



Criminology Research Act 1971

Act No. 15 of 1971 as amended

This compilation was prepared on 1 July 2011
taking into account amendments up to Act No. 5 of 2011

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to make provision for and in relation to the Promotion of Research in connexion with Criminology

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Criminology Research Act 1971*.

2 Commencement [see Note 1]

This Act shall come into operation on a date to be fixed by Proclamation.

4 Interpretation

In this Act, unless the contrary intention appears:

Acting Director means an Acting Director of the Institute appointed under section 22.

Advisory Council means the Criminology Research Advisory Council established under section 33.

appoint includes re-appoint.

criminological research means research in connexion with:

- (a) the causes, correction and prevention of criminal behaviour; and
- (b) any related matter.

Finance Minister means the Minister administering the *Financial Management and Accountability Act 1997*.

the appropriate Minister means:

- (a) in relation to a State, such Minister of the Crown of that State as is prescribed, and includes any Minister of the Crown for the time being acting for and on behalf of that Minister; and
- (aa) in relation to the Australian Capital Territory, such Minister of the Australian Capital Territory as is prescribed, and

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- includes any Minister of the Australian Capital Territory for the time being acting for and on behalf of that Minister; and
- (b) in relation to the Northern Territory, such Minister of the Northern Territory as is prescribed, and includes any Minister of the Northern Territory for the time being acting for and on behalf of that Minister.

the Director means the Director of the Institute appointed under section 15.

the Institute means the Australian Institute of Criminology established by section 5.

Part II—The Australian Institute of Criminology

Division 1—Establishment, functions and powers of Institute

5 Establishment of Institute

- (1) There is hereby established an institute to be known as the Australian Institute of Criminology.
- (2) The Institute consists of:
 - (a) the Director; and
 - (b) the staff of the Institute.

6 Functions of Institute

The Institute has the following functions:

- (a) to promote justice and reduce crime by:
 - (i) conducting criminological research; and
 - (ii) communicating the results of that research to the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the community;
- (b) to assist the Director in performing the Director's functions;
- (c) to administer programs for awarding grants, and engaging specialists, for:
 - (i) criminological research that is relevant to the public policy of the States, the Australian Capital Territory and the Northern Territory; and
 - (ii) activities related to that research (including the publication of that research, for example).

6A Power of Attorney-General to request Institute to perform certain functions

- (1) The Attorney-General may request the Institute to:
 - (a) conduct, or arrange for the conduct of, criminological research into a matter specified by the Attorney-General; or

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- (b) to conduct seminars or courses of training or instruction in a matter specified by the Attorney-General, being seminars or courses of training or instruction for persons engaged, or to be engaged, in criminological research or in work related to the prevention or correction of criminal behaviour.
- (2) Where the Attorney-General so requests the Institute to conduct, or arrange for the conduct of, criminological research, or to conduct seminars or courses of training or instruction, the Attorney-General may also require the Director to ensure that such priority is given to the conduct of that research, or to the conduct of those seminars or courses of training or instruction, as the Attorney-General specifies.

Division 3—Director, Acting Director and staff of Institute

15 Director of Institute

- (1) There shall be a Director of the Institute, who shall be appointed by the Attorney-General.
- (2) The appointment of the Director is subject to such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Attorney-General.

16 Functions of Director

The Director has the following functions:

- (a) to conduct, or arrange for the conduct of, the criminological research that is:
 - (i) approved by the Director, taking the advice of the Advisory Council into account; or
 - (ii) requested by the Attorney-General;
- (b) to communicate the results of that research to the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the community;
- (c) to conduct, or arrange for the conduct of, the seminars and courses of training or instruction for persons engaged, or to be engaged, in criminological research or in work related to the prevention or correction of criminal behaviour that are:
 - (i) approved by the Director, taking the advice of the Advisory Council into account; or
 - (ii) requested by the Attorney-General;
- (d) to advise the Advisory Council in relation to needs for, and programs of, criminological research;
- (e) to provide secretarial and administrative services for the Advisory Council;
- (f) to give advice and assistance in relation to any research performed wholly or partly with money provided out of the grants program;
- (g) to give advice in relation to the compilation of statistics relating to crime;

