

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY
SELF-GOVERNMENT (TRANSITIONAL PROVISIONS)
ORDINANCE 1989

ORDINANCE NO. 23 OF 1989

The Self-Government (Transitional Provisions) Ordinance 1989 makes transitional provisions in relation to subordinate laws and certain actions, appointments and instruments, and notices or other documents served or lodged under A.C.T. laws. These provisions are necessary because of the transfer of power from Commonwealth to A.C.T. officials which will take place pursuant to the Australian Capital Territory (Self-Government) Act. The Ordinance also provides for the making by the A.C.T. Executive, and taking effect, of regulations in relation to any matter arising from, connected with or consequential upon, the enactment of the Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth.

Details of the Ordinance are as follows.

Section 1 provides for the citation of the Ordinance.

Section 2 provides that sections 1 and 2 come into operation on gazettal of the Ordinance. The remaining provisions will come into operation on self-government day.

Section 3 is a savings provision. Subsection (1) preserves the validity and effect of regulations and other subordinate laws having force and effect immediately before self-government day. Subsection (2) preserves the actions and appointments of, and instruments signed by, the Governor-General, a Commonwealth Minister, the Secretary to a Department of State of the

Commonwealth or an officer of such a Department and having force and effect immediately before self-government day and translates them as having been done, made or signed by a corresponding functionary. Subsection (3) preserves the validity of notices or other documents that were before self-government day given to, served on, or lodged with a Commonwealth Minister, the Secretary to a Department of State of the Commonwealth or an officer of such a Department.

Section 4 preserves the effect of certain delegations given by the Commonwealth Minister. Subsection (1) deems such a delegation to have been given by the new appropriate functionary and otherwise preserves its effect. Subsection (2) applies relevant interpretation provisions to such a delegation. Subsection (3) is an interpretative provision to recognise that relevant offices will have been abolished and substituted.

Section 5 empowers the Executive to make regulations making provision in relation to any matter arising from, connected with or consequential upon the enactment of the Australian Capital Territory (Self-Government) Act 1988. The power includes the power to make provision by way of modifications of Acts or subordinate laws. Subsection (2) facilitates such regulations being given a limited retrospective operation.

ISSUED BY THE AUTHORITY OF
THE MINISTER OF STATE
FOR THE ARTS AND TERRITORIES