

ADVISORY COUNCIL FOR INTER-GOVERNMENT RELATIONS ACT 1976

No. 106 of 1976

An Act to establish an Advisory Council for Inter-government Relations.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Advisory Council for Inter-government Relations Act 1976*.¹

Interpretation.

2. (1) In this Act, unless the contrary intention appears—

“acting Chairman” means a member acting as Chairman by virtue of section 12;

“Chairman” means the Chairman of the Council, but does not include an acting Chairman;

“Council” means the Advisory Council for Inter-government Relations established by this Act;

“Council of Local Government Associations” means the Australian Council of Local Government Associations;

“deputy member” means a person appointed as a deputy member under section 13;

“general election”—

(a) in relation to the Parliament of the Commonwealth—means a general election for the House of Representatives; and

(b) in relation to the Parliament of a State—means a general election for the House of which the Premier of the State is a member;

“inter-government co-operation” means co-operation between, and co-ordination of the activities of, the various spheres of government in Australia, that is to say, federal government, State government and local government;

“member” or “member of the Council” means a member of the Council, but does not include a deputy member;

“non-Parliamentary member” means a member other than a Parliamentary member;

“Parliamentary member” means a member referred to in any one of paragraphs 8 (2) (a) to (h), inclusive;

“participating State” means a State a member of the Parliament of which is a member or deputy member of the Council.

(2) For the purpose of this Act, a member of a Parliament shall be deemed not to have ceased to be a member of that Parliament while he continues to be entitled to the allowance, salary or remuneration that became payable to him as such a member.

3. There is established by this Act a Council by the name of the Advisory Council for Inter-government Relations.

Advisory Council for Inter-government Relations.

4. (1) The Council is established with the object of improving inter-government co-operation and, for the purpose of achieving that object, the Council shall, subject to and in accordance with directions given at a Premiers' Conference, inquire into and keep under consideration and review matters relating to inter-government co-operation and, in particular, ways and means for improving inter-government co-operation, and shall make recommendations to the government of the Commonwealth, the Governments of the States and the Council of Local Government Associations with respect to those matters.

Object and function of the Council.

(2) The reference in sub-section (1) to directions given at a Premiers' Conference shall be read as a reference to directions given by the Prime Minister and the Premiers of the participating States, or their representatives, at a conference known as a Premiers' Conference.

5. (1) The governments represented on the Council, or a majority of those governments, may request the Council to inquire into, and report on, a matter relating to inter-government co-operation specified in the request and, where such a request is made, the Council shall, subject to any directions referred to in sub-section 4 (1), inquire into the matter and furnish a report with respect to the inquiry to the Prime Minister, to the Premier of each of the participating States and, unless there are no members of the Council appointed on the nomination of the Council of Local Government Associations, to that Council.

Inquiries by Council at request of governments.

(2) The reference in sub-section (1) to the governments represented on the Council shall be read as a reference to the Government of the Commonwealth and the Governments of the participating States.

6. (1) The Council shall, as soon as practicable after 31 August in each year, prepare a report with respect to the activities of the Council during the preceding year ending on that date.

Annual report.

(2) The Council shall furnish copies of a report prepared under sub-section (1) to the Prime Minister, to the Premier of each of the participating States and, unless there are no members of the Council appointed on the nomination of the Council of Local Government Associations, to that Council.

Reports to
be laid
before the
Parliament.

7. The Prime Minister shall cause a copy of a report furnished to him under section 5 or 6 to be laid before each House of the Parliament of the Commonwealth within 15 sitting days of that House after he has received a copy of the report.

Membership
of Council.

8. (1) Members of the Council shall be appointed by the Governor-General.

(2) The Council shall consist of 22 members, namely:—

- (a) 3 members of the Parliament of the Commonwealth who shall be appointed on the nomination of the Prime Minister;
- (b) 2 members of the Parliament of the Commonwealth who shall be appointed on the nomination of the Leader of the Opposition in the House of Representatives;
- (c) 1 member of the Parliament of New South Wales who shall be appointed on the nomination of the Premier of that State;
- (d) 1 member of the Parliament of Victoria who shall be appointed on the nomination of the Premier of that State;
- (e) 1 member of the Parliament of Queensland who shall be appointed on the nomination of the Premier of that State;
- (f) 1 member of the Parliament of South Australia who shall be appointed on the nomination of the Premier of that State;
- (g) 1 member of the Parliament of Western Australia who shall be appointed on the nomination of the Premier of that State;
- (h) 1 member of the Parliament of Tasmania who shall be appointed on the nomination of the Premier of that State;
- (j) 6 persons, not being members of a Parliament, who shall be appointed on the nomination of the Council of Local Government Associations; and
- (k) 5 persons, being Australian citizens but not being members of a Parliament, who shall be appointed on the nomination of the Prime Minister made by him after consultation with the Premiers of the participating States.

