**ADMINISTRATIVE CHANGES (CONSEQUENTIAL PROVISIONS) ACT 1976**

**No. 91 of 1976**

An Act to amend certain Acts in consequence of certain Administrative Changes, and to provide for related matters.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

**Short title.**

**1.** This Act may be cited as the *Administrative Changes (Consequential Provisions)* Act 1976.

**Commencement.**

**2.** (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) The amendments of the *Administrative Appeals Tribunal Act* 1975 made by this Act shall be deemed to have come into operation on the date of commencement of that Act.

(3) The amendments of the *Child Care Act* 1972 made by this Act shall be deemed to have come into operation on 23 June 1976.

(4) The amendments of the *Cities Commission (Repeal) Act* 1975 made by this Act shall be deemed to have come into operation on the date of commencement of that Act.

(5) The amendment of the *National Health Amendment Act* 1976 made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(6) The amendments of the *Roads Grants Act* 1974 made by this Act shall be deemed to have come into operation on the date of commencement of the *Roads Acts Amendment Act* 1976.

(7) The amendments of each other Act specified in the Schedule made by this Act shall be deemed to have come into operation on 22 December 1975.

**Amendment of Acts.**

**3.** The Acts specified in the Schedule are amended as set out in the Schedule.

**Validity of actions under Acts amended by this Act.**

**4.** (1) Subject to sub-sections (2) and (3), any act or thing done or purporting to have been done under, by virtue of or in pursuance of a provision of an Act, being a provision specified in the Schedule, on or after the date on which that provision is deemed to have been amended by this Act and before the commencement of this section shall be deemed to have been done under, by virtue of or in pursuance of that provision as so amended.

(2) Nothing in this Act shall be taken to affect the continued operation of the order made on 22 December 1975 under section 19b of the *Acts Interpretation Act* 1901 in relation to any reference in an Act or instrument, being a reference not amended by this Act.

(3) Nothing in this Act invalidates any act or thing done before the commencement of this section, being an act or thing that would have been valid if this Act had not been passed.

\_\_\_\_\_\_\_\_\_\_

SCHEDULE Section 3

AMENDMENT OF ACTS

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
| *Administrative Appeals Tribunal Act* 1975 | Schedule—clauses 10(1) (a) and (2), 11(1) and (2) and 26(1) and (2) | Omit “Police and Customs”, substitute “Business and Consumer Affairs”. |
|  | Schedule—clauses 10(1) (b) and (2)(b) | Omit “Agriculture” (wherever occurring), substitute “Primary Industry”. |
| *Aged or Disabled Persons Homes Act* 1954 | Section 10h(1) | Omit “Department of Social Services”, substitute “Department of Social Security”. |
| *Aged Persons Hostels Act* 1972 | Section 6(3) | Omit “Social Services”, substitute “Social Security”. |
| *Aliens Act* 1947 | Section 4(1) (definition of “officer”) | Omit “Immigration”, substitute “Immigration and Ethnic Affairs”. |
| *Aluminium Industry Act* 1960 | Section 8 | Omit “National Development”, substitute “National Resources”. |
| *Atomic Energy Act* 1953 | Section 19(2) | (a) Omit the Territory of Papua and the Territory of New Guinea, or any of those Territories”. |
|  |  | (b) Omit “of State for Territories”, substitute “administering the *Norfolk Island Act* 1957”. |
| *Australian Citizenship Act* 1948 | Section 5(1) (definitions of “Australian consulate” and “the Secretary”) | Omit “Immigration”, substitute “Immigration and Ethnic Affairs”. |
| *Australian Housing Corporation Act* 1975 | Sections 3(5), 12(1)(a), 14(4) and 37(2) | Omit “Housing and Construction”, substitute “Environment, Housing and Community Development”. |
| *Australian Industry Development Corporation Act* 1970 | Section 8a(6)(e) | Omit “Minerals and Energy”, substitute “National Resources”. |
| Sections 11(1), (2), (3) and (4)(a) and (4)(b), 16, 19(5) and 21a | (a) Omit “Minerals and Energy” (wherever occurring), substitute “National Resources”. |
|  |  | (b) Omit “Manufacturing Industry” (wherever occurring), substitute “Industry and Commerce”. |
| *Australian National Airlines Act* 1945 | Section 21(3) | Omit “Services and Property”, substitute “Administrative Services” |

