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DANIEL JAMES RACOVOLIS ENACTOR VRABBAPARCENSIS

Flandrensiens Ecological County of Urabba Act 2022

No. 3, 2022

**An Act establishing Urabba Street Reserve as the
Flandrensiens Ecological County of Urabba and for
related purposes**

[Assented to 29 August 2022]

2 *Flandrensiens Ecological County of Urabba Act 2022*

Authorised by the Company Secretary,
Urabba Parks Proprietary Limited ACN 159 318 859

Act 3, 2022
Assented to: 29 August 2022
Registered: 2 September 2022

Preamble

WHEREAS the Enactor purchased the Rankins Springs campus of Urabba Parks also known as Urabba Street Reserve on the tenth day of August two thousand eleven and on the ninth day of July two thousand twelve transferred the land to Urabba Parks:

AND WHEREAS since the aforementioned transfer to Urabba Parks of the Rankins Springs campus, Urabba Parks has been seeking ways to further its charitable purposes by seeking to connect with like-minded organisations:

AND WHEREAS in furtherance of its charitable purposes, Urabba Parks and another environmental charity, the Grand Duchy of Flandrensis, had on 18 August 2022 signed an agreement known as the Treaty on Corporation and Establishment of the Ecological County (Sanctuary) of Urabba which permits Urabba Parks to establish Urabba Street Reserve as an ecological sanctuary under the Constitution of the Grand Duchy of Flandrensis:

AND WHEREAS the Parliament of Urabba Parks is willing to establish a jurisdictional division for Urabba Street Reserve known as the Flandrensis Ecological County of Urabba:

AND WHEREAS by the Constitution it is provided that the Parliament may make laws for the government of a jurisdictional division where the legislature of the jurisdictional division does not have power to legislate:

The Parliament of Urabba Parks enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Flandrensis Ecological County of Urabba Act 2022*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	A day or days to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Enactorial Assent, they commence on the day after the end of that period.	4 September 2022

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Definitions

In this Act:

County means the Flandrenian Ecological County of Urabba.

Manager includes the Manager of the County for the time being, and a person appointed by the Manager-General to exercise the powers of the Manager of the County.

Ordinance means an Ordinance made under this Act.

Part 2—The Flandrenian Ecological County of Urabba

Division 1—Establishment

4 Proclamation by Manager-General fixing date on which Treaty shall come into operation [see Note 2]

The Manager-General may by proclamation fix a date for the coming into force for Urabba Parks of the document known as the Treaty on Corporation and Establishment of the Ecological County (Sanctuary) of Urabba, agreed to by Urabba Parks and the Grand Duchy of Flandrensis on 18 August 2022.

5 Establishment of the Flandrenian Ecological County of Urabba

- (1) Urabba Street Reserve is by this Act declared to be an ecological sanctuary under article 1.4 of the Constitution of Grand Duchy of Flandrensis as a territory under the authority of Urabba Parks, under the name of the Flandrenian Ecological County of Urabba.

No right of abode

- (2) Whereas the County is set aside for environmental charity purposes only, no person has the right of abode in the County.

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Division 2—Application of laws

6 Application of existing law

- (1) Subject to this Act, a law of Urabba Parks as in force in Urabba Street Reserve made before the commencement of this section is, so far as applicable, in force in the County.
- (2) In subsection (1), *law*:
 - (a) includes a principle or rule of common law or equity (including one deemed to be existing upon the establishment of jurisdiction of Urabba Parks and not since repealed); and
 - (b) does not include an Act (including an Act governing the continued application of a law falling in paragraph (a)).

7 Ordinance may amend or repeal adopted laws

A law in force in the County by virtue of section 6 may be amended or repealed by an Ordinance or by a law made under an Ordinance.

8 Application of Corporate Acts

- (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 County 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 County.

Part 3—Legislative power

9 Ordinances

- (1) The Manager-General may make Ordinances for the peace, order and good government of the County.
- (2) The Manager may not make Ordinances under a delegation made under section 19 unless the Minister consents to the making of the Ordinance.
- (3) Notice of the making of an Ordinance shall be:
 - (a) sent to the Grand Duchy of Flandrensis; and
 - (b) published in the *Gazette*.
- (4) An Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notice.

