

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2013 No. 226**

Issued by the authority of the Minister for Regional Australia, Local Government and Territories

Subject - *Northern Territory (Self-Government) Act 1978*

*Northern Territory (Self-Government) Amendment Regulation 2013  
(No. 1)*

The *Northern Territory (Self-Government) Act 1978* (the Act) provides for the Government of the Northern Territory of Australia, and for related purposes.

Section 55 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subregulation 4(1) of the *Northern Territory (Self-Government) Regulations 1978* (the Principal Regulations) outlines matters in respect of which Ministers of the Northern Territory have executive authority under section 35 of the Act. One of the matters in subregulation 4(1) for which Ministers have executive authority states: “*Courts (including the procedures of the courts and the remuneration of the judiciary but not including the construction, at Alice Springs, of buildings for use by superior courts)*”.

The Regulation will amend the Principal Regulations to remove the reference to the construction of the court buildings at Alice Springs.

The limitation in the subregulation was initially included in the Principal Regulations to ensure that the Commonwealth retained responsibility for completion of construction of the superior court buildings in Alice Springs, underway but not yet complete, at the time the Principal Regulations were made.

The wording in the Principal Regulations could have been read as limiting the authority of Ministers of the Northern Territory with respect to the superior courts in Alice Springs given that construction of the superior court buildings in Alice Springs has now been completed. There is no equivalent or similar clause in legislation, including delegated legislation, relating to other States and Territories. The Regulation will amend the Principal Regulations to reflect that the Commonwealth has neither an interest in nor a responsibility for the superior court buildings in Alice Springs.

The Regulation will omit that part of the subregulation that limits the executive authority of Northern Territory Ministers in relation to the construction, at Alice Springs, of buildings for use by superior courts.

Details of the Regulation are set out in the Attachment.

The Act specifies no conditions that need to be satisfied before the power to make the Regulation may be exercised.

The Regulation will be a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation will commence on the day after it is registered.

Consultation was undertaken with relevant Commonwealth agencies. Broader consultation was unnecessary for this legislative instrument as this instrument is of a minor or machinery nature and does not substantially alter existing arrangements.

Authority: Section 55 of the *Northern Territory (Self-Government) Act 1978*

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

The *Northern Territory (Self-Government) Amendment Regulation 2013 (No. 1)* omits outdated wording from subregulation 4(1) of the Northern Territory (Self-Government) Regulations 1978 that may limit the executive authority of Northern Territory Ministers in relation to the construction, at Alice Springs, of buildings for use by superior courts.

The instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

This instrument does not engage any of the applicable rights or freedoms and is compatible with human rights as it does not raise any human rights issues.

**Details of the Northern Territory (Self-Government) Amendment Regulation 2013 (No. 1)**

**Section 1 – Name of Regulation**

This section provides that the title of the Regulation is the *Northern Territory (Self-Government) Amendment Regulation 2013 (No. 1)*.

**Section 2 – Commencement**

This section provides for the Regulation to commence on the day after it is registered.

**Section 3 – Authority**

This section provides that the Regulation is made under the *Northern Territory (Self-Government) Act 1978*.

**Section 4 – Amendment of Northern Territory (Self-Government) Regulations 1978**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

**Schedule – Amendments**

**Item [1] – subregulation 4(1)**

Subregulation 4(1) of the *Northern Territory (Self-Government) Regulations 1978* specifies matters in respect of which Ministers of the Territory have executive authority.

The Regulation omits from subregulation 4(1) “but not including the construction, at Alice Springs, of buildings for use by superior courts”.