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Statutory Rules 1989 No. 1

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A.C.T. Self-Government (Consequential Provisions) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *A.C.T. Self-Government (Consequential Provisions) Act 1988*.

Dated 28 JUNE 1989.

BILL HAYDEN

Governor-General

By His Excellency's Command,

CLYDE HOLDING

Minister of State for the Arts, Tourism
and Territories

Commencement

1. These Regulations shall be taken to have commenced on 11 May 1989.

Principal Regulations

2. In these Regulations, "Principal Regulations" means the A.C.T. Self-Government (Consequential Provisions) Regulations.

Schedule 1

3. (1) Schedule 1 to the Principal Regulations is amended by inserting in their appropriate alphabetical position (determined on a letter-by-letter basis according to the citation of the legislation to be modified) the following:

Administrative Appeals Tribunal Act 1975

After section 36A:

Insert the following section:

Interpretation of sections 36B, 36C and 36D

“36AA. In sections 36B, 36C and 36D, unless the contrary intention appears:

‘Attorney-General’ includes the Minister administering the *Administrative Appeals Tribunal Act 1989* of the Australian Capital Territory;

‘Cabinet’ includes the Australian Capital Territory Executive;

‘State’ includes the Australian Capital Territory.”.

Freedom of Information Act 1982

After section 16:

Insert the following section:

Requests transferred from the ACT

“16A. Where a request under the *Freedom of Information Act 1989* of the Australian Capital Territory is transferred to an agency in accordance with section 33 of that Act, it becomes a request under this Act at the time at which it is received by the agency.”.

(2) Schedule 1 to the Principal Regulations is amended by inserting in the modifications of the *Australian Capital Territory Supreme Court Act 1933* in their appropriate numerical position (determined according to the number of the provision to be modified) the following:

Subsection 8 (1):

Insert “, 8AABA” after “8AA”.

Section 8AC:

Insert “, 8AABA” after “8AA”.

After section 8AA:

Insert the following section:

Exercise of jurisdiction under subsections 46 (4) and 48 (2) of the *Administrative Appeals Tribunal Act 1989* of the Australian Capital Territory

“8AABA. (1) The jurisdiction conferred by subsection 46 (4) of the *Administrative Appeals Tribunal Act 1989* of the Australian Capital Territory:

(a) may be exercised by the Court constituted by not less than 3 Judges;

(b) shall be so exercised if:

(i) the Tribunal’s decision was given by the Tribunal constituted by a member who was, or by members at least one of whom was, a presidential member other than a judge; and

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- (ii) after consulting the President, the Chief Justice considers that it is appropriate for the appeal from the decision to be heard and determined by the Court constituted by not less than 3 Judges; and
- (c) shall be so exercised if the Tribunal's decision was given by the Tribunal constituted by a member who was, or by members at least one of whom was, a Judge.

“(2) The jurisdiction conferred by subsection 48 (2) of the *Administrative Appeals Tribunal Act 1989* of the Australian Capital Territory shall be exercised by the Court constituted by not less than 3 judges if, after consulting the President, the Chief Justice considers that it is appropriate for the question to be heard and determined by the Court as so constituted.”.

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on
- 2. Statutory Rules 1989 No. 3 as amended by 1989 Nos. 52 and 88.

h 1989. 6 July/