

2022



**Daniel James Racovolis**

**CORPORATE ORDINANCES BILL 2022**

**EXPLANATORY MEMORANDUM**

(Circulated by authority of Mr Racovolis)

UP2022A00004EM

**Urabba Parks Proprietary Limited** ACN 159 318 859

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*CORPORATE ORDINANCES BILL 2022*

**Outline**

This Bill will implement a regime for the governance arrangements of the Corporate Demesne of Urabba Parks (***Demesne***) as the directly administered corporate jurisdiction of Urabba Parks and provides for the legislative, executive and judicial functions in relation to the jurisdiction. Under this Bill, laws for the Demesne apply to affairs of Urabba Parks falling outside a jurisdictional division. The Manager-General in Council is to exercise the legislative power to make Ordinances for the government of the Demesne (***Ordinances***). As legislative instruments under the *Legislation Act 2022*, Ordinances will be subject to disallowance by the Corporate Parliament.

In addition to preliminary provisions in Part 1, the provisions relating to the application of laws of the Demesne in Part 2 and the legislative power to make Ordinances in Part 3, this Bill deals with other matters relating to the government of the jurisdictional division. These matters include the exercise of the executive power in Part 4, the exercise of the judicial power in Part 5 and matters such as the grant of pardons and remissions in Part 6.

**Authorities**

CONSTITUTIONAL PROVISIONS

Constitution, paragraph 122(1)(b) of the Constitution 4

STATUTES

*Ashmore and Cartier Islands Acceptance Act 1933* ..... 8  
*Human Rights (Parliamentary Scrutiny) Act 2011*, section 3 ..... 4

## STATEMENT OF REASONABLENESS

### Corporate Ordinances Bill 2022

This Bill, as read on 21 November 2022, is reasonable having regard to the legal and ethical obligations of Urabba Parks

#### Overview of the Bill

1. This Bill provides a regime for the governance arrangements of the Corporate Demesne of Urabba Parks as the directly administered corporate jurisdiction of Urabba Parks and provides for the legislative, executive and judicial functions in relation to the jurisdiction. Under this Bill, laws for the Demesne apply to affairs of Urabba Parks falling outside a jurisdictional division. Divisional laws take the form of Ordinances, which are made by the Manager-General on the advice or the approval of the Minister. Executive and judicial functions are carried out by Corporate authorities and courts or by agencies and courts of other jurisdictional divisions appointed by agreement made by the Minister.

#### Power to enact Bill

2. Paragraph 122(1)(b) of the Constitution provides Parliament with the power to enact laws “the government of a jurisdictional division where the legislature of the jurisdictional division does not have power to make laws.” This allows the Parliament to establish governance arrangements for the Corporate Demesne of Urabba Parks, which does not form part of a jurisdictional division having a legislature.

#### Promotion of rights under the Urabba Parks Bill of Rights

3. Urabba Parks respect in its governance, management and operations human rights within the meaning of section 134 of the Constitution. That constitutional provision defines human rights as being those recognised under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth (the ‘nationally-recognised human rights’).

4. The law proposed by this Bill will allow for the making of Ordinances for the government of the Corporate Demesne of Urabba

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Parks, with provision for the publication in the *Gazette* of a notice of the making of an Ordinance. As legislative instruments under the *Legislation Act 2022*, Ordinances are also published on the Corporate Register of Legislation. The Register is subject to technical standards for the publication of legislation, to improve its usability and ensure that it is accessible to the people who rely on older or assistive technology.

5. As such, the Bill is compatible with nationally-recognised human rights such as:

(A) fair trial and fair hearing rights under Article 14 of the International Covenant on Civil And Political Rights (the ICCPR); and

(B) rights of access to information under Article 9 and access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities (the CRPD).

### Conclusion

The Bill as read on 21 November 2022 is reasonable, having regard to the legal and ethical obligations of Urabba Parks.

*L.S.*



**Daniel James Racovolis**

The Enactor of Urabba Parks Proprietary

Limited

21 November 2022

## Notes on clauses

### Preamble

#### Clause 1: Short title

#### Notes on clauses

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## Notes on clauses

### Preamble

6. The Bill begins with a preamble, which outlines the background to the Bill and its intentions in providing for the governance of the Corporate Demesne of Urabba Parks, and reads as follows:

WHEREAS the Parliament of Urabba Parks is willing to establish a number of governance arrangements, including for the government of areas not forming part of a jurisdictional division:

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:

### Part 1—Preliminary

#### Clause 1: Short title

7. This clause is a formal provision and specifies that the short title of the Act resulting from the enactment of this Bill is the *Corporate Ordinances Act 2022*.

