Date introduced: 1 November 1988  
House: House of Representatives  
Presented by: Hon. Clyde Holding, M.P., Minister for the Arts and Territories

Digest of Bill

Purpose

To provide transitional and consequential provisions for the proposed transfer of certain functions from the Commonwealth to the Australian Capital Territory (the Territory) under the Australian Capital Territory (Self-Government) Bill 1988.

Background

Refer to the Digest for the Australian Capital Territory (Elections) Bill 1988.

Main Provisions

Clause 5 will allow the Minister to transfer to the Territory, certain Commonwealth interests in land which, in the Minister's opinion, relate to Territory functions. Territory function is defined as a matter relating to the functions of the Territory Executive.

The regulations may substitute the Territory for the Commonwealth as a party to contracts which were made before the Territory Assembly becomes empowered to make laws (self-government day) (clause 6).

Where a Commonwealth Act binds the States it will also bind the Territory, unless there is a provision to the contrary (clause 7).

Clauses 14–16 will operate as a mechanism for the transfer to the Territory of Commonwealth funds. These comprise the trust funds listed in clause 13. In addition, where money has been appropriated by a Commonwealth Appropriation Act for the current Territory Trust Account, that money will be deemed to have been appropriated for the purposes of the Territory Consolidated Revenue Fund (clause 16).

Where, prior to self-government day, the Commonwealth met the costs of servicing land in the Territory, and the receipts from the sale of this land pass to the Territory on self-government, the Territory will pay the Commonwealth a reasonable amount as reimbursement of those costs (clause 19).
Clauses 20 – 24 will provide interim staffing arrangements for the Territory administration. Staff currently engaged in Territory functions will continue to be employed under Commonwealth legislation, until such time as the Territory establishes its own public service and public service legislation. Sub-clause 20(7) will require consultations between the Territory, the Commonwealth, the Australian Council of Trade Unions and other bodies, on the terms and conditions of employment to be offered by the Territory.

Clause 28 will transfer requests for information/documents under the Freedom of Information Act 1982 when a Territory law makes provision for freedom of information.

The Governor-General may make regulations in relation to any matter consequential upon the establishment of self-government in the Territory. Such Regulations cannot be made after 31 December 1989 (clause 30).

Proposed Schedule 5 will make amendment to 31 Commonwealth Acts consequential upon the establishment of self-government. The main amendments are to:

Australian Federal Police Act 1979

The Minister and the Territory may enter into arrangements for the provision of police services that relate to the functions of the Territory.

Broadcasting Act 1942

Elections for the Assembly will be subject to the same broadcasting blackout provisions as apply to elections to Federal and State Parliaments.

Commonwealth Electoral Act 1918

If a seat of a Senator of the Territory becomes vacant before the expiration of the Senator’s term of office, the Assembly is to choose a person to hold the seat until the expiration of the term.

Commonwealth Grants Commission Act 1973

The Grants Commission will be able to enquire into and report to the Minister on: any application by the Territory to the Commission for a grant of special assistance, and any matters relating to a grant, or the making of a grant; and any matters relating to a grant, or the making of a grant, which are referred to the Commission by the Minister.
**Jervis Bay Territory Acceptance Act 1915**

Jervis Bay will be placed on the same footing as other Commonwealth Territories which do not have self-government.

For further information, if required, contact the Law and Government Group.

11 November 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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