



Australian Capital Territory

# **ACTION Authority Act 2001      No 61**

**Republication No 3**

**Effective: 28 March 2003**

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Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *ACTION Authority Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 28 March 2003. It also includes any amendment, repeal or expiry affecting the republished law to 28 March 2003.

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](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 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.



Australian Capital Territory

# ACTION Authority Act 2001

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Australian Capital Territory

# **ACTION Authority Act 2001**

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An Act to establish the ACTION Authority, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *ACTION Authority Act 2001*.

### 2 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 words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition ‘*relevant person*, for division 5.1 (Conduct of persons associated with the authority—see section 30.’ means that the term ‘relevant person’ is defined in that section and the definition applies to that division.

*Note 2* A definition in the dictionary (including a signpost definition) 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 2001*, s 155 and s 156 (1)).

### 3 Notes

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

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

## **Part 2**                      **ACTION Authority**

### **Division 2.1**              **Corporate status**

#### **4**      **Establishment**

- (1) ACTION Authority is established by this subsection.
- (2) The authority—
  - (a) is a body corporate; and
  - (b) may have a seal.

#### **5**      **Functions**

The functions of the authority are—

- (a) to provide an effective, affordable and accessible public transport network within its area of operation; and
- (b) without prejudice to paragraph (a), to operate on a sound commercial basis; and
- (c) to maximise the sustainable return to the Territory on its investment in the authority; and
- (d) to perform services to the community in accordance with any agreement with the Minister; and
- (e) to advise the Minister on all significant issues relating to the authority and its activities; and
- (f) to implement any directions from the Minister under this Act; and
- (g) to exercise any other function given to it under this Act or another Territory law; and

(h) to carry out activities incidental to its other functions.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see *Legislation Act 2001*, s 196 and dict, pt 1, def of *entity*).

## **7 Restrictions on contracts and dealings with assets**

- (1) The authority or a company that, for the Corporations Act, is a subsidiary of the authority, may not, without the Treasurer's prior written approval—
  - (a) enter into a contract involving the payment or receipt of an amount that exceeds, or of amounts that in total exceed, \$500,000; or
  - (b) sell or otherwise dispose of, mortgage or otherwise give security over, a significant asset; or
  - (c) mortgage or give a charge over the whole or a significant part of its undertakings or assets.
- (2) An approval of the Treasurer may be given subject to conditions and, if it is so given, the authority or subsidiary must not carry out the activity or enter into the transaction to which the approval refers until the conditions are satisfied.
- (3) The authority or a company mentioned in subsection (1) must not dispose of any of its main undertakings unless the Legislative Assembly has, by resolution, approved the disposal.
- (4) A purported disposal in contravention of subsection (3) is void.

## **Division 2.2 Board of management**

### **8 Establishment**

A board of management of the authority is established by this section.

## **9 Function of the board**

- (1) The board has general responsibility for the policies and management of the authority.
- (2) Without limiting subsection (1), the board is required to—
  - (a) decide the strategies and policies to be followed by the authority; and
  - (b) ensure that the authority exercises its functions in a proper, effective and efficient way.

## **10 Constitution of board**

- (1) The board consists of the directors.
- (2) The directors of the authority are—
  - (a) the appointed directors; and
  - (b) the chief executive.
- (3) However, the board consists of only the appointed directors when it is considering or deciding—
  - (a) the appointment, or the ending of the appointment, of the chief executive; or
  - (b) the chief executive's conditions of appointment.

## **11 Appointment of directors**

- (1) The Minister may appoint a person to be director of the authority.

*Note 1* For the making of appointments (including acting appointments), see *Legislation Act 2001*, pt 19.3.

*Note 2* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see *Legislation Act 2001*, div 19.3.3).
- (2) The number of appointed directors must be not less than 4 nor more than 6.

- (3) An appointment must not be for a term longer than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Legislation Act 2001*, s 208 and dict, pt 1, def of *appoint*).

## **12 Chairperson and deputy chairperson**

- (1) The Minister must appoint an appointed director to be the chairperson of the board.
- (2) The directors must elect an appointed director to be the deputy chairperson of the board.

