



Statute Update (A.C.T. Self-Government (Consequential Provisions) Regulations) Act 2017

No. 13, 2017

An Act to make various amendments of the statute law of the Commonwealth to enable the repeal of certain provisions of the *A.C.T. Self-Government (Consequential Provisions) Regulations*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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An Act to make various amendments of the statute law of the Commonwealth to enable the repeal of certain provisions of the *A.C.T. Self-Government (Consequential Provisions) Regulations*, and for related purposes

[Assented to 22 February 2017]

The Parliament of Australia enacts:

No. 13, 2017 Statute Update (A.C.T. Self-Government (Consequential Provisions) Regulations) Act 2017 1

1 Short title

This Act is the *Statute Update (A.C.T. Self-Government (Consequential Provisions) Regulations) Act 2017*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---|--|------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 22 February 2017 |
| 2. Schedule 1 | The 28th day after this Act receives the Royal Assent. | 22 March 2017 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

- (1) Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

Schedule 1—Amendments

Part 1—Amendments of Acts

Administrative Appeals Tribunal Act 1975

1 After section 36A

Insert:

36AA Interpretation of sections 36B, 36C and 36D

In sections 36B, 36C and 36D, unless the contrary intention appears:

Attorney-General includes the Minister administering the *ACT Civil and Administrative Tribunal Act 2008* of the Australian Capital Territory.

Cabinet includes the Australian Capital Territory Executive.

Air Accidents (Commonwealth Government Liability) Act 1963

2 After subsection 11(3)

Insert:

- (3A) Subject to this section, this Part applies to the carriage in an aircraft operated by a person other than the Commonwealth or a Commonwealth authority of a passenger, being a person to whom paragraph (1)(a), (b) or (c) would apply if the references in those paragraphs to the Commonwealth were references to the Australian Capital Territory and the references in those paragraphs to a Commonwealth authority were omitted.
- (3B) For the purposes of the application of this Part in accordance with subsection (3A), the succeeding provisions of this Part have effect as if references in those provisions to the Commonwealth (other than references to a Commonwealth authority, or references to the

Commonwealth in the expression *whether in the Commonwealth or elsewhere*) were references to the Australian Capital Territory.

Australian Bureau of Statistics Act 1975

3 Subsection 19(3)

After “Chief Minister” (first occurring), insert “of the Australian Capital Territory or”.

4 Subsection 19(3)

Omit “the Northern Territory” (second occurring), substitute “that Territory”.

Australian Grape and Wine Authority Act 2013

5 Subsection 41A(9)

Repeal the subsection, substitute:

(9) In this section:

Parliament means:

- (a) in relation to the Australian Capital Territory—the Legislative Assembly for the Territory; and
- (b) in relation to the Northern Territory—the Legislative Assembly of the Territory.

State includes the Australian Capital Territory and the Northern Territory.

Commonwealth Motor Vehicles (Liability) Act 1959

6 Subsection 3(1) (definition of *Commonwealth authority*)

Before “the Northern Territory” (wherever occurring), insert “the Australian Capital Territory or”.

Copyright Act 1968

7 Subsection 10(1) (definition of *the Crown*)

Before “the Northern Territory” (first occurring), insert “the Australian Capital Territory and”.

8 Subsection 10(1) (definition of *the Crown*)

Before “the Northern Territory” (second occurring), insert “the Australian Capital Territory or”.

9 Paragraph 10(3)(e)

Before “the Northern Territory”, insert “the Australian Capital Territory and”.

10 Paragraph 10(3)(n)

Before “the Northern Territory” (first occurring), insert “the Australian Capital Territory and”.

11 Paragraph 10(3)(n)

Before “the Northern Territory” (second occurring), insert “the Australian Capital Territory or”.

12 Subsection 182B(1) (note at the end of the definition of *government*)

Omit “, as modified by the A.C.T. Self-Government (Consequential Provisions) Regulations (Amendment) (Statutory Rules 1989 No. 392)”.

13 Subsection 183(11)

Omit “State or” (wherever occurring), substitute “State, the Australian Capital Territory or”.

Director of Public Prosecutions Act 1983

14 Subsection 3(1) (before paragraph (a) of the definition of *law of the Commonwealth*)

Insert:

(aa) the *Australian Capital Territory (Self-Government) Act 1988*;

15 Subsection 3(1) (paragraph (c) of the definition of *law of the Commonwealth*)

After “paragraph”, insert “(aa),”.

