

AUSTRALIAN CAPITAL TERRITORY

Advisory Council Ordinance 1986

No. 62 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 13 October 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to establish the Australian Capital Territory Advisory Council,
and for related purposes

Short title

1. This Ordinance may be cited as the *Advisory Council Ordinance 1986*.¹

Repeal

2. The Ordinances specified in the Schedule are repealed.

Interpretation

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

“Council” means the Australian Capital Territory Advisory Council
established by section 4;

“Councillor” includes the President;

“President” means the President of the Council.

Establishment of Council

4. There is established by this Ordinance a Council by the name of the Australian Capital Territory Advisory Council.

Function of Council

5. The function of the Council is to advise the Minister on any matter affecting the Territory that has been referred to it by the Minister.

Constitution of Council

6. (1) The Council shall consist of—

- (a) the President; and
- (b) 12 other Councillors.

(2) The Councillors shall be appointed by the Minister.

(3) A Councillor is eligible for re-appointment.

(4) The performance of the function of the Council is not affected by reason only of there being a vacancy or vacancies in the membership of the Council.

Vacant office of, or absence of, President

7. (1) The Minister may appoint a Councillor to perform the functions of the President—

- (a) during a vacancy in the office of President, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the President is absent from duty or from the Territory or is, for any other reason, unable to perform the functions of the office,

but a Councillor appointed to perform the functions of the President during a vacancy shall not continue to perform those functions for more than 12 months.

(2) The appointment of a Councillor under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Minister may at any time terminate the appointment of a Councillor under this section.

(4) Where a Councillor is performing the functions of the President in accordance with paragraph (1) (b) and the office of President becomes vacant

while that Councillor is performing those functions, subject to sub-section (2), that Councillor may continue to perform those functions until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(5) The appointment of a Councillor under this section ceases to have effect if the Councillor resigns the appointment by writing signed by the Councillor and delivered to the Minister.

Remuneration and allowances

8. (1) The Councillors shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in force, the Councillors shall be paid such remuneration as is prescribed.

(2) The Councillors shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

Termination of appointment

9. (1) The Minister may at any time, by notice in writing given to a Councillor, terminate the appointment of the Councillor.

(2) A Councillor may resign his or her office by writing signed by the Councillor and delivered to the Minister.

(3) Subject to sub-sections (1) and (2), the appointment of a Councillor terminates 28 days after the Minister by whom the Councillor was appointed—

- (a) dies; or
- (b) ceases to administer this Ordinance.

Meetings

10. (1) Subject to sub-section (2), meetings of the Council shall be held at such times as the Council from time to time determines.

(2) The Minister may, at any time, convene a meeting of the Council.

(3) At a meeting of the Council, 7 Councillors constitute a quorum.

(4) Questions arising at a meeting of the Council shall be determined by a majority of the votes of the Councillors present and voting.

(5) In the event of an equality of votes on a resolution proposed at a meeting of the Council, the resolution shall be taken not to be passed.

(6) The President shall preside at all meetings of the Council at which the President is present.

(7) If the President is not present at a meeting of the Council, the Councillors present shall elect one of their number to preside at the meeting.

(8) The Councillor presiding at a meeting of the Council—

- (a) shall cause to be kept a record of each resolution passed at the meeting; and
- (b) as soon as practicable after completion of the meeting, shall forward a copy of the record to the Minister.

(9) Subject to the preceding provisions of this section, the procedure at meetings of the Council is such as is, from time to time, determined by the Council with the approval of the Minister.

Performance of civic functions by President

11. The President shall, on behalf of the Minister, perform such civic functions as the Minister directs.

Regulations

12. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

SCHEDULE

Section 2

ORDINANCES REPEALED

Advisory Council Ordinance 1936

Advisory Council Ordinance 1937

Advisory Council Ordinance 1938

Advisory Council Ordinance 1945

Advisory Council Ordinance 1951

Advisory Council Ordinance 1952

Advisory Council Ordinance 1957

Advisory Council Ordinance (No. 2) 1957

Advisory Council Ordinance 1959
Advisory Council Ordinance (No. 2) 1959
Advisory Council Ordinance 1961
Advisory Council Ordinance 1962
Advisory Council Ordinance 1965
Advisory Council Ordinance 1966
Advisory Council Ordinance 1967
Advisory Council Ordinance 1969
Advisory Council Ordinance 1973
Advisory Council Ordinance (No. 2) 1973
Advisory Council Ordinance 1974
Legislative Assembly Ordinance 1974
Legislative Assembly Ordinance (No. 2) 1974
Legislative Assembly Ordinance (No. 3) 1974
Legislative Assembly Ordinance (No. 4) 1974
Legislative Assembly (Amendment) Ordinance 1976
Legislative Assembly (Amendment) Ordinance 1977
Legislative Assembly (Amendment) Ordinance 1978
House of Assembly Ordinance 1979
House of Assembly (Remuneration) Ordinance 1979
House of Assembly (Amendment) Ordinance 1980
House of Assembly (Amendment) Ordinance 1982
House of Assembly (Amendment) Ordinance 1985
House of Assembly (Amendment) Ordinance (No. 2) 1985

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 14 October 1986.