

2001

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ACTION AUTHORITY AMENDMENT BILL 2001

EXPLANATORY MEMORANDUM

Circulated by Authority of
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OUTLINE

The ACTION Authority Amendment Bill 2001 amends certain provisions of the ACTION Authority Act 2001 (the Principal Act).

The Principal Act establishes the ACTION Authority, including its corporate status, Board of Management, Procedures, Chief Executive and Staff, and accountability and finance arrangements. It also provides for the transfer of staff, assets, rights and liabilities from the ACT Public Service to the ACTION Authority.

The Bill provides for amendments to:

- confirm the legal status of transferred staff mentioned in an instrument under section 36 of the Principal Act;
- confirm the preservation of entitlements for these staff under section 22 of the Principal Act;
- insert a standard regulation making power in the Principal Act, in case it is required in the future; and
- insert a standard expiry provision for Part 6 of the Act, to require the transfer of assets, rights and responsibilities to the ACTION Authority to be completed by 31 December 2003.

FINANCIAL IMPLICATIONS

The Bill has no additional financial implications, over and above those already in place from the establishment of the ACTION Authority and the transfer of assets and liabilities from the ACT Public Service.

CLAUSE NOTES

Clauses 1 and 2 – Name of Act and Commencement - are machinery provisions that specify the short title of the Bill, and provide for the commencement of the Bill. Clause 2 is drafted on the premise that the Bill will be introduced in the December 2001 Assembly sittings. The clause will operate if the Bill is passed during those sittings or at a later time.

Clause 3 – Act amended - identifies the Act being amended as the *ACTION Authority Act 2001*.

Clause 4 – New Section 35A - inserts a standard regulation-making power which was not included in the Act before it was made. The opportunity has been taken to insert the regulation-making power, should it be required in the future.

Clause 5 – New Section 36A – This clause contains the substance of the Bill. It is intended that ACTION staff will be the subject of declarations under both section 22 and section 36. This clause clarifies the legal status of these declarations, and the status of these employees

for the purposes of section 22. A section 36 declaration is a disallowable instrument, and takes effect only after the disallowance (or other specified) period.

Clause 6 – New Section 40 - inserts a standard expiry provision for part 6 which is, in essence, a transitional part. This will require the transfer of assets, rights and liabilities to the ACTION Authority to be completed by 31 December 2003.

Proposed subsection 40 (2) is included to make it clear that the repeal of part 6 does not end the part's operation. It removes any doubt about the continuing effect of the repealed provisions and is in addition to the *Legislation Act 2001*, section 84 (1) which provides as follows:

- (1) The repeal or amendment of a law does not -
 - (a) revive anything not in force or existing when the repeal or amendment takes effect; or
 - (b) affect the previous operation of the law or anything done, begun or suffered under the law; or
 - (c) affect an existing right, privilege or liability acquired, accrued or incurred under the law.