16 Subsection 3(1) (definition of *State*)

After “includes”, insert “the Australian Capital Territory and”.

17 Subsection 3(1) (definition of *Territory*)

After “include”, insert “the Australian Capital Territory or”.

Disability Services Act 1986

18 Section 7 (definition of *State*)

Repeal the definition, substitute:

State includes the Australian Capital Territory and the Northern Territory.

19 Subsection 23(10)

After “States,”, insert “of the Australian Capital Territory,”.

20 Subsection 27(5)

After “States,”, insert “of the Australian Capital Territory,”.

Freedom of Information Act 1982

21 After section 16

Insert:

16A Requests transferred from the ACT

Where a request under the *Freedom of Information Act 1989* of the Australian Capital Territory is transferred to an agency in accordance with section 33 of that Act, it becomes a request under this Act at the time at which it is received by the agency.

Home and Community Care Act 1985

22 Subsection 3(4)

After “includes”, insert “the Australian Capital Territory and”.

Public Accounts and Audit Committee Act 1951

23 Paragraph 8(2)(a)

Before “the Northern Territory”, insert “the Australian Capital Territory or”.

24 Subparagraph 8(2)(b)(i)

Before “the Northern Territory”, insert “the Australian Capital Territory or”.

25 Subsection 8(6) (definition of State)

After “includes”, insert “the Australian Capital Territory and”.

Public Lending Right Act 1985

26 Subsection 8(2)

After “a State, by”, insert “the Australian Capital Territory or”.

Public Works Committee Act 1969

27 Section 5 (at the end of the definition of *authority of the Commonwealth*)

Add “or a body established by or under an enactment within the meaning of section 3 of the *Australian Capital Territory (Self-Government) Act 1988*”.

28 Section 5 (definition of State)

After “includes”, insert “the Australian Capital Territory and”.

29 Before paragraph 6(2)(a)

Insert:

(aa) a work:

- (i) that is proposed to be carried out by or for the Australian Capital Territory; and
- (ii) in respect of the carrying out of which moneys of that Territory are proposed to be expended by that Territory; or

Remuneration Tribunal Act 1973

30 Subsection 3(1)

Insert:

enactment has the same meaning as in section 3 of the *Australian Capital Territory (Self-Government) Act 1988*.

31 Subsection 3(1) (at the end of the definition of *public statutory corporation*)

Add “or a corporation established for a public purpose by a law of the Australian Capital Territory”.

32 Paragraph 3(4)(b)

After “Territory”, insert “(other than an enactment)”.

33 After paragraph 3(4)(fa)

Insert:

(fb) an executive education office;

Seat of Government (Administration) Act 1910

34 Paragraph 12(2)(b)

Before “take”, insert “subject to subsection (2AA),”.

35 After subsection 12(2)

Insert:

(2AA) An Ordinance that:

- (a) makes provision in relation to a matter arising from, connected with or consequential upon the establishment of the Territory as a body politic under the Crown; and

(b) is made on or before Self-Government Day within the meaning of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*;
may be expressed to take effect from the date of commencement of a provision of the *Australian Capital Territory (Self-Government) Act 1988*.

Superannuation Act 1976

36 Subparagraph 120(a)(i)

After “State or of”, insert “the Legislative Assembly for the Australian Capital Territory or”.

37 Subsection 125(3)

After “by a person of”, insert “the Legislative Assembly for the Australian Capital Territory or”.

Superannuation (Productivity Benefit) Act 1988

38 Subsection 3(1) (paragraph (c) of the definition of *qualified employee*)

After “Ordinance”, insert “or enactment”.

Urban and Regional Development (Financial Assistance) Act 1974

39 Section 3

Insert:

State includes the Australian Capital Territory.

Part 2—Amendments of Regulations

A.C.T. Self-Government (Consequential Provisions) Regulations

40 Regulation 2

Repeal the regulation.

41 Schedule 1

Repeal the Schedule.

*[Minister's second reading speech made in—
House of Representatives on 30 November 2016
Senate on 8 February 2017]*

(186/16)

10 Statute Update (A.C.T. Self-Government (Consequential Provisions) Regulations) Act 2017 No. 13, 2017