



Australian Capital Territory

Administration Act 1989

A1989-41

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About this republication

The republished law

This is a republication of the *Administration Act 1989* effective from 10 May 1991 to 30 June 1994.

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Australian Capital Territory

ADMINISTRATION ACT 1989

Reprinted as at 31 May 1991

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

Short title

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

Commencement

2.¹ (1) Section 1 and this section commence on the day on which this Act 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.

Exercise of powers of Executive

3A. (1) Where an Act confers a power or imposes a duty on the Executive, the power may be exercised or the duty performed by any 2 Ministers, being members of the Executive, acting in concert.

(2) The exercise of a power or the performance of a duty by 2 Ministers in accordance with subsection (1) shall, for all purposes, be taken to be the exercise of that power or the performance of that duty by the Executive.

(3) Without limiting the generality of subsection (1), where, by an Act, the Executive is empowered or required to execute or make any instrument (however described), it is sufficient if the instrument is signed by any 2 Ministers who are members of the Executive.

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 that subsection.

(3) Subsections (1) and (2) have 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.

(4) An administrative head may, by instrument, delegate to any person all or any of his or her powers under—

- (a) a Commonwealth Act;
- (b) an instrument of a legislative nature (including a regulation, rule or by-law) made under a Commonwealth Act; or
- (c) an instrument of delegation made under a Commonwealth Act.

(5) 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 under that subsection.

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. The *Administration Act 1989* as shown in this reprint comprises Act No. 41, 1989 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Administration Ordinance 1989</i>	41, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	

Self-Government day 11 May 1989

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Administration (Amendment) Act 1989</i>	5, 1989	20 July 1989	20 July 1989	—
<i>Administration (Amendment) Act 1991</i>	17, 1991	10 May 1991	10 May 1991	—

NOTE—continued

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3A	ad. Act No. 17, 1991
S. 5	am. Act No. 5, 1989

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