

EXPLANATORY STATEMENT

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

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

1989 No. 298

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 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 proposed Regulations provide for modifications to the following Commonwealth Acts as a consequence of the provision of self-government for the Australian Capital Territory:

- . Parliamentary Contributory Superannuation Act 1948;
- . Superannuation Act 1976; and
- . Superannuation Benefit (Interim Arrangement) Act 1988.

The details of the proposed Regulations are in the Attachment.



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

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

Regulation 1 provides that the proposed Regulations shall be taken to have commenced on 11 May 1989, the date of Self-Government in the Australian Capital Territory.

Regulation 2 provides that the proposed modifications to the Parliamentary Contributory Superannuation Act 1948, the Superannuation Act 1976 and the Superannuation Benefit (Interim Arrangement) Act 1988 are to be inserted, in the appropriate alphabetical order, in Schedule 1 of the ACT Self-Government (Consequential Provisions) Regulations.

The Schedule provides for the following modifications, to the effect that members of the Legislative Assembly for the Australian Capital Territory, statutory office holders of the Australian Capital Territory and employees of the Australian Capital Territory shall be treated under these Acts similarly to their State counterparts:

. Parliamentary Contributory Superannuation Act 1948

Subsection 18A(5A) will be modified to provide that in subsection 18A(5) references to the Parliament of a State shall be construed as including references to the Legislative Assembly for the Australian Capital Territory and references to the law of a State providing for pensions for members of the Parliament of the State shall be construed as including references to the law of the Australian Capital Territory providing for pensions for members of the Legislative Assembly for the Australian Capital Territory.

Subsection 20A(1A) will be modified to provide that in subsection 20A(1), references to the Parliament of a State shall be construed as including references to the Legislative Assembly for the Australian Capital Territory.

Subsection 21(1A) will be modified to provide that in subsection 21(1) references to the Parliament of a State and to a Minister of State of a State shall be construed as including references to the Legislative Assembly for the Australian Capital Territory and to a Minister of the Australian Capital Territory, respectively.

Subsection 21B(1) will be modified to provide that "holder of an office of profit under a State" shall also mean the holder of an office of Head of Administration or Associate Head of Administration under section 49 of the Australian Capital Territory (Self-Government) Act 1988; and "Parliament" shall also mean, in relation to the Australian Capital Territory, the Legislative Assembly for the Australian Capital Territory.

. Superannuation Act 1976

Section 120 will be modified to provide that Part VIII of the Act applies to a person who has ceased to be an eligible employee by reason that he has voluntarily terminated his employment in order to become a candidate for election as a member of the Legislative Assembly for the Australian Capital Territory, but so applies only if the termination took effect not earlier than one month before the day on which nominations for the election closed.

Subsection 125(3) will be modified to provide that for the purposes of Part IX of the Act, membership by a person of the Legislative Assembly for the Australian Capital Territory shall be treated as if it were employment of the person by the Commonwealth.

Paragraph 131(1)(b) will be modified to provide that for the purposes of Division 3 of Part IX of the Act the prescribed period shall be, in relation to a person who has ceased to be an eligible employee by reason of his having voluntarily terminated his employment in order to become a candidate for election as a member of the Legislative Assembly for the Australian Capital Territory and was a candidate at the election -

- (i) if he is elected - the period commencing immediately after he ceases to be an eligible employee and ending on the day on which he becomes such a member; or
- (ii) if he is not elected - the period of three months immediately after the date of the declaration of the result of the election.

Paragraph 132(1)(b) will be modified to provide that for the purposes of the application of Division 3 of Part IX of the Act in relation to a person who has ceased to be an eligible employee, periods of eligible employment will include a period of employment of the person by the Australian Capital Territory.

Subsection 153AA(1) will be modified to provide that in Part XA, "relevant law" means a law of the Commonwealth (including the Superannuation Act 1976) other than the Australian Capital Territory (Self-Government) Act 1988.

. Superannuation Benefit (Interim Arrangement) Act 1988

In subsection 3(1) the definition of "qualified employee" will include, by modification of paragraph 3(1)(c), a person who is the holder of an office established by an enactment of the Australian Capital Territory.