

1989

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

ADMINISTRATION (AMENDMENT) BILL 1989

EXPLANATORY MEMORANDUM

(Circulated by authority of the Attorney-General)

Ms Rosemary Follett
Attorney-General

ADMINISTRATION (AMENDMENT) BILL 1989

General Outline

The Administration Act 1989 makes provision for the making of delegations of powers and functions conferred on A.C.T. Ministers, the Head of Administration and Associate Heads of Administration under A.C.T. Acts and subordinate laws.

Section 55 of the Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth provides that the Assembly may make laws providing for the delegation of powers of the Head of Administration and of the Associate Head of Administration, including the sub-delegation by Associate Heads of Administration of powers delegated to them by the Head of Administration.

This Bill relies on the power conferred upon the Assembly by section 55 to amend the Administration Act 1989 to allow an Administrative Head to delegate powers under a Commonwealth Act, or an instrument of a legislative nature or an instrument of delegation made under a Commonwealth Act.

Financial impact statement

There is no financial impact from this bill.

Notes on clauses

Clause 1 - Short Title

This clause provides that the Act may be cited as the Administration (Amendment) Act 1989.

Clause 2 - Amendment of Principal Act

This clause amends section 5 of the Administration Act 1989 by adding new subsections 5(4) and 5(5) and making minor consequential amendments to the text of the section.

Subsection 5(4) provides that an Administrative Head may by instrument delegate to any person all or any of his powers under a Commonwealth Act or an instrument of a legislative nature or an instrument of delegation made under a Commonwealth Act.

Subsection 5(5) provides that subsection (4) extends to the sub-delegation by an Associate Head of Administration of a power delegated to him or her by the Head of Administration.