## **13 Honesty and diligence**

In the exercise of a function as a director, a director must exercise the degree of honesty, care and diligence that is required to be exercised by a director of a company in relation to the affairs of the company.

## **14 Ending of appointment of director**

- (1) The Minister must end the appointment of an appointed director if the director—
- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
  - (b) is absent, except on leave, from 3 consecutive meetings of the board; or
  - (c) has contravened [section 13](#) or [division 5.1](#); or
  - (d) without reasonable excuse, has contravened [section 15](#); or
  - (e) is sentenced, in Australia or elsewhere, to imprisonment for at least 1 year; or

- (f) is convicted, in Australia or elsewhere, of an offence—
- (i) punishable by imprisonment for 1 year or more; or
  - (ii) that involves fraud or arises out of the promotion, formation or management of a corporation.

*Note* An appointed director's appointment also ends if the director resigns (see *Legislation Act 2001*, s 210).

- (2) The Minister may end the appointment of an appointed director if the board tells the Minister in writing that it has resolved, by a majority of at least  $\frac{2}{3}$  of the directors, to recommend to the Minister that the director's appointment be ended.
- (3) The board may only pass a resolution mentioned in subsection (2) if—
- (a) at least 21 days written notice of the intention to consider the proposed resolution has been given to the director concerned; and
  - (b) the director has been given an opportunity to make submissions and present documents to a meeting of the board; and
  - (c) if the member has availed himself or herself of the opportunity mentioned in paragraph (b)—a summary of his or her arguments is recorded in the minutes of the authority and a copy of any documents presented is incorporated in the minutes.

## **15 Disclosure of interest**

- (1) A director who has a direct or indirect personal or financial interest in a matter being considered or about to be considered by the board must, as soon as practicable after the relevant facts have come to the director's knowledge, disclose the nature of the interest at a meeting of the board.

- (2) The disclosure must be recorded in the minutes of the meeting and, unless the board otherwise decides, the director must not—
  - (a) be present during any deliberation of the board on that matter; or
  - (b) take part in any decision of the board on that matter.
- (3) A director who has made a disclosure under this section must not—
  - (a) be present during any deliberation of the board for the purpose of considering whether to make a decision under subsection (2); or
  - (b) take part in the making of a decision.
- (4) The chairperson of the board must, within 7 days after the end of each financial year, give to the Minister a statement that sets out the details of all disclosures under this section made during the financial year.
- (5) The Minister must give to the relevant committee of the Legislative Assembly a copy of a statement received under subsection (4) within 14 days after receiving the statement.
- (6) In this section:  
*relevant committee* means—
  - (a) a standing committee of the Legislative Assembly nominated by the Speaker for this section; or
  - (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts.

## **Division 2.3                      Procedures**

### **16      Calling meetings of board**

- (1) The chairperson or, if the chairperson cannot do so, the deputy chairperson—

- (a) may at any time call a meeting of the board; and
  - (b) must call a meeting of the board if asked by the Minister or, in writing, by at least 2 directors.
- (2) A person who calls a meeting of the board must give the other directors reasonable notice of the time and place of the meeting.

## **17 Procedure at meetings**

- (1) The chairperson must preside at all meetings of the board at which he or she is present.
- (2) If the chairperson is not present at a meeting, the deputy chairperson must preside.
- (3) If the chairperson and the deputy chairperson are both absent from a meeting, the directors present must elect a director to preside.
- (4) Subject to any decision of the board, the procedures to be followed in connection with a meeting are as the presiding director decides.
- (5) If all the directors so agree, a meeting may be held by means of a method of communication, or a combination of methods of communication, that enables all participants to hear what another participant says without being in each other's presence.
- (6) A director who takes part in a meeting conducted under subsection (5) is taken, for all purposes, to be present at the meeting.
- (7) Questions arising at a meeting may be decided by a majority of the votes of the directors present and voting.
- (8) The presiding director has a deciding vote and, if the votes are equal, a casting vote.
- (9) The board must keep minutes of its proceedings in writing or in such other form as the board decides.