10 Tabling of Ordinances

Disallowance by Grand Duchy of Flandrensis

- (1) An Ordinance, other than an Ordinance made with the approval of the Grand Duchy of Flandrensis, that is disallowed by the Grand Duchy of Flandrensis within 6 months of the Ordinance being sent to the Grand Duchy of Flandrensis, ceases to have effect.

Disallowance by Manager-General

- (2) The Manager-General may disallow an Ordinance made by the Manager under a delegation made under section 19 within 6 months after the publication of the Ordinance in the *Gazette*, and an Ordinance so disallowed ceases to have effect.

Tabling before Parliament

- (3) Subsection (4) applies to an Ordinance unless the legislative directors by circular resolution consent to the making of the Ordinance, or otherwise agree to the displacement of that subsection in relation to the Ordinance.

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- (4) An Ordinance to which this subsection applies shall be laid before each House of the Parliament within 15 sitting days of that House after the making of the Ordinance and, if it is not so laid before each House of the Parliament, ceases to have effect.

Disallowance

- (5) If a House of the Parliament, in pursuance of a motion of which notice has been given within 15 sitting days after an Ordinance has been laid before that House, passes a resolution disallowing the Ordinance or a part of the Ordinance, the Ordinance or part so disallowed thereupon ceases to have effect.

Deemed disallowance

- (6) If, at the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament, being notice given within 15 sitting days after the Ordinance has been laid before that House:
- (a) the notice has not been withdrawn and the motion has not been called on; or
 - (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;
- the Ordinance or part, as the case may be, specified in the motion shall thereupon be deemed to have been disallowed.

Effect of dissolution, expiry or prorogation of Parliament

- (7) If, before the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament:
- (a) the House of Ordinaries is dissolved or expires, or the Parliament is prorogued; and
 - (b) at the time of the dissolution, expiry or prorogation, as the case may be:
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;
- the Ordinance shall, for the purposes of subsections (5) and (6), be deemed to have been laid before that first-mentioned House on the

first sitting day of that first-mentioned House after the dissolution, expiry or prorogation, as the case may be.

Effect of disallowance

- (8) Where an Ordinance is disallowed, or is deemed to have been disallowed under this section or ceases to have effect by virtue of the operation of subsection (4), the disallowance of the Ordinance or the operation of subsection (4) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

Revival of law repealed by a disallowed Ordinance

- (9) Where:

- (a) an Ordinance (in this subsection referred to as the **relevant** Ordinance) is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (4); and
- (b) the relevant Ordinance repealed, in whole or in part, another Ordinance or any other law that was in force immediately before the relevant Ordinance came into operation;

the disallowance of the relevant Ordinance or the operation of subsection (4) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance or law, as the case may be, from and including the date of the disallowance or the date on which the relevant Ordinance ceased to have effect by virtue of that operation of subsection (4), as the case may be, as if the relevant Ordinance had not been made.

Application to parts of Ordinances and laws

- (10) A reference in subsection (8) or (9) to an Ordinance shall be read as including a reference to a part of an Ordinance, and a reference in subsection (9) to a law has a corresponding meaning.

11 Ordinance not to be re-made while required to be tabled

- (1) Where an Ordinance (in this section called the **original** Ordinance) to which subsection 10(4) applies has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless each House of the Parliament by resolution approves the making of an Ordinance containing a

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provision the same in substance as that provision of the original Ordinance, or the legislative directors by circular resolution agree that this section does not apply in relation to the Ordinance.

- (2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:
 - (a) if the original Ordinance has been laid, in accordance with subsection 10(4), before each House of the Parliament on the same day—that day;
 - (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
 - (c) if the original Ordinance has not been so laid before each House—the last day on which subsection 10(4) could have been complied with.
- (3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

12 Ordinance not to be re-made while subject to disallowance

- (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
 - (a) the notice has been withdrawn;
 - (b) the Ordinance is deemed to have been disallowed under subsection 10(6);
 - (c) the motion has been withdrawn or otherwise disposed of; or
 - (d) subsection 10(7) has applied in relation to the Ordinance.
- (2) Where:
 - (a) because of subsection 10(7), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and

- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;
no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
- (c) the notice has been withdrawn;
 - (d) the Ordinance is deemed to have been disallowed under subsection 10(6);
 - (e) the motion has been withdrawn or otherwise disposed of; or
 - (f) subsection 10(7) has applied again in relation to the Ordinance.
- (4) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.
- (5) This section does not limit the operation of section 11 or 13.
- (6) In this section:

Ordinance includes a part of an Ordinance.

