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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

**SELF-GOVERNMENT (CONSEQUENTIAL
AMENDMENTS) BILL 1991**

EXPLANATORY MEMORANDUM

**Circulated by authority of
Terry Connolly MLA, Attorney General**

SELF-GOVERNMENT (CONSEQUENTIAL AMENDMENTS) BILL 1991

Outline

The Self-Government (Consequential Amendments) Bill 1991 makes a number of technical amendments to legislation necessary as a consequence of Self-Government. The changes are similar and additional to those made by the Self-Government (Consequential Amendments) Act 1989.

The Bill is in effect a tidying up exercise to correct and update legislation. The Bill removes references to repealed or no longer relevant legislation, substitutes "Territory" for "Commonwealth", corrects technical, grammatical or typographical errors and makes other changes necessary as a consequence of Self-Government. These include replacing a reference to the "Minister" with a reference to the Executive in the Publications Control Act 1989 and removing redundant references to Commonwealth legislation and procedures in the Teaching Service Act 1972.

Financial Considerations

There are no financial implications of this Bill.

Clause Notes

Clause 1 provides that the Act may be cited as the Self-Government (Consequential Amendments) Act 1991.

Clause 2 amends subsection 13(2) of the A.C.T. Institute of Technical and Further Education Act 1987 by substituting a reference to the Audit Act 1989 (ACT) for the reference to the no longer applicable Audit Act 1901 (Cth).

Clause 3 amends subsection 9(4) of the Building Act 1972 by substituting "Territory" for "Commonwealth".

Clause 4 repeals section 67 of the Chiropractors Registration Act 1983. This section is obsolete because its only purpose is to amend the now repealed Seat of Government (Administration) Ordinance 1930. This does not alter the effect of the Chiropractors Registration Act 1983 in any way.

Clause 5 repeals section 39 of the Health Professions Board (Elections) Act 1980. Section 39 is obsolete because its only purpose is to amend the now repealed Seat of Government (Administration) Ordinance 1930. This does not alter the effect of the Health Professions Board (Elections) Act 1980 in any way.

Clause 6 amends subsection 13(1)(b) of the Protection of Lands Act 1937 by substituting "the Territory" for "Australia".

Clause 7 provides that the Principal Act, for the purposes of clauses 7,8,9,10 and 11 of the Bill, is the Publications Control Act 1989.

Clause 8 amends section 35 of the Principal Act by substituting "Territory" for "Commonwealth".

Clause 9 amends section 36 of the Principal Act by substituting "Territory" for "Commonwealth".

Clause 10 amends section 39 of the Principal Act by removing the inappropriate reference to the "Minister" and replacing it with a reference to the A.C.T. Executive.

Clause 11 provides that any regulations made, pursuant to section 39 of the Principal Act before the operation of clause 10, remain valid.

Clause 12 amends section 146 of the Real Property Act 1925 by substituting "Territory" for "Commonwealth".

Clause 13 provides that the Principal Act, for the purposes of clauses 13, 14 and 15 of the Bill, is the Teaching Service Act 1972.

Clause 14 amends section 23 of the Principal Act by removing subsections 23(5) and 23(6). Section 23 concerns the appointment and conditions of employment of temporary employees of the Teaching Service. These subsections are no longer appropriate as they incorporate and apply provisions of the Commonwealth Public Service Act 1922 which is no longer relevant to the ACT Teaching Service. These amendments simplify section 23 and make it consistent with section 20 of the Act which concerns the appointment and conditions of employment of permanent employees.

Clause 15 provides that any determinations of conditions made since Self-Government day and before the operation of clause 14 remain valid despite any previous operation of sub-sections 23(5) and 23(6) of the Principal Act.