## **18 Quorum**

A majority of the appointed directors is a quorum for a meeting.

## **Part 3 Chief executive and staff**

### **19 Appointment of chief executive**

- (1) The authority must appoint a person as the chief executive of the authority.

*Note* For the making of appointments (including acting appointments), see *Legislation Act 2001*, pt 19.3.

- (2) The chief executive's conditions of appointment are the conditions agreed to between the authority and the chief executive.
- (3) However, the authority may enter into an agreement mentioned in subsection (2) only after consultation between the Minister and the board.
- (4) Despite any agreement under subsection (2), the authority may end the appointment of a chief executive without compensation if the chief executive contravenes section 20 (2) or division 5.1 (Conduct of persons associated with the authority).

*Note* The chief executive's appointment also ends if the chief executive resigns (see *Legislation Act 2001*, s 210).

### **20 Functions of chief executive**

- (1) The functions of the chief executive are—
  - (a) to manage the authority's affairs on a day-to-day basis on behalf of the board; and
  - (b) to be a director; and
  - (c) such other functions as are given to him or her by the board.
- (2) In exercising the function under subsection (1) (a), the chief executive must act in accordance with any policies decided, and any directions given, by the board.

## 21 Executive staff

- (1) This section applies to staff at an executive level (*executive staff*).
- (2) The authority may employ, on behalf of the Territory, the executive staff it considers necessary to exercise its functions.
- (3) The conditions of employment of an executive staff employee are the conditions agreed between the authority and the executive staff employee.

## 22 Other staff

- (1) This section does not apply to staff at an executive level.
- (2) The authority may employ the staff it considers necessary to exercise its functions.
- (3) The authority's staff are to be employed under the *Public Sector Management Act 1994*.

*Note* The *Public Sector Management Act 1994*, s 24 provides that the chief executive officer of a Territory instrumentality has all the powers of a chief executive under the Act in relation to staff members who are public servants. Under that Act, s 3, def *chief executive officer*, the chief executive officer of an instrumentality is the person who has responsibility for managing its affairs.

- (4) However, if an agreement approved or certified under the *Workplace Relations Act 1996* (Cwlth) provides that the staff to which this section applies are to cease to be public servants, the Minister must, in writing, declare that the *Public Sector Management Act 1994* ceased to apply to the staff on the date of effect of the agreement.
- (5) If the Minister makes a declaration under subsection (4), the *Public Sector Management Act 1994* is taken to have ceased to apply to the staff to which this section applies on the date of effect of the agreement.
- (6) The declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

**Part 3** Chief executive and staff  
**Division 2.3** Procedures

Section 22

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- (7) This subsection and subsections (3) to (6) expire on the day the declaration is notified.

## Part 4                      Accountability and finance

### 23      Requests for information

The authority must provide the Minister with all the information about the affairs of the authority that the Minister requests.

### 24      Notification of significant events

The authority must, as soon as practicable, tell the Minister of any significant event that affects, or seems likely to affect—

- (a) the value of the authority; or
- (b) a significant part of its assets; or
- (c) the performance of the authority as a whole; or
- (d) the discharge of a significant activity of the authority.

### 25      Ministerial directions

- (1) The Minister may give written directions to the authority in relation to the exercise of its functions.
- (2) Before giving a direction the Minister must—
  - (a) tell the authority of the effect of the proposed direction; and
  - (b) give the authority a reasonable opportunity to comment on the proposed direction; and
  - (c) consider any comments made by the authority.
- (3) The Minister must present a copy of a direction to the Legislative Assembly within 6 sitting days after the day the Minister makes it.
- (4) On receiving a direction under this section, the authority must comply with it.

- (5) The Territory is liable to reimburse the authority for the net reasonable expense of complying with a direction.
- (6) The net reasonable expense of complying with a direction is—
- (a) if the direction requires the authority to do something that, but for the direction, it would not have done—the reasonable cost of, and the estimated revenue foregone in, complying with the direction; or
  - (b) if the direction requires the authority to perform an activity in a way that is different from the way in which the authority had intended to perform it—the additional cost incurred, and the estimated revenue foregone, in performing the activity in accordance with the direction; or
  - (c) if the direction requires the authority to refrain from performing an activity—the difference (if any) between any estimated foregone revenue and the savings resulting from the nonperformance of the activity.
- (7) An amount is not payable under subsection (5) unless it is agreed to by the Minister and the authority or, failing agreement, is determined by the Treasurer.

