

EXPLANATORY STATEMENT

NORTHERN TERRITORY

NORTHERN TERRITORY (SELF-GOVERNMENT) REGULATIONS (AMENDMENT)

1985 No. 346

Section 55 of the Northern Territory (Self-Government) Act 1978 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 35 of the Act provides that the regulations may specify matters in respect of which the Ministers of the Northern Territory are to have executive authority.

Section 71 of the Act provides that the regulations may make provision for and in relation to the substitution of the Northern Territory for the Commonwealth as a party to a contract which was subsisting immediately before the commencement date of the Act or was entered into on or after that date and before the date of commencement of the Northern Territory (Self-Government) Amendment Act 1982, to which the Commonwealth is a party and which relates to a matter specified under section 35.

The Northern Territory (Self-Government) Regulations (the Regulations) specify matters in respect of which Ministers of the Territory have executive authority under section 35 (regulation 4) and also make provision for the substitution of the Northern Territory for the Commonwealth in contracts referred to in section 71 and within the classes set out in the schedule to the Regulations (regulations 5, 6 and 7).

Matters in respect of which Ministers of the Northern Territory have executive authority include provision of rural, industrial and home finance credit and assistance (sub-regulation 4(1) and agreements and arrangements between the Territory and the Commonwealth or a State or States (paragraph 4(5)(f)).

The Northern Territory (Self-Government) Regulations (Amendment) (the proposed Regulations) amend the Regulations by inserting after regulation 4 a new regulation 4A (which will require copies of agreements and arrangements of a kind referred to in paragraph 4(5)(f) to be available for public inspection at the principal office of the Secretary of the Department of the Chief Minister of the Territory) and by adding at the end of the Schedule a further class of transferred contracts (which will transfer to the Northern Territory contracts entered into before 1 July 1978 on behalf of the Commonwealth in relation to loans to industry, including drought and flood relief business loans).

Two loans will be transferred by the proposed Regulations. Commonwealth and Territory Ministers agreed in June 1978 to transfer the loans, which were believed to have been secured by mortgages and therefore would be transferred under section 69 of the Act. The loans were not secured and, as they do not come within any of the classes of transferred contracts set out in the Schedule to the Regulations, have not been transferred.