

AUSTRALIAN CAPITAL TERRITORY
CEMETERIES (AMENDMENT) ORDINANCE 1983
CARELESS USE OF FIRE (AMENDMENT) ORDINANCE 1983
CANBERRA THEATRE TRUST (AMENDMENT) ORDINANCE 1983
MILK AUTHORITY (AMENDMENT) ORDINANCE 1983

EXPLANATORY STATEMENT

The Department of Finance received advice from the Attorney-General's Department, in connection with certain provisions of the Schools Authority Ordinance 1976 which allowed for the Ministerial appointment of an auditor, that it is not competent by or under an Ordinance to vest functions in the Auditor-General in his official capacity. The Milk Authority Ordinance 1971 and the Canberra Theatre Trust Ordinance 1965 contain similar provisions for Ministerial appointment of an auditor, to those which were contained in the Schools Authority Ordinance. Further, the Careless Use of Fire Ordinance 1936 and the Cemeteries Ordinance 1933 purport to appoint the Auditor-General directly.

To remove any doubts about the existing audit and other financial arrangements made pursuant to these Ordinances the Department of Finance propose, by Regulations under section 63C of the Audit Act 1901 (the Act), to declare the ACT Bushfire Council and the Trustees of the Canberra Cemeteries Fund, to be authorities to which Division 3 of Part XI of the Act applies. This Division relates to Public Authorities not required to keep accounts in accordance with commercial practice. Similarly, that Department also propose, by Regulations under section 63C of the Act, to declare the Canberra Theatre Trust and the Milk Authority of the Australian Capital Territory, as authorities to which Division 2 applies. This Division relates to public authorities required to keep accounts in accordance with commercial practice.

The Cemeteries (Amendment) Ordinance 1983, Careless Use of Fire (Amendment) Ordinance 1983, Canberra Theatre Trust (Amendment) Ordinance 1983 and Milk Authority (Amendment) Ordinance 1983 (the amending Ordinances) will, when the amending Ordinances come into operation, amend the Cemeteries Ordinance 1933, Careless Use of Fire Ordinance 1936, Canberra Theatre Trust Ordinance 1965, and Milk Authority Ordinance 1971 respectively to repeal those sections which will become redundant when appropriate Regulations are made under the Act. The amending Ordinance will come into operation on a date to be fixed by the Minister of State for Territories and Local Government. This will allow for the co-ordination of the commencement of these amendments and of those under the Audit Act 1901.

Details of the amending Ordinances are set out in Attachements A to D.

Ord No. 86/82
Ord No. 88/82
Ord. No. 87/82
Ord. No. 85/82

MILK AUTHORITY (AMENDMENT) ORDINANCE 1983

No.50,1983

Sections 1, 2 and 3 deal with interpretation and commencement.

When the amending Ordinance comes into operation:

- (a) Section 4 will repeal section 21A of the principal Ordinance which deals with the interpretation of the term "bank" for the purposes of Part IIA of the Ordinance which concerns finance.
- (b) Section 5 will repeal section 21E of the principal Ordinance, which deals with bank accounts.
- (c) Section 6(a) will effect a technical amendment to section 21F(1) of the principal Ordinance consequent upon the enactment of the appropriate Regulations by the Department of Finance.
- (d) Section 6(b) will repeal section 21F(2) of the principal Ordinance which deals with the application of the moneys of the Authority.
- (e) Section 7 will repeal sections 21G, 21H and 21J of the principal Ordinance. These sections deal with the keeping of accounts by the Authority, the annual report and audit respectively.