



DANIEL JAMES RACOVOLIS ENACTOR VRABBAPARCENSIS

Flandrensiens Ecological County of New Eurabba Act 2023

No. 3, 2022

Compilation No. 1

Compilation date: 4 September 2023
Includes amendments up to: Act No. 1, 2023
Registered: 4 September 2023

UP2023C00001

Flandrensiens Ecological County of New Eurabba Act 2023 1

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

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About this compilation

This compilation

This is a compilation of the *Flandrensiian Ecological County of New Eurabba Act 2023* that shows the text of the law as amended and in force on 4 September 2023 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending law and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.org.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified.

Self repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act establishing the Flandrensiian Ecological County of New Eurabba and for related purposes

Preamble

WHEREAS the Enactor purchased 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 of Urabba Street Reserve, 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 New Eurabba which permits Urabba Parks to establish an ecological sanctuary under the Constitution of the Grand Duchy of Flandrensis:

AND WHEREAS the Parliament of Urabba Parks considers it desirable to establish a region of Urabba Parks known as the Flandrensiian Ecological County of New Eurabba:

AND WHEREAS by the Constitution it is provided that the Parliament may make laws to admit and establish new regions:

The Parliament of Urabba Parks enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Flandrensiian Ecological County of New Eurabba Act 2023*.

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

Section 3

column 2 of the table. Any other statement in column 2 has effect according to its terms.

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 UP2022N00003

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:

Manager means the Manager of New Eurabba for the time being or some other person exercising the power of the Manager.

New Eurabba means the Flandrensiian Ecological County of New Eurabba.

Ordinance means an Ordinance made under this Act.

referral statute means the law of the Enactor exercising the legislative power of New Eurabba as set out in Schedule 1.

Part 2—The Flandrensiian Ecological County of New Eurabba

Division 1—Establishment

4 Proclamation by Manager—General fixing date on which Treaty shall come into operation

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 New Eurabba, agreed to by Urabba Parks and the Grand Duchy of Flandrensis on 18 August 2022.

5 Establishment of the Flandrensiian Ecological County of New Eurabba

- (1) There shall be a region of Urabba Parks having the territory of Ward B of Carrathool Shire in New South Wales (as existing at the commencement of the *Divisional Amendment (New Eurabba) Act 2023*) under the name Flandrensiian Ecological County of New Eurabba.
- (2) The Parliament, with the consent of the Grand Duchy of Flandrensis, declares all parts of Urabba Parks within New Eurabba as an ecological sanctuary under article 1.4 of the Constitution of the Grand Duchy of Flandrensis.
- (3) No person has the right to occupy any land declared under subsection (2) on the basis of any interest in the membership of Urabba Parks.
- (4) The legislative power of New Eurabba is vested in the Enactor.
- (5) The Enactor may only exercise the legislative power in subsection (4) to enact the referral statute.

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 New Eurabba.
- (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 New Eurabba 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 New Eurabba 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 New Eurabba.

Part 3—Legislative power

9 Ordinances

- (1) The Manager–General may make Ordinances for the peace, order and good government of New Eurabba.
- (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 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.
- (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.

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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 provision the same in substance as that provision of the original

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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.

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.
- (3) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after

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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 New Eurabba 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 New Eurabba, 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 New Eurabba by virtue of section 6 shall, in relation to New Eurabba, 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 New Eurabba under laws in force in New Eurabba by officers and employees of the Government of Urabba Parks or the

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 New Eurabba 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 New Eurabba 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 New Eurabba 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 New Eurabba.
- (2) Where an offence has been committed in New Eurabba, or where an offence has been committed outside New Eurabba for which the offender may be tried in New Eurabba, 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:

- (a) the appointment of a person to the office of the Manager of New Eurabba appointed by the Enactor during Mister Enactor’s pleasure;

- (b) the appointment of a person to exercise the powers of the Manager of New Eurabba 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.

21 Referral statute

Schedule 1 has effect.

Section 1

Schedule 1—Referral statute

An Act to refer legislative power to the Corporate Parliament, and for related purposes

The Enactor of Urabba Parks in Right of the Flandrensiian Ecological County of New Eurabba enacts:

1 Short title

This Act is the *Referral Act 2023*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	Immediately after this Act receives the Enactorial Assent.	4 September 2023

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 Referral of power and consent to surrender territory

The Enactor, in exercise of the legislative power of New Eurabba:

Endnote 1—About the endnotes

- (a) refers all legislative power in and for New Eurabba to the Parliament of Urabba Parks; and
- (b) consents to the surrender of any territory of New Eurabba to Urabba Parks as determined by the Parliament of Urabba Parks.

(UP2023C00001)

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key in endnote 2 sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending law and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2022* authorises Company Secretary to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Company Secretary.

Misdescribed amendments

Endnote 1—About the endnotes

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	Ord = Ordinance
am = amended	orig = original
amdt = amendment	par = paragraph(s)/subparagraph(s)
art = article	/sub-subparagraph(s)
c = clause(s)	pres = present
C[x] = Compilation No. x	prev = previous
Ch = Chapter(s)	(prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
ed = editorial change	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2022</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sub-Ch = Sub-Chapter(s)
mod = modified/modification	SubPt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced
o = order(s)	UP = Corporate Register of Legislation

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Flandrensiian Ecological County of Urabba Act 2022	No. 1, 2022	31 Aug 2022	4 Sep 2022 (gaz 2022, p. 4)	
Divisional Amendment (New Eurabba) Act 2023	No. 1, 2023	4 Sep 2023	4 Sep 2023	Sch 1 (items 19–22)

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am. No. 1, 2023
Preamble	am. No. 1, 2023
Part 1	
s 1	am. No. 1, 2023
s 3	am. No. 1, 2023
Part 2	
Heading to Part 2	am. No. 1, 2023
Division 1	
s 4	am. No. 1, 2023
s 5	rs. No. 1, 2023
Division 2	
ss. 6–8	am. No. 1, 2023
Part 3	
s 9	am. No. 1, 2023
s 11	am. No. 1, 2023
ss. 13, 14	am. No. 1, 2023
Part 4	
ss. 15, 16	am. No. 1, 2023
Part 5	
s 18	am. No. 1, 2023
s 20	am. No. 1, 2023
s 21	am. No. 1, 2023
Schedule 1	
Schedule	am. No. 1, 2023