SCHEDULE—continued

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
| *Bankruptcy Act* 1966 | Section 10(1) and (3) | Before “Attorney-General”, insert “Minister or the”. |
|  | Sections 12(1)(a), 17(1) and (3), 18(2), 254(4), 295(3), 305(1) and (2) and 314 | Omit “Attorney-General” (wherever occurring), substitute “Minister”. |
|  | Section 313(2) | Omit “Attorney-General’s”, substitute “Minister’s”. |
| *Boy Scouts' Association Act* 1924 | Sections 3 and 5 | Omit “Attorney-General”, substitute “Minister”. |
| *Canned Fruits Export Marketing Act* 1963 | Section 16(b) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
|  |
| *Child Care Act* 1972 | Section 21(1) | Omit “Secretary to the Department of Education”, substitute “Permanent Head of the Department of Social Security”. |
|  | Section 21(2) and (4) | Omit “Secretary”, substitute “Permanent Head”. |
| *Cities Commission (Repeal) Act* 1975 | Sections 4 (definition of “authorized officer”) and 7 | Omit “Urban and Regional Development”, substitute “Environment, Housing and Community Development”. |
| *Civil Aviation (Carriers' Liability) Act* 1959 | Section 9(4) | Omit “External Affairs”, substitute |
|  | “Foreign Affairs”. |
| *Commonwealth Police Act* 1957 | Sections 4(1)(a), 5(2), (3)(b), (3)(c) and (4), 8(1), 9(2), 10(1) and, 11, 12(1) and 12(3) | Omit “Attorney-General” (wherever occurring), substitute “Minister”. |
| *Conciliation and Arbitration Act* 1904 | Sections 54(1) and 125(2a), (6) and (8) | Omit “Labour”, substitute “Employment and Industrial Relations”. |
| *Consular Fees Act* 1955 | Section 3(b) | Omit “External Affairs”, substitute “Foreign Affairs”. |
| *Consular Privileges and Immunities Act* 1972 | Sections 6(1)(a), (1)(b)(i) and (ii) and (2)(c), and 7(2)(c), (3) and (4)(a) and (b) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
| *Continental Shelf (Living Natural Resources) Act* 1968 | Section 5(1) | (a) Omit the definitions of “Australia” and “Australian continental shelf”, substitute— |
|  |  | “‘Australia’ includes the Territory of Ashmore and Cartier Islands; |
|  |  | ‘Australian continental shelf means the continental shelf adjacent to the coast of Australia (including the continental shelf adjacent to the Territory of Ashmore and Cartier Islands),”. |
|  |  | (b) In the definition of “officer”— |
|  |  | (i) Omit from paragraph (a) “to the Department of Primary Industry, or by the Secretary to the Department of External Territories,”; and |
|  |  | (ii) Omit from paragraph (b) “to the Department of Primary Industry”. |
|  | Section 5(4) | Omit the sub-section, substitute— |