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- (h) to publish the material resulting from or connected with the performance of the Institute's functions that is approved by the Director, taking the advice of the Advisory Council into account;
- (i) to collect information and statistics (without detracting from, and in the context of, the overall collecting and coordinating role of the Australian Bureau of Statistics);
- (j) to provide information and advice to Departments, agencies and authorities of the Commonwealth, of the States, of the Australian Capital Territory and of the Northern Territory dealing with the administration of criminal justice;
- (k) to collaborate, in and outside Australia, with governments, institutions and authorities, and with bodies and persons, in relation to research, or the training of persons, in or in connection with the administration of criminal justice;
- (l) to approve payments for grants and engaging specialists, taking the advice of the Advisory Council into account;
- (m) to do anything incidental or conducive to the performance of any of these functions.

17 Tenure of office of Director

- (1) Subject to this Act, the person appointed as the Director holds office for such period, not exceeding 5 years, as is specified in the instrument of the person's appointment, but is eligible for re-appointment.
- (4) The Director may resign from office by writing signed by the Director and addressed to the Attorney-General.

18 Remuneration and allowances of Director

- (1) The Director shall be paid such remuneration as is determined by the Remuneration Tribunal.
- (2) The Director shall be paid such allowances as are prescribed.
- (3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunal Act 1973*.

19 Leave of absence of Director

- (1) The Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Attorney-General may grant the Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.

20 Termination of appointment of Director

The Attorney-General may terminate the appointment of the Director for misbehaviour of physical or mental incapacity.

21 Vacation of office of Director

If the Director:

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (b) is absent from duty, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months;
- the Attorney-General shall remove the Director from office.

22 Acting Director

- (1) The Attorney-General may appoint a person to act as Director:
 - (a) during a vacancy in the office of Director; or
 - (b) during any period, or during all periods, when the Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Director;but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.
- (2) An appointment of a person under subsection (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.
- (3) The Attorney-General may:

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- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Director; and
 - (b) terminate such an appointment at any time.
- (4) Where a person is acting as Director in accordance with paragraph (1)(b) and the office of Director becomes vacant while that person is so acting, then, subject to subsection (2), that person may continue so to act until the Attorney-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.
- (5) The appointment of a person to act as Director ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Attorney-General.
- (6) While a person is acting as Director, the person may exercise all the powers, and shall perform all the functions, of the Director under this Act.
- (7) The validity of anything done by or in relation to a person purporting to act under subsection (1) shall not be called in question on the ground that the occasion for the appointment had not arisen, that there is a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

23 Staff of the Institute

- (1) The staff of the Institute are:
- (a) persons engaged under the *Public Service Act 1999*; or
 - (b) persons employed or engaged by the Institute for a particular project.
- (2) The Director, with the approval of the Attorney-General, must determine the terms and conditions of employment of the persons mentioned in paragraph (1)(b).
- (3) For the purposes of the *Public Service Act 1999*:
- (a) the Director, and the APS employees assisting the Director, together constitute a Statutory Agency; and
 - (b) the Director is the Head of the Statutory Agency.

24 Consultants

The Director, on behalf of the Commonwealth, may engage persons having suitable qualifications and experience as consultants to the Institute.

Part III—Criminology Research Advisory Council

33 Criminology Research Advisory Council

- (1) The Criminology Research Advisory Council is established.
- (2) The Advisory Council has the functions of advising the Director in relation to:
 - (a) the strategic priorities for research in criminology; and
 - (b) the priorities for communicating the results of that research; and
 - (c) applications for research grants.
- (3) The Advisory Council consists of the following members:
 - (a) a representative of the Commonwealth, who is appointed by the Attorney-General;
 - (b) a representative of each of the States, the Australian Capital Territory and the Northern Territory, who is appointed by the Attorney-General for the State or Territory.
- (4) A person stops being a member of the Advisory Council if:
 - (a) the person resigns, by a written notice given to the Attorney-General of the government that the person represents; or
 - (b) the Attorney-General of the government that the person represents, by a written notice, revokes the appointment.

34 Meetings of the Advisory Council

- (1) The Director must ensure that the Advisory Council meets at least 3 times in each calendar year.
- (2) The Director must attend, and keep minutes of, the meetings.
- (3) However, the Director is not entitled to vote at the meetings.
- (4) Except as otherwise provided in this section, or in the regulations, the Advisory Council may conduct its meetings in any way that it considers appropriate.