## **26 Business plans**

- (1) The Minister may request the authority in writing to prepare and give to him or her a business plan made up to a date specified in the direction (the *specified date*).
- (2) If the Minister makes a request under subsection (1), the authority must give to the Minister a business plan that includes—
- (a) a profit and loss account for the period from the beginning of the financial year to the specified date; and
  - (b) a cash flow statement for that period; and
  - (c) a statement of assets and liabilities at the specified date; and

- (d) estimated profit and loss accounts and cash flow statements for each of the next 3 financial years; and
  - (e) a statement of estimated assets and liabilities at the end of each of the next 3 financial years; and
  - (f) a copy of the statement of intent for the current financial year provided under the *Financial Management Act 1996*, section 58 (1); and
  - (g) a description of the business and corporate strategies adopted by the authority; and
  - (h) a description of any significant action that the authority has taken or intends to take in order to achieve the estimates set out in the statements under paragraphs (d) and (e); and
  - (i) an explanation of any significant variation disclosed by the business plan from—
    - (i) estimates previously given by the authority for the current or a future financial year; or
    - (ii) strategies or policies, whether adopted or contemplated, of which advice had been given;in a previous business plan, information given to the Minister or the Treasurer, a statement of intent or an annual report.
- (3) The Minister must present a copy of each business plan given to the Minister under subsection (2) to the Legislative Assembly within 6 sitting days after the day the Minister receives it.

## **27 Compliance with business plans**

- (1) This section applies to a financial year if the authority has previously given to the Minister a business plan that contains estimates for the financial year.
- (2) As soon as practicable after 31 December and 30 June in a financial year to which this section applies, the authority must give to the Minister a written assessment of its performance, for the 6 month

period ending on those dates, in relation to the estimates for that period contained in the latest business plan given to the Minister.

- (3) A report under subsection (2) must be prepared in a form that facilitates a comparison between the business plan estimates applicable to the period and the outcomes of operations of the authority during the period.

## 28 Dividends

- (1) If there are profits available for doing so, the Treasurer, after consultation with the board, may direct the authority to declare a dividend for a financial year of the amount directed by the Treasurer.
- (2) The authority must pay to the Territory, within 1 month after receiving a direction under subsection (1), a dividend in accordance with the direction.
- (3) For this section, available profits are—
  - (a) the profits for the financial year to which the Treasurer's direction relates; and
  - (b) any profits for any previous financial year that have not previously been taken into account in deciding whether a dividend should be declared.
- (4) In this section:  
*profit* includes the net proceeds of the sale of assets.

## 29 Other reporting requirements

- (1) In addition to any other reports that the authority is required by this Act or any other law to make, the authority must give to the Treasurer the reports that the Treasurer requires.
- (2) A report under this section must be prepared in such form and be based on such accounting or other policies or practices as the Treasurer specifies in writing.

## **Part 5**

## **Miscellaneous**

### **Division 5.1**

### **Conduct of persons associated with the authority**

#### **30 Meaning of *relevant person* for div 5.1**

In this division:

*relevant person* means—

- (a) a director; or
- (b) an employee of the authority; or
- (c) a person performing services for the authority.

#### **31 Improper use of position**

A relevant person must not knowingly make improper use of his or her position as a relevant person to gain, directly or indirectly, an advantage for himself or herself or anyone else or to cause detriment to the authority.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

### **32     Improper use of information**

A relevant person or former relevant person must not knowingly make improper use of information acquired because of his or her position as a relevant person to gain, directly or indirectly, an advantage for himself or herself or anyone else or to cause detriment to the authority.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

## **Division 5.2                      General**

### **33     Power to bind authority**

Anything done on behalf of the authority by the board or the chief executive is taken to have been done by the authority.

