

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

**Administration (Interstate Agreements)
(Amendment) Bill 1998**

A BILL

FOR

An Act to amend the *Administration (Interstate Agreements) Act 1997*

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

1. Short title

This Act may be cited as the *Administration (Interstate Agreements) (Amendment) Act 1998*.

2. Commencement

This Act commences on the day on which it is notified in the *Gazette*.

3. Principal Act

In this Act, "Principal Act" means the *Administration (Interstate Agreements) Act 1997*.¹

4. Long Title

The title to the Principal Act is repealed and the following title substituted:

“An Act relating to interstate agreements”.

5 **5. Object**

Section 3 of the Principal Act is amended—

- (a) by omitting “negotiated between governments”; and
- (b) by adding at the end “, and shall be construed accordingly”.

6. Interpretation

10 Section 4 of the Principal Act is amended by omitting the definition of “negotiation” and substituting the following definition:

“ ‘negotiation’ means a negotiation between a Minister and another government or its representative.”.

7. Heading to Part II

15 The heading to Part II of the Principal Act is amended by omitting “**INTERSTATE AGREEMENTS—**”.

8. Substitution

Section 6 of the Principal Act is repealed and the following section is substituted.

20 **“6. Notification of negotiations**

“(1) Where a Minister proposes to participate in a negotiation for an interstate agreement, he or she shall comply with subsection (3) as soon as practicable after becoming aware of the impending negotiation.

“(2) Where—

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- (a) a Minister is participating in a negotiation for an interstate agreement; and
 - (b) subsection (3) has not been complied with in relation to the negotiation;

he or she shall do so as soon as practicable.

30 “(3) A Minister shall, in writing, inform each member of the Legislative Assembly of—

- (a) the nature of the negotiation or proposed negotiation;
 - (b) any timetable for the negotiation or proposed negotiation;
 - (c) the nature of any legislation which may be proposed as a result of the negotiation; and
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- (d) any position the Minister is taking, or intends to take, in the negotiation.”.

9. Substitution

5 Section 7 of the Principal Act is repealed and the following section substituted:

“7. Consultation regarding agreements

“(1) Where a Minister proposes to participate in a negotiation for an interstate agreement, he or she shall, if practicable, comply with subsection (3).

10 “(2) Where—

- (a) a Minister is participating in a negotiation for an interstate agreement; and
- (b) subsection (3) has not been complied with in relation to the negotiation;

15 he or she shall do so as soon as practicable.

“(3) A Minister shall consult with—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for the purpose; or
- 20 (b) if no committee has been so nominated—the Standing Committee on Justice and Community Safety;

regarding the matters to be considered at the negotiation.

“(4) In participating in a negotiation, the Minister shall have regard to any recommendation made by the relevant committee following the consultation.”.

25 10. Procedure before entering into agreements

Section 8 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Subject to section 10, a Minister” and substituting “A Minister”;
- 30 (b) by omitting from subsection (1) “agree to” and substituting “enter into”; and
- (c) by omitting from subsection (2) “entering” and substituting “considering whether to enter”.

11. Urgent or extraordinary negotiations

Section 10 of the Principal Act is amended—

- 35 (a) by omitting “paragraph 6 (a), 6 (b), 6 (c), or 6 (d), section 7, or subsection 8 (1) or (2)” and substituting “section 6, 7 or 8”; and

- (b) by omitting from paragraph (a) "reasonably possible" and substituting "possible or reasonable".

12. Discharge of requirements

5 Section 11 of the Principal Act is amended by omitting from subsection (2) all the words after "only".

NOTE

Principal Act

1 Act No 115, 1997.