

EXPLANATORY STATEMENT

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

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

1989 No. 299

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 Regulations provide for the modification of the Remuneration Tribunals Act 1973.

The purpose of the modifications is to enable the Commonwealth to treat the ACT like the States and the Northern Territory for the purposes of the Remuneration Tribunals Act 1973.

The details of the Regulations are in the Attachment.

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



ATTACHMENT

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 modifications to the Remuneration Tribunals Act 1973 are inserted in Schedule 1 of the ACT Self-Government (Consequential Provisions) Regulations. The overall purpose of the modifications is to indicate the distinction between the Crown in right of the ACT from the Crown in right of the Commonwealth given that self government is established in the Territory, while also utilising Remuneration Tribunal resources in regard to Territory offices and appointments.

The Schedule provides that:

- . in subsection 3(1)
 - a definition of 'enactment' is inserted which ensures that the term has the same meaning in this Act as it has in section 3 of the Australian Capital Territory (Self-Government) Act 1988; and
 - the definition of 'public statutory corporation' is modified to exclude a corporation established for a public purpose by a law of the ACT;
- . section 3(4)(b) is modified to exclude ACT enactments from 'a law of the Territory';
- . a new provision is inserted in section 3(4) which provides that certain ACT offices and appointments may be the subject of a determination by the Tribunal under subsection 7(3) of the Remuneration Tribunals Act 1973;
- . section 3(4)(k) is modified to exclude reference to the 'Commonwealth Teaching Service' (now the ACT Teaching Service) but to include offices of the ACT Public Service; and
- . section 7 is modified to provide that payment of members of the ACT Assembly may be made out of public money of the ACT.

