

EXPLANATORY STATEMENT

A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) ACT 1988

A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) REGULATIONS (AMENDMENT)

1989 No 188

Subsection 31(1) of the A.C.T. Self-Government (Consequential Provisions) Act 1988 provides that the Governor-General may make Regulations making provision (including provision by way of modifications of an Act) in relation to:

- (a) any matter arising from, connected with or consequential upon the establishment of the Territory as a body politic under the Crown; or
- (b) any matter arising from, connected with or consequential upon the conversion of a law into an enactment.

Subsection 31(2) provides that Regulations made under section 31(1) may be expressed to commence on and from a date earlier than the making of the Regulations not being a date earlier than Self-Government Day.

The Regulations provide for the modification of the following Commonwealth Acts as a consequence of the provision of self-government for the Australian Capital Territory:

- . Administrative Appeals Tribunal Act 1975;
- . Freedom of Information Act 1982; and
- . Australian Capital Territory Supreme Court Act 1933.

The purpose and details of the Regulations appear in the attachment.



ISSUED UNDER THE AUTHORITY OF
THE MINISTER FOR THE ARTS,
TOURISM AND TERRITORIES

Details of the proposed A.C.T. Self-Government
(Consequential Provisions) Regulations (Amendment)

Regulation 1 - Commencement

The Regulations shall be taken to have commenced on A.C.T. Self-Government Day (11 May 1989). This is the date of commencement of new Territory law in relation to administrative law and it is proper that these amendments, which reflect the changed arrangements, come into effect on that day.

Regulation 2 - Principal Regulations

Regulation 3 provides that the 'Principal Regulations' means the A.C.T. Self-Government (Consequential Provisions) Act 1988.

Regulation 3 - Schedule

Subregulation 3(1) amends the Schedule to the Principal Regulations to provide for the inclusion, in the appropriate alphabetical order, of the following modifications.

Administrative Appeals Tribunal Act 1975

The purpose of this provision is to enable the A.C.T. Attorney-General to intervene in proceedings before the Administrative Appeals Tribunal to protect documents of the A.C.T. Executive and Cabinet and in any other situation where Crown privilege can be claimed. The provision ensures that the A.C.T. Attorney-General has the same right to intervene in proceedings before the Tribunal to protect the A.C.T.'s interests as State Attorney's-General have in relation to interests of the States.

Freedom of Information Act 1982

Section 33 of the Australian Capital Territory Freedom of Information Act 1989 provides that where there are reasonable grounds to believe that a document, if it were in the possession of a Commonwealth agency, would be an exempt document, it may be transferred to the most relevant Commonwealth agency. The purpose of this modification is to enable the Territory to transfer to the Commonwealth any documents in which the Commonwealth is perceived to have the greater interest. The section only operates in relation to the exemptions specified in it.

Subregulation 3(2) amends the Schedule to the Principal Regulations to provide for the inclusion of the following modifications in the Australian Capital Territory Supreme Court Act 1933.