

Australian Capital Territory

Administrative (Miscellaneous Amendments) Act 2006

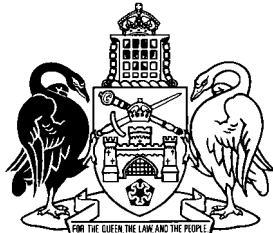
A2006-30

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Australian Capital Territory

Administrative (Miscellaneous Amendments) Act 2006

A2006-30

An Act to amend and repeal laws to implement part of the Strategic and Functional Review, and for other purposes

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

1 Name of Act

This Act is the *Administrative (Miscellaneous Amendments) Act 2006*.

2 Commencement

- (1) This Act commences on 1 July 2006.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) However, a date or time provided by a special commencement provision for an amendment made by this Act has effect as the commencement date or time of the amendment.
- (3) Also, each of the following provisions commence on a day fixed by the Minister by written notice:
- (a) section 4 (1) (b) and (5) (which repeal the *Australian Capital Tourism Act 1997* and registrable instruments under that Act);
 - (b) section 4 (1) (e) and (6) (which repeal the *Stadiums Authority Act 2000* and registrable instruments under that Act).

Note If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

- (4) In this section:

special commencement provision, for an amendment made by this Act, is a provision, in brackets beginning with the text ‘commencement:’, at the end of the amendment.

Example

An amendment followed by ‘(commencement: on a day fixed by the Minister by written notice)’ means that the amendment commences on the day fixed by the Minister by written notice.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

4 Legislation repealed

- (1) The following Acts are repealed:
- (a) *ACTION Authority Act 2001* A2001-61;
 - (b) *Australian Capital Tourism Corporation Act 1997* A1997-5;
 - (c) *Health Promotion Act 1995* A1995-43;
 - (d) *Small Business Commissioner Act 2004* A2004-70;
 - (e) *Stadiums Authority Act 2000* A2000-6.
- (2) The *Planning and Land Regulation 2003* SL2003-16 is repealed.
- (3) The following instruments are repealed:
- *Independent Competition and Regulatory Commission (Terms of Reference) Determination 2006 (No 1)* DI2006-2
 - *Independent Pricing and Regulatory Commission (Reference for Investigation) Declaration 1998* DI1998-265
 - *Independent Pricing and Regulatory Commission (Specified Requirements Relating to Investigations 1999* DI1999-276.

Section 4

- (4) All other registrable instruments under the Acts mentioned in subsection (1) (other than subsection (1) (b) and (e)) are repealed.
- (5) All registrable instruments under the *Australian Capital Tourism Corporation Act 1997* are repealed.
- (6) All registrable instruments under the *Stadiums Authority Act 2000* are repealed.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 ACTION Authority Act 2001

[1.1] Section 6 (4) and (5)

omit

(commencement: 3 days after notification day)

Part 1.2 Emergencies Act 2004

[1.2] Section 3 (c)

substitute

- (c) to provide for the effective and cohesive management by the commissioner of the state emergency service, the ambulance service, the fire brigade and the rural fire service; and

[1.3] Chapter 2

substitute

Chapter 2 Emergency services commissioner

7 Emergency services commissioner

The chief executive may appoint a public servant to be the ACT Emergency Services Commissioner (the *commissioner*).

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

8 Commissioner's functions

- (1) The commissioner is responsible for the overall strategic direction and management of the emergency services.

Note A chief officer of an emergency service is responsible for the general management and control of the service (see s 28 (3) (a), s 29 (3) (a), s 30 (3) (a) and s 31 (3) (a)).

- (2) The commissioner is also responsible for community education and improving community preparedness for emergencies.
- (3) The commissioner has the functions given to the commissioner under this Act and any other territory law.

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

- (4) In the exercise of the commissioner's functions, the commissioner must—
- (a) seek to give the emergency services a strong, cohesive, strategic and operational direction; and
 - (b) seek to ensure delivery of high-quality and effective service to the community by each of the emergency services; and
 - (c) seek to improve the operational effectiveness and flexibility of the emergency services; and
 - (d) recognise the value of the individual emergency services; and
 - (e) recognise the importance of all emergency service members, including volunteer members, to the services and the community; and
 - (f) recognise the diverse needs of the community, including people with special needs; and

Examples of people with special needs

- 1 the frail aged
- 2 people with a disability
- 3 people in hospital

- (g) emphasise community education and preparedness for emergencies; and
- (h) ensure that members of the emergency services and volunteers are properly equipped, trained and prepared; and
- (i) participate in strategic and operational planning for emergencies.

Examples of strategic and operational planning for emergencies

- 1 strategic planning for recovery from a natural disaster
- 2 operational planning for response to a fuel shortage emergency

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

9 Minister and emergency coordination

The Minister must, in consultation with the commissioner, ensure that—

- (a) an emergency coordination centre is established and maintained for the ACT; and
- (b) common planning, administrative and logistic support is provided for the emergency services (including common communications and emergency coordination centres).

Example

common risk management planning

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

10 Asking bushfire council's advice

- (1) The commissioner must ask for, and consider, the bushfire council's advice before exercising a function relating to bushfires prescribed by regulation.
- (2) The commissioner may ask for the bushfire council's advice in relation to the exercise of any other function relating to bushfires.

11 Commissioner may make guidelines

- (1) The commissioner may, in writing, make guidelines for the strategic operation of each of the emergency services (the *commissioner's guidelines*).
- (2) The commissioner's guidelines are a notifiable instrument except to the extent that the commissioner considers it is in the public interest that it not be notifiable.

Note A notifiable instrument must be notified under the Legislation Act.

- (3) Any part of the commissioner's guidelines that is not notified under the Legislation Act must be given to the appropriate Legislative Assembly committee.
- (4) The commissioner's guidelines may make provision in relation to—
 - (a) areas of the emergency services to be operated jointly; and
 - (b) operation of joint areas of the emergency services; and
 - (c) planning and conduct of joint operations of the emergency services; and
 - (d) anything else in relation to the strategic organisation and operation of each of the emergency services that the commissioner considers appropriate.

