



AUSTRALIAN CAPITAL TERRITORY

Administration (Interstate Agreements) Act 1997

No. 115 of 1997

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AUSTRALIAN CAPITAL TERRITORY

Administration (Interstate Agreements) Act 1997

No. 115 of 1997

An Act relating to the actions of Ministers in entering into agreements with other jurisdictions

[Notified in ACT Gazette S420: 24 December 1997]

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

PART I—INTRODUCTION

Short title

1. This Act may be cited as the *Administration (Interstate Agreements) Act 1997*.

Commencement

2. (1) Sections 1 and 2 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 3 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Object

3. The object of this Act is to impose on Ministers duties to inform and consult with other Members of the Assembly in regard to interstate agreements negotiated between governments, so as to protect the freedom of the Assembly to carry out its legislative deliberations without being subjected to necessity or compulsion due to the actions of the Executive.

Interpretation

4. In this Act—

“government” means the executive of any of the States, the Territories or the Commonwealth;

“interstate agreement” means any agreement, including a proposed agreement, between governments, whether negotiated at an official forum or otherwise, the implementation of which could reasonably be expected to require legislation to be passed by the Legislative Assembly;

“negotiation” means a process undertaken by ministers of the Territory or other governments, or their representatives, and includes a meeting conducted by telecommunications, but does not include communications between officials which do not involve a Minister.

Application

5. Part II of this Act does not apply in relation to negotiations for agreements of the kind specified in the Schedule.

PART II—INTERSTATE AGREEMENTS—NOTIFICATION AND CONSULTATION

Notification of negotiations

6. Where a Minister commences, or accepts an invitation to join in, negotiations for an interstate agreement, he or she shall, subject to section 10, at least 7 days (or, if that is not possible, as many days as is possible) prior to meeting with other governments, inform in writing each Member of the Legislative Assembly of—

- (a) the nature of the proposed negotiations;
- (b) any timetable for the negotiations known to the Minister;
- (c) the nature of any legislation which would be required by any anticipated outcome of the negotiations; and
- (d) the position, if any, which the Minister intends to take to the negotiations.

Consultation regarding agreements

7. Where a Minister commences negotiations for an interstate agreement, he or she shall, subject to section 10, consult with—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for the purpose; or
- (b) if no committee has been so nominated—the Scrutiny of Bills and Subordinate Legislation Committee of the Legislative Assembly;

regarding the matters to be considered at the negotiations.

Procedure before entering agreements

8. (1) Subject to section 10, a Minister shall not, on behalf of the Territory, agree to a proposed interstate agreement until either—

- (a) a recommendation made by the committee consulted in accordance with section 7 has been received; or
- (b) 6 days have elapsed since the consultation was undertaken in accordance with section 7.

(2) A Minister shall, in entering into an interstate agreement, have regard to any recommendations received under subsection (1).

Notification of outcomes

9. Where a Minister participates in a negotiation for an interstate agreement, and an agreement is reached, the Minister shall, within 7 days, inform in writing each Member of the Legislative Assembly of the terms of the interstate agreement and any commitments made on behalf of the Territory.

Urgent or extraordinary negotiations

10. Where the relevant Minister is satisfied, on reasonable grounds, that compliance with a requirement specified in paragraph 6 (a), 6 (b), 6 (c), or 6 (d), section 7, or subsection 8 (1) or 8 (2)—

- (a) would not be reasonably possible because of the urgency of the negotiations; or
 - (b) would adversely affect the public interest or the interests of the Territory;
- the Minister—
- (c) is not required to comply with that requirement; and
 - (d) shall inform in writing all Members of the Legislative Assembly of his or her opinion under paragraph (a) or (b), and the grounds for that opinion, within 7 days of commencing the negotiations.

Discharge of requirements

11. (1) Where—

- (a) a Minister is required by this Act to consult with a committee, or to provide information to Members, regarding negotiations for an interstate agreement; and
- (b) two or more Ministers are jointly engaged in the negotiations in question;

a requirement of this Act may be fulfilled by one of those Ministers consulting, or providing information, on behalf of all the relevant Ministers.

(2) In relation to negotiations for a particular agreement, a Minister is required to fulfil a requirement in sections 6, 7, 8 and 9 once only, and those requirements do not apply on a second or further occasion where, in the course of ongoing negotiations, the circumstances which would otherwise give rise to a requirement arise again.

SCHEDULE

Section 5

NEGOTIATIONS TO WHICH THIS ACT DOES NOT APPLY

Agreements, including references issued by the responsible ACT Minister, which are considered by the Inter-governmental Committee of the National Crime Authority, constituted under section 8 of the *National Crime Authority Act 1984* of the Commonwealth.

Agreements reached in the course of meetings of the Australian Loan Council of the Premiers' Conference.

[Presentation speech made in Assembly on 5 November 1997]