

# **Statute Law Revision Act 2002**

No. 63, 2002

An Act to make various amendments of the statute law of the Commonwealth, and for related purposes

Note: An electronic version of this Act is available in SCALEplus (http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm)

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# **Statute Law Revision Act 2002**

No. 63, 2002

# An Act to make various amendments of the statute law of the Commonwealth, and for related purposes

[Assented to 3 July 2002]

# The Parliament of Australia enacts:

# 1 Short title

This Act may be cited as the Statute Law Revision Act 2002.

### 2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	3 July 2002
2. Schedule 1, item 1	Immediately after section 49 of the Law and Justice Legislation Amendment Act 1990 commenced	21 December 1990
3. Schedule 1, item 2	Immediately after item 14 of Schedule 2 to the <i>Aged Care Amendment Act 2000</i> commenced	18 January 2001
4. Schedule 1, items 3, 4 and 5	1 July 1999	1 July 1999
5. Schedule 1, item 6	Immediately after item 13 of Schedule 1 to the Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001 commenced	1 July 2002

Commencement i	information	
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
6. Schedule 1, items 7 and 8	The day on which this Act receives the Royal Assent	3 July 2002
7. Schedule 1, item 9	Immediately after item 69 of Schedule 1 to the Customs Legislation (Anti-dumping Amendments) Act 1998 commenced	24 July 1998
8. Schedule 1, items 10, 11, 12 and 13	Immediately after item 70 of Schedule 1 to the Customs Legislation (Anti-dumping Amendments) Act 1998 commenced	24 July 1998
9. Schedule 1, item 14	1 July 1999	1 July 1999
10. Schedule 1, item 15	Immediately after subsection 151(3) of the Environment Protection and Biodiversity Conservation Act 1999 commenced	16 July 2000
11. Schedule 1, item 16	Immediately after paragraph 520(3)(k) of the Environment Protection and Biodiversity Conservation Act 1999 commenced	16 July 2000
12. Schedule 1, item 17	Immediately after item 36 of Schedule 1 to the Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 2001 commenced	11 January 2002
13. Schedule 1, item 18	Immediately after section 528 of the Environment Protection and Biodiversity Conservation Act 1999 commenced	16 July 2000
14. Schedule 1, item 19	The day on which this Act receives the Royal Assent	3 July 2002
15. Schedule 1, item 20	Immediately after item 15 of Schedule 1 to the Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Act 2001 commenced	18 October 2001
16. Schedule 1, item 21	Immediately after item 15 of Schedule 16 to the Federal Magistrates (Consequential Amendments) Act 1999 commenced	13 April 2000
17. Schedule 1, item 22	Immediately after the Health Legislation (Powers of Investigation) Amendment Act 1994 commenced	21 July 1994

Commencement information		
Column 1 Column 2 Column 3		
Provision(s)	Commencement	Date/Details
18. Schedule 1, item 23	The day on which this Act receives the Royal Assent	3 July 2002
19. Schedule 1, item 24	Immediately after item 111 of Schedule 5 to the <i>Statute Law Revision Act 1996</i> commenced	25 October 1996
20. Schedule 1, item 25	Immediately after Schedule 3 to the Competition Policy Reform Act 1995 commenced	6 November 1995
21. Schedule 1, items 26 and 27	Immediately after item 1 of Schedule 2 to the Ministers of State and Other Legislation Amendment Act 2000 commenced	10 March 2000
22. Schedule 1, item 28	1 July 1999	1 July 1999
23. Schedule 1, item 29	Immediately after subsection 53(2) of the Special Broadcasting Service Act 1991 commenced	23 December 1991
24. Schedule 1, item 30	Immediately after item 98 of Schedule 2 to the <i>Statute Law Revision Act 1996</i> commenced	9 November 1993
25. Schedule 1, item 31	Immediately after subitem 95(b) of Schedule 5 to the Superannuation Industry (Supervision) Legislation Amendment Act 1995 commenced	12 December 1995
26. Schedule 1, item 32	Immediately after subitem 95(c) of Schedule 5 to the Superannuation Industry (Supervision) Legislation Amendment Act 1995 commenced	12 December 1995
27. Schedule 1, items 33, 34 and 35	1 July 1999	1 July 1999
28. Schedule 1, items 36 and 37	The day on which this Act receives the Royal Assent	3 July 2002
29. Schedule 1, item 38	1 July 1999	1 July 1999