(3) In nominating persons to be the members referred to in paragraph (2) (j), the Council of Local Government Associations shall ensure that, so far as is practicable, they are persons associated with local government in different States.

(4) In nominating persons to be the members referred to in paragraph (2) (k), the Prime Minister shall ensure that, so far as is practicable, they are from different sections of the Australian community.

(5) The performance of the functions of the Council is not affected by reason of there being a vacancy or vacancies in the membership of the Council, but the Council shall not commence to perform its functions until its membership consists of not less than 12 members and includes

not less than 4 members each of whom is appointed on the nomination of the Premier of a State.

9. (1) Subject to this Act, a member holds office for a period of 3 years, but is eligible for re-appointment. Tenure of office.

(2) A member shall not hold office for a continuous period exceeding 6 years and a person who has held office as a member for a continuous period of 6 years is not eligible for re-appointment for a term of office commencing within 3 years after the expiration of that period.

(3) A Parliamentary member ceases to hold office on the first sitting day of the House of the Parliament of which he is a member next following a general election of that Parliament, but is eligible for re-appointment.

(4) A Parliamentary member ceases to hold office if he ceases to be a member of the Parliament of which he was a member at the time of his appointment.

(5) The appointment of a Parliamentary member shall be terminated by the Governor-General—

- (a) in the case of a Parliamentary member referred to in paragraph 8 (2) (a)—upon the recommendation of the Prime Minister;
- (b) in the case of a Parliamentary member referred to in paragraph 8 (2) (b)—upon the request of the Leader of the Opposition in the House of Representatives; or
- (c) in the case of any other Parliamentary member—upon the request of the Premier of the relevant State.

(6) The appointment of a member referred to in paragraph 8 (2) (j) shall be terminated by the Governor-General upon the request of the Council of Local Government Associations.

(7) The appointment of a member referred to in paragraph 8 (2) (k) shall be terminated by the Governor-General upon the recommendation of the Prime Minister made by him after consultation with the Premiers of the participating States.

10. A member may resign his office by writing signed by him and delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General. Resignation.

11. (1) The Governor-General shall appoint a member, being one of the members referred to in paragraph 8 (2) (k), to be Chairman of the Council. Chairman of Council.

(2) The member so appointed shall be appointed on the nomination of the Prime Minister made by him after consultation with the Premiers of the participating States.

(3) Subject to sub-section (4), the Chairman holds office as Chairman until the expiration of the term of his office as a member that is current at the time of his appointment as Chairman, but ceases to be Chairman if he ceases to be one of the members referred to in paragraph 8 (2) (k).

(4) The Chairman may resign his office as Chairman by writing signed by him and delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General.

(5) A member referred to in paragraph 8 (2) (k) who ceases to hold office as Chairman is eligible for re-appointment as Chairman.

Acting
Chairman.

12. (1) The Prime Minister may appoint a member, being one of the members referred to in paragraph 8 (2) (k), to act as Chairman of the Council during a period, or during all periods, when—

- (a) there is a vacancy in the office of Chairman, whether or not an appointment has previously been made to the office of Chairman; or
- (b) the Chairman is absent from duty or from Australia or, for any reason, is unable to perform the functions of his office,

but a person acting as Chairman during a vacancy in the office of Chairman shall not continue so to act for more than 12 months.

(2) The Prime Minister may at any time terminate the appointment of an acting Chairman.

(3) The Prime Minister shall, before appointing an acting Chairman or terminating the appointment of an acting Chairman, consult with the Premiers of the participating States.

(4) Where—

- (a) a person is acting as Chairman by reason of the Chairman's absence from duty or from Australia, or his inability to perform the functions of his office; and
- (b) the office of Chairman becomes vacant while that person is so acting,

that person may continue so to act until the Prime Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(5) The appointment of an acting Chairman ceases to have effect if he ceases to be one of the members referred to in paragraph 8 (2) (k) or he resigns the appointment by writing signed by him and delivered to the Prime Minister.

(6) While the appointment of a person to act as Chairman remains in force, he has all the powers, and shall perform all the functions, of the Chairman.

13. (1) The Prime Minister may, by writing signed by him, appoint **Deputies.** such number of members of the Parliament of the Commonwealth as he considers appropriate to be deputy members of the Council in relation to the members referred to in paragraph 8 (2) (a).