### **34     Annual report**

A report or information prepared by the authority for the *Annual Reports (Government Agencies) Act 1995*, section 8 must include, for the reporting period—

- (a) a copy of any direction given by the Minister under section 25 during the period; and
- (b) a statement by the authority about action taken during the period to give effect to any direction given by the Minister under that section, whether during that period or an earlier one.

### **35A    Regulation-making power**

The Executive may make regulations for this Act.

*Note*     Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Part 6 Transitional provisions

### 36 Transfer of assets, rights and liabilities

- (1) The Minister may, in writing, declare that assets, rights or liabilities of the Territory vest in the authority.
- (2) If an asset, right or liability that is transferred to the authority under this section is mentioned in a contract, agreement or arrangement, the reference to the Territory in the contract, agreement or arrangement is to be read (except in relation to matters that occurred before the vesting) as a reference to the authority.
- (3) A declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) Unless a declaration is disallowed by the Legislative Assembly, the declaration commences—
  - (a) on the day after the last day when it could have been disallowed; or
  - (b) if the declaration provides for a later date or time of commencement—on that date or time.

### 37 Evidentiary certificate

- (1) The chief executive may certify in writing that an asset, right or liability mentioned in the certificate has vested in the authority under section 36.
- (2) A certificate under subsection (1) is evidence of the matters it states.
- (3) A document that purports to be a certificate signed by the chief executive under subsection (1) is taken, unless the contrary is proved, to be such a certificate and to have been so signed.

- (4) In this section:

*chief executive* means the chief executive of the administrative unit responsible under the *Public Sector Management Act 1994*, section 14 (b) for this Act.

### **38 Registration of changes in title to certain assets**

- (1) If a registrable asset vests in the authority under section 36, the authority may give to the relevant registering authority a certificate under section 37 for that asset.
- (2) On receipt of a certificate under section 37 that relates to a registrable asset, a registering authority must make such entries in the relevant registers kept by it, and do such other things, as are necessary to reflect the operation of section 36.

- (3) In this section:

*registering authority* means a person who, under a law of the Territory, is required to enter in a register particulars relating to the ownership of a registrable asset.

*registrable asset* means an asset, including an interest in land, particulars of the ownership of which are required under a law of the Territory to be entered in a register.

- (4) The evidentiary value of a register mentioned in this section is not affected by—
- (a) the making of an entry under this section; or
  - (b) the failure to make an entry under this section; or
  - (c) the failure by the authority to give a certificate to a registering authority.

### 39 Proceedings and evidence

- (1) In this section:

*proceeding* includes a right of appeal or review (including a right of review under the *Ombudsman Act 1989*) or any other civil proceeding relating to an asset, right or liability vested in the authority under section 36.

- (2) For a proceeding started before the commencement day to which the Territory is a party, the authority is substituted as a party to the proceeding.
- (3) A proceeding that—
- (a) was not started before the commencement day; and
  - (b) apart from this section could, after that day, be brought against the Territory;

may be brought against the authority.

- (4) The *Limitation Act 1985*, part 3 applies to the institution of proceedings mentioned in subsection (1) by or against the authority as if the cause of action had accrued by or against the authority.
- (5) The court, tribunal, commission or other body in which, or before which, proceedings have been instituted or continued under this section may give directions in relation to the institution or continuance of those proceedings.
- (6) Any evidence that, but for this section, would have been admissible for or against the Territory is admissible for or against the authority.
- (7) The Territory and the authority must endeavour to assist each other in the provision of evidence relevant to a proceeding for a cause of action arising before the commencement day.

**39A Validation of new staff employed by authority**

- (1) This section applies to a person (other than a member of staff at an executive level) who was engaged (however described) by the authority as a member of its staff after 1 January 2002 and before the day after the day the *ACTION Authority Amendment Act 2003* is notified.
- (2) The person is taken to have been appointed as an officer, or engaged for temporary employment, as the case requires, under the *Public Sector Management Act 1994* on the day the person was engaged by the authority.