Examples

- 1 guidelines for the operation of a joint communications area for the services
- 2 guidelines for joint operations

- 3 guidelines for joint response to a major building collapse
- 4 guidelines for ending appointments of volunteer members (including application of the rules of natural justice)

Note 1 An Act that authorises the making of a statutory instrument (eg guidelines) authorises an instrument to be made in relation to any matter required or permitted to be prescribed under the authorising law or that is necessary or convenient to be prescribed for carrying out or giving effect to the authorising law (see Legislation Act, s 44).

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (5) The commissioner's guidelines may apply, adopt or incorporate a law or instrument as in force from time to time.

Note The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument (see Legislation Act, s 47 (5) and (6)).

- (6) The chief officer of an emergency service may recommend amendments of the commissioner's guidelines to the commissioner.
- (7) For this section:

appropriate Legislative Assembly committee means the standing committee of the Legislative Assembly nominated, in writing, by the Speaker.

12 Delegation by commissioner

The commissioner may delegate the commissioner's functions under this Act or another territory law to a public servant or a member of an emergency service.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

[1.4] Section 28 (1) and (2)

substitute

- (1) The chief executive may, after consulting the commissioner, appoint a public servant to be the chief officer of the ambulance service (the ***chief officer (ambulance service)***).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) However, the chief executive may appoint a person under subsection (1) only if the person has the management, professional and technical expertise to exercise the chief officer's functions.

[1.5] Section 29 (1) and (2)

substitute

- (1) The chief executive may, after consulting the commissioner, appoint a public servant to be the chief officer of the fire brigade (the ***chief officer (fire brigade)***).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) However, the chief executive may appoint a person under subsection (1) only if the person has the management, professional and technical expertise to exercise the chief officer's functions.

[1.6] Section 30 (1) and (2)

substitute

- (1) The chief executive may, after consulting with the bushfire council and the commissioner, appoint a public servant to be the chief officer of the rural fire service (the ***chief officer (rural fire service)***).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) However, the chief executive may appoint a person under subsection (1) only if the person has the management, professional and technical expertise to exercise the chief officer's functions.

[1.7] Section 31 (1) and (2)

substitute

- (1) The chief executive may, after consulting the commissioner, appoint a public servant to be the chief officer of the SES (the ***chief officer (SES)***).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) However, the chief executive may appoint a person under subsection (1) only if the person has the management, professional and technical expertise to exercise the chief officer's functions.

[1.8] Section 32 (1) and (2)

substitute

- (1) The chief executive may, after consulting the commissioner, appoint a public servant to be the deputy chief officer of a service.

- (2) However, the chief executive may appoint a person under subsection (1) only if the person has the management, professional and technical expertise to exercise the deputy chief officer's functions.

[1.9] Section 32 (4)

substitute

- (4) Before appointing a person as the deputy chief officer (rural fire service), the chief executive must consult with the bushfire council.

[1.10] Section 35 (3)

substitute

- (3) A direction by the chief officer of an emergency service (other than a medical treatment direction) must, if practicable, be in accordance with any direction of the commissioner and the commissioner's guidelines.

[1.11] Section 36

substitute

36 Chief officers to advise commissioner

- (1) The chief officer of an emergency service must advise the commissioner on the capability of the service.
- (2) The chief officer of an emergency service must report to the commissioner on the capability of the service if the commissioner asks.

[1.12] **New part 4.5**

insert

Part 4.5 Volunteers

59B Appointment of volunteer members

- (1) The chief officer of a service may appoint a person as a volunteer member of the service.
- (2) The chief officer may end the appointment at any time in accordance with the commissioner's guidelines for the service.

59C Volunteer appointments in accordance with guidelines

- (1) The appointment of a person as a volunteer member of a service must be in accordance with the commissioner's guidelines for the service.
- (2) Without limiting subsection (1), the appointment of a volunteer may be made to—
 - (a) an operational unit in the service; and
 - (b) a rank in the service.
- (3) Before appointing a volunteer member of the rural fire service to a senior rank of the service, the chief officer (rural fire service) must consult with the bushfire council.
- (4) In this section:

operational unit includes a brigade.

senior rank, for the rural fire service, means a senior rank under the commissioner's guidelines for the service.

59D Casual volunteers

- (1) A person in charge of an activity that is part of an operation in which an emergency service is taking part may—
 - (a) ask someone else to take part in the activity without remuneration or reward; or
 - (b) agree to someone else taking part in the activity without remuneration or reward.

Example

A member of the ambulance service may ask a volunteer to hold equipment.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) A person who takes part in an activity under this section is a *casual volunteer* for this Act.
- (3) Subsection (2) does not apply to a member of an emergency service or a member of a support unit or a specialist acting under a cooperative arrangement.
- (4) The Legislation Act, part 19.3 does not apply in relation to a casual volunteer.

Note The Legislation Act, pt 19.3 deals with appointments generally.

- (5) In this section:

specialist—see section 175.

support unit—see section 175.

[1.13] Parts 4.5 and 4.6

renumber as parts 4.6 and 4.7

[1.14] Section 60 heading

substitute

60 Definitions—pt 4.6

[1.15] Section 71

substitute

71 Commissioner may declare bushfire abatement zone

- (1) The commissioner may, after consulting with the conservator and the planning and land authority, declare an area to be a bushfire abatement zone.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

[1.16] Section 82

substitute

82 Directions by commissioner to owner of land

- (1) The commissioner may, in writing, direct an owner of land to comply with a bushfire management requirement, or bushfire operational plan, applying to the area.
- (2) Unless the commissioner is satisfied that there are urgent circumstances, the commissioner must consult with the conservator before giving the direction.
- (3) The commissioner may, in consultation with the conservator, make guidelines for giving directions under this section in urgent circumstances.

[1.17] Section 123 (4)

substitute

- (4) The owner of land may also burn material on any day (whether in or outside the bushfire season) in accordance with the commissioner's oral approval.

[1.18] Sections 130 and 131

substitute

130 Functions of bushfire council

- (1) The bushfire council has the function of advising the Minister about matters relating to bushfires.
- (2) If the commissioner asks for the bushfire council's advice before exercising a function relating to bushfires, the council also has the function of advising the commissioner about the exercise of the function.

Note The commissioner must ask for the bushfire council's advice before exercising certain functions (see s 10).

- (3) The bushfire council may exercise any other function given to it under this Act or another territory law.