Commencement		G.1
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
30. Schedule 2, item 1	Immediately after the time specified in the Audit (Transitional and Miscellaneous)  Amendment Act 1997 for the commencement of items 1306 to 1310 of Schedule 2 to that Act	1 January 1998
31. Schedule 2, item 2	Immediately after the time specified in the Australia New Zealand Food Authority Amendment Act 2001 for the commencement of item 185 of Schedule 1 to that Act	10 July 2001
32. Schedule 2, item 3	Immediately after the time specified in the <i>Civil Aviation Legislation Amendment Act</i> 1998 for the commencement of item 11 of Schedule 2 to that Act	24 March 1998
33. Schedule 2, item 4	Immediately after the time specified in the Copyright Amendment (Digital Agenda) Act 2000 for the commencement of item 41 of Schedule 1 to that Act	4 March 2001
34. Schedule 2, item 5	Immediately after the time specified in the Copyright Amendment (Digital Agenda) Act 2000 for the commencement of item 224 of Schedule 1 to that Act	4 March 2001
35. Schedule 2, item 6	Immediately after the time specified in the <i>Crimes Amendment (Forensic Procedures)</i> Act 2001 for the commencement of item 6 of Schedule 1 to that Act	20 June 2001
36. Schedule 2, item 7	Immediately after the time specified in the <i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i> for the commencement of item 185 of Schedule 2 to that Act	24 May 2001
37. Schedule 2, item 8	Immediately after the time specified in the Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001 for the commencement of item 158 of Schedule 3 to that Act	20 July 2001

Commencement i	information	
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
38. Schedule 2, item 9	Immediately after the time specified in the Defence Legislation Amendment Act (No. 1) 1999 for the commencement of item 2 of Schedule 5 to that Act	1 January 2001
39. Schedule 2, item 10	Immediately after the time specified in the Defence Legislation Amendment (Application of Criminal Code) Act 2001 for the commencement of item 41 of Schedule 1 to that Act	2 October 2001
40. Schedule 2, item 11	Immediately after the time specified in the Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001 for the commencement of item 46 of Schedule 2 to that Act	19 April 2001
41. Schedule 2, item 12	Immediately after the time specified in the Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Act 2001 for the commencement of item 26 of Schedule 1 to that Act	20 July 2001
42. Schedule 2, item 13	Immediately after the time specified in the <i>Income Tax (Consequential Amendments)</i> Act 1997 for the commencement of item 53 of Schedule 3 to that Act	1 July 1997
43. Schedule 2, item 14	Immediately after the time specified in the <i>Income Tax (Consequential Amendments)</i> Act 1997 for the commencement of item 53 of Schedule 3 to that Act	1 July 1997
44. Schedule 2, item 15	Immediately after the time specified in the Industrial Relations and other Legislation Amendment Act 1995 for the commencement of item 7 of Schedule 11 to that Act	15 January 1996
45. Schedule 2, item 16	Immediately after the time specified in the <i>Native Title Amendment Act 1998</i> for the commencement of item 43 of Schedule 2 to that Act	30 September 1998

Commencement i	Column 3	
Provision(s)	Column 2 Commencement	Date/Details
46. Schedule 2, item 17	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 95 of Schedule 1 to that Act	5 December 1999
47. Schedule 2, item 18	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 98 of Schedule 1 to that Act	5 December 1999
48. Schedule 2, item 19	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 99 of Schedule 1 to that Act	5 December 1999
49. Schedule 2, item 20	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 339 of Schedule 1 to that Act	5 December 1999
50. Schedule 2, item 21	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 339 of Schedule 1 to that Act	5 December 1999
51. Schedule 2, item 22	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 339 of Schedule 1 to that Act	5 December 1999
52. Schedule 2, item 23	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 472 of Schedule 1 to that Act	23 December 1999