SCHEDULE—continued

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
|  |  | “(4) In this Act— |
|  |  | (a) a reference to the Minister is a reference to the Minister of State for Primary Industry; |
|  |  | (b) a reference to the Secretary is a reference to the Secretary to the Department of Primary Industry; and |
|  |  | (c) a reference to the Department is a reference to the Department of Primary Industry.” |
|  | Section 6 | Repeal the section. |
|  | Section 6a(1) | (a) Omit “to the Department of Primary Industry”. |
|  |  | (b) Omit “of State for Primary Industry” (wherever occurring). |
|  | Section 6a(2) | Omit the sub-section. |
|  | Section 10(1) | (a) Omit “a Minister of State, or the Secretary to a Department, on whom powers or functions are conferred by this Act”, substitute “the Minister or the Secretary”. |
|  |  | (b) Omit “those”, substitute “his”, |
|  | Section 10(1a) | Omit the sub-section. |
|  | Section 10(2) | Omit the sub-section. |
|  | Sections 11, 12, 13, 13a, 18(6), 20(1b), 21, 22 and 23 | Omit “appropriate” (wherever occurring). |
|  | Sections 13(10) and 20(1) | Omit “of State for Primary Industry”. |
|  | Section 20(1a) | Omit “of State for External Territories”, |
| *Copyright Act* 1968 | Section 135(6) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
| *Customs Act* 1901 | Section 4(1) (definition of “The Customs”) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
| *Delivered Meals Subsidy Act* 1970 | Section 11(1) | Omit “Department of Social Services”, |
|  | substitute “Department of Social Security”. |
| *Diplomatic Privileges and Immunities Act* 1967 | Sections 8(2) and (3)(a) and (b) and 9(2) and (3)(a) and (b) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs ”, |
| *Excise Act* 1901 | Section 4(1) (definition of “The Customs”) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
| *Export Incentive Grants Act* 1971 | Section 4(1) (definition of “the Secretary”) | Omit “Trade and Industry”, substitute “Overseas Trade”. |
|  | Section 8(7) and (8) | Omit “to the Department of Overseas Trade”. |
| *Fisheries Act* 1952 | Section 4 | (a) In the definition of “Australian boat”, omit “(other than Papua New Guinea)” (wherever occurring). |
|  |  | (b) After the definition of “carrying”, insert— |
|  |  | “Department' means the Department of Primary Industry”. |
|  |  | (c) In the definition of “officer”— |
|  |  | (i) omit from paragraph (a) “of Agriculture or by the Secretary to the Department of the Special Minister of State”; and |

SCHEDULE—continued

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
|  |  | (ii) omit from paragraph (b) “of Agriculture”. |
|  |  | (d) In the definition of “the Minister”, omit all the words after “State” (first- occurring), substitute “for Primary Industry”. |
|  |  | (e) In the definition of “the Secretary”, omit “of Agriculture”. |
|  | Section 6a(3) | Omit the sub-section. |
|  | Section 6a(4) | Omit “of State for Agriculture” and “of Agriculture” (wherever occurring). |
|  | Section 6a(5) | Omit “of Agriculture”. |
|  | Sections 9(9) and 17(2) | Omit “of State for Agriculture”. |
|  | Section 10(e) and (f) | Omit “other than Papua New Guinea”. |
| *Health Insurance Act* 1973 | Section 131(1) | Omit “Social Security”, substitute “Health”. |
| *Health Insurance Commission Act* 1973 | Section 3 | (a) Omit the definition of “Director-General”. |
|  |  | (b) After the definition of “part-time Commissioner”, insert— |
|  |  | “‘Permanent Head’ means the Permanent Head of the Department of Health;”. |
|  | Sections 10(1)(d) and 13(4) | Omit “Director-General”, substitute “Permanent Head”. |
| *Homes Savings Grant Act* 1964 | Sections 4(1) (definition of “the Secretary”), 7 and 8 | Omit “Housing and Construction” (wherever occurring) substitute “Environment, Housing and Community Development”. |
|  | Section 31(1) | Omit the sub-section, substitute— |
|  |  | “(1) All courts shall take judicial notice of the signature of any person who holds or has held the office of Secretary to the Department of Housing, Secretary to the Department of Housing and Construction, Secretary to the Department of Environment, Housing and Community Development or Regional Director, and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to any official document, and any such document purporting to be so signed is *prima facie* evidence in all courts of the facts and statements contained in the document. |
| *Industrial Research and Development Grants Act* 1967 | Section 23(3) | Omit “Trade and Industry”, substitute “Industry and Commerce”. |
| *Industries Assistance Commission Act* 1973 | Sections 23(5)(a) and (b)and 24(3)(a) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
| *Migration Act* 1958 | Sections 5(1) (definition of “officer”) and 47(1) and (2) | Omit “Immigration”, substitute “Immigration and Ethnic Affairs”. |
| *National Capital Development Commission Act* 1957 | Section 13(1) | (a) Omit “of State for the Interior”. |
|  | (b) Omit “Works” (wherever occurring), substitute “Construction”. |
|  | (c) Omit “of the Interior” (wherever occurring), substitute “of the Capital Territory”. |

