

2013

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

AUSTRALIAN CAPITAL TERRITORY (MINISTERS) BILL 2013

EXPLANATORY STATEMENT

Presented by Jeremy Hanson MLA

Overview

The Bill provides for the numbers of Ministers of the Territory to be increased to enable the Chief Minister to appoint up to a maximum of 6 Ministers. This is an increase of the current number of 5 Ministers available under the current provisions.

Commonwealth Act.

The current number of Ministers is set under s 41 of the *Australian Capital Territory (Self-Government) Act 1988*.

While this is a Commonwealth Act, it also provides the mechanism to allow the Assembly to alter the number of Ministerial appointments, as specified in s41(2):

s41 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.

An ‘enactment’ is defined in s3(a);

enactment means:

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

This Bill is the enactment to enable the number of Ministers to be changed from 5 to 6.

Discussion on the operational clauses.

Clause 1: describes the name of the Act as *the Australian Capital Territory (Ministers) Act 2013*.

Clause 2: indicates that the Act commences on the day after its notification.

Clause 3: describes the role of notes as explanatory only.

Clause 4: There is only one substantive clause; clause 4, which states that the number of Ministers is not to exceed 6.

It is worded in identical terms to the existing Act apart from the maximum number, and does not require the Chief Minister to appoint 6 Ministers, but allows the Chief Minister to do so.

It includes a note referencing the Commonwealth provision which allows for the increased number to be enacted.

Human Rights

The *Human Rights Act 2004* applies to the operation and interpretation of the Bill, but Bill does not impact on any human rights protected by that Act.