

## **EXPLANATORY STATEMENT**

Issued by the authority of the Assistant Minister for Regional Development and Territories,  
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,  
Transport and Regional Development

*Australian Capital Territory (Self-Government) Act 1988*

***Australian Capital Territory (Self-Government) Regulations 2021***

### **Authority**

The *Australian Capital Territory (Self-Government) Act 1988* (the Act) provides for the government of the Australian Capital Territory and related purposes. Section 74 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

The *Australian Capital Territory (Self-Government) Regulations 2021* (the Regulations) are made under section 27 of the Act which provide that, except as provided by the regulations, an enactment does not bind the Crown in right of the Commonwealth.

### **Purpose and operation**

The Regulations replace the *Australian Capital Territory (Self-Government) Regulations 1989* which are due to sunset on 1 April 2022. The Regulations have been amended to remove provisions which are no longer required and to update the list of enactments which bind the Crown in right of the Commonwealth.

### **Consultation**

The ACT Government and Australian Government agencies were consulted about the list of enactments in the Regulations which bind the Crown in right of the Commonwealth.

### **Other**

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence the day after registration on the Federal Register of Legislation.

Details of the Regulations are set out in the Attachment.

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

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

### ***Australian Capital Territory (Self-Government) Regulations 2021***

This Disallowable Legislative 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*.

#### **Overview of the Regulations**

##### Purpose and operation

The Regulations replace the *Australian Capital Territory (Self-Government) Regulations 1989* which are due to sunset on 1 April 2022. The Regulations have been amended to remove provisions which are no longer required and to update the list of enactments which bind the Crown in right of the Commonwealth.

#### **Human rights implications**

The Regulations do not engage any of the applicable rights or freedoms.

#### **Conclusion**

The Regulations are compatible with human rights as they do not raise any human rights issues.

**Assistant Minister for Regional Development and Territories,  
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,  
Transport and Regional Development**

**The Hon Nola Marino MP**

## **ATTACHMENT—NOTES ON CLAUSES**

This attachment explains the operation of individual provisions in the *Australian Capital Territory (Self-Government) Regulations 2021*.

### **Part 1—Preliminary**

#### **Section 1 – Name**

This section provides that the name of the Regulations is the *Australian Capital Territory (Self-Government) Regulations 2021* (the Regulations).

#### **Section 2 – Commencement**

This section provides for the Regulations to commence on the day after the Regulations are registered on the Federal Register of Legislation.

#### **Section 3 – Authority**

This section provides that the Regulations are made under the *Australian Capital Territory (Self-Government) Act 1988*.

#### **Section 4 – Schedule 1**

This section provides that each instrument that is specified in a Schedule to the Regulations is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

### **Part 2—Enactments that bind the Crown in right of the Commonwealth**

#### **Section 5 – Enactments that bind the Crown in right of the Commonwealth**

Subsection 5(1) provides that the following enactments bind the Crown in right of the Commonwealth if the enactment would do so apart from section 27 of the Act:

- a) the *Adoption Act 1993* (ACT);
- b) the *Commercial Arbitration Act 2017* (ACT);
- c) the *Common Boundaries Act 1981* (ACT);
- d) the *Dangerous Substances Act 2004* (ACT);
- e) the *Domestic Animals Act 2000* (ACT);
- f) the *Environment Protection Act 1997* (ACT);
- g) the *Limitation Act 1985* (ACT);
- h) the *Machinery Act 1949* (ACT);
- i) the *Nature Conservation Act 2014* (ACT);
- j) the *Road Transport (General) Act 1999* (ACT);
- k) the *Sale of Goods (Vienna Convention) Act 1987* (ACT);
- l) the *Scaffolding and Lifts Act 1912* (ACT);
- m) the *Water Resources Act 2007* (ACT).

Section 27 of the Act provides that, except as provided by the regulations, an enactment does not bind the Crown in right of the Commonwealth.

Subsection 5(2) provides that nothing in an enactment which binds the Crown in right of the Commonwealth, specified in subsection (1) makes the Crown in right of the Commonwealth liable to be prosecuted for an offence.

### **Schedule 1—Repeals**

#### ***Australian Capital Territory (Self-Government) Regulations 1989***

##### **Item 1—The whole of the instrument**

Item 1 of Schedule 1 repeals the *Australian Capital Territory (Self-Government) Regulations 1989*.