

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 159

Issued by the Authority of the Minister for the Public Service and Integrity

Ombudsman Act 1976

Ombudsman (Northern Territory Self-Government) (Transitional Arrangements) Repeal Regulation 2012

The purpose of the *Ombudsman (Northern Territory Self-Government) (Transitional Arrangements) Repeal Regulation 2012* (the Regulation) is to repeal the Ombudsman (Northern Territory Self-Government) (Transitional Arrangements) Regulations (the NT Regulations) because those regulations are redundant.

Legislative Authority

Section 38 of the *Ombudsman Act 1976* provides in part that the Governor-General may make regulations prescribing all matters that are required or permitted by the Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides, in general terms, that where an Act confers a power to make an instrument of a legislative character, including regulations, the power shall, unless the contrary intention appears, be construed as including a power to repeal the instrument.

Reason for repeal

In February 2009, the Government announced in the *Updated Economic and Fiscal Outlook* that it would undertake a review of pre-2008 Commonwealth subordinate legislation and other regulation (the Review) in order to document those regulations which impose net costs on business, and identify the scope to improve regulatory efficiency.

The Review, coordinated by the Department of Finance and Deregulation, recommended that the NT Regulations be revoked because they had fulfilled their intended. The NT Regulations set out temporary arrangements for the handling of applications to the Ombudsman, during the expansion of self-government for the Northern Territory in 1978 and 1979.

The Ombudsman no longer has any jurisdiction nor any outstanding complaints relating to the (former) Department of the Northern Territory.

Consultation

The Office of the Commonwealth Ombudsman was consulted on the findings of the Review to confirm that the NT Regulations had fulfilled their intended purpose. The Office supported the repeal of the NT Regulations.

Human Rights

The Regulation will not adversely affect or promote any human rights principles. It is compatible with the rights and freedoms recognised in the seven core international human rights treaties which Australia has ratified.

Regulatory Impact

The Regulation has no direct or significant impact on business and does not restrict competition.

Commencement

The Regulation commences the day after registration.

The Act specifies no conditions that need to be satisfied before the power to make the Regulation may be exercised

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.