SCHEDULE—continued

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
| *National Health Act* 1953 | Section 4(1) | (a) After the definition of “Committee of Inquiry”, insert— |
|  |  | “‘Department’ means the Department of Health; |
|  |  | (b) After the definition of “dependant”, insert— |
|  |  | “‘Director’ means— |
|  |  | (a) in relation to a State or the Northern Territory— the officer for the time being holding the office, or performing the duties, of Director of Health for that State or Territory under the *Public Service Act* 1922; and |
|  |  | (b) in relation to the Australian Capital Territory—the Permanent Head; |
|  |  | (c) After the definition of “pensioner”, insert— |
|  |  | “‘Permanent Head’ means the Permanent Head of the Department of Health; |
|  |  | (d) In the definitions of “restricted membership organization” and “the common form of pensioner medical service agreement”, omit “of the Department of Social Security”. |
|  | Section 5 | Omit “Director-General of Health”, substitute “Permanent Head”. |
|  | Section 6(1) | Omit “administering any part of this Act”. |
|  | Section 6(2) and (3) | Omit “Director-General of Health”, substitute “Permanent Head”. |
|  | Section 6(3)(a) | Omit the paragraph, substitute— “(a) a Director; or”. |
|  | Section 6(3)(b) | Omit “of Health”. |
|  | Section 6(4) | Omit the sub-section. |
|  | Section 8 | Repeal the section. |
|  | Section 11a | Repeal the section. |
|  | Section 31 | Repeal the section. |
|  | Sections 38(1) and 66(1) | Omit the definition of “Permanent Head”. |
|  | Sections 70(1)(b) and 75(1) | Omit “of Social Security”. |
|  | Section 84(1) | Omit the definitions of “Director” and “Director-General’’. |
|  | Sections 90(1), (3), (4) and (5), 92(1), 92a(1)(e), 94(1), (2), (3) and, 95(4), (5) and (6), 98(1), (2), (3) and (4), 101(1)(a), 102, 103(a), 104(1), 104a, 107(1), 108(1) and (2), 109, 111, 112b, 113(1) and (2), 114, 116, 125(2), 133(1), (2), (4) and (5), 134, 134a(1) and (3), 138, 139(1) and 139a(1) | Omit “Director-General” (wherever occurring), substitute “Permanent Head”. |
|  |
|  | Sections 101(1)(a), 113(2) and 115(1) and (2) | Omit “Commonwealth Department of Health ”, substitute “Department |
|

SCHEDULE—continued

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
|  | Sections 105a and 132a | Repeal the sections. |
| *National Health Amendment Act* 1976 | Section 3 | Omit paragraph (b), substitute the following paragraphs:— |
|  |  | “(b) by inserting in sub-section (1), after the definition of “Committee of Inquiry”, the following definition:— |
|  |  | “‘contributor’, in relation to a medical benefits fund or a hospital benefits fund conducted by a registered organization, means a person who is a contributor to that fund in accordance with the rules of that organization;”; |
|  |  | “(ba) by inserting in sub-section (1), after the definition of “Department”, the following definition:— |
|  |  | “‘dependant’, in relation to a contributor to a medical benefits fund or a hospital benefits fund conducted by a registered organization, means a person who is a dependant of that contributor in accordance with the rules of that organization;”. |
| *National Roads Act* 1974 | Section 6(6) | Omit “Urban and Regional Development”, substitute “Environment, Housing and Community Development”. |
| *National Service Act* 1951 | Section 4(1) (definitions of “the Department” and “the Secretary”) | Omit “Labour”, substitute “Employment and Industrial Relations”. |
| *Navigation Act* 1912 | Sections 300(1) and 424(2)(a) | Omit “Shipping and Transport”, substitute “Transport”. |
| *Nursing Homes Assistance Act* 1974 | Sections 3(1) (definition of “Permanent Head”) and 35(1) | Omit “Social Security”, substitute “Health”. |
| *Passports Act* 1938 | Section 5(1) (definition of “officer”) | Omit “Immigration”, substitute “Foreign Affairs”. |
| *Patents Act* 1952 | Sections 10(1), 59(1), 82, 99, 112(2), 130(2), 131(1), 158(1)(c) and 174(4) | Omit “Attorney-General”, substitute “Minister”. |
|  | Section 125(7) | Omit “Attorney-General of the Commonwealth or of the State”, substitute “Minister or by the Attorney-General of the State”. |
|  | Section 129(1) | (a) Omit “Attorney-General” (first occurring), substitute “Commonwealth”. |
|  |  | (b) Omit “the Attorney-General in trust for”. |

