

Seat of Government (Administration) Ordinance—Second Schedule

2. The Second Schedule to the *Seat of Government (Administration) Ordinance 1930* is repealed and the Schedule set out in Schedule 1 to this Ordinance substituted.

(Ord. 64/87)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Amendments of Ordinances

3. The Ordinances specified in Schedule 2 are amended as set out in that Schedule.

Transitional

4. (1) In this section—

“commencement date” means the date of commencement of this Ordinance;

“instrument” includes regulations, rules, by-laws and notices;

“Territory Department” means the Department of State of the Commonwealth that is administered by the Territory Minister;

“Territory Minister” means—

- (a) the Minister administering the *Seat of Government (Administration) Act 1910*; or
- (b) where there are 2 or more Ministers administering that Act—either or any of those Ministers.

(2) In this section, a reference to an Ordinance to which this section applies shall be read as a reference to an Ordinance that—

- (a) was, immediately before the commencement date, administered by the Attorney-General; and
- (b) is, on and after the commencement date, administered by the Territory Minister.

(3) In an instrument made, granted, issued or given under an Ordinance to which this section applies and having force and effect immediately before the commencement date, a reference to the Attorney-General shall, on and after the commencement date, be read as a reference to the Territory Minister.

(4) An appointment made, an instrument made, granted, issued or given, or anything done, by the Attorney-General or by an officer of the Attorney-General’s Department under an Ordinance to which this section applies or under an instrument in force under such an Ordinance and having force and effect immediately before the commencement date shall, on and after that date, have force and effect as if made, granted, issued, given or done by the Territory Minister or by an officer of the Territory Department, respectively.

(5) A notice or other document given to, served on, or lodged with, the Attorney-General or an officer of the Attorney-General's Department under an Ordinance to which this section applies or under an instrument in force under such an Ordinance before the commencement date shall, on and after that date, be deemed to have been given to, served on, or lodged with, the Territory Minister or an officer of the Territory Department, respectively.

SCHEDULE 1

Section 2

SCHEDULE 2

**PART 1—ORDINANCES ADMINISTERED BY THE
ATTORNEY-GENERAL**

Administration and Probate Ordinance 1929, sections 71, 73 and 74
Associations Incorporation Ordinance 1953
Business Names Ordinance 1963
Child Welfare Ordinance 1957, Part III
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982
Coroners Ordinance 1956
Corporate Affairs Commission Ordinance 1980
Courts (Hire-purchase Agreements) Ordinance 1963
Crimes Ordinances
Crimes (Amendment) Ordinances
Criminal Injuries Compensation Ordinance 1983
Enforcement of Public Interests Ordinance 1973
Foreign Judgments (Reciprocal Enforcement) Ordinance 1954
Judgment Creditors Remedies Ordinance 1933
Judiciary (Stay of Proceedings) Ordinance 1933
Juries Ordinance 1967
Legal Practitioners Ordinance 1970
Limitation Ordinance 1985
Magistrates Court Ordinance 1930
Magistrates Court (Civil Jurisdiction) Ordinance 1982
Notaries Public Ordinance 1984
Ordinances Revision (Companies Amendments) Ordinance 1982
Police Ordinance 1927
Sheriff Ordinance 1934
Small Claims Ordinance 1974
Supreme Court Ordinance 1952

PART 2—ORDINANCES ADMINISTERED BY THE TREASURER

The Commercial Banking Company of Sydney Limited (Merger) Ordinance 1982
The Commercial Bank of Australia Limited (Merger) Ordinance 1982

SCHEDULE 2

Section 3

AMENDMENTS OF ORDINANCES

Administration and Probate Ordinance 1929

Subsection 7 (1)—

Omit “Attorney-General”, substitute “Minister”.

Subsection 7 (2)—

Omit “Attorney-General”, substitute “Minister”.

Subsection 7 (3)—

Omit “Attorney-General”, substitute “Minister”.

Subsection 7B (1)—

Omit “Attorney-General”, substitute “Minister”.

Apprenticeship Ordinance 1936

Section 6—

Omit “-1973”.