Commencement i	nformation	
Column 1	Column 3	
Provision(s)	Commencement	Date/Details
53. Schedule 2, item 24	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 552 of Schedule 1 to that Act	5 December 1999
54. Schedule 2, item 25	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 597 of Schedule 1 to that Act	5 December 1999
55. Schedule 2, item 26	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 602 of Schedule 1 to that Act	5 December 1999
56. Schedule 2, item 27	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 838 of Schedule 1 to that Act	5 December 1999
57. Schedule 2, item 28	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 839 of Schedule 1 to that Act	5 December 1999
58. Schedule 2, item 29	Immediately after the time specified in the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> for the commencement of item 935 of Schedule 1 to that Act	22 December 1999
59. Schedule 2, item 30	Immediately after the time specified in the Superannuation Industry (Supervision) Legislation Amendment Act 1995 for the commencement of paragraph 102(b) of Schedule 5 to that Act	12 December 1995

Commencement	information	
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
60. Schedule 2, item 31	Immediately after the time specified in the Telecommunications Legislation Amendment Act 1997 for the commencement of item 18 of Schedule 2 to that Act	16 December 1997
61. Schedule 2, item 32	Immediately after the time specified in the <i>Trade Practices Amendment Act (No. 1)</i> 2001 for the commencement of item 1 of Schedule 2 to that Act	15 December 2001
62. Schedule 2, item 33	Immediately after the time specified in the Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 for the commencement of item 28 of Schedule 2 to that Act	2 October 2001
63. Schedule 2, item 34	Immediately after the time specified in the Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 for the commencement of item 44 of Schedule 2 to that Act	2 October 2001
64. Schedule 2, item 35	Immediately after the time specified in the <i>Treasury Legislation Amendment</i> (Application of Criminal Code) Act (No. 1) 2001 for the commencement of item 242 of Schedule 1 to that Act	15 December 2001
65. Schedule 2, item 36	Immediately after the time specified in the Veterans' Affairs Legislation Amendment (Budget Measures) Act 2000 for the commencement of item 19 of Schedule 5 to that Act	1 July 2001
66. Schedule 2, item 37	Immediately after the time specified in the Workplace Relations Amendment (Termination of Employment) Act 2001 for the commencement of item 9 of Schedule 1 to that Act	30 August 2001

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
67. Schedule 2, item 38	Immediately after the time specified in the Workplace Relations Amendment (Termination of Employment) Act 2001 for the commencement of item 11B of Schedule 1 to that Act	30 August 2001
Note:	This table relates only to the provisions of this <i>A</i> passed by the Parliament and assented to. It will deal with provisions inserted in this Act after as:	not be expanded to

(2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

# 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

# 4 Effect of repeal

To avoid doubt, items 472 to 478 (inclusive) of Schedule 1 to the *Public Employment (Consequential and Transitional) Amendment Act 1999* are taken never to have had effect.

Note: These items are repealed by item 23 of Schedule 2 to this Act.

# Schedule 1—Amendment of Principal Acts

# Acts Interpretation Act 1901

# 1 Subsection 4(6)

Omit "46(a)", substitute "46(1)(a)".

# Aged Care Act 1997

# 2 Subsection 63-1A(1)

Omit "regulations made for the purpose of".

# Air Navigation Act 1920

# 3 Paragraph 19HM(2)(a)

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# Australian Communications Authority Act 1997

# 4 Paragraph 6(e)

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# 5 Paragraph 7(d)

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# Customs Act 1901

# 6 Subsection 214AE(2)

Before "monitoring" (second occurring), insert "the".

7 Subsection 234(2BA) (the subsection (2BA) inserted by item 10 of Schedule 1 to the *Customs Amendment* (Temporary Importation) Act 1999)

Renumber as subsection (2BB).

# 8 Subsection 234(2C)

Omit "or (2BA)", substitute ", (2BA) or (2BB)".

# 9 Subsection 269Y(1)

Omit "269ZZT(2)", substitute "269ZZU(2)".

# 10 Paragraph 269ZJ(5)(a)

Omit "269Z(1)", substitute "269ZA(1)".

# 11 Paragraph 269ZJ(5)(a)

Omit "269Z(2)", substitute "269ZA(3)".

# 12 Paragraph 269ZJ(6)(a)

Omit "269Z(1)", substitute "269ZA(1)".

# 13 Paragraph 269ZJ(6)(a)

Omit "269Z(2)", substitute "269ZA(3)".

# Customs Tariff Act 1995

# 14 Section XI of Schedule 3 (Additional Notes 1(b) and (c))

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# Environment Protection and Biodiversity Conservation Act 1999

# 15 Subsection 151(3)

Omit "148(1)", substitute "148(2)".

