

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Foreign Affairs

Australia–Japan Foundation (Repeal and Transitional Provisions) Act 2006

Proclamation

The *Australia–Japan Foundation (Repeal and Transitional Provisions) Act 2006* abolishes the Australia-Japan Foundation as a statutory authority through the repeal of its enabling legislation, in order to give effect to the Government's response to Mr John Uhrig's *Review of the Corporate Governance of Statutory Authorities and Office Holders*.

Subsection 2(1) of the Act provides that Schedule 1 to the Act commences on a day to be fixed by Proclamation. However, if any of the provisions of Schedule 1 do not commence within a period of six months from the date the Act receives the Royal Assent, then those provisions commence on the first day after the end of that six month period. The Act received Royal Assent on 5 September 2006.

The purpose of the Proclamation is to fix 1 December 2006 as the day on which Schedule 1 to the Act commences. Item 1 of Schedule 1 to the Act repeals the *Australia-Japan Foundation Act 1976*. Items 2 to 17 in Schedule 1 enact transitional arrangements for the effective transfer of the Foundation's assets, liabilities and legal proceedings to the Department of Foreign Affairs and Trade and to provide certainty in respect of certain other matters.

The repeal of the *Australia-Japan Foundation Act 1976* will enable the Australia-Japan Foundation to be re-established by Orders in Council as a non-statutory body within the Department of Foreign Affairs and Trade.

The proposed Proclamation would be a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. Item 42 of the table in subsection 44(2) of that Act provides that Proclamations which provide solely for the commencement of Acts or provisions of Acts are not subject to disallowance.

The Australia-Japan Foundation was consulted in relation to this Proclamation. No further consultation in relation to the Proclamation was considered necessary.