SCHEDULE—continued

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
| *Patents, Trade Marks, Designs and Copyright Act* 1939 | Section 9(1) | Omit “Attorney-General”, substitute “Minister”. |
| *Pay-roll Tax Assessment Act* 1941 | Sections 11(7) and (8) and 16a(1) (definition of “the Secretary”) | Omit “Trade and Industry”, substitute “Overseas Trade”. |
| *Petroleum Search Subsidy Act* 1959 | Sections 3 (definition of “the Secretary”) and 10a(1) | Omit “Minerals and Energy”, substitute “National Resources”. |
| *Pig Meat Promotion Act* 1975 | Sections 9(1)(b) and 10 | Omit “Agriculture”, substitute “Primary Industry”. |
| *Pig Slaughter Levy Collection Act* 1971 | Section 3 (definition of “the Secretary”) | Omit “Agriculture”, substitute “Primary Industry”. |
| *Pipeline Authority Act* 1973 | Sections 3(1) (definition of “Secretary”) and 6(1)(b) | Omit “Minerals and Energy”, substitute “National Resources”. |
| *Postal and Telecommunications Commissions (Transitional Provisions) Act* 1975 | Section 29(1)(a) and (b) | After “Department”, insert “or the Postal and Telecommunications Department”. |
|  |  |
| *Prices Justification Act* 1973 | Section 31(4) | Omit “Attorney-General”, substitute “Minister”. |
| *Racial Discrimination Act* 1975 | Sections 2(3), 28(2), 32, 34(2)(a), 35, 36; 41(1) and 46 | Omit “Attorney-General” (wherever occurring), substitute “Minister”. |
| *Removal of Prisoners (Territories) Act* 1923 | Sections 8a(14)(b) and 10a(5)(b) | Omit “External Territories”, substitute “Administrative Services”. |
| *Repatriation Act* 1920 | Sections 8a and 8b | Omit “and Compensation” (wherever occurring). |
| *Roads Grants Act* 1974 | Section 4 | Omit “A Minister” and “a Minister” (wherever occurring), substitute “The Minister” and “the Minister” respectively. |
| *Sales Tax Assessment Act (No.* 5*)* 1930 | Sections 6a(3)(b) and 6b(5)(b) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
| *Science and Industry Research Act* 1949 | Section 32 | Repeal the section. |
| *Seamen's Compensation Act* 1911 | Section 13(1) | Omit “Customs and Excise”, substitute “Business and Consumer Affairs”. |
| *Seamen's War Pensions and Allowances Act* 1940 | Section 14(3) | Omit “and Compensation”. |
| *Ship Construction Bounty Act* 1975 | Section 25(1) | Omit “Transport”, substitute “Industry and Commerce”. |
| *Stevedoring Industry (Temporary Provisions) Act* 1967 | Sections 6k(1)(f) and 6m | Omit “Labour” (wherever occurring), substitute “Employment and Industrial Relations”. |
| *Supply and Development Act* 1939 | Section 4 (definition of “the Department”) | Omit “Manufacturing Industry”, substitute “Industry and Commerce”. |
| *Temple Society Trust Fund* 1949 | Section 5(1)(a) | Omit “Immigration” substitute “Immigration and Ethnic Affairs”. |
| *Trade Marks Act* 1955 | Section 10(1) | Omit “Attorney-General”, substitute “Minister”. |
|  | Section 103(2) | Omit “Trade and Customs”, substitute “Business and Consumer Affairs”. |

SCHEDULE—continued

|  |  |  |
| --- | --- | --- |
| Acts | Provisions | Amendments |
| *Tradesmen’s Rights Regulation Act* 1946 | Section 6 (definition of “the Department”) | Omit “Labour”, substitute “Employment and Industrial Relations”. |
| *Trade Union Training Authority Act* 1975 | Section 3 (definitions of “Department” and “Secretary”) | Omit “Labour and Immigration”, substitute “Employment and Industrial Relations”. |

**NOTE**

1. Act No. 91, 1976; assented to 20 September 1976.