(2) The Leader of the Opposition in the House of Representatives may, by writing signed by him, appoint such number of members of the Parliament of the Commonwealth as he considers appropriate to be deputy members of the Council in relation to the members referred to in paragraph 8 (2) (b).

(3) The Premier of a State may, by writing signed by him, appoint such number of members of the Parliament of the State as he considers appropriate to be deputy members of the Council in relation to the member who is a member of the Parliament of the State.

(4) The Council of Local Government Associations may, by resolution, appoint such number of persons as it considers to be appropriate, being persons who are not members of a Parliament, to be deputy members of the Council in relation to the members referred to in paragraph 8 (2) (j).

(5) A deputy member appointed under sub-section (1), (2) or (3) ceases to hold office as a deputy member on the first sitting day of the House of the Parliament of which he is a member next following a general election of that Parliament, but is eligible for re-appointment.

(6) A deputy member appointed under sub-section (1), (2) or (3) ceases to hold office as a deputy member if he ceases to be a member of the Parliament of which he was a member at the time of his appointment.

(7) The appointment of a deputy member may be terminated at any time—

- (a) in the case of a deputy member appointed under sub-section (1)—by writing signed by the Prime Minister;
- (b) in the case of a deputy member appointed under sub-section (2)—by writing signed by the Leader of the Opposition in the House of Representatives;
- (c) in the case of a deputy member appointed under sub-section (3)—by writing signed by the Premier of the relevant State; or
- (d) in the case of a deputy member appointed under sub-section (4)—by resolution of the Council of Local Government Associations.

(8) A deputy member may resign his office of deputy member by writing signed by him and delivered to the Chairman or, if there is an acting Chairman, to the acting Chairman, but the resignation does not have effect until it is accepted by the Chairman or acting Chairman, as the case may be.

(9) Where the member, or one of the members, referred to in any one of paragraphs 8 (2) (a) to (j), inclusive, is absent from a meeting of the Council, or there is a vacancy in the office of such a member, the deputy member, or one of the deputy members, appointed in relation to the member or members referred to in that paragraph is entitled to attend that meeting and, when so attending, shall be deemed to be a member of the Council.

Expenses
of members.

14. (1) The regulations may provide for the payment to all or any of the non-Parliamentary members, including deputy members appointed under sub-section 13 (4), of allowances for expenses.

(2) A member of the Council who is also a member of the Parliament of the Commonwealth shall be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Council or of his engagement, with the approval of the Council, on the affairs of the Council.

(3) Payments for the purposes of this section shall be made out of moneys available under an appropriation made by the Parliament.

(4) The reference in sub-section (2) to a member of the Council who is also a member of the Parliament of the Commonwealth shall be read as including a reference to a deputy member appointed under sub-section 13 (1) or (2).

Meetings.

15. (1) The Council shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairman of the Council may at any time convene a meeting of the Council.

(3) The Chairman of the Council shall, on receipt of a request in writing signed by not less than 5 members, convene a meeting of the Council.

(4) At a meeting, a quorum is constituted by a number of members equal to a majority of the members for the time being holding office.

(5) The Chairman shall preside at all meetings at which he is present.

(6) If the Chairman is not present at a meeting, the members present shall elect one of their number to preside at the meeting.

(7) Questions arising at a meeting shall be determined by a majority of the votes of the members present and voting.

(8) The person presiding at a meeting has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(9) In this section, a reference to the Chairman shall, if there is an acting Chairman, be read as a reference to the acting Chairman.

16. (1) The Australian Capital Territory Legislative Assembly may ^{Observers.} appoint one of its members to be an observer at meetings of the Council.

(2) The Legislative Assembly for the Northern Territory of Australia may appoint one of its members to be an observer at meetings of the Council.

(3) An observer may attend meetings of the Council but shall, if so required by a resolution passed at a meeting of the Council, retire from the meeting.

(4) An observer present at a meeting of the Council by virtue of this section is not entitled to participate in discussions at the meeting except in accordance with a resolution passed at the meeting.

(5) An observer ceases to hold office as an observer upon his ceasing to be a member of the Legislative Assembly by which he was appointed, and may be removed from office at any time by that Legislative Assembly.

(6) An observer may resign his office by writing signed by him and delivered to the presiding officer of the Legislative Assembly by which he was appointed.

17. The Governor-General may make regulations, not inconsistent ^{Regulations.} with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTE

1. Act No. 106, 1976; assented to 26 October 1976.