Part V—Miscellaneous

46 Criminology Research Special Account

- (1) The Criminology Research Special Account is established by this section.
- (2) The Criminology Research Special Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.
- (3) The following amounts must be credited to the Criminology Research Special Account:
 - (a) amounts appropriated by the Parliament for the purposes of the Account;
 - (b) amounts paid by a State, the Australian Capital Territory or the Northern Territory to the Institute;
 - (c) amounts received by the Institute in relation to performing any of its functions, or exercising any of its powers, under this Act;
 - (d) amounts of any gifts given, or bequests made, for the purposes of the Account.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

- (4) The Criminology Research Special Account may be debited for the following purposes:
 - (a) the costs, expenses and other obligations incurred by the Commonwealth in the performance of the Institute's functions;
 - (b) any remuneration and allowances payable to a person under this Act;
 - (c) the expenses of administering the Account;
 - (d) any amount that is required or permitted to be repaid;
 - (e) to reduce the balance of the Account (and, therefore, the available appropriation for the Account) without making a real or notional payment.

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Note: See section 21 of the *Financial Management and Accountability Act 1997* (debits from Special Accounts).

47 Institute may charge for services

- (1) The Institute may charge for services that it provides in performing any of its functions, or exercising any of its powers, under this Act.
- (2) The charge must be an amount that is reasonably related to the cost of providing the services.

48 Delegation by Director

- (1) The Director, by signed instrument, may delegate all or any of the Director's functions or powers to an SES employee, or acting SES employee, of the Institute.
- (2) A delegate must comply with any written directions that the Director gives to the delegate when performing a function, or exercising a power, of the Director.

49 Annual report

- (1) The Director must prepare a written report on the operations of the Institute each financial year, and give it to the Minister for presentation to the Parliament.

Note: Also see section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about annual reports.

- (2) Without limiting subsection (1), the report must include:
 - (a) if a grant was made to a person during the financial year:
 - (i) the name of the person; and
 - (ii) the amount of the grant; and
 - (iii) the purpose of the grant; and
 - (b) any other matter prescribed by the regulations.

51 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Acts**Notes to the *Criminology Research Act 1971*****Note 1**

The *Criminology Research Act 1971* as shown in this compilation comprises Act No. 15, 1971 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 1 October 2001 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Criminology Research Act 1971</i>	15, 1971	6 Apr 1971	6 Nov 1972 (see <i>Gazette</i> 1972, No. 108)	
<i>Salaries (Statutory Offices) Adjustment Act 1971</i>	136, 1971	16 Dec 1971	16 Dec 1971	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<i>Administrative Changes (Consequential Provisions) Act 1978</i>	36, 1978	12 June 1978	12 June 1978	S. 8
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985 (a)	—
<i>Criminology Research Amendment Act 1986</i>	123, 1986	2 Dec 1986	30 Dec 1986	S. 30
<i>Industrial Relations Legislation Amendment Act 1991</i>	122, 1991	27 June 1991	Ss. 4(1), 10(b) and 15–20: 1 Dec 1988 Ss. 28(b)–(e), 30 and 31: 10 Dec 1991 (see <i>Gazette</i> 1991, No. S332) Remainder: Royal Assent	S. 31(2)
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (items 54, 55): Royal Assent (b)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 639–656): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (c)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (item 352): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (d)	—
<i>Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001</i>	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97) [see Table A]
<i>Crimes Legislation Enhancement Act 2003</i>	41, 2003	3 June 2003	Schedule 2 (items 6A–6P): Royal Assent	—
as amended by				
<i>Statute Law Revision Act 2006</i>	9, 2006	23 Mar 2006	Schedule 2 (item 15): 3 June 2003 (see s. 2(1))	—
<i>Financial Framework Legislation Amendment Act 2010</i>	148, 2010	17 Dec 2010	Schedule 7: 1 July 2011	Sch. 7 (items 19–29) [see Table A]
<i>Statute Law Revision Act 2011</i>	5, 2011	22 Mar 2011	Schedule 5 (items 79, 80): 19 Apr 2011	—

