

1989-90-91

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

ADMINISTRATION (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

Circulated by authority of

TREVOR KAINE MLA

CHIEF MINISTER

ADMINISTRATION (AMENDMENT) BILL 1991

Outline

The Administration (Amendment) Bill 1990 provides for the powers of the Executive under ACT Legislation to be exercised by any two Ministers. The amendment clarifies the position because the Australian Capital Territory (Self-Government) Act 1988 gives no clear guidance as to whether the powers of the Executive can be exercised in the absence of one or more of its members.

Financial Implications

No financial implications flow from the Bill.

Clause 1

Provides that the short title of the Bill, when enacted, is to be the Administration (Amendment) Act 1991.

Clause 2

Refers to the Principal Act as the Administration Act 1989.

Clause 3

Inserts a new section into the Act referring to the exercise of powers of the Executive, and in particular:

- (i) Provides that, where any Act confers a power or imposes a duty on the Executive, the power or duty may be performed by any 2 Ministers (Sub-clause 3A(1)).
- (ii) Provides that, where a power or duty is exercised by 2 Ministers in accordance with subclause 3A (1), that power or duty shall be taken to be exercised by the Executive (Sub-clause 3A(2)).
- (iii) Provides that, where the Executive is required to execute or make any instrument under an Act, it is sufficient for the instrument to be signed by any 2 Ministers of the Executive (Sub-clause 3A(3)).