



Australian Capital Territory

# **Administration Act 1989      No 41 (repealed)**

## **Republication No 4**

Republication date: 28 May 2002

Amendments incorporated to 28 May 2002

As repealed by Act 2002 No 11

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Administration Act 1989* (repealed). It includes any commencement, amendment, repeal or expiry affecting the republished law to 28 May 2002 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](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.

Amendments incorporated to  
28 May 2002



Australian Capital Territory

# Administration Act 1989 (repealed)

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Amendments incorporated to  
28 May 2002



Australian Capital Territory

## **Administration Act 1989 (repealed)**

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An Act to provide for the exercise and delegation of certain powers consequentially upon the establishment of the Territory as a body politic under the Crown

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## **1 Short title**

This Act may be cited as the *Administration Act 1989*.

## **3A Exercise of powers of Executive**

- (1) Where an Act confers a power or imposes a duty on the Executive, the power may be exercised or the duty performed by any 2 Ministers, being members of the Executive, acting in concert.
- (2) The exercise of a power or the performance of a duty by 2 Ministers in accordance with subsection (1) shall, for all purposes, be taken to be the exercise of that power or the performance of that duty by the Executive.
- (3) Without limiting the generality of subsection (1), where, by an Act, the Executive is empowered or required to execute or make any instrument (however described), it is sufficient if the instrument is signed by any 2 Ministers who are members of the Executive.

## **4 Administration of matters not allocated**

While, at any time, a matter relating to the powers of the Executive is not allocated under the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 43 (1), the Chief Minister shall administer that matter.

## **5 Delegations**

- (1) A Minister may, by instrument, delegate to any person all or any of his or her powers under an Act or subordinate law.
- (3) Subsection (1) has effect subject to any contrary intention—
  - (a) in the case of a power under an Act—in the Act; or
  - (b) in the case of a power under a subordinate law—in the subordinate law, or in the Act under which the subordinate law is made.

## 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
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
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

This Act was originally a Commonwealth ordinance—the *Administration Ordinance 1989* No 41 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Administration Act 1989 No 41**

notified 10 May 1989

s 1, s 2 commenced 10 May 1989 (s 2 (1))

remainder (ss 3-7) commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

as amended by

#### Legislation after becoming Territory enactment

##### **Administration (Amendment) Act 1989 No 5**

notified 20 July 1989

commenced 20 July 1989

##### **Administration (Amendment) Act 1991 No 17**

notified 10 May 1991 (Gaz 1991 No S36)

commenced 10 May 1991

##### **Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 1**

notified 30 June 1994 (Gaz 1994 No S121)

s 1, s 2 commenced 30 June 1994 (s 2 (1))

sch 1 pt 1 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 2**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 2 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

as repealed by

**Legislation Amendment Act 2002 No 11 s 31**

notified LR 27 May 2002

s 1, s 2 commenced 28 May 2002 (LA s 75)

s 31 commenced 28 May 2002 (s 2 (1))

**4 Amendment history****Commencement**

s 2 om 2001 No 44 amdt 1.21

**Interpretation**

s 3 om 1994 No 38 sch 1 pt 1

**Exercise of powers of Executive**

s 3A ins 1991 No 17 s 3

**Delegations**

s 5 am 1989 No 5 s 2; 1994 No 38 sch 1 pt 1

**Effect on delegations of changes of occupancy of office**

s 6 om 1994 No 38 sch 1 pt 1

**Effect on delegation of changes in administration**

s 7 om 1994 No 38 sch 1 pt 1

**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 1991 No 17	31 May 1991

## Endnotes

### 5 Earlier republications

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2	Act 1994 No 38	31 January 1995
3	Act 2001 No 44	4 February 2002

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