

EXPLANATORY STATEMENT

Select Legislative Instrument No ., 2016

Issued by the Authority of the Attorney-General

Admiralty Act 1988

Admiralty Amendment Rules 2016 (No. 1)

The *Admiralty Act 1988* provides for, and regulates, the admiralty jurisdiction of Australian courts, and deals with a number of related matters.

Section 41 of the Admiralty Act provides that the Governor-General may make rules, not inconsistent with the Act, making provision in relation to the practice and procedure to be followed in courts exercising jurisdiction under the Act and matters incidental to such practice and procedure.

The purpose of the *Admiralty Amendment Rules 2016 (No. 1)* (the Rules) is to make consequential amendments as a result of the *Courts Administration Legislation Amendment Act 2016* (the Courts Amendment Act). The Courts Amendment Act implements the measure announced as part of the Government's 2015-16 Budget to merge the corporate services functions of the Federal Court of Australia with those of the Family Court of Australia and the Federal Circuit Court of Australia. To achieve this, the Courts Amendment Act amends a number of Acts in order to adjust the courts' governance structures to support shared corporate services and bring the courts into a single administrative entity under the *Public Governance, Performance and Accountability Act 2013* (the finance law) and a single statutory agency under the *Public Service Act 1999*.

The Courts Amendment Act provides for centralised management of the courts' shared corporate services by the Federal Court Chief Executive Officer and Principal Registrar. To facilitate the governance structure it preserves the role of the Registrar of the Federal Court, re-titling it 'the Chief Executive Officer and Principal Registrar'. The proposed Rules will amend the *Admiralty Rules 1988* to reflect the changed position title.

The Federal Court was consulted in relation to the Rules.

Details of the Rules are set out in the Attachment.

The authorising Act does not specify any conditions that need to be satisfied before the power to make the Rules may be exercised.

The Office of Best Practice Regulation was consulted in relation to the Courts Amendment Act and advised that no Regulation Impact Statement was required.

The Rules are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Rules will commence on 1 July 2016 to align with the commencement of provisions in the Courts Amendment Act, which re-title the role of the Registrar of the Federal Court.

Authority: Section 41 of the *Admiralty Act 1988*

Statement of Compatibility with Human Rights

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

Admiralty Amendment Rules 2016 (No. 1)

This 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 Legislative Instrument

The purpose of the *Admiralty Amendment Rules 2016 (No. 1)* (the Rules) is to make consequential amendments as a result of the *Courts Administration Legislation Amendment Act 2016* (the Courts Amendment Act). The amendments will reflect changes to the position title of the ‘Registrar of the Federal Court’ to the ‘Federal Court Chief Executive Officer’.

Human rights implications

The legal effect of the Rules is confined to technical amendments that update certain position titles to achieve consistency with the Courts Amendment Act.

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

Conclusion

The Rules are compatible with human rights as it does not raise any human rights issues.

Senator George Brandis QC, Attorney-General

Details of the Admiralty Amendment Rules 2016 (No. 1)

Section 1 – Name of Rules

This section provides that the title of the Rules is the *Admiralty Amendment Rules 2016 (No. 1)*.

Section 2 – Commencement

This section provides that each provision of the Rules specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

Section 3 – Authority

This section provides that the Rules are made under the *Admiralty Act 1988*.

Section 4 – Schedule(s)

This section provides that each instrument specified in a Schedule to the Rules are amended or repealed as set out in the items of the relevant Schedule. Any other item in a Schedule to the Rules would have effect according to its terms.

Schedule 1 – Amendments

Admiralty Rules 1988

Item 1 – Subrule 3(1)

Item 1 inserts a definition of *Federal Court Chief Executive Officer* in subrule 3(1).

Item 2 – Subrule 14(1)

Item 2 omits the reference to the ‘Registrar of the Federal Court’ in subrule 14(1) and substitutes it with ‘Federal Court Chief Executive Officer’.