

EXPLANATORY STATEMENT

Minute No. 36 of 2006 - Minister for Local Government, Territories and Roads

Subject - *Christmas Island Act 1958*
Applied Laws (Implementation) Amendment Ordinance 2006 (No. 1)

Cocos (Keeling) Islands Act 1955
Applied Laws (Implementation) Amendment Ordinance 2006 (No. 1)

Subsection 9(1) of the *Christmas Island Act 1958* (the CI Act) and subsection 12(1) of the *Cocos (Keeling) Island Act 1955* (the CKI Act) provide that the Governor-General may make Ordinances for the peace, order and good government of the Territories of Christmas Island and the Cocos (Keeling) Islands (the Territories).

Section 8A of both the CI Act and the CKI Act provides, in part, that the provisions of the law of Western Australia, as in force in Western Australia from time to time, are in force in the Territories, and that those laws may be incorporated, amended or repealed by an Ordinance or a law made under an Ordinance.

The *Motor Vehicle Dealers Act 1973* (WA) (the MVD Act) regulates the operation of motor vehicle dealers, financiers and car hire businesses. The MVD Act applied in the Territories in a form modified by the *Applied Laws (Implementation) Ordinance 1992* of each of the Territories. The modification was intended to simplify the administrative arrangements required by the law.

Recent amendments to the MVD Act were inconsistent with the modifications made for the Territories by the respective *Applied Laws (Implementation) Ordinances 1992*. The MVD Act was reorganised in 2002 and the modifications no longer operated as they were intended.

The Ordinances removed the entire modification contained in both *Applied Laws (Implementation) Ordinances 1992* and allowed the MVD Act to apply to the Territories as it does in Western Australia.

The Ordinances also contain transitional arrangements that ensure that businesses operating under the previous regime are not disadvantaged by these changes. Consultation was undertaken with the Western Australian Department of Consumer and Employment Protection which administers the MVD Act in the Territories on behalf of the Australian Government.

The *Applied Laws (Implementation) Amendment Ordinance 2006 (No.)* in respect of Christmas Island removed Schedule 1, Part 18 of the *Applied Laws (Implementation) Ordinance 1992*, which amended the *Motor Vehicle Dealers Act 1973* (WA)(CI).

The *Applied Laws (Implementation) Amendment Ordinance 2006 (No.)* in respect of the Cocos (Keeling) Islands removed Schedule 1, Part 18 of the *Applied Laws (Implementation) Ordinance 1992*, which amended the *Motor Vehicle Dealers Act 1973 (WA)(CKI)*.

The Ordinances commenced on the day after they were registered on the Federal Register of Legislative Instruments.

The Ordinances are legislative instruments for the purposes of the *Legislative Instruments Act 2003*.

Authority: Subsection 9(1) of the *Christmas Island Act 1958*
Subsection 12(1) of the *Cocos (Keeling) Islands Act 1955*