Act Notes

- (a) The *Criminology Research Act 1971* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (b) The *Criminology Research Act 1971* was amended by Schedule 4 (items 54 and 55) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (c) The *Criminology Research Act 1971* was amended by Schedule 2 (items 639–656) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (d) The *Criminology Research Act 1971* was amended by Schedule 1 (item 352) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
 - (2) Subject to this section, this Act commences at the commencing time.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
S. 3.....	rep. No. 216, 1973
S. 4.....	am. No. 123, 1986; No. 152, 1997; No. 41, 2003; No. 148, 2010; No. 5, 2011
Part II	
Division 1	
S. 5.....	am. No. 123, 1986; No. 148, 2010
Note to s. 5(2).....	ad. No. 152, 1997 rep. No. 148, 2010
S. 6.....	am. No. 123, 1986; No. 41, 2003 rs. No. 148, 2010
S. 6A.....	ad. No. 123, 1986 am. No. 148, 2010
S. 7.....	am. No. 123, 1986 rep. No. 148, 2010
Div. 2 of Part II.....	rep. No. 148, 2010
S. 8.....	rep. No. 148, 2010
Ss. 9, 10.....	am. No. 123, 1986 rep. No. 148, 2010
S. 11.....	rs. No. 123, 1986 am. No. 43, 1996 rep. No. 148, 2010
Ss. 12–14.....	am. No. 123, 1986; No. 152, 1997 rep. No. 148, 2010
Division 3	
S. 15.....	am. No. 148, 2010
S. 16.....	rs. No. 148, 2010
S. 17.....	am. No. 123, 1986; No. 159, 2001; No. 148, 2010
S. 18.....	am. No. 136, 1971 rs. No. 123, 1986 am. No. 43, 1996
S. 19.....	am. No. 123, 1986 rs. No. 122, 1991 am. No. 146, 1999
S. 20.....	am. No. 148, 2010
S. 21.....	am. No. 123, 1986; No. 122, 1991; No. 148, 2010
S. 22.....	rs. No. 123, 1986
S. 23.....	am. No. 123, 1986 rs. No. 148, 2010
S. 24.....	am. No. 216, 1973 rep. No. 65, 1985 ad. No. 148, 2010
S. 25.....	rep. No. 216, 1973

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Ss. 26, 27.....	rep. No. 123, 1986
Div. 4 of Part II.....	rep. No. 148, 2010
S. 28.....	am. No. 36, 1978; No. 123, 1986; No. 5, 2011 rep. No. 148, 2010
S. 28A.....	ad. No. 123, 1986 rep. No. 152, 1997
S. 29.....	am. No. 123, 1986 rep. No. 148, 2010
S. 30.....	rep. No. 152, 1997
S. 31.....	rs. No. 123, 1986 am. No. 152, 1997 rep. No. 148, 2010
S. 32.....	rep. No. 152, 1997
S. 32A.....	ad. No. 123, 1986 am. No. 152, 1997 rep. No. 148, 2010
Part III	
Part III.....	rs. No. 148, 2010
S. 33.....	am. No. 216, 1973; No. 36, 1978; No. 123, 1986 rep. No. 152, 1997 ad. No. 148, 2010
S. 34.....	am. No. 123, 1986 rs. No. 148, 2010
Note to s. 34(2).....	ad. No. 152, 1997 rep. No. 148, 2010
Ss. 35, 36.....	am. No. 123, 1986; No. 41, 2003 rep. No. 148, 2010
S. 37.....	am. No. 123, 1986; No. 152, 1997 rep. No. 148, 2010
S. 38.....	am. No. 123, 1986; No. 41, 2003 rep. No. 148, 2010
S. 39.....	am. No. 123, 1986; No. 152, 1997 rep. No. 148, 2010
Ss. 40, 41.....	rep. No. 148, 2010
S. 42.....	rep. No. 152, 1997
Heading to s. 43.....	am. No. 41, 2003 rep. No. 148, 2010
S. 43.....	am. No. 216, 1973; No. 36, 1978; No. 123, 1986 rs. No. 152, 1997 am. No. 41, 2003 rep. No. 148, 2010
Part IV.....	rep. No. 148, 2010
S. 44.....	am. No. 152, 1997 rep. No. 148, 2010
S. 45.....	rep. No. 152, 1997