#### Clause 2: Commencement

8. This clause provides for the commencement of the Act on the day after this Act receives Enactorial Assent.

#### Clause 3: Definitions

9. This clause defines terms related to the Bill, including:

- (A) Demesne—the Corporate Demesne of Urabba Parks; and
- (B) Ordinance—an Ordinance made under the Act.

**Clause 4: Application of existing law**  
**Notes on clauses**

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**Part 2—Application of laws of the Corporate Demesne of Urabba Parks****Clause 4: Application of existing law**

10. This clause provides that subject to this Act, a principle or rule of common law or equity of Urabba Parks as in force in the Demesne made before the commencement of this section is to continue in force.

**Clause 5: Ordinance may amend or repeal adopted laws**

11. This clause provides a law in force in the Demesne by virtue of section 6 may be amended or repealed by an Ordinance or by a law made under an Ordinance.

**Clause 6: Application of Corporate Acts**

12. This clause provides that 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 Demesne except as otherwise provided by that Act or by another Act.

**Clause 7: Application of Demesne laws**

13. Subclause (1) provides that laws of the Demesne also apply to any place or thing subject to the law of Urabba Parks located outside of a jurisdictional division. The intention of this provision is to make the law of the Demesne apply as the ‘default law’ of Urabba Parks on a divisional level.

14. However, subclause (2) provides the meaning of ‘jurisdictional division’ for the purpose of this clause does not include a division established under an Ordinance. The intention of this provision is to allow for the establishment of jurisdictional divisions governed by laws of the Demesne, where the creation of a division under an Act is not considered necessary. This could be the case with jurisdictional divisions not expected to be permanent, or for virtual jurisdictions based on particular social media platforms.

**Part 3—Legislative power**

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**Clause 8: Ordinances**  
**Notes on clauses**

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**Clause 8: Ordinances**

15. Subclause (1) provides the Manager-General may make Ordinances for the peace, order and good government of the Demesne. An Ordinance is primary legislation of the Demesne. The use of the word ‘Ordinance’ is based on its use in the *Ashmore and Cartier Islands Acceptance Act 1933* of the Commonwealth.

16. Subsection (2) provides that notice of the making of an Ordinance to be published in the *Gazette*. The requirement to publish a notice in the *Gazette* is to ensure the general right to information.

17. Subsection (3) an Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notice. It is expected that Ordinances come into operation on the day following registration in the Corporate Register of Legislation established under the *Legislation Act 2022*.

**Part 4—Executive power**

**Clause 9: Powers and functions under adopted laws**

18. This clause provides the Minister may exercise powers and functions under laws having force under clause 4, and may delegate such powers and functions and engage persons to perform those functions on the Minister’s behalf.

**Clause 10: Arrangements with Ministers and jurisdictional divisions**

19. This clause provides the Minister may enter into arrangements with the appropriate Minister of Urabba Parks or a jurisdictional division for the exercise of powers and functions under laws in force in the Demesne (not just those having force under clause 4).

**Part 5—Judicial power**

**Clause 11: Courts and tribunals**

20. This clause provides in a particular manner, the courts and tribunals of Urabba Parks or another jurisdictional division appointed by the Minister has jurisdiction in the Demesne, where no court or tribunal



**Clause 12: Grant of pardon, remission etc.**

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of the Demesne has jurisdiction. A court or tribunal of Urabba Parks or another jurisdictional division exercising powers under this clause:

(A) may sit in the Demesne or elsewhere it may lawfully sit;  
and

(B) has the same practice and procedure as matters relating to its ordinary jurisdiction.

**Part 6—Other matters**

**Clause 12: Grant of pardon, remission etc.**

21. Subclause (1) provides the Manager-General, acting with the advice of the Minister may by signed warrant pardon or remit sanctions of offenders.

22. Subclause (2) provides the power to pardon in relation to accomplices who gives evidence that leads to the condemnation of the principal offender or any of the principal offenders.

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