13 Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 10, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed; or
- (c) in the case of an Ordinance, or a part of an Ordinance, disallowed by the Grand Duchy of Flandrensis—the Grand

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Duchy of Flandrensis gives approval for the Ordinance to be made.

14 Regulations, rules and by-laws

- (1) Notice of the making of all regulations made under an Ordinance shall be sent to the Grand Duchy of Flandrensis.
- (2) All regulations made under an Ordinance, other than regulations made with the consent of the Grand Duchy of Flandrensis, that are disallowed by the Grand Duchy of Flandrensis within 6 months of the regulations being sent to the Grand Duchy of Flandrensis, cease to have effect.
- (3) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.
- (4) Subsections 10(5) to (10), inclusive, and sections 11, 12 and 13 apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.
- (5) In this section, *regulations* includes rules and by-laws.

Part 4—Executive power

15 Powers and functions under adopted laws

- (1) Subject to subsection (2), where, by any law in force in the County by virtue of section 6, a power or function is vested in a person or authority (not being the Manager-General or a court), that power or function is, in relation to the County, vested in, and may be exercised or performed by, the Minister.
- (2) The Minister may direct that a power or function vested in a person or authority (not being the Manager-General or a court) by a law in force in the County by virtue of section 6 shall, in relation to the County, 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.

16 Arrangements with Ministers and jurisdictional divisions

The Minister may make arrangements with the appropriate Minister of Urabba Parks or a jurisdictional division for the exercise of powers and the performance of functions in and in relation to the County under laws in force in the County by officers and employees of the Government of Urabba Parks or the

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jurisdictional division concerned and of authorities of Urabba
Parks or the jurisdictional division concerned.

Part 5—Judicial power

17 Courts and tribunals

- (1) If no court or tribunal of the County has jurisdiction in relation to a particular matter, the courts and tribunals of Urabba Parks or another jurisdictional division appointed by the Minister with the agreement of the jurisdictional division concerned has jurisdiction in and in relation to the matter.
- (2) In the exercise of its jurisdiction under this section a court or tribunal of Urabba Parks or another jurisdictional division may sit in the County or where it may otherwise lawfully sit.
- (3) The practice and procedure of a court or tribunal of Urabba Parks or another jurisdictional division exercising jurisdiction under this section shall be the practice and procedure in force from time to time in relation to the court or tribunal.

Part 6—Other matters

18 Grant of pardon, remission etc.

- (1) The Manager-General, acting with the advice of the Minister, may, by warrant under the Manager-General's hand, grant to a person condemned by a court exercising disciplinary jurisdiction in or in relation to the County a pardon, either free or conditional, or a remission or commutation of sanction, or a respite, for such period as the Manager-General thinks fit, of the execution of sanction, and may remit any fine, sanction or forfeiture imposed or incurred under a law in force in the County.
- (2) Where an offence has been committed in the County, or where an offence has been committed outside the County for which the offender may be tried in the County, the Manager-General, acting with the advice of the Minister, may, by warrant under the Manager-General's hand, grant a pardon to any accomplice who gives evidence that leads to the condemnation of the principal offender or any of the principal offenders.

19 Delegation to Manager

- (1) The Manager-General may delegate to the Manager any of the powers of the Manager-General under this Act.
- (2) A power of the Manager-General under this Act exercisable with the advice of the Minister and exercised by the Manager under a delegation made under subsection (1) must be exercised with the approval of the Minister.
- (3) A delegation of a power under this section does not prevent the exercise of the power by the Manager-General.

20 Appointment of Manager

An Ordinance may provide for:

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- (a) a Manager of the County who shall be appointed by the Manager-General on advice of the Minister, and who shall hold office during the Manager-General's pleasure;
 - (b) the appointment of a person to exercise the powers of the Manager of the County under the definition of *Manager* in section 3;
 - (c) the appointment of a deputy of the Manager who may exercise the powers of the Manager subject to directions given by the Manager, provided the appointment of a deputy under this paragraph or the exercise of any of the powers of the Manager by a deputy appointed under this paragraph does not prevent the exercise of a power by the Manager.
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*[Enactor's introductory speech made in—
Urabba Parks Proprietary Limited on 29 August 2022]*

(3/22)

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