

EXPLANATORY STATEMENT

ISSUED UNDER THE AUTHORITY OF THE MINISTER FOR THE ARTS,
TOURISM AND TERRITORIES

A.C.T. Self-Government (Consequential Provisions) Act 1988

**A.C.T. Self-Government (Consequential Provisions)
Regulations (Amendment)**

1989 No. 393

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

The Regulations provide for the modification of the following Acts:

Environment (Financial Assistance) Act 1975

Environment Protection (Nuclear Codes) Act 1978

Merit Protection (Australian Government Employees) Act 1984

Protection of Movable Cultural Heritage Act 1986

Public Works Committee Act 1969

Snowy Mountains Hydro-Electric Act 1949

World Heritage Properties Conservation Act 1983

The details of the Regulations and the purpose of the Regulations are in the attachment. Most of the Regulations modify the principal Acts to place the ACT in the same position as the States and the Northern Territory.

ATTACHMENT

Details of the A.C.T. Self-Government (Consequential Provisions) Regulations (Amendment)

Regulation 1 provides that the following modifications to the following Acts are inserted in Schedule 1 of the ACT Self-Government (Consequential Provisions) Regulations:

Environment (Financial Assistance) Act 1977

Section 3 is modified to provide that a reference in the Act to "State" includes a reference to the Australian Capital Territory.

The purpose of this modification is to enable the Australian Capital Territory to benefit in the same way as the States do under this Act.

Environment Protection (Nuclear Codes) Act 1978

Subsection 7(2) is modified to provide that in the process of formulating codes of practice for regulating or controlling nuclear activities, the Commonwealth Minister is required to consult with the appropriate Minister of the Australian Capital Territory (presently the Commonwealth Minister is required to consult with the appropriate Minister of each of the States and of the Northern Territory).

Paragraph 8(a) is modified to provide that the Commonwealth Minister shall furnish to the appropriate Minister of the Australian Capital Territory proposed codes of practice for regulating or controlling nuclear activities of proposed variations of the codes of practice (presently the Commonwealth Minister furnishes such information to the appropriate Minister of each of the States and of the Northern Territory).

Paragraph 9(2)(a) is modified to provide that only after the appropriate Minister of the Australian Capital Territory has been consulted, in a manner referred to in the Act, can the Governor-General make an order relating to a code of practice regulating or controlling nuclear activities (presently, only after such consultation with the appropriate Minister of each of the States and of the Northern Territory, can such orders be made).

The purpose of these modifications is to place the Australian Capital Territory in the same position as the States and the Northern Territory with respect to the adoption of codes of practice regulating or controlling nuclear activities, under this Act.

Merit Protection (Australian Government Employees) Act 1984

Section 31 of the Act is modified to provide that an application made under subdivision F of Division 2 of Part II of the Act includes an application under section 87ZI of the Public Service Act 1922.

Section 32 of the Act is modified to provide that the Merit Protection and Review Agency shall arrange a Re-integration Assessment Committee as required for the purposes of Parts II and III of the Legislative Assembly (Members' Staff) Act 1989.

These modifications are necessary as a result of modifications made to the Public Service Act 1922 which provides that officers employed by a member of the Legislative Assembly of the Australian Capital Territory may, upon termination of that employment, apply for re-integration into the Australian Capital Territory Public Service. Section 87ZI of the Public Service Act 1922 and Parts II and III of the Legislative Assembly (Members' Staff) Act 1989 of the Australian Capital Territory need to be referred to in the Act to enable applications for re-integration to be dealt with under this Act.

Protection of Movable Cultural Heritage Act 1986

Section 4 is modified to provide that the Crown in the right of the Australian Capital Territory is bound by this Act (presently the Crown in the right of each of the States, the Northern Territory and Norfolk Island are bound by this Act).

This modification places the Australian Capital Territory in the same position as the States and the Northern Territory with respect to the application of this Act.

Public Works Committee Act 1969

Section 5 (the Interpretation section) is modified to provide that a reference to an "authority of the Commonwealth" in the Act does not include a body established by an enactment of the Australian Capital Territory.

This modification places the Australian Capital Territory in the same position as the States and the Northern Territory by confirming that an authority of the Australian Capital Territory is not an authority of the Commonwealth.

Section 5 is further modified by providing that a reference to "State" in the Act includes the Australian Capital Territory (presently a reference to State includes the Northern Territory).

Subsection 6(2) is modified by inserting paragraph 6(2)(aa) which provides that this Act does not extend to works that are proposed to be carried out by or for the Australian Capital Territory and which will be paid for by the Territory (presently such a provision refers to the Northern Territory and Norfolk Island).

This modification has the effect of excluding from the operation of this Act works commissioned by the Australian Capital Territory and thereby placing the Australian Capital Territory in the same position as the States, the Northern Territory and Norfolk Island.

Public Works Committee Act 1969

Section 5 (the Interpretation section) is modified to provide that a reference to an "authority of the Commonwealth" in the Act does not include a body established by an enactment of the Australian Capital Territory.

This modification places the Australian Capital Territory in the same position as the States and the Northern Territory by confirming that an authority of the Australian Capital Territory is not an authority of the Commonwealth.

Section 5 is further modified by providing that a reference to "State" in the Act includes the Australian Capital Territory (presently a reference to State includes the Northern Territory).

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This modification has the effect of excluding from the operation of this Act works commissioned by the Australian Capital Territory and thereby placing the Australian Capital Territory in the same position as the States, the Northern Territory and Norfolk Island.

Snowy Mountains Hydro-Electric Act 1949

Subparagraph 16(1)(b)(i) is modified by specifically allowing the Commonwealth to supply the Australian Capital Territory with Electricity the Commonwealth receives from the Snowy Mountains Hydro-Electric Scheme.

This modification puts beyond doubt the ability of the Commonwealth, under this Act, to supply the Australian Capital Territory with electricity the Commonwealth acquires from the scheme.

World Heritage Properties Conservation Act 1983

Section 5 of this Act is modified to provide that the Australian Capital Territory is bound by this Act but it is not liable to be prosecuted under it (presently the Commonwealth, each of the States, the Northern Territory and Norfolk Island are bound by the Act but are not liable to be prosecuted under it).

Subsection 13(3) is modified to provide that the Commonwealth Minister must inform the appropriate Minister of the Australian Capital Territory of the proposed giving of consent to activities in the Territory that would otherwise be unlawful under this Act. A reasonable opportunity shall then be given to the appropriate Minister of the Australian Capital Territory to make representations in relation to the proposed giving of the consent to the activity (presently such a procedure must be followed in relation to each of the States, the Northern Territory and Norfolk Island).

These modification place the Australian Capital Territory in the same position as the States, the Northern Territory and Norfolk Island in relation to the operation of this Act.