

## EXPLANATORY STATEMENT

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

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

1989 No. 392

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 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 Child Care Act 1972 and the Copyright Act 1968.

The purpose of the Regulations is to enable the Commonwealth to treat the Australian Capital Territory like the States and the Northern Territory for the purposes of the Child Care Act 1972 and the Copyright Act 1968.

The details of the Regulations are as follows:

Regulation 1 provides that the 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 A.C.T. Self-Government (Consequential Provisions) Regulations are the principal regulations.

Regulation 3 provides that the modifications to the Child Care Act 1972 and the Copyright Act 1968 are inserted in Schedule 1 of the A.C.T. Self-Government (Consequential Provisions) Regulations.

The Schedule provides that:

Subsection 4(1) of the Child Care Act 1972 (the Interpretation section) is modified to provide that the phrase eligible organisations includes relevant organisations that are conducted or controlled by the Australian Capital Territory or by persons appointed by the Australian Capital Territory. (Eligible organisations presently includes local governing bodies established by or under the law of a State or Territory. This modification takes into account the dual local and State responsibilities of the Australian Capital Territory.)

Section 13A of the Child Care Act 1972 (the Interpretation section for Part IVA of the Act) is modified to provide that a reference to State includes a reference to the Australian Capital Territory (such a reference presently includes the Northern Territory).

The Schedule also provides that:

Subsection 10(1) of the Copyright Act 1968 (the Interpretation section) is modified to provide that reference to the Crown in the Act includes the Crown in the right of the Australian Capital Territory (a reference to the Crown presently includes a reference to the Crown in the right of the Northern Territory).

Subsection 10(3)(e) of the Copyright Act 1968 (the Interpretation section) is modified to provide that a reference to the Crown in the right of the State includes a reference to the Crown in the right of the Australian Capital Territory (such a reference presently includes the Northern Territory).

Subsection 10(3)(n) of the Copyright Act 1968 (the Interpretation section) is modified to provide that a reference to a State includes a reference to the Australian Capital Territory (such a reference presently includes the Northern Territory).

Subsection 183(11) of the Copyright Act 1968 (the section titled: Use of Copyright Material for the services of the Crown) is modified to provide that the educational institutions under the control of the Australian Capital Territory are treated the same as educational institutions under the control of the Commonwealth, the States and the Northern Territory.

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