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part V	
S. 46	am. No. 123, 1986; No. 41, 2003 (as am. by No. 9, 2006) rs. No. 148, 2010
S. 47	am. No. 123, 1986; No. 152, 1997 rs. No. 148, 2010
Ss. 48, 49	am. No. 123, 1986 rep. No. 152, 1997 ad. No. 148, 2010
S. 50	am. No. 216, 1973 rep. No. 148, 2010

Table A

Table A

Application, saving or transitional provisions

Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001
(No. 159, 2001)

Schedule 1

97 Application of amendments

The amendments made by this Schedule do not apply to an appointment if the term of the appointment began before the commencement of this item.

Financial Framework Legislation Amendment Act 2010 (No. 148, 2010)

Schedule 7

19 Institute and Board

- (1) This item applies despite the amendment or repeal of a provision of the *Criminology Research Act 1971* made by this Schedule.
- (2) A person who holds office as a member of the Criminology Research Council, immediately before the commencement of this item, continues to hold office as a member of the Criminology Research Advisory Council after that commencement on the same terms and conditions, as if appointed under section 33 of the *Criminology Research Act 1971* as inserted by this Act.
- (3) A person who holds office as the Director of the Australian Institute of Criminology (the *Institute*), immediately before the commencement of this item, continues to hold office after that commencement on the same terms and conditions, as if appointed by the Attorney-General.
- (4) If the context permits:
 - (a) a reference in an Act, statutory instrument or other document (including a contract, for example) to the Board is a reference to the Director; and

Table A

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- (b) a reference in an Act, statutory instrument or other document to a member of the Board is a reference to a member of the Institute.
- (5) A decision made by the Board that is in force immediately before this item commences continues in force when this item commences, as if made by the Director.
- (6) In this item:
decision includes an agreement, approval, authorisation, certificate, consent, declaration, deed, delegation, direction, dismissal, exemption, instruction, minute of a meeting, order, policy, protocol, recommendation, release, resolution or settlement, for example.

20 Employees

- (1) This item applies to a person who was an employee of the old Institute immediately before this Schedule commenced.
- (2) If a public service determination applies to the person, the person's service as an employee of the old Institute is taken, for all purposes, to be continuous with his or her service as an employee of the new Institute.
- (3) If a public service determination does not apply to the person:
- (a) the person is taken, when this Schedule commences, to be employed under this Act as an employee of the new Institute without change to the terms and conditions of their employment; and
 - (b) the person's service as an employee of the old Institute is taken, for all purposes, to be continuous with his or her service as an employee of the new Institute.
- (4) In this item:
new Institute means the Institute as it exists after this Schedule commences.
old Institute means the Institute as it existed immediately before this Schedule commenced.
public service determination means a determination that:
- (a) is made under section 72 of the *Public Service Act 1999*; and
-

Table A

- (b) causes the person, when this Schedule commences, to become engaged under the *Public Service Act 1999* as an employee of the new Institute.

21 Vesting of property and money

- (1) When this Schedule commences:
 - (a) any real or personal property or money of, or held on trust by, the Institute immediately before this Schedule commences:
 - (i) ceases to be property or money of, or held on trust by, the Institute; and
 - (ii) becomes the property or money of, or held on trust by, the Commonwealth, without any conveyance, transfer or assignment; and
 - (b) the Commonwealth becomes the Institute's successor in law in relation to that property or money.
- (2) An amount that is equal to the total of following amounts is credited to the Criminology Research Special Account when this Schedule commences:
 - (a) the amount of money that the Institute had immediately before this Schedule commences;
 - (b) the amount that was credited to the Criminology Research Fund immediately before this Schedule commences.

22 Vesting of financial liabilities

- When this Schedule commences:
 - (a) any financial liabilities of, or relating to property or money held on trust by, the Institute immediately before this Schedule commences:
 - (i) cease to be liabilities of, or relating to property or money held on trust by, the Institute; and
 - (ii) become financial liabilities of, or relating to property or money held on trust by, the Commonwealth, without any conveyance, transfer or assignment; and
 - (b) the Commonwealth becomes the Institute's successor in law in relation to those liabilities.