Commercial Arbitration Ordinance 1986

Section 58—

Omit “Attorney-General”, substitute “Minister”.

Imperial Acts Application Ordinance 1986

Subsection 3 (1)—

Add at the end the following definition:

“ ‘Territory Minister’ means—

- (a) the Minister administering the *Seat of Government (Administration) Act 1910*; or
- (b) where there are 2 or more Ministers administering that Act—either or any of those Ministers.”.

Section 13—

Repeal the section.

Schedule 2, column 4—

- (a) Omit “Minister of State for the Arts, Sport, the Environment, Tourism and Territories” (wherever occurring), substitute “Territory Minister”.

SCHEDULE 2—continued

- (b) Omit “Attorney-General” (first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, thirteenth and eighteenth occurring), substitute “Territory Minister”.

Imperial Acts (Substituted Provisions) Ordinance 1986

Subsection 2 (1)—

Add at the end the following definition:

“ ‘Territory Minister’ means—

- (a) the Minister administering the *Seat of Government (Administration) Act 1910*; or
- (b) where there are 2 or more Ministers administering that Act—either or any of those Ministers.”.

Section 11—

Repeal the section.

Schedule 1, column 5—

- (a) Omit “Minister of State for the Arts, Sport, the Environment, Tourism and Territories” (wherever occurring), substitute “Territory Minister”.
- (b) Omit “Attorney-General” (first, second, third, fourth, fifth, sixth, ninth and tenth occurring), substitute “Territory Minister”.

Legal Aid Ordinance 1977

1. The following provisions of the *Legal Aid Ordinance 1977* are amended by omitting “Attorney-General” (wherever occurring) and substituting “Minister”:

Subparagraph 7 (1) (c) (ii), paragraph 10 (2) (a), subsections 37 (1), (3) and (4) and 38 (1), (2) and (3), section 44, subsections 45 (1) and (2) and 47 (2), paragraph 52 (2) (b), subsections 53 (1), (2), (3), (4) and (5) and 56 (3), section 77, subsections 78 (1) and (2) and 82 (1) and (2), paragraph 83 (1) (c), subsections 83 (2), (3) and (4) and 84B (1) and (2), paragraphs 84B (3) (a) and (b), section 84C, subsections 84F (2) and 97 (1), (3) and (4) and section 99.

2. The following provisions of the *Legal Aid Ordinance 1977* are amended by omitting “Governor-General” (wherever occurring) and substituting “Minister”:

Paragraph 7 (1) (g), subsection 7 (3), section 51 and subsections 52 (1), (2), (3) and (4).

Maintenance Ordinance 1968

Section 9—

Repeal the section.

SCHEDULE 2—continued

Subsection 65 (1)—

Omit “Attorney-General’s” from the definition of “the Secretary”.

The following provisions of the *Maintenance Ordinance 1968* are amended by omitting “Attorney-General” and substituting “Minister”:

Subsections 8 (1), (2) and (3), 46 (4) and 93 (1) and (2) and section 122.

New South Wales Acts Ordinance 1986

Section 2—

Insert before subsection (1) the following subsection:

“(1A) In this Ordinance, unless the contrary intention appears—

‘Territory Minister’ means—

- (a) the Minister administering the *Seat of Government (Administration) Act 1910*; or
- (b) where there are 2 or more Ministers administering that Act—either or any of those Ministers.”.

Subsection 9 (2)—

Insert “sections 65, 66 and 67 of” before “the Lunacy Act”.

Subsection 9 (3)—

Omit “and the Inebriates (Amendment) Act, 1909”, substitute “, the Inebriates (Amendment) Act, 1909 and the Lunacy Act, 1898 (other than sections 65, 66 and 67)”.

Section 10—

Repeal the section.

Schedule 1, column 2—

- (a) Omit “Attorney-General” (first occurring), substitute “Territory Minister”.
- (b) Omit “Minister of State for the Arts, Sport, the Environment, Tourism and Territories” (wherever occurring), substitute “Territory Minister”.