Note A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

131 Chief executive to give support to bushfire council

The chief executive must provide administrative support and facilities for the bushfire council.

[1.19] Section 162 (1)

substitute

- (1) For the management of a declared state of emergency, the territory controller may direct the commissioner or the head of an entity to undertake response or recovery operations.

[1.20] Section 174

substitute

174 Commissioner must assist recovery for other emergencies

- (1) The commissioner must assist in recovery from the effects of an emergency by supporting the activities of any entity working in the area of recovery and welfare in the role of assisting the community to recover.
- (2) Without limiting subsection (1), the commissioner must give support by—
 - (a) identifying people in the community to act as contacts in relation to the activities; and
 - (b) together with relevant entities—
 - (i) establishing priorities for the short-term recovery of infrastructure; and
 - (ii) assisting in the re-establishment of infrastructure.

[1.21] Section 176 (1)

omit everything before paragraph (a), substitute

- (1) The Minister may enter into a written arrangement with a Commonwealth or State agency, or an agency of a foreign country, (*a cooperative arrangement*) to facilitate cooperation—

[1.22] Section 182 (2) and (3)

substitute

- (2) If the gift is expressed to be subject to a condition, the chief executive may agree to comply with the condition, as far as practicable, in the administration of the gift.
- (3) However, if the chief executive is satisfied that the condition is inappropriate, impracticable or impossible to carry out, the chief executive may, in writing, amend the terms of the condition to the extent necessary to make it appropriate and practicable to carry out.

[1.23] Section 197 (1)

substitute

- (1) The commissioner must give an identity card to—
 - (a) each member of an emergency service; and
 - (b) each inspector or investigator who is not a member of an emergency service.

[1.24] Section 197 (3) (b)

substitute

- (b) the person does not return the person's identity card to the commissioner as soon as practicable (but within 7 days) after the day the person ceases to be a member, inspector or investigator.

[1.25] Section 198 (1), definition of *official*, paragraphs (d) and (e)

substitute

- (d) anyone else exercising a function under this Act.

[1.26] Section 198 (4)

omit

For subsection (1) (e),

substitute

For subsection (1) (d),

[1.27] Section 198 (4) (c)

substitute

- (c) a casual volunteer taking part in an activity under section 59D (Casual volunteers); or

[1.28] Dictionary, definition of *ambulance services*

omit

part 4.5

substitute

part 4.6

[1.29] Dictionary, definitions of *authority* and *authority guidelines*

omit

[1.30] Dictionary, definition of *casual volunteer*

substitute

casual volunteer—see section 59D (2).

[1.31] Dictionary, definitions of *emergency services* and *firefighting services*

omit

part 4.5

substitute

part 4.6

[1.32] Dictionary, definition of *member*, paragraph (d)

substitute

- (c) includes a volunteer or casual volunteer in relation to the service.

[1.33] Dictionary, definitions of *rescue services* and *response operation*

omit

part 4.5

substitute

part 4.6

[1.34] Dictionary, definition of *volunteer member*

substitute

volunteer member means a person appointed as a volunteer member of an emergency service under section 59B.

[1.35] Further amendments, mentions of authority

omit

authority

substitute

commissioner

in

- section 62 (2)
- section 65 (1) and (2)
- section 72 (1), (2), (5) and (6)
- section 73
- section 75 (1) (b)
- section 76
- section 78 (2), (3), (4) and (5)
- section 114 (1) and (2)
- section 115 (1)
- section 116 (3) (b)
- section 117 (1)
- section 118 (1), (3) and (4)
- section 119 (2) and (3)
- section 121 (1) (a)
- section 122 (4) (a)
- section 123 (3) and (5)
- section 124 (1)
- section 143 (3) (b)
- section 149 (3)
- section 177 (1) and (2)
- section 178
- section 179 (1)
- section 184

Schedule 1 Legislation amended
Part 1.3 Financial Management Act 1996

Amendment [1.36]

- section 200 (1) and (2)

[1.36] Further amendments, mentions of authority guidelines

omit

authority guidelines

substitute

commissioner's guidelines

in

- section 34 (2)
- section 38 (1)
- section 48 (2)
- section 67 (5) (a)
- section 68 (7) (a)

Part 1.3 Financial Management Act 1996

[1.37] Section 54 (1)

omit

- ACT Health Promotion Authority

[1.38] Section 54 (1)

omit

- ACTION Authority

[1.39] Section 54 (1)

omit

- Australian Capital Tourism Corporation

(commencement: on a day fixed by the Minister by written notice)

[1.40] Section 54 (1)

omit

- Stadiums Authority

(commencement: on a day fixed by the Minister by written notice)

[1.41] Section 76 (2)

omit

- ACT Health Promotion Authority

[1.42] Section 76 (2)

omit

- ACTION Authority

[1.43] Section 76 (2)

omit

- Australian Capital Tourism Corporation

(commencement: on a day fixed by the Minister by written notice)

[1.44] Section 76 (2)

omit

- Stadiums Authority

(commencement: on a day fixed by the Minister by written notice)

[1.45] New divisions 9.6 and 9.7

insert

104 Purpose of div 9.6

The purpose of this division is to facilitate the transfer of assets, rights and liabilities of, or held by, territory authorities to which this division applies.

Note 1 A **liability** includes an obligation (see Legislation Act, dict, pt 1).

Note 2 See also the Legislation Act, dict, def **asset**.

105 What territory authorities does div 9.6 apply to?

- (1) This division applies to a territory authority if the authority is prescribed by regulation for this division.
 - (2) A reference in this division to a ***division 9.6 authority*** is a reference to a territory authority to which this division applies.
 - (3) To remove any doubt—
 - (a) nothing in this Act prevents a division 9.6 authority also being a division 9.7 authority; and
 - (b) a regulation may prescribe a territory authority for this division whether or not this part would otherwise apply to the authority.

106 Responsible Minister may direct div 9.6 authority to sell or transfer assets

- (1) The responsible Minister for a division 9.6 authority may direct the authority to sell or transfer a stated asset of, or held by, the authority.

-
- (2) The direction may also impose on the division 9.6 authority requirements to assist or regulate, or otherwise in relation to, the sale or transfer.

