2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

COAG Legislation Amendment Bill 2021

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2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

COAG Legislation Amendment Bill 2021

A Bill for

An Act to amend legislation to deal with the cessation of the Council of Australian Governments, and for related purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *COAG Legislation Amendment Act 2021*.

2 Commencement

 (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 77 (1)).

 (2) If this Act has not commenced within 18 months beginning on its notification day, it automatically commences on the first day after that period.

 (3) The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Legislation amended

This Act amends the following legislation:

 [Dangerous Goods (Road Transport) Act 2009](http://www.legislation.act.gov.au/a/2009-34)

 [Dangerous Goods (Road Transport) Regulation 2010](http://www.legislation.act.gov.au/sl/2010-12)

 [Health (National Health Funding Pool and Administration) Act 2013](http://www.legislation.act.gov.au/a/2013-2)

 [Planning and Development Regulation 2008](http://www.legislation.act.gov.au/sl/2008-2)

 [Utilities Act 2000](http://www.legislation.act.gov.au/a/2000-65)

 [Work Health and Safety Regulation 2011](http://www.legislation.act.gov.au/sl/2011-36).

Part 2 Dangerous Goods (Road Transport) Act 2009

4 Use of codes of practice etc in proceedings
Section 168 (4), definition of relevant document

omit

Transport and Infrastructure Council

substitute

Ministerial Council

5 Dictionary, new definition of Ministerial Council

insert

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to transport.

Part 3 Dangerous Goods (Road Transport) Regulation 2010

6 Offences—emergency plans
Section 157 (4), definition of emergency plan

omit

Australian Transport Council

substitute

Ministerial Council

7 Dictionary, note 3, new dot point

insert

 Ministerial Council

8 Dictionary, definition of ADG code

omit

Australian Transport Council

substitute

Ministerial Council

9 Dictionary, definition of Australian Transport Council

omit

10 Dictionary, definition of competent authorities panel (or CAP)

omit

Australian Transport Council

substitute

Ministerial Council

11 Dictionary, new definition of National Transport Commission

insert

National Transport Commission—see the [National Transport Commission Act 2003](https://www.legislation.gov.au/Series/C2004A01166) (Cwlth), section 5.

Part 4 Health (National Health Funding Pool and Administration) Act 2013

12 Section 4 heading

substitute

4 Constitution of Ministerial Council etc

13 Functions of administrator
Section 13 (3)

omit

COAG

substitute

the First Ministers’ Council

14 Section 13 (4)

omit everything before paragraph (b), substitute

 (4) Directions given by the First Ministers’ Council under subsection (3)—

 (a) are to be given in accordance with a written resolution of the First Ministers’ Council passed in accordance with the procedures determined by that council; and

15 New part 10

insert

Part 10 Transitional—COAG Legislation Amendment Act 2021

60 Definitions—pt 10

In this part:

COAG—see the pre-amendment Act, dictionary.

commencement day means the day the COAG Legislation Amendment Act 2021, section 3 commences.

pre-amendment Act means the [Health (National Health Funding Pool and Administration) Act 2013](http://www.legislation.act.gov.au/a/2013-2), as in force immediately before the commencement day.

standing council on health—see the pre-amendment Act, dictionary.

61 References to COAG and standing council on health

 (1) A reference to COAG in the Act before the commencement day is taken, from 29 May 2020, to be a reference to the First Ministers’ Council.

Note On 29 May 2020, National Cabinet agreed to the cessation of the Council of Australian Governments.

 (2) A reference to the standing council on health in the Act before the commencement day is taken, from 23 October 2020, to be a reference to the Ministerial Council.

Note On 23 October 2020, National Cabinet agreed to the review of the Ministerial councils and forums.

62 Things started but not finished by COAG

 (1) This section applies if—

 (a) COAG started doing something before 30 May 2020; and

 (b) immediately before 30 May 2020, COAG had not finished doing the thing.

 (2) The First Ministers’ Council may, after 29 May 2020, finish doing the thing.

63 Things started but not finished by standing council on health

 (1) This section applies if—

 (a) the standing council on health started doing something before 24 October 2020; and

 (b) immediately before 24 October 2020, the standing council on health had not finished doing the thing.

 (2) The Ministerial Council may, after 23 October 2020, finish doing the thing.

64 Transitional regulations

 (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the COAG Legislation Amendment Act 2021.

 (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive’s opinion, is not, or is 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.

65 Expiry—pt 10

This part expires 2 years after the commencement day.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 88).

16 Dictionary, definition of COAG

omit

17 Dictionary, new definitions

insert

First Ministers’ Council means a body (however described) that consists only of, or that includes the following:

 (a) the Prime Minister;

 (b) the Premiers of each State;

 (c) the Chief Ministers of the Australian Capital Territory and Northern Territory.

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to health.

18 Dictionary, definition of national health reform agreement

substitute

national health reform agreement means the National Health Reform Agreement between the Commonwealth and the States that was agreed to by the Council of Australian Governments on 2 August 2011, as amended from time to time.

Note On 29 May 2020, National Cabinet agreed to the cessation of the Council of Australian Governments.

19 Dictionary, definition of standing council on health

omit

20 Further amendments, mentions of standing council on health

omit

standing council on health

substitute

Ministerial Council

in

 section 4

 sections 8 to 11

 section 32 (2)

Part 5 Planning and Development Regulation 2008

21 Contents of strategic environmental assessments—Act, s 101 (b)
Section 17 (1) (d) (ii), example 2

substitute

2 National climate change adaptation framework

Part 6 Utilities Act 2000

22 National regulatory obligations and costs
Section 54E (1) (b) and (4) (a) (ii)

omit

COAG EC’s

substitute

Ministerial Council’s

23 Section 54E (4) (a) (iii) to (v)

omit

COAG EC

substitute

Ministerial Council

24 Section 54E (7), definition of COAG EC

omit

25 Section 54E (7), new definition of Ministerial Council

insert

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to energy.

26 New part 21

insert

Part 21 Transitional—COAG Legislation Amendment Act 2021

413 References to COAG EC

 (1) A reference to COAG EC in the Act before the commencement day is taken, from 23 October 2020, to be a reference to the Ministerial Council.

Note On 23 October 2020, National Cabinet agreed to the review of the Ministerial councils and forums.

 (2) In this section:

COAG EC—see the pre-amendment Act, section 54E (7).

commencement day means the day the COAG Legislation Amendment Act 2021, section 3 commences.

Ministerial Council—see section 54E (7).

pre-amendment Act means the [Utilities Act 2000](http://www.legislation.act.gov.au/a/2000-65), as in force immediately before the commencement day.

414 Transitional regulations

 (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the COAG Legislation Amendment Act 2021.

 (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive’s opinion, is not, or is 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.

415 Expiry—pt 21

This part expires 2 years after the commencement day.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 88).

Part 7 Work Health and Safety Regulation 2011

27 Dictionary, definition of ADG Code

omit

Transport and Infrastructure Council

substitute

Ministerial Council

28 Dictionary, new definition of Ministerial Council

insert

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to transport.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 4 August 2021.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2021.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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