



Australian Capital Territory

# **Administration (Interstate Agreements) Act 1997**

**A1997-115**

**Republication No 1 (RI)**

**Effective: 8 October 1998 – 11 September 2001**

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Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Administration (Interstate Agreements) Act 1997* effective from 8 October 1998 to 11 September 2001.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### **Editorial changes**

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.



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## **ADMINISTRATION (INTERSTATE AGREEMENTS) ACT 1997**

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Reprinted as at 31 October 1998

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Australian Capital Territory

## ADMINISTRATION (INTERSTATE AGREEMENTS) ACT 1997

An Act relating to interstate agreements

### PART I—INTRODUCTION

**1. Short title**

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

**2.<sup>1</sup> Commencement**

(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.

**3. Object**

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, 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, and shall be construed accordingly.

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**4. Interpretation**

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 negotiation between a Minister and another government or its representative.

**5. Application**

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

**PART II—NOTIFICATION AND CONSULTATION**

**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.

**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.

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- (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.

**8. Procedure before entering into agreements**

(1) A Minister shall not, on behalf of the Territory, enter into a proposed interstate agreement until either—

- (a) a recommendation made by a 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 considering whether to enter into an interstate agreement, have regard to any recommendations received under subsection (1).

**9. Notification of outcomes**

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.

**10. Urgent or extraordinary negotiations**

Where the relevant Minister is satisfied, on reasonable grounds, that compliance with a requirement specified in section 6, 7 or 8—

- (a) would not be possible or reasonable 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.

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**11. Discharge of requirements**

**(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.

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**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.

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*Administration (Interstate Agreements) Act 1997*

**NOTES**

1. The *Administration (Interstate Agreements) Act 1997* as shown in this reprint comprises Act No. 115, 1997 amended as indicated in the Tables below.
2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Administration (Interstate Agreements) Act 1997</i>	115, 1997	24 Dec 1997	Ss. 1 and 2: 24 Dec 1997 Remainder: 15 January 1998 (see <i>Gazette</i> 1998, No. S29)	
<i>Administration (Interstate Agreements) (Amendment) Act 1998</i>	43, 1998	8 Oct 1998	8 Oct 1998	—

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
Title .....	rs. No. 43, 1998
Ss. 3, 4 .....	am. No. 43, 1998
Heading to Part II .....	am. No. 43, 1998
Ss. 6, 7 .....	rs. No. 43, 1998
S. 8 .....	am. No. 43, 1998
Ss. 10, 11 .....	am. No. 43, 1998

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