Table A

23 Instruments relating to transferred assets and liabilities

- (1) This item applies to an instrument that:
 - (a) relates to assets or liabilities covered by items 21 and 22; and
 - (b) refers to the Institute; and
 - (c) is in force immediately before this Schedule commences.
- (2) When this Schedule commences, the reference to the Institute is to be read as a reference to the Commonwealth as necessary to give effect to items 21 and 22.

24 Exemption from stamp duty and other State or Territory taxes

No stamp duty or other tax is payable under a law of a State or Territory in respect of, or anything connected with:

- (a) the transfer of an asset or liability under this Part; or
- (b) the operation of this Part in any other respect.

25 Proceedings

- (1) This item applies to any proceedings to which the Institute was a party that were pending in any court or tribunal immediately before this Schedule commences.
- (2) When this Schedule commences, the Commonwealth is substituted for the Institute as a party to the proceedings.

26 Contracts

- (1) This item applies to a contract that:
 - (a) was entered into by the Institute before this Schedule commences; and
 - (b) was in force immediately before commencement of this Schedule.
- (2) When this Schedule commences, the contract has effect as if the Commonwealth had entered into the contract.
- (3) In this item:
contract includes an agreement, arrangement or understanding.

Table A

27 Appropriations

If the Consolidated Revenue Fund is appropriated under an Act (an *appropriation Act*) to the Department in which the *Criminology Research Act 1971* is administered, for payment to the Australian Institute of Criminology or to the Criminology Research Council, the appropriation Act continues to apply after this Schedule commences as if the appropriations were to the Institute.

28 Reports

Reports for periods ending before this Schedule commences

- (1) If:
- (a) a law required the Institute, or the Criminology Research Council, to provide a report (whether financial statements or otherwise) for a period that ended before this Schedule commences; and
 - (b) the report has not been provided before this Schedule commences;
- the Institute must provide the report as required.

Reports for periods ending after this Schedule commences

- (2) If:
- (a) immediately before this Schedule commences, a law required the Institute, or the Criminology Research Council, to provide a report (whether financial statements or otherwise) for a period; and
 - (b) the period ends after this Schedule commences;
- the Institute must provide the report, as required, for the part of the period that occurs before this Schedule commences.
- (3) If:
- (a) under subitem (2), the Institute is required to provide a report for a part of a period; and
 - (b) the Criminology Research Council is also required to provide a similar report for the remainder of the period;
- the Institute may meet the requirements in a single report for the period.

29 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Part to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
 - (2) In particular, regulations may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.
 - (3) Without limiting subitem (2), the regulations may prescribe matters of a transitional nature in relation to the transfer of staff from the old Institute to the new Institute and, in particular, may provide for:
 - (a) the way in which the entitlements and obligations of the staff of the old Institute are to be treated on the transfer of staff; or
 - (b) staffing procedures of the old Institute to apply, or to continue to apply, in relation to:
 - (i) processes begun before, but not completed when, this Schedule commences; or
 - (ii) things done by, for or in relation to the old Institute or a staff member of the old Institute before this Schedule commences; or
 - (c) staffing procedures of the new Institute to apply in relation to:
 - (i) processes begun before, but not completed when, this Schedule commences; or
 - (ii) things done by, for or in relation to the old Institute or a staff member of the old Institute before this Schedule commences.
 - (4) Regulations made under subitem (1) have effect despite:
 - (a) the *Fair Work Act 2009*; or
 - (b) the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*; or
 - (c) the *Public Service Act 1999*.
 - (5) In this item:
new Institute means the Institute as it exists after this Schedule commences.
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Table A

old Institute means the Institute as it existed immediately before this Schedule commenced.

staffing procedures includes procedures and policies, and any actions or decisions taken under or in accordance with those procedures and policies, that relate to the following:

- (a) recruitment, probation, or promotion;
- (b) performance management or appraisal;
- (c) inefficiency, misconduct, forfeiture of position, or fitness for duty;
- (d) conditions of continued employment, including failure to gain, or loss of, essential qualifications or clearances;
- (e) disciplinary action;
- (f) grievance processes or reviews of, or appeals against, staffing decisions;
- (g) transfers, redundancy, resignations, or termination of employment;
- (h) leave.