New South Wales Acts Application Ordinance 1984

Section 2—

Insert at the beginning the following subsection:

“(1) In this Ordinance, unless the contrary intention appears—

‘Territory Minister’ means—

SCHEDULE 2—continued

- (a) the Minister administering the *Seat of Government (Administration) Act 1910*; or
- (b) where there are 2 or more Ministers administering that Act—either or any of those Ministers.”.

Schedule 1, column 2—

- (a) Omit “Attorney-General” (first, third and fourth occurring), substitute “Territory Minister”.
- (b) Omit “Minister for Territories” (wherever occurring), substitute “Territory Minister”.

Parole Ordinance 1976

1. The following provisions of the *Parole Ordinance 1976* are amended by omitting “Governor-General” (wherever occurring) and substituting “Minister”:

Subsections 9 (1) and 12 (1) and (2), section 13 and subsections 13A (1), (3) and (4) and 14 (1).

2. The following provisions of the *Parole Ordinance 1976* are amended by omitting “Attorney-General” (wherever occurring) and substituting “Minister”:

Subparagraph 9 (2) (b) (ii), section 11, paragraphs 12 (2) (b) and 13A (1) (b), subsections 16A (1) and 27A (1) and (2) and section 28.

Parole Orders (Transfer) Ordinance 1983

The following provisions of the *Parole Orders (Transfer) Ordinance 1983* are amended by omitting “Attorney-General” (wherever occurring) and substituting “Minister”:

Sections 3 (definition of “designated authority”) and 4 and subsections 5 (1), 6 (1) and (2), 7 (1) and 8 (1) and (2).

Seat of Government (Administration) Ordinance 1930

Subsection 10 (2)—

Omit “Part 1 of the Second Schedule to this Ordinance”, substitute “Part 1 of Schedule 2”.

Subsection 10 (4)—

Omit “Part 3 of the Second Schedule to this Ordinance”, substitute “Part 2 of Schedule 2”.

Subsection 10 (6)—

Omit “the Second Schedule”, substitute “Schedule 2”.

Subsection 17 (1)—

Omit “Attorney-General”, substitute “Minister”.

SCHEDULE 2—continued

Trustee Ordinance 1957

Second Schedule, item 11, column 3, paragraph (a)—

- (a) Omit from subsection (2) “Attorney-General”, substitute “Minister”.
- (b) Omit from paragraph (2A) (b) “Attorney-General”, substitute “Minister”.
- (c) Omit from subsection (2B) “Attorney-General” (wherever occurring), substitute “Minister”.

Second Schedule, item 11, column 3, paragraph (f)—

Omit “Attorney-General” from the definition of “approved building society” in subsection (14), substitute “Minister”.

Trustee Companies Ordinance 1947

Paragraph 29 (1) (a)—

Omit “paid over to the Attorney-General”, substitute “paid by a trustee company”.

Paragraph 29 (1) (c)—

Omit “to the Attorney-General in pursuance of this Ordinance”, substitute “by the trustee company in accordance with that section”.

The following provisions of the *Trustee Companies Ordinance 1947* are amended by omitting “Attorney-General” (wherever occurring) and substituting “Minister”:

Section 3 (paragraph (e) of definition of “financial institution”), subsections 28 (1), (2) and (3), 29 (2) and 30 (1), paragraph 31 (1) (aa), subsections 31A (1) and 31B (1), paragraphs 31B (2) (a), (b) and (c) and 31B (3) (a), subsection 31B (6) and section 35.

Unclaimed Moneys Ordinance 1950

Section 3 (definition of “corresponding law”)—

Omit “Attorney-General”, substitute “Minister”.

Subsection 3A (1)—

Omit “Attorney-General”, substitute “Minister”.

Subsection 3A (3)—

Omit “Attorney-General”, substitute “Minister”.

Subsection 5 (2)—

Omit “Attorney-General”, substitute “Minister”.

Paragraph 13 (3) (b)—

Omit “Attorney-General”, substitute “Minister”.

SCHEDULE 2—continued

Unlawful Assemblies Ordinance 1937

Subsection 4 (1)—

Omit “Attorney-General”, substitute “Minister”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 22 April 1988.