

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT)
REGULATIONS (AMENDMENT)

STATUTORY RULES 1990 NO. 401

Paragraph 74(a) of the Australian Capital Territory (Self-Government) Act 1988 (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed.

Subsection 23(1) of the Act provides that the ACT Legislative Assembly may not make laws with respect to the matters described in paragraphs 23(1)(a) to (h). Subsection 23(2) provides that the Governor-General may make regulations omitting, or reducing the scope of, any of the paragraphs in subsection 23(1).

Paragraph 23(1)(h) of the Act prevents the Legislative Assembly from making laws on the following matters:

- companies
- close corporations
- foreign companies
- acquisition of shares in bodies corporate
- regulation of the securities and futures industries.

The ACT Government has introduced into the Assembly legislation to provide for Territory Owned Corporations. These will be companies registered under the Commonwealth Corporations Act 1989, and complying in all respects with the requirements of Commonwealth companies law, but subject to additional requirements as to control by and accountability to the ACT legislature and executive government.

The Commonwealth Government has no objection to this proposal. To ensure that there is no doubt regarding the Assembly's power to pass the legislation, the present Regulations provide that paragraph 23(1)(h) of the Act does not prevent the Assembly from making laws on the matter of companies whose share capital is owned wholly by the Territory or its nominees, or those companies' subsidiaries.

The opportunity is also taken to omit the existing subregulation 3A(1) in the ACT (Self-Government) Regulations, which is spent.

Authorized by the Minister
for the Arts, Tourism and
Territories