

2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

COAG Legislation Amendment Bill 2021

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(As presented)

(Chief Minister)

COAG Legislation Amendment Bill 2021

A Bill for

An Act to amend legislation to deal with the cessation of the Council of Australian Governments, and for related purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *COAG Legislation Amendment Act 2021*.

4 **2 Commencement**

5 (1) This Act commences on a day fixed by the Minister by written notice.

6 *Note 1* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 *Note 2* A single day or time may be fixed, or different days or times may be
9 fixed, for the commencement of different provisions (see [Legislation](#)
10 [Act](#), s 77 (1)).

11 (2) If this Act has not commenced within 18 months beginning on its
12 notification day, it automatically commences on the first day after that
13 period.

14 (3) The [Legislation Act](#), section 79 (Automatic commencement of
15 postponed law) does not apply to this Act.

16 **3 Legislation amended**

17 This Act amends the following legislation:

- 18 • [Dangerous Goods \(Road Transport\) Act 2009](#)
- 19 • [Dangerous Goods \(Road Transport\) Regulation 2010](#)
- 20 • [Health \(National Health Funding Pool and Administration\)](#)
21 [Act 2013](#)
- 22 • [Planning and Development Regulation 2008](#)
- 23 • [Utilities Act 2000](#)
- 24 • [Work Health and Safety Regulation 2011](#).

1 **Part 2** **Dangerous Goods (Road**
2 **Transport) Act 2009**

3 **4 Use of codes of practice etc in proceedings**
4 **Section 168 (4), definition of *relevant document***

5 *omit*

6 Transport and Infrastructure Council

7 *substitute*

8 Ministerial Council

9 **5 Dictionary, new definition of *Ministerial Council***

10 *insert*

11 ***Ministerial Council*** means a body (however described) that consists
12 of the Minister of the Commonwealth, and the Minister of each State
13 and Territory, who is responsible, or principally responsible, for
14 matters relating to transport.

1 **Part 3** **Dangerous Goods (Road**
2 **Transport) Regulation 2010**

3 **6** **Offences—emergency plans**
4 **Section 157 (4), definition of *emergency plan***

5 *omit*

6 Australian Transport Council

7 *substitute*

8 Ministerial Council

9 **7** **Dictionary, note 3, new dot point**

10 *insert*

- 11
 - Ministerial Council

12 **8** **Dictionary, definition of *ADG code***

13 *omit*

14 Australian Transport Council

15 *substitute*

16 Ministerial Council

17 **9** **Dictionary, definition of *Australian Transport Council***

18 *omit*

1 **10 Dictionary, definition of *competent authorities panel***
2 **(or *CAP*)**

3 *omit*

4 Australian Transport Council

5 *substitute*

6 Ministerial Council

7 **11 Dictionary, new definition of *National Transport***
8 ***Commission***

9 *insert*

10 *National Transport Commission*—see the *National Transport*
11 *Commission Act 2003* (Cwlth), section 5.

1 **Part 4** **Health (National Health Funding**
2 **Pool and Administration)**
3 **Act 2013**

4 **12 Section 4 heading**

5 *substitute*

6 **4 Constitution of Ministerial Council etc**

7 **13 Functions of administrator**
8 **Section 13 (3)**

9 *omit*

10 COAG

11 *substitute*

12 the First Ministers' Council

13 **14 Section 13 (4)**

14 *omit everything before paragraph (b), substitute*

15 (4) Directions given by the First Ministers' Council under
16 subsection (3)—

17 (a) are to be given in accordance with a written resolution of the
18 First Ministers' Council passed in accordance with the
19 procedures determined by that council; and

15 **New part 10***insert***Part 10** **Transitional—COAG Legislation
Amendment Act 2021****60** **Definitions—pt 10**

In this part:

COAG—see the pre-amendment Act, dictionary.*commencement day* means the day the *COAG Legislation Amendment Act 2021*, section 3 commences.*pre-amendment Act* means the *Health (National Health Funding Pool and Administration) Act 2013*, as in force immediately before the commencement day.*standing council on health*—see the pre-amendment Act, dictionary.**61** **References to COAG and standing council on health**

- (1) A reference to COAG in the Act before the commencement day is taken, from 29 May 2020, to be a reference to the First Ministers' Council.

Note On 29 May 2020, National Cabinet agreed to the cessation of the Council of Australian Governments.

- (2) A reference to the standing council on health in the Act before the commencement day is taken, from 23 October 2020, to be a reference to the Ministerial Council.

Note On 23 October 2020, National Cabinet agreed to the review of the Ministerial councils and forums.

1 **62 Things started but not finished by COAG**

- 2 (1) This section applies if—
- 3 (a) COAG started doing something before 30 May 2020; and
- 4 (b) immediately before 30 May 2020, COAG had not finished doing
- 5 the thing.
- 6 (2) The First Ministers' Council may, after 29 May 2020, finish doing
- 7 the thing.

