

EXPLANATORY STATEMENT

A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) ACT 1988

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

1989 No.88

Paragraph 31(1)(a) of the A.C.T. Self-Government (Consequential Provisions) Act 1988 (the Act) provides that the Governor-General may make regulations about:

"any matter arising from, connected with or consequential upon the establishment of the Territory as a body politic under the Crown".

Subsection 31(2) of the Act provides that the Governor-General may make regulations about:

"any matter arising from, connected with or consequential upon the conversion of a law into an enactment."

Section 6 of the Act provides that where the Commonwealth is a party to any contract relating to a Territory function subsisting immediately before Self-Government Day, regulations may provide for the substitution of the Territory for the Commonwealth as a party to that contract and for any matters connected with that substitution.

The first purpose of the amendment to the A.C.T. Self-Government (Consequential Provisions) Regulations is to give effect to section 6 of the Act enabling the Territory to be substituted as a party to any such contracts.

The second purpose of the amendment to the A.C.T. Self-Government (Consequential Provisions) Regulations is to ensure that references in Commonwealth laws to Territory laws continue to be effective even though the style by which those laws are known will change from "Ordinance" to "Act" after Self-Government Day.

The details of the Regulations are as follows.

Regulation 1 provides for the commencement of the Regulations on Self-Government Day.

Regulation 2 provides that in the Regulations "Principal Regulations" means the A.C.T. Self-Government (Consequential Provisions) Regulations.

Regulation 3 provides for the insertion of regulation 1A after regulation 1 of the Principal Regulations.

Regulation 1A deals with interpretation.

Regulation 4 amends regulation 2 of the Principal Regulations by substituting the word "legislation" for "Acts" and by altering

the reference to the schedule to reflect the changes provided for by regulation 6 of these regulations.

Regulation 5 provides for the insertion of regulation 3, which deals with any contract or related document to which section 6 of the Act applies, and regulation 4 after regulation 2 of the Principal Regulations.

Subregulation 3(1) provides for the substitution of the Territory for the Commonwealth as a party.

Subregulation 3(2) ensures that where the Commonwealth is in breach of a contract immediately before Self-Government Day any liability arising from that breach is not to transfer to the Territory.

Subregulation 3(3) provides for the substitution of certain references to persons or matters of the Territory government for equivalent references to persons or matters of the Commonwealth Government as specified in Schedule 2 which is inserted by these regulations.

Subregulation 3(4) provides that where there is a reference to a Territory Ordinance and the short title of the law changes, the reference should be read as a reference to the new title.

Regulation 4 provides that where a Commonwealth law refers to a specific Territory Ordinance and the short title of the law changes, the reference should be read as a reference to the new title. It is intended that this provision not have effect in relation to general references to "Ordinances" in Commonwealth laws.

Regulation 6 amends the title of the Schedule in the Principal Regulations so that it becomes "Schedule 1".

Regulation 7 provides for the insertion of a second schedule at the end of the Principal Regulations.

**ISSUED BY THE AUTHORITY OF
THE MINISTER OF STATE FOR
THE ARTS AND TERRITORIES**