Examples of other requirements

- 1 that a sale or transfer must be to a stated entity
- 2 that a sale or transfer must be finished before a stated time
- 3 that a sale or transfer must be undertaken in a stated way
- 4 that an asset must be sold for a price within a stated price-range
- 5 that an asset must be marketed, and the sale undertaken, through a stated agent

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) The division 9.6 authority must comply with the direction.
- (4) A direction under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (5) To remove any doubt, this section is additional to, and does not limit, any other provision of this division.

107 Transfer of assets by declaration—div 9.6 authorities

- (1) The responsible Minister for a division 9.6 authority may make 1 or more of the following declarations (*a transfer declaration*) in relation to an asset of, or held by, the authority:
- (a) a declaration that the stated asset vests in a stated entity at a stated time without a conveyance, transfer or assignment;
 - (b) a declaration that a stated instrument relating to the asset continues to have effect after the asset vests in a stated entity as if a reference in the instrument to the authority were a reference to the entity;

- (c) a declaration that a stated entity becomes the authority's successor in law in relation to the asset after the asset vests in the entity.
 - (2) A transfer declaration has effect in accordance with its terms.
 - (3) A transfer declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.
 - (4) To remove any doubt, the making of a transfer declaration in relation to an asset of, or held by, a division 9.6 authority does not prevent the authority from transferring assets not dealt with in the declaration otherwise than in accordance with the declaration.
 - (5) To remove any doubt, this section is additional to, and does not limit, any other provision of this division.

Note A notifiable instrument must be notified under the Legislation Act.

108 Transfer of contractual rights and liabilities by declaration—div 9.6 authorities

- (1) The responsible Minister for a division 9.6 authority may declare that the authority's rights and liabilities under a stated contract to which the authority is party—
 - (a) stop being the rights and liabilities of the authority at a stated time; and
 - (b) become rights and liabilities of a stated entity at that time.
 - (2) The responsible Minister for a division 9.6 authority may declare that a stated contract continues to have effect after a stated time as if a reference in the contract were a reference to a stated entity.
 - (3) The responsible Minister for a division 9.6 authority may declare that a stated instrument relating to a stated contract continues to have effect after the authority's rights and liabilities under the contract become rights and liabilities of a stated entity as if a reference in the instrument to the authority were a reference to the entity.

-
- (4) The responsible Minister for a division 9.6 authority may declare that a stated person becomes the authority's successor in law, in relation to the authority's rights and liabilities under a stated contract, immediately after the authority's rights and liabilities under the contract become rights and liabilities of the entity.
 - (5) A declaration under this section has effect according to its terms.
 - (6) A declaration under this section is a notifiable instrument
- Note* A notifiable instrument must be notified under the Legislation Act.
- (7) To remove any doubt, this section is additional to, and does not limit, any other provision of this division.

109 Transfer of liabilities by declaration—div 9.6 authorities

- (1) The responsible Minister for a division 9.6 authority may make 1 or more of the following declarations in relation to a liability of the authority:
 - (a) a declaration that a stated liability stops being a liability of the authority and becomes a liability of a stated entity at a stated time;
 - (b) a declaration that a stated instrument relating to a stated liability continues to have effect after the liability becomes a liability of a stated entity as if a reference in the instrument to the authority were a reference to the entity;
 - (c) a declaration that a stated entity becomes the authority's successor in law in relation to a stated liability immediately after the liability becomes a liability of the entity.
- (2) A declaration under subsection (1) has effect in accordance with its terms.
- (3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (4) To remove any doubt, this section is additional to, and does not limit any other provision of this division.

110 Assistance given by authorities for div 9.6

- (1) A division 9.6 authority may, on the authority's own initiative, give the Territory assistance in relation to the transfer of the authority's assets.

Examples of forms of assistance

- 1 giving information
 - 2 giving financial assistance
 - 3 giving a financial benefit to an entity
 - 4 giving facilities, information and other assistance in relation to the conduct of a due diligence procedure or market briefing
 - 5 entering into an agreement with the Territory

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) A division 9.6 authority must, if asked in writing by the responsible Minister for the authority, assist the Territory in relation to the transfer of the authority's assets.
 - (3) If a division 9.6 authority must give assistance under subsection (2), the assistance must be given within the period, and in the way, stated in the request.
 - (4) To remove any doubt, a division 9.6 authority that gives assistance under this section does not incur civil liability only because of the giving of assistance.
 - (5) Any liability that would, apart from this section, attach to the division 9.6 authority attaches instead to the Territory.

111 Assistance given by governing board members for div 9.6

- (1) The governing board, or a member of the governing board, of a division 9.6 authority may, on the board's or member's own initiative, give the Territory assistance in relation to the transfer of the authority's assets.

Examples of forms of assistance

- 1 giving information
- 2 giving financial assistance
- 3 giving a financial benefit to an entity
- 4 giving facilities, information and other assistance in relation to the conduct of a due diligence procedure or market briefing
- 5 entering into an agreement with the Territory

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The governing board, or a member of the governing board, of a division 9.6 authority must, if asked in writing by the responsible Minister for the authority, assist the Territory in relation to the transfer of the authority's assets.
- (3) If the governing board, or a member of the governing board, of a division 9.6 authority must give assistance under subsection (2), the assistance must be given within the period, and in the way, stated in the request.
- (4) To remove any doubt, a governing board or a member of a governing board who gives assistance under this section does not incur civil liability only because of the giving of assistance.
- (5) Any liability that would, apart from this section, attach to the members or member of the governing board attaches instead to the Territory.

112 Use of information by Territory and div 9.6 authorities

- (1) This section applies to information provided under section 110 (Assistance given by authorities for div 9.6) or section 111 (Assistance given by governing board members for div 9.6) in relation to a division 9.6 authority.
- (2) The Territory, the division 9.6 authority or an associated person may use the information for a purpose related to, or consequent on, the transfer of the authority's assets.
- (3) The Territory, the territory authority or an associated person may give the information to someone else for a purpose related to, or consequent on, the transfer of the authority's assets.
- (4) If a person gives information or uses information under this section—
 - (a) the giving of the information is not—
 - (i) a breach of confidence; or
 - (ii) a breach of professional etiquette or ethics; or
 - (iii) a breach of a rule of professional conduct; and
 - (b) the person does not incur civil liability only because of the giving or using of the information.
- (5) In this section:
associated person—each of the following is an *associated person* in relation to a division 9.6 authority:
 - (a) the responsible Minister for the authority;
 - (b) a public employee;
 - (c) a person who exercises a function for the Territory in relation to the transfer of the authority's assets;
 - (d) a member of the governing board of the territory authority;

- (e) an officer or employee of the authority;
- (f) a person who exercises a function for the authority in relation to the authority's assets.

