



Australian Capital Territory

Administration (Interstate Agreements) Act 1997 No 115

Republication No 2

Republication date: 15 February 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Administration (Interstate Agreements) Act 1997* as in force on 15 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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):

- 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 Act 2001*, part 11.3 authorises 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 Act 2001*, s 115 and s 117). 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.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Administration (Interstate Agreements) Act 1997

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Amendments incorporated to
12 September 2001



Australian Capital Territory

Administration (Interstate Agreements) Act 1997

An Act relating to interstate agreements

Part 1 Introduction

1 Short title

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

3 Object

The object of this Act is to impose on Ministers duties to inform and consult with other members of the Legislative 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.

4 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

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 of Act

Part 2 does not apply in relation to negotiations for agreements of the kind specified in schedule 1.

Part 2 Notification and consultation

6 Notification of negotiations

- (1) If 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) If—
 - (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; and
 - (b) any timetable for the negotiation or proposed negotiation; and
 - (c) the nature of any legislation that 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) If a Minister proposes to participate in a negotiation for an interstate agreement, he or she shall, if practicable, comply with subsection (3).
- (2) If—
 - (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 subsection (3) (a) in relation to a negotiation or proposed negotiation, it is sufficient compliance with subsection (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

If 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

If 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.

11 Discharge of requirements

(1) If—

- (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) 2 or more Ministers are jointly engaged in the negotiations in question;

a requirement of this Act may be fulfilled by 1 of those Ministers consulting, or providing information, on behalf of all the relevant Ministers.

Part 2 Notification and consultation

Section 11

- (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.

Schedule 1 Negotiations to which Act does not apply

(see s 5)

1. Agreements, including references issued by the responsible ACT Minister, which are considered by the intergovernmental committee of the national crime authority, constituted under the *National Crime Authority Act 1984* (Cwlth), section 8.
2. Agreements reached in the course of meetings of the Australian Loan Council of the Premiers' Conference.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

3 Legislation history

Administration (Interstate Agreements) Act 1997 No 115

notified 24 December 1997 (Gaz 1997 No S420)
s 1, s 2 commenced 24 December 1997 (s 2 (1))
remainder commenced 15 January 1998 (s 2 (2) and Gaz 1998 No S29)

as amended by

Administration (Interstate Agreements) (Amendment) Act 1998 No 43

notified 8 October 1998 (Gaz 1998 No S200)
commenced 8 October 1998 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 4

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 4 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

4 Amendment history

Title

title sub 1998 No 43 s 4

Commencement

s 2 om 2001 No 44 amdt 1.31

Object

s 3 am 1998 No 43 s 5

Definitions for Act

s 4 def *negotiation* sub 1998 No 43 s 6

Notification and consultation

pt 2 hdg am 1998 No 43 s 7

Notification of negotiations

s 6 sub 1998 No 43 s 8

Consultation regarding agreements

s 7 sub 1998 No 43 s 9

Procedure before entering into agreements

s 8 am 1998 No 43 s 10

Urgent or extraordinary negotiations

s 10 am 1998 No 43 s 11

Discharge of requirements

s 11 am 1998 No 43 s 12

Endnotes

5 Earlier republications

Negotiations to which Act does not apply
sch 1 hdg (prev sch hdg) num R2 LA
sch 1 items num R2 LA

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1998 No 43	31 October 1998

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