



Australian Capital Territory Legislation Amendment Act 2003

No. 1, 2003

**An Act to amend laws relating to the Australian
Capital Territory, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
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Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
Schedule 1—Australian Capital Territory (Self-Government) Act 1988		3
Schedule 2—Australian Capital Territory (Planning and Land Management) Act 1988		5



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An Act to amend laws relating to the Australian Capital Territory, and for related purposes

[Assented to 24 February 2003]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Capital Territory
Legislation Amendment Act 2003*.

2 Commencement

This Act commences on the day after it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Australian Capital Territory (Self-Government) Act 1988

1 Subsection 16(9)

Repeal the subsection, substitute:

- (9) A person holding office, or acting as, Chief Executive of the Chief Minister's Department must not be appointed as a Commissioner under this section.
- (10) If the name of the office of Chief Executive, or of the Chief Minister's Department, is changed, a reference in subsection (9) to that office or Department is to be taken to be a reference to the office or Department under the new name.

2 Subsection 46(1)

Repeal the subsection, substitute:

- (1) A person holding office as Chief Minister vacates the office:
 - (a) when the person resigns the office; or
 - (b) when the person ceases to be a member (not because of a general election); or
 - (c) immediately before a Chief Minister is elected after:
 - (i) the next general election; or
 - (ii) the passing of a resolution of no confidence in the Chief Minister.
- (1A) A person holding office as a Minister (other than the Chief Minister) vacates the office:
 - (a) when the person resigns the office; or
 - (b) when the person ceases to be a member (not because of a general election); or
 - (c) when the person is dismissed from office by the Chief Minister; or
 - (d) immediately before another Chief Minister is elected after:
 - (i) the next general election; or

- (ii) the passing of a resolution of no confidence in the Chief Minister.

3 Subsection 48(1)

Repeal the subsection.

4 Subsection 48(4)

Repeal the subsection.

5 Subsections 67(2) to (5)

Repeal the subsections.

6 Subsection 67A(1)

Omit “, 67D and 67E”, substitute “and 67D”.

7 Section 67E

Repeal the section.

8 Section 68

Repeal the section.

9 Subsection 70(1) (definition of *office*)

Omit “, Head of Administration, Associate Head of Administration,”.

10 Schedule 4

Omit “the Head of Administration, Associate Heads of Administration”.

11 Schedule 4

Omit “, the Head of Administration, an Associate Head of Administration”.

12 Schedule 4

Omit “or a member of the staff”, substitute “or a member of the public service”.

Schedule 2—Australian Capital Territory (Planning and Land Management) Act 1988

1 Subsection 43(6)

After “but”, insert “, subject to subsection (6A),”.

2 After subsection 43(6)

Insert:

- (6A) If the full-time member is precluded from being present by section 42, then:
- (a) if the full-time member is the Chairperson—any 3 members constitute a quorum; or
 - (b) if the full-time member is not the Chairperson—the Chairperson and any other 2 members constitute a quorum.

*[Minister’s second reading speech made in—
House of Representatives on 28 August 2002
Senate on 19 September 2002]*

(178/02)