**113 Contracts relating to the protection of information—
responsible Minister for div 9.6 authority**

- (1) The responsible Minister for a division 9.6 authority may, on behalf of the Territory, enter into a contract with an entity relating to the protection of information if—
 - (a) the information is provided under section 110 (Assistance given by authorities for div 9.6) or section 111 (Assistance given by governing board members for div 9.6); and
 - (b) publication of the information might be expected to substantially prejudice the entity's commercial interests.
- (2) To remove any doubt, subsection (1) does not limit the power of the Territory to enter into contracts.

**114 Contracts relating to the protection of information—
div 9.6 authority**

- (1) A division 9.6 authority may enter into a contract with an entity relating to the protection of information if—
 - (a) the information is provided under section 110 (Assistance given by authorities for div 9.6) or section 111 (Assistance given by governing board members for div 9.6); and
 - (b) publication of the information might be expected to substantially prejudice the entity's commercial interests.
- (2) To remove any doubt, subsection (1) does not limit the power of the division 9.6 authority to enter into contracts.

115 Transfer of pending proceedings—div 9.6 authorities

- (1) This section applies if—
 - (a) an entity (the *successor*) becomes the successor in law of someone else (the *original entity*) at a particular time (the *handover time*) in relation to a particular asset, right or liability because of a declaration made by a Minister under this division; and
 - (b) a proceeding to which the original entity was a party was pending in a court or other entity immediately before the handover time; and
 - (c) the proceeding related, completely or partly, to the asset, right or liability.
- (2) The successor is, by force of this subsection, substituted for the original entity as a party to the proceeding to the extent to which the proceeding relates to the asset, right or liability.
- (3) The court or other entity in which, or before which, a proceeding has been continued under this section may give directions about the proceeding.
- (4) However, subsection (2) does not apply if the responsible Minister for the original entity determines otherwise.
- (5) A determination under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

116 Proceedings and evidence—div 9.6 authorities

- (1) This section applies if an entity (the *successor*) becomes the successor in law of someone else (the *original entity*) at a particular time (the *handover time*) in relation to a particular asset, right or liability because of a declaration made by a Minister under this division.

-
- (2) A proceeding for a cause of action may be brought against the successor in relation to the asset, right or liability if, before handover time—
 - (a) the cause of action had accrued against the original entity in relation to the asset, right or liability; and
 - (b) a proceeding had not started in relation to the cause of action; and
 - (c) the limitation period for the cause of action had not ended.
 - (3) The *Limitation Act 1985*, part 3 (Postponement of bar) applies to the starting of a proceeding that may be brought by or against the successor under this section as if the cause of action had been accrued by, or had accrued against, the successor.
 - (4) The court or other entity in which, or before which, a proceeding has been or may be started under this section may give directions about the proceeding.
 - (5) Any evidence that, before handover time, would have been admissible for or against the original entity in relation to the asset, right or liability is admissible for or against the successor.
 - (6) An order made in a proceeding by or against the original entity in relation to the asset, right or liability before handover time may be enforced by or against the successor.
 - (7) In this section:
proceeding includes a proceeding by way of appeal or review (including review under the *Ombudsman Act 1989*).

117 Operation of div 9.6 not breach of contract etc

To remove any doubt, the operation of this division must not be taken to—

- (a) place a person in breach of contract or confidence; or

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Legislation amended
Financial Management Act 1996

Amendment [1.45]

- (b) otherwise make a person guilty of a civil wrong; or
- (c) place a person in breach of, or create a default under, any territory law or provision in an agreement, arrangement or understanding, including, for example, a contractual provision prohibiting, restricting or regulating the following:
 - (i) the assignment or transfer of an asset, right or liability;
 - (ii) the disclosure of information; or
- (d) release a surety from any of surety's liabilities in relation to a liability that is transferred under a declaration made by a Minister under this division; or
- (e) fulfil a condition that—
 - (i) allows an entity to terminate an agreement or liability; or
 - (ii) alters the operation or effect of an agreement; or
 - (iii) requires an amount to be paid before its stated maturity.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

118 Transfer of assets etc not otherwise disposed of—div 9.6 authorities

- (1) This section applies in relation to an asset, right or liability of a division 9.6 authority if—
 - (a) the authority ceases to exist; and
 - (b) apart from this section, division 9.7 would not apply in relation to the authority; and
 - (c) the asset, right or liability has not been disposed of after the authority ceases to exist.

- (2) Division 9.7 applies in relation to the division 9.6 authority as if it were a division 9.7 authority, but only in relation to the asset, right or liability that has not been disposed of.

119 Annual reports etc for div 9.6 authorities

- (1) In this section:

division 9.6 authority means a division 9.6 authority that has ceased to exist and is not also a division 9.7 authority.

financial year—see the *Annual Reports (Government Agencies) Act 2004*, section 6 (3).

handover day, in relation to a division 9.6 authority, means the day the authority ceases to exist.

relevant financial year, for a division 9.6 authority, means a financial year—

- (a) beginning before the handover day for the authority; and
- (b) for which a report had not been presented by the authority under the *Annual Reports (Government Agencies) Act 2004*, section 6 (Annual report of public authority) before the handover day.

responsible Minister, for a division 9.6 authority, means the Minister who was the responsible Minister for the authority immediately before it ceased to exist.

- (2) The responsible Minister for a division 9.6 authority must present an annual report for the authority for each relevant financial year.
- (3) An annual report under subsection (2) must include anything that the annual report would have been required to include before handover day for the division 9.6 authority.

