



AUSTRALIAN CAPITAL TERRITORY

Administration (Interstate Agreements) (Amendment) Act 1998

No. 43 of 1998

An Act to amend the *Administration (Interstate Agreements) Act 1997*

[Notified in ACT Gazette S200: 8 October 1998]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

This Act may be cited as the *Administration (Interstate Agreements) (Amendment) Act 1998*.

2. Commencement

This Act commences on the day on which it is notified in the *Gazette*.

3. Principal Act

In this Act, “Principal Act” means the *Administration (Interstate Agreements) Act 1997*.¹

4. Long title

The title to the Principal Act is repealed and the following title substituted:

“An Act relating to interstate agreements”.

5. Object

Section 3 of the Principal Act is amended—

- (a) by omitting “negotiated between governments”; and
- (b) by adding at the end “, and shall be construed accordingly”.

6. Interpretation

Section 4 of the Principal Act is amended by omitting the definition of “negotiation” and substituting the following definition:

“ ‘negotiation’ means a negotiation between a Minister and another government or its representative.”.

7. Heading to Part II

The heading to Part II of the Principal Act is amended by omitting “**INTERSTATE AGREEMENTS—**”.

8. Substitution

Section 6 of the Principal Act is repealed and the following section is substituted:

“6. Notification of negotiations

“(1) Where a Minister proposes to participate in a negotiation for an interstate agreement, he or she shall comply with subsection (3) as soon as practicable after becoming aware of the impending negotiation.

“(2) Where—

- (a) a Minister is participating in a negotiation for an interstate agreement; and
- (b) subsection (3) has not been complied with in relation to the negotiation;

he or she shall do so as soon as practicable.

“(3) A Minister shall, in writing, inform each member of the Legislative Assembly of—

- (a) the nature of the negotiation or proposed negotiation;
- (b) any timetable for the negotiation or proposed negotiation;
- (c) the nature of any legislation which may be proposed as a result of the negotiation; and
- (d) any position the Minister is taking, or intends to take, in the negotiation.”.

9. Substitution

Section 7 of the Principal Act is repealed and the following section substituted:

“7. Consultation regarding agreements

“(1) Where a Minister proposes to participate in a negotiation for an interstate agreement, he or she shall, if practicable, comply with subsection (3).

“(2) Where—

- (a) a Minister is participating in a negotiation for an interstate agreement; and
- (b) subsection (3) has not been complied with in relation to the negotiation;

he or she shall do so as soon as practicable.

“(3) A Minister shall consult with—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for the purpose; and
- (b) the Standing Committee on Justice and Community Safety;

regarding the matters to be considered at the negotiation.

“(4) If a standing committee of the Legislative Assembly has been nominated under paragraph (3) (a) in relation to a negotiation or proposed negotiation, it is sufficient compliance with paragraph (3) (b) in relation to that negotiation or proposed negotiation if the Minister consults with the Standing Committee on Justice and Community Safety when it is performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee in so far as its terms of reference in that capacity are relevant.

“(5) In participating in a negotiation, the Minister shall have regard to any recommendation made by a relevant committee following the consultation.”.

10. Procedure before entering into agreements

Section 8 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Subject to section 10, a Minister” and substituting “A Minister”;
- (b) by omitting from subsection (1) “agree to” and substituting “enter into”;
- (c) by omitting from paragraph (1) (a) “the” and substituting “a”; and

- (d) by omitting from subsection (2) “entering” and substituting “considering whether to enter”.

11. Urgent or extraordinary negotiations

Section 10 of the Principal Act is amended—

- (a) by omitting “paragraph 6 (a), 6 (b), 6 (c), or 6 (d), section 7, or subsection 8 (1) or (2)” and substituting “section 6, 7 or 8”; and
- (b) by omitting from paragraph (a) “reasonably possible” and substituting “possible or reasonable”.

12. Discharge of requirements

Section 11 of the Principal Act is amended by omitting from subsection (2) all the words after “only”.

NOTE

Principal Act

1. Act No. 115, 1997.

[Presentation speech made in Assembly on 27 August 1998]