8 **63 Things started but not finished by standing council on**

9 **health**

- 10 (1) This section applies if—
- 11 (a) the standing council on health started doing something before
- 12 24 October 2020; and
- 13 (b) immediately before 24 October 2020, the standing council on
- 14 health had not finished doing the thing.
- 15 (2) The Ministerial Council may, after 23 October 2020, finish doing the
- 16 thing.

17 **64 Transitional regulations**

- 18 (1) A regulation may prescribe transitional matters necessary or
- 19 convenient to be prescribed because of the enactment of the
- 20 *COAG Legislation Amendment Act 2021*.
- 21 (2) A regulation may modify this part (including in relation to another
- 22 territory law) to make provision in relation to anything that, in the
- 23 Executive's opinion, is not, or is not adequately or appropriately,
- 24 dealt with in this part.
- 25 (3) A regulation under subsection (2) has effect despite anything
- 26 elsewhere in this Act or another territory law.

1 **65 Expiry—pt 10**

2 This part expires 2 years after the commencement day.

3 *Note* A transitional provision is repealed on its expiry but continues to have
4 effect after its repeal (see [Legislation Act](#), s 88).

5 **16 Dictionary, definition of COAG**

6 *omit*

7 **17 Dictionary, new definitions**

8 *insert*

9 ***First Ministers' Council*** means a body (however described) that
10 consists only of, or that includes the following:

- 11 (a) the Prime Minister;
- 12 (b) the Premiers of each State;
- 13 (c) the Chief Ministers of the Australian Capital Territory and
14 Northern Territory.

15 ***Ministerial Council*** means a body (however described) that consists
16 of the Minister of the Commonwealth, and the Minister of each State
17 and Territory, who is responsible, or principally responsible, for
18 matters relating to health.

19 **18 Dictionary, definition of *national health reform agreement***

20 *substitute*

21 ***national health reform agreement*** means the National Health
22 Reform Agreement between the Commonwealth and the States that
23 was agreed to by the Council of Australian Governments on 2 August
24 2011, as amended from time to time.

25 *Note* On 29 May 2020, National Cabinet agreed to the cessation of the Council
26 of Australian Governments.

1 **19 Dictionary, definition of *standing council on health***

2 *omit*

3 **20 Further amendments, mentions of *standing council on***
4 ***health***

5 *omit*

6 standing council on health

7 *substitute*

8 Ministerial Council

9 *in*

- 10 • section 4
11 • sections 8 to 11
12 • section 32 (2)

1 **Part 5** **Planning and Development**
2 **Regulation 2008**

3 **21 Contents of strategic environmental assessments—**
4 **Act, s 101 (b)**
5 **Section 17 (1) (d) (ii), example 2**

6 *substitute*

7 2 National climate change adaptation framework

1 **Part 6** **Utilities Act 2000**

2 **22 National regulatory obligations and costs**
3 **Section 54E (1) (b) and (4) (a) (ii)**

4 *omit*

5 COAG EC's

6 *substitute*

7 Ministerial Council's

8 **23 Section 54E (4) (a) (iii) to (v)**

9 *omit*

10 COAG EC

11 *substitute*

12 Ministerial Council

13 **24 Section 54E (7), definition of COAG EC**

14 *omit*

15 **25 Section 54E (7), new definition of Ministerial Council**

16 *insert*

17 *Ministerial Council* means a body (however described) that consists
18 of the Minister of the Commonwealth, and the Minister of each State
19 and Territory, who is responsible, or principally responsible, for
20 matters relating to energy.

26 **New part 21***insert***Part 21** **Transitional—COAG Legislation
Amendment Act 2021****413** **References to COAG EC**

- (1) A reference to COAG EC in the Act before the commencement day is taken, from 23 October 2020, to be a reference to the Ministerial Council.

Note On 23 October 2020, National Cabinet agreed to the review of the Ministerial councils and forums.

- (2) In this section:

COAG EC—see the pre-amendment Act, section 54E (7).

commencement day means the day the *COAG Legislation Amendment Act 2021*, section 3 commences.

Ministerial Council—see section 54E (7).

pre-amendment Act means the *Utilities Act 2000*, as in force immediately before the commencement day.

414 **Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *COAG Legislation Amendment Act 2021*.

- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

1 (3) A regulation under subsection (2) has effect despite anything
2 elsewhere in this Act or another territory law.

3 **415 Expiry—pt 21**

4 This part expires 2 years after the commencement day.

5 *Note* A transitional provision is repealed on its expiry but continues to have
6 effect after its repeal (see [Legislation Act](#), s 88).

1 **Part 7** **Work Health and Safety**
2 **Regulation 2011**

3 **27 Dictionary, definition of *ADG Code***

4 *omit*

5 Transport and Infrastructure Council

6 *substitute*

7 Ministerial Council

8 **28 Dictionary, new definition of *Ministerial Council***

9 *insert*

10 ***Ministerial Council*** means a body (however described) that consists
11 of the Minister of the Commonwealth, and the Minister of each State
12 and Territory, who is responsible, or principally responsible, for
13 matters relating to transport.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 August 2021.

2 Notification

Notified under the [Legislation Act](#) on 2021.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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