**39B Powers of commissioner for public administration**

The commissioner for public administration may take any action (including giving directions) that the commissioner considers is necessary or desirable to protect employee entitlements consequent on the enactment of the *ACTION Authority Amendment Act 2003*.

**Examples**

- 1 requiring the creation of records about leave entitlements under the *Public Sector Management Act 1994* for a person engaged by the authority after 1 January 2002
- 1 for a staff member who was employed by the authority for a period during 2002 and who is re-employed by the authority after the commencement of this section—recognising the period of employment in 2002 as prior service under the *Public Sector Management Act 1994*
- 2 requiring the amendment of the records of a staff member to whom the declaration made on 21 December 2001 under the *ACTION Authority Act 2001*, section 22 (as that section was when the Act was notified in the Gazette of 10 September 2001) to show that, for the relevant period, the person was employed under the *Public Sector Management Act 1994*

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**39C Operation of s 39A and s 39B preserved despite expiry**

Sections 39A and 39B are declared to be laws to which the Legislation Act, section 88 (Repeal does not end transitional or validating effect etc) applies.

**39D Modification of pt 6's operation**

The regulations may modify the operation of this part to make provision in relation to any matter that, in the Executive's opinion, is not, or is not adequately, dealt with in this part.

**40 Expiry of pt 6**

- (1) This part, and the definition of *commencement day* in the dictionary, expire on 31 December 2003.
- (2) To prevent doubt, it is declared that the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies to part 6.

## Dictionary

(see s 2)

*Note 1* The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- appoint
- chief executive
- contravene
- exercise
- function.

***appointed director*** means a person appointed to be a director of the authority under section 11 (1).

***authority*** means the ACTION Authority established under section 4 (1).

***board*** means the board of management of the authority established under section 8.

***chief executive*** means a person appointed as the chief executive under section 19.

***commencement day*** means 1 January 2002.

***director*** means a director of the authority.

***relevant person***, for division 5.1 (Conduct of persons associated with the authority)—see section 30.

## 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.

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
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	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

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### 3 Legislation history

#### **ACTION Authority Act 2001 No 61**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
remainder (ss 3-39) commenced 1 January 2002 (s 2 and CN 2001 No 1)

as amended by

#### **ACTION Authority Amendment Act 2001 No 99 (as am by A2003-3 pt 3)**

notified LR 20 December 2001  
s 5 om A2003-3 s 7 before commencement  
remainder commenced 20 December 2001 (s 2 (1))

#### **Statute Law Amendment Act 2002 No 30 pt 3.2 (as am by A2003-3 pt 4)**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
amdt 3.24, amdt 3.25 om A2003-3 s 9 before commencement  
pt 3.2 commenced 17 September 2002 (s 2 (1))

#### **ACTION Authority Amendment Act 2003 A2003-3**

notified LR 3 March 2003  
pt 1, pt 2 taken to have commenced 10 September 2001 (s 2 (1))  
pt 3 taken to have commenced 20 December 2001 (s 2 (2))  
pt 4 taken to have commenced 16 September 2002 (s 2 (3))

*Note* This Act also amends the ACTION Authority Amendment Act 2001 No 99 and the Statute Law Amendment Act 2002 No 30.

#### **Taxation (Government Business Enterprises) Act 2003 A2003-12 sch 1 pt 1.1**

notified LR 27 March 2003  
s 1, s 2 taken to have commenced 1 July 2002 (LA s 75 (2))  
sch 1 pt 1.1 commenced 28 March 2003 (s 2 (2))

