

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATION ORDINANCE 1989

No 41, 1989

The Administration Ordinance 1989 (the Ordinance) provides for the exercise and delegation of certain powers consequentially upon the establishment of the ACT as a body politic under the crown.

At present, the Seat of Government (Administration) Ordinance 1930 provides for the delegation of Commonwealth Ministers' powers and functions under ACT legislation. This Ordinance is to be repealed by the Seat of Government (Administration) (Repeal) Ordinance 1989 from self-government day.

The Ordinance makes provision for the making of delegations of powers and functions conferred from self-government day on ACT Ministers, the Head of Administration and Associate Heads of Administration under ACT Acts and subordinate laws.

The Ordinance also preserves delegations made by a Minister or administrative head prior to changes in the occupancy of an office or changes in the responsibility for the administration of an Act or subordinate law.

The Ordinance provides that powers of delegation are subject to any contrary intention appearing in the relevant Act or subordinate law.

Details of the Ordinance are attached.

ISSUED BY AUTHORITY OF THE
MINISTER FOR THE ARTS
AND TERRITORIES

Section 1 cites the short title of the Ordinance.

Subsection 2(1) provides that sections 1 and 2 commence on the day on which the Ordinance is notified in the Gazette.

Subsection 2(2) provides that the remaining provisions commence on self-government day.

Subsection 3 provides for the definition of the term 'administrative head'.

Section 4 provides that where a matter relating to the powers of the Executive is not allocated by the Chief Minister to a Minister, the Chief Minister shall administer that matter.

Section 5 provides that subject to any contrary intention appearing in the relevant Act, subordinate law or instrument of delegation, a Minister or administrative head may delegate or sub-delegate all or any of his or her powers conferred by an Act, subordinate law or instrument of delegation.

Section 6 preserves delegations or sub-delegations made by a Minister or administrative head and in force immediately before the person ceases to hold the office of Minister or administrative head. The delegations or sub-delegations so preserved may be varied or revoked by the person's successor in that office.

Section 7 preserves delegations or sub-delegations made by a Minister or administrative head and in force immediately before that Minister or administrative head ceases to be responsible for the administration of a particular Act or subordinate law. The delegations or sub-delegations so preserved may be varied or revoked by the Minister or administrative head who assumes that responsibility.