Note: The heading to subsection 63(1) is altered by omitting "may" and substituting "must".

# 16 Paragraph 520(3)(k)

Omit "done at Rio de Janeiro on 5 June 1992", substitute "done at New York on 9 May 1992".

# 17 Subsection 523(3)

Repeal the subsection.

# 18 Section 528 (paragraph (c) of the definition of agency)

After "law of the", insert "State or".

# Financial Transaction Reports Act 1988

# 19 Paragraphs 27(17)(t), (u), (v) and (w) (the paragraphs (t), (u), (v) and (w) inserted by item 7 of Schedule 6 to the *Measures to Combat Serious and Organised Crime Act* 2001)

Renumber as paragraphs (v), (w), (x) and (y) respectively.

# Health Insurance Act 1973

# 20 Subsection 19AB(4A)

Omit "subsection (4A)", substitute "subsection (4B)".

# Human Rights and Equal Opportunity Commission Act 1986

### 21 Section 46PR

Omit "the" (first occurring).

# National Health Act 1953

# 22 Paragraph 103(5)(d)

Omit ", a participating dental practitioner or a person authorized to act under section 104", substitute "or a participating dental practitioner".

# 23 Subparagraph (m)(iii) of Schedule 1

Omit "organization,", substitute "organization;".

### Ombudsman Act 1976

### 24 Section 3

Omit "or her or her" (wherever occurring), substitute "or her".

# Prices Surveillance Act 1983

# 25 Paragraph 38(2)(a)

Omit "Authority", substitute "Commission".

# Public Service Act 1999

# **26 Subsection 78(2)**

Omit all the words and paragraphs from and including "delegate" to and including "any", substitute "delegate to another Minister any".

# 27 Subsection 78(12) (definition of Parliamentary Secretary)

Repeal the definition.

# Radiocommunications Act 1992

# 28 Paragraphs 163(2)(a) and (b)

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# Special Broadcasting Service Act 1991

# **29 Subsection 53(2)**

Omit "Pubic", substitute "Public".

# Statute Law Revision Act 1996

# 30 Item 98 of Schedule 2 (heading)

Omit "3", substitute "III".

# Superannuation (Resolution of Complaints) Act 1993

# **31 Subsection 59(1)**

Omit "subsections 23(2) and (3)", substitute "subsections 23(2) and (3),".

# **32 Subsection 59(1)**

Omit "22 22A", substitute "22, 22A".

# Telecommunications Act 1997

# 33 Paragraphs 377(1)(a), 378(2)(a) and (b), 381(1)(a), 382(2)(a) and (b), 385(1)(a), 386(2)(a) and (b), 405(2)(a) and (b) and 422(2)(a) and (b)

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# Trade Practices Act 1974

# 34 Paragraph 51(2)(c)

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# 35 Subsection 65E(1)

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

36 Subsection 65F(10) (the subsection (10) inserted by item 6 of Schedule 1 to the *Trade Practices Amendment Act* (No. 1) 2001)

Renumber as subsection (11).

37 Subsection 65R(3) (the subsection (3) inserted by item 7 of Schedule 1 to the *Trade Practices Amendment Act* (No. 1) 2001)

Renumber as subsection (4).

# 38 Paragraph 51(2)(c) of the Schedule

Omit "the Standards Association of Australia", substitute "Standards Australia International Limited".

# **Schedule 2—Amendment of amending Acts**

# Audit (Transitional and Miscellaneous) Amendment Act 1997

### 1 Items 1306 to 1310 of Schedule 2

Repeal the items.

# Australia New Zealand Food Authority Amendment Act 2001

# 2 Item 185 of Schedule 1 (heading)

Omit "19(2)(e)", substitute "19(1)(e)".

# Civil Aviation Legislation Amendment Act 1998

# 3 Item 11 of Schedule 2 (heading)

Omit "Division 3", substitute "Division 2".

# Copyright Amendment (Digital Agenda) Act 2000

#### 4 Item 41 of Schedule 1

After "reproduction", insert ",".

# 5 Item 224 of Schedule 1

Omit "the performance", substitute "the performance' (first occurring)".

# Crimes Amendment (Forensic Procedures) Act 2001

# 6 After item 6 of Schedule 1 (heading)

Insert:

Repeal the definition, substitute:

# Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000

## 7 Item 185 of Schedule 2

After "his" (wherever occurring), insert "or her".

# Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001

# 8 Item 158 of Schedule 3 (heading)

Omit "note", substitute "example".

# Defence Legislation Amendment Act (No. 1) 1999

### 9 Item 2 of Schedule 5

Before "Supply", insert "the".

# Defence Legislation Amendment (Application of Criminal Code) Act 2001

### 10 Item 41 of Schedule 1

After "the principles of", insert "the".

# Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001

# 11 Item 46 of Schedule 2

Omit "Emergency Forces or the Reserve", substitute "Reserve Forces or the Emergency".

# Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Act 2001

### 12 Item 26 of Schedule 1

Omit "laboratory", substitute "authority".

# Income Tax (Consequential Amendments) Act 1997

# 13 Heading before item 53 of Schedule 3

Repeal the heading.

# 14 Item 53 of Schedule 3

Repeal the item.

# Industrial Relations and other Legislation Amendment Act 1995

# 15 Item 7 of Schedule 11

After "Association" insert "of Australia".

# Native Title Amendment Act 1998

# 16 Item 43 of Schedule 2

After "inquiry, or" insert "a".

# Public Employment (Consequential and Transitional) Amendment Act 1999

# 17 Item 95 of Schedule 1 (heading)

Omit "19(1)", substitute "21(1)".

# 18 Item 98 of Schedule 1 (paragraph (c))

Renumber as paragraph (b).

# 19 Item 99 of Schedule 1 (paragraph (c))

Renumber as paragraph (d).

# 20 Heading before item 339 of Schedule 1

Repeal the heading.

#### 21 Before item 339 of Schedule 1

Insert:

# Corporate Law Economic Reform Program Act 1999

# 22 Item 339 of Schedule 1 (heading)

Omit "Subsection 27A(2)", substitute "Item 11 of Schedule 5 (new subsection 27A(2))".

# 23 Items 472 to 478 (inclusive) of Schedule 1

Repeal the items.

Note: These items purported to amend provisions of the *Federal Magistrates Act 1999*.

Because that Act was renumbered during its passage through the Parliament, items 474 to 478 became misdescribed and items 472 and 473 did not operate as intended.

# 24 Item 552 of Schedule 1 (heading)

Omit "AGS", substitute "Attorney-General's".

# 25 Item 597 of Schedule 1

Repeal the item.

### 26 Item 602 of Schedule 1

Repeal the item.

#### 27 Item 838 of Schedule 1

Omit "Office", substitute "Service office".

### 28 Item 839 of Schedule 1

Omit "Office", substitute "Service office".

# 29 Item 935 of Schedule 1 (heading)

Omit "48(6)", substitute "52(6)".

# Superannuation Industry (Supervision) Legislation Amendment Act 1995

# 30 Paragraph 102(b) of Schedule 5

Repeal the paragraph, substitute:

(b) Omit "the trustee must reconsider", substitute "the party must reconsider".

# Telecommunications Legislation Amendment Act 1997

# 31 At the end of items 18, 19, 25, 26 and 27 of Schedule 2 (headings)

Add "of Schedule 3".

# Trade Practices Amendment Act (No. 1) 2001

# 32 Item 1 of Schedule 2 (heading)

Omit "79B(1)(a)(ii)", substitute "79B(a)(ii)".

# Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001

# 33 Item 28 of Schedule 2

Omit "ensure", substitute "insure".

### 34 Item 44 of Schedule 2

Omit "to do so", substitute "so to do".

# Treasury Legislation Amendment (Application of Criminal Code) Act (No. 1) 2001

#### 35 Item 242 of Schedule 1

Omit "and 75AY", substitute ", 75AY".

# Veterans' Affairs Legislation Amendment (Budget Measures) Act 2000

## 36 Item 19 of Schedule 5

After "application" (first occurring), insert "for the allowance".

# Workplace Relations Amendment (Termination of Employment) Act 2001

# 37 Item 9 of Schedule 1 (heading)

Omit "(1A)", substitute "(1)".

# 38 Item 11B of Schedule 1 (heading)

Omit "107CE(8)", substitute "170CE(8)".

[Minister's second reading speech made in— House of Representatives on 16 May 2002 Senate on 19 June 2002]

(106/02)