

AUSTRALIAN CAPITAL TERRITORY

Administration Ordinance 1989

No. 41 of 1989

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 9 May 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

An Ordinance to provide for the exercise and delegation of certain powers consequentially upon the establishment of the Territory as a body politic under the Crown

(Ord. 23/89)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Short title

1. This Ordinance may be cited as the *Administration Ordinance 1989*.¹

Commencement

2. (1) Section 1 and this section commence on the day on which this Ordinance is notified in the *Gazette*.

- (2) The remaining provisions commence on the date of commencement of section 22 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth.

Interpretation

3. In this Act—

“administrative head” means the Head of Administration or any Associate Head of Administration.

Administration of matters not allocated

4. While, at any time, a matter relating to the powers of the Executive is not allocated pursuant to subsection 43 (1) of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth, the Chief Minister shall administer that matter.

Delegations

5. (1) A Minister or an administrative head may, by instrument, delegate to any person all or any of his or her powers under an Act or subordinate law.

- (2) Subsection (1) extends to the sub-delegation by a Minister or an administrative head of a power delegated to him or her under this section.

- (3) This section has effect subject to any contrary intention—

- (a) in the case of a power under an Act—in the Act;
- (b) in the case of a power under a subordinate law—in the subordinate law, or in the Act under which the subordinate law is made; or
- (c) in the case of a sub-delegation—in the relevant instrument of delegation.

Effect on delegations of changes of occupancy of office

6. (1) Where a person ceases to hold the office of Minister or administrative head, a delegation or sub-delegation made or taken to be made

by that person in his or her capacity as the holder of that office and in force immediately before the cessation—

- (a) shall, on and after that cessation, be taken to be made by the person's successor in that office and shall then, subject to paragraph (b), otherwise have effect according to its tenor; and
- (b) may, by instrument, be varied or revoked by that successor.

(2) Paragraphs 29B (c) and (d), and section 30, of the *Interpretation Act 1967* apply in relation to a delegation or sub-delegation referred to in subsection (1) as if it had been given by the relevant successor.

Effect on delegations of changes in administration

7. (1) Where a Minister or an administrative head ceases to be responsible for the administration of a particular Act or subordinate law, a delegation or sub-delegation made or taken to be made by that Minister or administrative head under that Act or subordinate law and in force immediately before the cessation—

- (a) shall, on and after that cessation, be taken to be made by the Minister or administrative head who assumes that responsibility (in this section called the “successor”) and shall then, subject to paragraph (b), otherwise have effect according to its tenor; and
- (b) may, by instrument, be varied or revoked by the successor.

(2) Paragraphs 29B (c) and (d), and section 30, of the *Interpretation Act 1967* apply in relation to a delegation or sub-delegation referred to in subsection (1) as if it had been given by the successor.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 10 May 1989.