- (4) The applied provisions of part 8 (Financial provisions for territory authorities) apply in relation to a division 9.6 authority in relation to any period before the handover day as if—
- (a) the authority had not ceased to exist; and
 - (b) a reference in section 63 and section 68 to the authority included a reference to the responsible Minister for the authority; and
 - (c) a reference in section 64 and section 69 to the relevant person for the authority included a reference to the responsible Minister for the authority; and
 - (d) a reference in section 65 and section 70 to the chief executive officer of the authority included a reference to the responsible Minister for the authority; and
 - (e) all other necessary changes were made; and
 - (f) any changes prescribed by regulation were made.
- (5) For subsection (4), the *applied provisions of part 8* are the following:
- section 63 (Annual financial statements of territory authorities)
 - section 64 (Responsibility for annual financial statements of territory authorities)
 - section 65 (Audit of annual financial statements of territory authorities)
 - section 66 (Annual financial statements of territory authorities to be included in annual reports etc)
 - section 68 (Statements of performance of territory authorities)
 - section 69 (Responsibility for territory authority statements of performance)
 - section 70 (Scrutiny of territory authority statements of performance)
 - section 71 (Territory authority statements of performance to be included in annual reports).

Division 9.7

Additional provisions for restructuring of certain territory authorities

120 What territory authorities does div 9.7 apply to?

- (1) This division applies to a territory authority if the authority is prescribed by regulation for this division.

Note This division also applies in relation to territory authorities in relation to certain assets, rights and liabilities (see s 118).

- (2) A reference in this division to a ***division 9.7 authority*** is a reference to a territory authority to which this division applies.
- (3) To remove any doubt, a regulation may prescribe a territory authority for this division whether or not this part would otherwise apply to the authority.

121 Definitions—div 9.7

In this division:

handover day, in relation to a division 9.7 authority, means the day the authority ceases to exist.

territory authority includes a territory authority that has ceased to exist.

122 Vesting of assets, rights and liabilities—div 9.7 authorities

- (1) All assets, rights and liabilities of a division 9.7 authority immediately before handover day vest in the Territory on handover day.
- (2) To remove any doubt, all records of the territory authority, including applications made to the authority, become the records of the Territory on handover day.

123 Proceedings and evidence—div 9.7 authorities

- (1) For a proceeding started before handover day and to which a division 9.7 authority is a party, the Territory is substituted as a party on the handover day.
- (2) A proceeding for a cause of action in relation to a division 9.7 authority may be brought against the Territory if, before handover day—
 - (a) the cause of action had accrued against the authority; and
 - (b) a proceeding had not started in relation to the cause of action; and
 - (c) the limitation period for the cause of action had not ended.
- (3) The *Limitation Act 1985*, part 3 (Postponement of bar) applies to the starting of a proceeding that may be brought by or against the Territory under this section as if the cause of action had been accrued by, or had accrued against, the Territory.
- (4) The court or other entity in which, or before which, a proceeding may be or has been started or continued under this section may give directions about the proceeding.
- (5) Any evidence that would, before a division 9.7 authority ceased to exist, have been admissible for or against the authority is admissible for or against the Territory.
- (6) An order made in a proceeding by or against a division 9.7 authority before the handover day may, after the handover day, be enforced by or against the Territory.
- (7) In this section:
proceeding includes a proceeding by way of appeal or review (including review under the *Ombudsman Act 1989*).

124 Annual reports and financial statements for div 9.7 authorities

- (1) In this section:

division 9.7 authority means a division 9.7 authority that has ceased to exist.

financial year—see the *Annual Reports (Government Agencies) Act 2004*, section 6 (3).

relevant financial year, for a division 9.7 authority, means a financial year—

- (a) beginning before the handover day for the authority; and
- (b) for which a report had not been presented by the authority under the *Annual Reports (Government Agencies) Act 2004*, section 6 (Annual report of public authority) before the handover day.

responsible Minister, for a division 9.7 authority, means the Minister who was the responsible Minister for the authority immediately before it ceased to exist.

- (2) The responsible Minister for a division 9.7 authority must present an annual report for the authority for each relevant financial year.
- (3) An annual report under subsection (2) must include anything that the annual report would have been required to include before handover day for the division 9.7 authority.
- (4) The applied provisions of part 8 (Financial provisions for territory authorities) apply in relation to a division 9.7 authority in relation to any period before the handover day as if—
 - (a) the authority had not ceased to exist; and
 - (b) a reference in section 63 and section 68 to the authority included a reference to the responsible Minister for the authority; and

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- (c) a reference in section 64 and section 69 to the relevant person for the authority included a reference to the responsible Minister for the authority; and
 - (d) a reference in section 65 and section 70 to the chief executive officer of the authority included a reference to the responsible Minister for the authority; and
 - (e) all other necessary changes were made; and
 - (f) any changes prescribed by regulation were made.
- (5) For subsection (4), the *applied provisions of part 8* are the following:
- section 63 (Annual financial statements of territory authorities)
 - section 64 (Responsibility for annual financial statements of territory authorities)
 - section 65 (Audit of annual financial statements of territory authorities)
 - section 66 (Annual financial statements of territory authorities to be included in annual reports etc)
 - section 68 (Statements of performance of territory authorities)
 - section 69 (Responsibility for territory authority statements of performance)
 - section 70 (Scrutiny of territory authority statements of performance)
 - section 71 (Territory authority statements of performance to be included in annual reports).

125 References to div 9.7 authority

In any contract, agreement or arrangement, a reference to a division 9.7 authority is, for the application of the contract, agreement or arrangement on or after the handover day, a reference to the Territory.

(commencement: 3 days after notification day)

[1.46] Sections 104 to 108

renumber as sections 130 to 134

[1.47] Part 11 heading

substitute

Part 19

**Transitional—Financial
Management Legislation
Amendment Act 2005**

[1.48] Section 109

renumber as section 150

[1.49] Section 110 (4)

omit

section 109

substitute

section 150

[1.50] Section 110

renumber as section 151

[1.51] Section 111

renumber as section 155

Schedule 1 Legislation amended
Part 1.3 Financial Management Act 1996
Amendment [1.52]

[1.52] New part 20

insert

Part 20

**Transitional—Administrative
(Miscellaneous Amendments)
Act 2006**

220 Transitional—definition of territory authority

- (1) For this Act, the definition of *territory authority* as amended by the *Administrative (Miscellaneous Amendments) Act 2006* is taken to have had effect from 1 January 2006.
- (2) This section expires 1 month after the day it commences.
- (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
(commencement: 3 days after notification day)

221 Transitional—Legislation Act, s 84 inapplicable

- (1) To remove any doubt, the Legislation Act, section 84 (Saving of operation of repealed and amended laws) does not apply in relation to an appointment made under—
 - (a) an Act repealed by the *Administrative (Miscellaneous Amendments) Act 2006*; or
 - (b) a provision of an Act omitted by the *Administrative (Miscellaneous Amendments) Act 2006*.
- (2) This section expires 1 month after the day it commences.
- (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

222 Transitional regulations—Administrative (Miscellaneous Amendments) Act 2006

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Administrative (Miscellaneous Amendments) Act 2006*.
- (2) A regulation may modify this part (including its operation in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

223 Expiry—pt 20

This part expires 2 years after the day this section commences.

