

## EXPLANATORY STATEMENT

Subject - ACT Self-Government (Consequential Provisions) Act

ACT Self-Government (Consequential Provisions) Regulations Amendment

1990 No. 154

Paragraph 31(1)(b) of the Act provides that the Governor-General may make regulations which modify an Act in relation to any matter arising from the conversion of a law into an enactment.

Consequent upon the transfer of responsibilities for Australian Capital Territory magistrates from the Commonwealth to the Australian Capital Territory, there is a need to modify the Extradition Act 1988 (the 1988 Act) and the Mutual Assistance in Criminal Matters Act 1987 (the 1987 Act).

More particularly, the need for the modification arises from the conversion of the Magistrates Court Ordinance 1930 into an 'enactment' within the meaning of section 3 of the Australian Capital Territory (Self-Government) Act 1988. The Magistrates Court Ordinance 1930 will become an 'enactment' on 1 July 1990 by the operation of subsection 12(2) of the Act.

Details of the proposed Regulations are as follows:

Clause 1 provides for the Regulations to commence on 1 July 1990 (on the basis that the Magistrates Court Ordinance 1930 will on that date become an enactment of the Australian Capital Territory).

Clause 2 amends Schedule 1 of the ACT Self-Government (Consequential Provision) Regulations by inserting modifications to provisions of the following Acts:

### The 1988 Act

Section 5 is amended by inserting 'the Australian Capital Territory' in the definition of 'magistrate' so that 'magistrate' includes those magistrates of the Australian Capital Territory in respect of whom an arrangement is in force under section 46 of the 1988 Act.

Paragraph 46(1)(b) is replaced with a new paragraph. This will enable the Governor-General to make arrangements, relating to the performance of functions by magistrates under the 1988 Act, not only (as previously) with a Governor of a State, Administrator of the Northern Territory or of Norfolk Island, but also with the Chief Minister of the Australian Capital Territory.

### The 1987 Act

Subsection 3(1) is amended by replacing the definition of 'Governor'. The new definition includes not only (as previously) the Administrator of the Northern Territory, but also the Chief Minister of the Australian Capital Territory.

Subsection 3(1) is amended by inserting in the definition of 'State' a reference to the 'Australian Capital Territory'.

Subsection 3(1) is amended so that the definition of 'Territory' excludes the 'Australian Capital Territory'.

The amendments to the 1987 Act will enable the Governor-General to make arrangements under section 39 of the 1987 Act, relating to the performance of functions by magistrates under the 1987 Act, not only (as previously) with a Governor of a State and Administrator of the Northern Territory, but also with the Chief Minister of the Australian Capital Territory.