### 4 Amendment history

#### **Dictionary**

s 2 om LA s 89 (4)  
ins 2002 No 30 amdt 3.4

**Notes**

s 3 sub 2002 No 30 amdt 3.4

**Functions**

s 5 am 2002 No 30 amdt 3.5

**Powers**

s 6 om 2002 No 30 amdt 3.6

**Function of the board**

s 9 am 2002 No 30 amdt 3.7

**Constitution of board**

s 10 sub 2002 No 30 amdt 3.8

**Appointment of directors**

s 11 am 2002 No 30 amdt 3.9, amdt 3.10

**Honesty and diligence**

s 13 am 2002 No 30 amdt 3.11

**Ending of appointment of director**

s 14 hdg sub 2002 No 30 amdt 3.12

s 14 am 2002 No 30 amdt 3.13-3.16

**Disclosure of interest**

s 15 am 2002 No 30 amdt 3.17

**Calling meetings of board**

s 16 sub 2002 No 30 amdt 3.18

**The chief executive**

div 3.1 hdg om 2002 No 30 amdt 3.19

**Appointment of chief executive**

s 19 sub 2002 No 30 amdt 3.20

**Functions of chief executive**

s 20 hdg sub 2002 No 30 amdt 3.21

s 20 am 2002 No 30 amdt 3.22

**Employees**

div 3.2 hdg om 2002 No 30 amdt 3.23

**Executive staff**

s 21 sub A2003-3 s 4

**Other staff**

s 22 am 2002 No 30 amdt 3.24 (amdt 3.24 om A2003-3 s 9 before commencement)  
 renum and reloc as s 36AA 2002 No 30 amdt 3.25 (amdt 3.25 om A2003-3 s 9 before commencement)  
 sub A2003-3 s 4  
s (3)-(6), (7) exp on notification of declaration under s (4) (s (7))

## Endnotes

### 4 Amendment history

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#### **Ministerial directions**

s 25 am 2002 No 30 amdt 3.26, amdt 3.27

#### **Business plans**

s 26 am 2002 No 30 amdt 3.28

#### **Taxation**

s 35 om A2003-12 amdt 1.1

#### **Regulation-making power**

s 35A ins 2001 No 99 amdt 4

#### **Transitional provisions**

pt 6 hdg sub 2002 No 30 amdt 3.29  
exp 31 December 2003 (s 40 (1))

#### **Transfer of assets, rights and liabilities**

s 36 exp 31 December 2003 (s 40 (1))

#### **Other staff**

s 36AA (prev s 22) renum and reloc 2002 No 30 amdt 3.25 (amdt 3.25  
om A2003-3 s 9 before commencement)

#### **Transferred staff**

s 36A ins 2001 No 99 s 5 (s 5 om A2003-3 s 7 before  
commencement)

#### **Evidentiary certificate**

s 37 exp 31 December 2003 (s 40 (1))

#### **Registration of changes in title to certain assets**

s 38 exp 31 December 2003 (s 40 (1))

#### **Proceedings and evidence**

s 39 exp 31 December 2003 (s 40 (1))

#### **Validation of new staff employed by authority**

s 39A ins A2003-3 s 5  
exp 31 December 2003 (s 40 (1))

#### **Powers of commissioner for public administration**

s 39B ins A2003-3 s 5  
exp 31 December 2003 (s 40 (1))

#### **Operation of s 39A and s 39B preserved despite expiry**

s 39C ins A2003-3 s 5  
exp 31 December 2003 (s 40 (1))

#### **Modification of pt 6's operation**

s 39D ins A2003-3 s 5  
exp 31 December 2003 (s 40 (1))

**Expiry of pt 6**

s 40 ins 2001 No 99 amdt 6  
am 2002 No 30 amdt 3.30  
exp 31 December 2003 (s 40 (1))

**Dictionary**

dict ins 2002 No 30 amdt 3.31  
def **appointed director** ins 2002 No 30 amdt 3.31  
def **authority** ins 2002 No 30 amdt 3.31  
def **board** ins 2002 No 30 amdt 3.31  
def **chief executive** ins 2002 No 30 amdt 3.31  
def **commencement day** ins 2002 No 30 amdt 3.31  
exp 31 December 2003 (s 40 (1))  
def **director** ins 2002 No 30 amdt 3.31  
def **relevant person** ins 2002 No 30 amdt 3.31

**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 2001 No 99	4 January 2002
1 (RI)	Act 2001 No 99 ‡	4 March 2003
2	Act 2002 No 30	24 September 2002
2 (RI)	Act 2002 No 30 ‡	4 March 2003

‡ includes retrospective amendments by A2003-3