[1.53] Dictionary, new definition of *contract*

insert

contract includes an agreement or arrangement.

[1.54] Dictionary, new definitions of *division 9.6 authority* and *division 9.7 authority*

insert

division 9.6 authority means a territory authority to which division 9.6 applies (see s 105).

division 9.7 authority means a territory authority to which division 9.7 applies (see s 120).

[1.55] Dictionary, new definition of *handover day*

insert

handover day, for division 9.7 (Additional provisions for restructuring of certain territory authorities)—see section 121.

Schedule 1

Schedule 1 Legislation amended
Part 1.4 Financial Management Regulation 2005

Amendment [1.56]

[1.56] Dictionary, definition of *territory authority*

substitute

territory authority—

- (a) means a body corporate established by an Act; and
 - (b) to remove any doubt, includes an entity to which part 8 applies; and
 - (c) for division 9.7 (Additional provisions for restructuring of certain territory authorities)—includes a territory authority that has ceased to exist; but
 - (d) does not include a body declared under section 3B not to be a territory authority.

(commencement: 3 days after notification day)

Part 1.4

Financial Management Regulation 2005

[1.57] Section 3

substitute

3

Modification of Act, pt 19—Act, s 155

- (1) The Act, part 19 is modified by schedule 1.
 - (2) This section, and schedule 1, expire on 27 October 2007.

[1.58] Section 4

substitute

4

Territory authorities to which div 9.6 applies—Act, s 105

Division 9.6 applies to the following territory authorities:

- ACT Health Promotion Authority

- ACTION Authority
- Australian Capital Tourism Corporation
- Emergency Services Authority
- Stadiums Authority.

(commencement: 3 days after notification day)

[1.59] New section 5

insert

5 Territory authorities to which div 9.7 applies—Act, s 120

Division 9.7 applies to the following territory authorities:

- ACT Health Promotion Authority
- ACTION Authority
- Australian Capital Tourism Corporation
- Emergency Services Authority
- Stadiums Authority.

(commencement: 3 days after notification day)

Schedule 1 Legislation amended
Part 1.4 Financial Management Regulation 2005
Amendment [1.60]

[1.60] Schedule 1, heading

substitute

**Schedule 1 Modification of Act, pt 19
(Transitional—Financial
Management Legislation
Amendment Act 2005)**

[1.61] Schedule 1, modification 1.1

omit

[1.1] New sections 110A and 110B

insert

**110A Application of Legislation Act, s 94 to certain
appointments, elections and approvals**

substitute

[1.1] New section 152

insert

**152 Application of Legislation Act, s 94 to certain
appointments, elections and approvals**

[1.62] Schedule 1, modification 1.1, section 110B

omit

Part 1.5

Fuels Control Act 1979

[1.63] Sections 12 and 12A

substitute

12 Powers of emergency services commissioner during emergency

- (1) If a declaration under section 11 (1) is in force, the emergency services commissioner may, by written notice given to a person who is carrying on a prescribed business either completely or partly in the ACT, make any 1 or more of the following requirements:
- (a) that the person must not sell a stated declared fuel unless the quantity of that fuel that would remain in storage at the premises, or each of the premises, where the person carries on the business in the ACT exceeds a stated quantity;
 - (b) that the person must not sell a stated declared fuel by retail to people other than people approved by the emergency services commissioner;
 - (c) that the person must not sell a stated declared fuel by retail to anyone, except on stated days and at stated times;
 - (d) that the person must not sell a stated declared fuel by retail to the owner or driver of a motor vehicle on a day unless—
 - (i) if the last number on the numberplates attached to the motor vehicle is an even number—the day is an even numbered day of the month; and
 - (ii) if the last number on the numberplates attached to the motor vehicle is an odd number—the day is an odd numbered day of the month;

- (e) that the person (the *seller*) must not refuse to sell a stated declared fuel by retail to anyone who does not operate an account with, or is not a regular customer of, the prescribed business carried on by the seller;
 - (f) that the person must not display or exhibit on or near the premises where the person carries on the prescribed business a notice or sign containing the words ‘account customers only’ or ‘regular customers only’, either alone or in combination with any other words, or any other words indicating or implying that the person will sell fuel only to people who operate an account with, or who are regular customers of, the business;
 - (g) that the person must not sell a stated declared fuel by wholesale except to the people, and at the times and in the quantities, approved by the emergency services commissioner;
 - (h) that the person must not sell, to anyone at one time, a quantity of a stated declared fuel exceeding a stated quantity;
 - (i) that the total quantity of a stated declared fuel sold by the person during a stated period must not exceed a stated quantity;
 - (j) that the person must not remove a stated declared fuel from the ACT unless the quantity of a stated declared fuel that would remain in storage at the premises, or each of the premises, where the person carries on the business in the ACT exceeds a stated quantity.
- (2) A person commits an offence if the person fails to comply with a requirement made of the person under subsection (1).
- Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (3) An offence against this section is a strict liability offence.

12A Controller to give information to emergency services commissioner

- (1) This section applies if a declaration under section 11 (1) is in force.
- (2) The controller must give the emergency services commissioner any information required by the commissioner about the storage, supply or use of declared fuel.

[1.64] Section 17 (c)

substitute

- (c) does not affect the exercise by the controller, the emergency services commissioner or an inspector of a function given under any other provision of this Act.

