



Australian Capital Territory

Administration (Interstate Agreements) Act 1997

A1997-115

Republication No 5

Effective: 25 August 2004 – 21 December 2005

Republication date: 25 August 2004

Last amendment made by A2004-42

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Administration (Interstate Agreements) Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 25 August 2004. It also includes any amendment, repeal or expiry affecting the republished law to 25 August 2004.

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 does not include 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 is—

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



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Administration (Interstate Agreements) Act 1997

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R5
25/08/04

Administration (Interstate Agreements) Act 1997
Effective: 25/08/04-21/12/05

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Australian Capital Territory

Administration (Interstate Agreements) Act 1997

An Act relating to interstate agreements

Part 1 Introduction

1 Name of Act

This Act is 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 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4A Notes

A note included in this Act is explanatory and is not part of this Act.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

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 about agreements

- (1) A Minister proposing to participate in a negotiation for an interstate agreement must, if practicable, comply with subsection (3).
- (2) A Minister participating in a negotiation for an interstate agreement must, if subsection (3) has not been complied with, comply with the subsection as soon as practicable in relation to the negotiation.

- (3) The Minister must consult with the following committees about the issues to be considered in the negotiation:
 - (a) a standing committee of the Legislative Assembly nominated by the Speaker for the purpose;
 - (b) the legal affairs committee.
- (4) If a standing committee of the Legislative Assembly has been nominated under subsection (3) (a) for a negotiation, it is sufficient for subsection (3) (b) if the Minister consults with the legal affairs committee when it is performing the duties of a scrutiny of bills and subordinate legislation committee so far as its terms of reference as such a committee are relevant.
- (5) In participating in the negotiation, the Minister must have regard to any recommendation made by a relevant committee following the consultation.
- (6) In this section:

legal affairs committee means the standing committee of the Legislative Assembly responsible for performing the duties of a scrutiny of bills and subordinate legislation committee.

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 that are considered by the intergovernmental committee of the Australian Crime Commission, constituted under the *Australian Crime Commission Act 2002* (Cwlth), section 7.
2. Agreements reached in the course of meetings of the Australian Loan Council of the Premiers' Conference.

Dictionary

(see s 4)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- Legislative Assembly
- Minister (see s 162)
- the Territory.

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.

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 and expiries 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 endnote.

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.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

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 see Gaz 2001 No S65)

Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.2

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.2 commenced 19 December 2003 (s 2)

Australian Crime Commission (ACT) Act 2003 A2003-58 sch 1 pt 1.1

notified LR 17 December 2003

s 1, s 2 commenced 17 December 2003 (LA s 75 (1))

sch 1 pt 1.1 commenced 17 June 2004 (s 2 and LA s 79)

Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.1

notified LR 11 August 2004

s 1, s 2 commenced 11 August 2004 (LA s 75 (1))

sch 3 pt 3.1 commenced 25 August 2004 (s 2 (1))

4 Amendment history

Title

title sub 1998 No 43 s 4

Name of Act

s 1 sub A2003-56 amdt 3.8

Commencement

s 2 om 2001 No 44 amdt 1.31

Object	
s 3	am 1998 No 43 s 5
Dictionary	
s 4	defs reloc to dict A2003-56 amdt 3.9 sub A2003-56 amdt 3.10
Notes	
s 4A	ins A2003-56 amdt 3.10
Notification and consultation	
pt 2 hdg	am 1998 No 43 s 7
Notification of negotiations	
s 6	sub 1998 No 43 s 8
Consultation about agreements	
s 7	sub 1998 No 43 s 9; A2004-42 amdt 3.1
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
Negotiations to which Act does not apply	
sch 1 hdg	(prev sch hdg) num R2 LA
sch 1	items num R2 LA am A2003-58 amdt 1.1
Dictionary	
dict	ins A2003-56 amdt 3.11 def government reloc from s 4 A2003-56 amdt 3.9 def interstate agreement reloc from s 4 A2003-56 amdt 3.9 def negotiation sub 1998 No 43 s 6 reloc from s 4 A2003-56 amdt 3.9

Endnotes

5 Earlier republications

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
2	A2001-44	15 February 2002
3	<u>A2003-58</u>	19 December 2003
4	A2003-58	17 June 2004

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