



Ashmore and Cartier Islands Acceptance Amendment Act 1985

No. 202 of 1985

An Act to amend the *Ashmore and Cartier Islands Acceptance Act 1933*

[Assented to 16 December 1985]

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

Short title, &c.

1. (1) This Act may be cited as the *Ashmore and Cartier Islands Acceptance Amendment Act 1985*.

(2) The *Ashmore and Cartier Islands Acceptance Act 1933*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on a day to be fixed by Proclamation.

Interpretation

3. Section 3 of the Principal Act is amended by omitting the definition of "Commonwealth law".

4. Section 6 of the Principal Act is repealed and the following section is substituted:

Application of Northern Territory laws

“6. (1) Subject to this Act, a law of the Northern Territory as in force from time to time (including a law made before the commencement of this section) is, so far as applicable, in force in the Territory.

“(2) In sub-section (1), ‘law’—

- (a) includes a principle or rule of common law or equity; and
- (b) does not include an Act.”.

Ordinance may amend or repeal adopted laws

5. Section 7 of the Principal Act is amended by omitting “(other than a Commonwealth law)”.

6. Section 8 of the Principal Act is repealed and the following section is substituted:

Application of Commonwealth Acts

“8. (1) An Act or a provision of an Act (whether passed before or after the commencement of this section) is in force as such in the Territory except as otherwise provided by that Act or by another Act.

“(2) An Ordinance shall not be made so far as it affects the application of an Act of its own force in or in relation to the Territory.”.

Powers and functions under adopted laws

7. Section 11 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections:

“(2) The Minister may direct that a power or function vested in a person or authority (not being a court) by a law in force in the Territory by virtue of section 6 shall, in relation to the Territory, be vested in, and may be exercised or performed by, such other person or authority as the Minister specifies.

“(3) The Minister may, either generally or as otherwise provided by the instrument of delegation, by instrument in writing, delegate to a person any or all of the Minister’s powers under this section, other than this power of delegation.

“(4) A power so delegated, when exercised by the delegate, shall, for the purposes of this section, be deemed to have been exercised by the Minister.

“(5) A delegation of a power under this section does not prevent the exercise of the power by the Minister.

“(6) The Minister may appoint, on such terms as to remuneration and otherwise as are determined by the Minister, such persons as the Minister considers necessary to exercise powers and perform functions under this section.”.

8. After section 11 of the Principal Act the following section is inserted:

Arrangements with Northern Territory

“11A. The Minister may make arrangements with the appropriate Ministers of the Northern Territory for the exercise of powers and the performance of functions in and in relation to the Territory under laws in force in the Territory by officers and employees of the Government of the Northern Territory and of authorities of the Northern Territory.”.

Grant of pardon, remission, &c.

9. Section 13 of the Principal Act is amended by omitting from sub-section (1) “in the Territory” (first occurring) and substituting “in or in relation to the Territory”.

NOTE

1. No. 60, 1933. For previous amendments, see No. 11, 1938; No. 216, 1973; No. 37, 1976; No. 59, 1978; No. 26, 1982; No. 80, 1982; and No. 39, 1983.

[*Minister's second reading speech made in—
House of Representatives on 17 April 1985
Senate on 14 May 1985*]