Part 1.6 Land (Planning and Environment) Act 1991

[1.65] Section 227 (1) (k)

substitute

- (k) any comments of the planning and land authority for the Minister's consideration of an application under section 229B (Minister may decide some applications); and

[1.66] Section 229B (6) (d)

substitute

- (d) ensure that the Minister has the comments of the planning and land authority on the application; and

[1.67] Section 229B (8)

omit

[1.68] Section 231 (1) (g)

substitute

- (g) if the relevant authority is the Minister—the comments of the planning and land authority.

[1.69] New sections 300 and 301

insert

300 Transitional—Administrative (Miscellaneous Amendments) Act 2006 and ministerial decisions

- (1) This section applies if—
- (a) before 1 July 2006, the planning and land council had given comments on a development application for the Minister's consideration of the application; and
 - (b) the Minister would have been required to ensure the Minister had the comments, and to consider them in deciding the application, if the Minister had decided the application before 1 July 2006; and
 - (c) the Minister decides the application on or after 1 July 2006.
- (2) The Minister must—
- (a) ensure the Minister has the comments; and
 - (b) to consider them in making the decision on the development application.
- (3) In this section:
- planning and land council*** means the planning and land council under this Act as in force on 30 June 2006.
- (4) This section expires 6 months after the day it commences.
- (5) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

301 Transitional—Administrative (Miscellaneous Amendments) Act 2006 and authority functions

- (1) This section applies if—

 - (a) before 1 July 2006, the planning and land authority had asked for the planning and land council's advice in relation to the exercise of a function; and
 - (b) the council had given the authority advice in relation to the exercise of the function; and
 - (c) before 1 July 2006 the authority would have been required to consider the council's advice before exercising the function; and
 - (d) the authority had not exercised the function before 1 July 2006.

(2) The planning and land authority must consider the planning and land council's advice before exercising the function.

(3) In this section:

planning and land council means the planning and land council under this Act as in force on 30 June 2006.

(4) This section expires 6 months after the day it commences.

(5) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

[1.70] Dictionary, part 1, definition of *planning and land council*
omit

Schedule 1

Schedule 1 Legislation amended
Part 1.8 Occupational Health and Safety Act 1989

Amendment [1.71]

[1.71] Section 32 (4) and (5)

omit

[1.72] Section 36

omit

Part 1.9 Planning and Land Act 2002

[1.73] Section 9 (1) (n)

omit

[1.74] Section 11

omit

[1.75] Section 19 (1)

substitute

- (1) The Executive must appoint a person to be the Chief Planning Executive.

Note 1 For the making of appointments generally, see the Legislation Act, div 19.3.

Note 2 A power to appoint a person to a position includes power to appoint a person to act in the position (see Legislation Act, s 209).

[1.76] Chapter 3

omit

[1.77] Dictionary, definitions of *council*, *council chairperson*, *council deputy chairperson* and *council member*

omit

Part 1.10

Road Transport (Public Passenger Services) Act 2001

[1.78] New section 18 (2) and (3)

insert

- (2) However, the Territory is entitled to operate a regular route service whether or not the Territory—
 - (a) is accredited under the regulations to operate regular route services; or
 - (b) holds a service contract for the service.
- (3) If the Territory operates a regular route service, part 2 (Bus services) applies in relation to the Territory's operation of the service as if—
 - (a) the Territory were accredited to operate the service; and
 - (b) the Territory held a service contract for the service; and
 - (c) all necessary changes, and any changes prescribed by regulation, were made.

[1.79] New section 19 (2) and (3)

insert

- (2) However, the Territory is entitled to operate a tour and charter service, whether or not the Territory is accredited under the regulations to operate tour and charter services.
- (3) If the Territory operates a tour and charter service, part 2 (Bus services) applies in relation to the Territory's operation of the service as if—
 - (a) the Territory were accredited to operate the service; and
 - (b) the Territory held a service contract for the service; and

- (c) all necessary changes, and any changes prescribed by regulation, were made.

[1.80] New section 19A

insert

19A Territory's entitlement to operate bus service

If the Territory operates a bus service, the territory may operate the service under a name prescribed by regulation.

[1.81] New section 20 (3)

insert

- (3) This section does not apply to the operation of a bus service by the Territory.

[1.82] New section 22 (3)

insert

- (3) This section does not apply to the operation of a regular route service by the Territory.

[1.83] New section 82A

insert

82A Territory's entitlement to operate demand responsive service

If the Territory operates a demand responsive service, the Territory may operate the service under a name prescribed by regulation.

[1.84] New section 90 (2) and (3)

insert

- (2) However, the Territory is entitled to operate a demand responsive service, whether or not the Territory—
 - (a) holds an authorisation to operate the service; or
 - (b) holds a service contract for the service; or
 - (c) is an accredited demand responsive service operator.
- (3) If the Territory operates a demand responsive service, part 8 (Demand responsive services) applies in relation to the Territory's operation of the service as if—
 - (a) the Territory held an authorisation to operate the service; and
 - (b) the Territory held a service contract for the service; and
 - (c) the Territory were accredited to operate the service; and
 - (d) all necessary changes, and any changes prescribed by regulation, were made.

(commencement: the later of 3 July 2006 or the commencement of the *Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)*)

[1.85] New section 91 (4)

insert

- (4) Also, this section does not apply to the operation of a demand responsive service by the Territory.

Part 1.11

Road Transport (Public Passenger Services) Regulation 2002

[1.86] New section 67A

in part 3.4, insert

67A Name Territory may operate bus service under—Act, s 19A

The Territory may operate a bus service under the name ACTION.

[1.87] New section 301A

in division 6.2.7, insert

301A Name Territory may operate demand responsive service under—Act, s 82A

The Territory may operate a demand responsive service under the name ACTION.

(commencement: the later of 3 July 2006 or the commencement of the *Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)*)

Part 1.12

Stadiums Authority Act 2000

[1.88] Section 6 (4) and (5)

omit

(commencement: on a day fixed by the Minister by written notice)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 6 June 2006.

2 Notification

Notified under the Legislation Act on 16 June 2006.

3 Republications of amended laws

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

I certify that the above is a true copy of the Administrative (Miscellaneous Amendments) Bill 2006, which was passed by the Legislative Assembly on 8 June 2006.

Clerk of the Legislative Assembly

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