

EXPLANATORY STATEMENT

A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) REGULATIONS (AMENDMENT)

1989 NO. 52

Subsection 31(1) of the A.C.T. Self-Government (Consequential Provisions) Act 1988 provides that the Governor-General may make regulations making provision (including provision by way of modifications of an Act) in relation to:

- (a) any matter arising from, connected with or consequential upon the establishment of the Territory as a body politic under the Crown; or
- (b) any matter arising from, connected with or consequential upon the conversion of a law into an enactment.

The proposed Regulations provide for the modification of the following Commonwealth Acts as a consequence of the provision of self-government for the Australian Capital Territory:

- . Australian Capital Territory Supreme Court Act 1933 (the Supreme Court Act);
- . Director of Public Prosecutions Act 1983 (the DPP Act); and
- . Seat of Government (Administration) Act 1910 (the Seat of Government Act).

The details of the provisions of the Regulations are as follows.

Regulation 1 - Principal Regulations

Formal. Provides that the 'Principal Regulations' means the A.C.T. Self-Government (Consequential Provisions) Regulations.

Regulation 2 - Commencement

This regulation provides for the commencement of the modifications of the Supreme Court Act and DPP Act. (See the modifications to the Supreme Court Act and DPP Act described below.)

Regulation 3

This regulation repeals regulation 2 of the Principal Regulations, which provides for the modification of the Broadcasting Act 1942, and substitutes a more general formulae which provides for the modification of the various Acts listed in the Schedule in the way described in the Schedule.

Regulation 4 - Schedule

This regulation amends the Schedule to the Principal Regulations to provide for the inclusion, in the appropriate alphabetical order, of the following modifications.

Supreme Court Act

Section 8AA deals with the exercise of the Supreme Court's jurisdiction in relation to legal practitioners. Paragraphs 8AA(1)(a) and 8AA(1)(b) concern applications for admission to practice and the cancellation of practising certificates. These paragraphs are modified to reflect the fact that after 1 July 1990 (the date set out in regulation 2 for the commencement of these paragraphs) the ACT Legislative Assembly will be able to make laws with respect to the admission of persons to practice as legal practitioners and the regulation of the practice of persons so admitted.

Subsection 28(1) is modified to provide that the Rules of the Supreme Court should not be inconsistent with ACT enactments. This modification will have effect from the day the Legislative Assembly is able to make laws.

A new subsection 53(3B) is included to enable the ACT to assume responsibility for criminal prosecutions when it assumes responsibility for criminal law matters (ie by 1 July 1990).

DPP Act

The effect of the proposed modifications is that the Director of Public Prosecutions will have no function of prosecuting offences against ACT laws. To enable appropriate alternative arrangements to be made for the continuation of the prosecution of offences against ACT laws after self-government, the modifications are expressed to commence on 1 July 1990.

Seat of Government Act

The purpose of the proposed modifications is to enable those Ordinances dealing with matters associated with self-government, and made on or before the day on which the Assembly is able to make laws, to take effect from the date of commencement of a provision of the ACT (Self-Government) Act 1988 (as opposed to the present circumstance where commencement is linked to a specified date or to notice in the Gazette).