

# AUSTRALIAN CAPITAL TERRITORY

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## Statutory Authorities (Temporary Provisions) Ordinance 1986

No. 54 of 1986

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 3 September 1986.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

G. SCHOLLES  
Minister of State for Territories

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An Ordinance relating to the membership of certain statutory authorities

### Short title

1. This Ordinance may be cited as the *Statutory Authorities (Temporary Provisions) Ordinance 1986*.<sup>1</sup>

### Interpretation

2. In this Ordinance, unless the contrary intention appears—

“prescribed period” means the period commencing on the date of commencement of this Ordinance and ending at the expiration of the day on which was held the first meeting of the House of Assembly after the election of members of that House next following the commencement of this Ordinance;

“relevant body” means a body established under a relevant law;

“relevant law” means each of the following Ordinances:

*Air Pollution Ordinance 1984*

*Building Ordinance 1972*

*Consumer Affairs Ordinance 1973*

*National Exhibition Centre Trust Ordinance 1976*

*Schools Authority Ordinance 1976*

*Water Pollution Ordinance 1984.*

### **Relationship with relevant laws**

3. This Ordinance has effect notwithstanding anything contained in a relevant law.

### **Termination of office**

4. Where—

- (a) immediately before the date of commencement of this Ordinance a person held office as a member of a relevant body; and
- (b) the person was a person who—
  - (i) at the time of being appointed to that office was a member of the House of Assembly; and
  - (ii) was so appointed on the nomination of that House,

the person ceases, by force of this section, to hold office as a member of the relevant body.

### **Appointment of members**

5. Where—

- (a) a person ceased to hold office as a member of a relevant body at the expiration of 30 June 1986 and the person was a person who—
  - (i) at the time of being appointed to that office was a member of the House of Assembly; and
  - (ii) was so appointed on the nomination of that House;
- (b) a person ceased to hold office as a member of a relevant body by virtue of section 4; or

- (c) at the commencement of this Ordinance, there was a vacancy in the office of a member of a relevant body, being an office in respect of which—
  - (i) the vacancy existed on 30 June 1986; and
  - (ii) the member was required to be a person nominated by the House of Assembly,

a person may, at any time during the prescribed period, be appointed to that office by the Minister.

### **Tenure of office**

**6.** A member of a relevant body appointed under this Ordinance holds office, subject to the Ordinance under which the relevant body was established, until—

- (a) the first meeting of the House of Assembly held after the election of members of that House next following the member's appointment; or
- (b) the expiration of the period of 3 years that commenced on the date of the member's appointment,

whichever first occurs.

### **References in relevant laws**

**7.** Where a relevant law, in providing for the constitution of a relevant body, contains a reference to—

- (a) a member of that body nominated by the House of Assembly; or
- (b) a member of that body who is a member of the House of Assembly nominated by that House,

that reference shall, during the prescribed period, be read as a reference to a person appointed under this Ordinance as a member of that body.

### **Certain provisions of relevant laws to have no force or effect**

**8. (1)** Where a provision of a relevant law requires a member of a relevant body to be a member of the House of Assembly or a member of that House nominated by the House, that provision, to the extent to which it imposes that requirement, shall, during the prescribed period, be taken to have no force or effect.

**(2)** Where a provision of a relevant law provides that a person's eligibility for appointment in a particular capacity in relation to a relevant body is

conditional upon the person being a member of the House of Assembly or a member of that House nominated by that House—

- (a) that provision; or
- (b) where that provision, in addition to imposing that condition, makes provision in relation to other matters—that provision to the extent to which it imposes that condition,

shall, during the prescribed period, be taken to have no force or effect.

(3) In this section, a reference to a provision of a relevant law shall not be read as including a reference to a provision of a relevant law providing for the constitution of a relevant body.

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 5 September 1986.