SNOWY MOUNTAINS ENGINEERING CORPORATION AMENDMENT BILL 1985

Date Introduced: 8 May 1985
House: House of Representatives
Presented by: Hon. S.J. West, M.P., Minister for Housing and Construction

Short Digest of Bill

Purpose

To restructure the Snowy Mountains Engineering Corporation (SMEC) along the same lines as proposed in the Snowy Mountains Engineering Corporation Bill introduced on 27 March 1985 but without the need for State legislative action.

Background

There is doubt as to whether the Commonwealth has power to create corporations whose power extends beyond the Territories or other areas of Commonwealth control. To overcome this doubt, States have enacted enabling legislation which allows the SMEC to function in their States.

The SMEC Amendment Bill introduced on 27 March 1985 proposed to reform the SMEC through the repeal of previous legislation and the substitution of a new SMEC Act 1985. As the States' enabling legislation referred to a SMEC created by the Acts to be repealed, its operation under the Act proposed by the Bill introduced on 27 March 1985 may have been open to Constitutional challenge.

To prevent any challenge to the SMEC's operation in the States and to enable the speedy implementation of Government decisions to restructure the SMEC to improve its competitive position, this Bill has been introduced to amend, rather than repeal, the Snowy Mountains Engineering Corporation Act 1970 to achieve the same purpose. The Bill introduced on 27 March 1985 has lapsed.

Outline and Main Provisions

The Minister stated in his Second Reading Speech that 'the end result [of this Bill] will be the same as if
the Bill introduced on 27 March 1985 were to take effect'.[1]

See Digest for Snowy Mountains Engineering Corporation Bill introduced on 27 March 1985 and the Explanatory Memorandum for this Bill.

For further information, if required, contact:

Science, Technology and Environment Group
LEGISLATIVE RESEARCH SERVICE

20 May 1985

Reference