

# Australian Federal Police (Consequential Amendments) Act 1979

No. 155 of 1979

An Act to amend certain Acts in connection with the enactment of the Australian Federal Police Act 1979.

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 *Australian Federal Police (Consequential Amendments) Act 1979*.<sup>1</sup>
- Commence-            2. (1) Subject to sub-section (2), this Act shall come into operation, ment  
                          or shall be deemed to have come into operation, as the case requires, on the date fixed under sub-section 2 (2) of the *Australian Federal Police Act 1979*.
- (2) The amendments of sections 87 and 87J of the *Public Service Act 1922* made by this Act shall come into operation on the date of commencement of section 32 of the *Public Service Amendment Act 1978*.
- Amendments            3. The Acts specified in the Schedule are amended as set out in the of Acts  
                          Schedule.

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## SCHEDULE AMENDMENTS OF ACTS

Section 3

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Acts	Amendment
<i>Atomic Energy Act 1953</i> . . . . .	Section 5— Omit paragraph (b) of the definition of “Commonwealth officer” in sub-section (1), substitute— “(b) a member of the Australian Federal Police;”. Omit from the definition of “constable” in sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Audit Act 1901</i> . . . . .	Section 2— Omit paragraphs (d) and (e) of the definition of “officer”, substitute— “(d) a member or special member of the Australian Federal Police; or”. Section 48A— Omit paragraphs (d) and (e) of the definition of “Commonwealth organization” in sub-section (1), substitute— “or (d) the Australian Federal Police;”.

SCHEDULE—continued

Acts	Amendment
	<p>Section 70AA— Omit paragraphs (g) and (h) of the definition of “officer” in sub-section (1), substitute— “(g) a member or special member of the Australian Federal Police; or”.</p> <p>Omit paragraphs (g) and (h) of the definition of “Permanent Head” in sub-section (1), substitute— “(g) in relation to a member or special member of the Australian Federal Police—the person holding, or performing the duties of, the office of Commissioner of Police under the <i>Australian Federal Police Act 1979</i>; and”.</p>
<i>Australian Federal Police Act 1979</i>	<p>Section 4— Before the definition of “Australian Capital Territory” insert— “ ‘appoint’ includes promote or transfer;”.</p> <p>Section 5— After sub-section (1) insert— “(1A) Where a reference in a law of the Commonwealth that does not specify the Australian Capital Territory is, in effect, a reference to, or a reference that includes, that Territory, that reference shall, for the purposes of sub-section (1), be taken to be a reference to that Territory.”.</p> <p>After section 68, insert— “68A. (1) Where a member of the Australian Federal Police (other than a special member) was, at any time on the day immediately preceding the day on which his appointment takes effect, a member of the Australian Public Service or a person to whom the <i>Officers’ Rights Declaration Act 1928</i> applied—</p> <ul style="list-style-type: none"> <li>(a) he retains his existing and accruing rights;</li> <li>(b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and</li> <li>(c) the <i>Officers’ Rights Declaration Act 1928</i> applies as if this Act and this section had been specified in the Schedule to that Act.</li> </ul> <p>“(2) Notwithstanding section 2, sub-section (1) of this section shall be deemed to have come into operation on the day on which this Act received the Royal Assent.”.</p>
	<p>Section 77— Omit “A person”, substitute “Subject to section 68A, a person”.</p>
<i>Australian National Railways Act 1917</i>	<p>Section 69— Omit from sub-section (2) “Commonwealth Police Officer or member”, substitute “member of the Australian Federal Police or”.</p> <p>Section 71— Omit from sub-section (2) “Commonwealth Police Officer, a member”, substitute “member of the Australian Federal Police or”.</p>

Officers’  
Rights  
Declaration  
Act

SCHEDULE—continued

Acts	Amendment
<i>Bankruptcy Act 1966</i> . . . . .	Section 5— Omit from the definition of “constable” in sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Canberra Water Supply (Googong Dam) Act 1974</i>	Section 23— Omit paragraph (d), substitute— “(d) a member of the Australian Federal Police,”.
<i>Commonwealth Employees (Redeployment and Retirement) Act 1979</i>	Section 29— Omit sub-paragraph (1) (d) (i), substitute the following sub-paragraph: “(i) members of the Australian Federal Police;” Add “or” at the end of sub-paragraph (1) (d) (iii). Omit sub-paragraph (1) (d) (iv).
<i>Commonwealth Prisoners Act 1967</i>	Section 3— Omit from the definition of “constable” in sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Compensation (Commonwealth Government Employees) Act 1971</i>	Section 7— Omit paragraph (a) of sub-section (2), substitute— “(a) a member of the Australian Federal Police or of the Police Force of the Northern Territory;”  Omit from sub-section (2) “Commonwealth Police Officer, member of the Police Force of a Territory”, substitute “member of the Australian Federal Police, member of the Police Force of the Northern Territory”.
<i>Consular Privileges and Immunities Act 1972</i>	Section 7A— Omit from paragraph (3) (a) “a Commonwealth Police Officer,”.
<i>Consular Privileges and Immunities Act 1972</i>	Section 5— Omit from paragraph (2) (c) “Commonwealth Police Force”, substitute “Australian Federal Police”.
<i>Continental Shelf (Living Natural Resources) Act 1968</i>	Section 5— Omit from paragraph (c) of the definition of “officer” in sub-section (1) “Commonwealth Police Force”, substitute “Australian Federal Police”.
<i>Courts-Martial Appeals Act 1955</i>	Section 32— Omit from sub-section (3) “Commonwealth Police Force or a member”, substitute “member of the Australian Federal Police or”.
<i>Crimes Act 1914</i> . . . . .	Section 3— Omit paragraph (b) of the definition of “Commonwealth officer”, substitute— “(b) a member of the Australian Federal Police;”  Omit “Commonwealth Police Officer or a member” from the definition of “Constable”, substitute “member of the Australian Federal Police or”.
	Section 81— Omit paragraph (3) (a), substitute— “(a) a member of the Australian Federal Police;”.
<i>Crimes (Biological Weapons) Act 1976</i>	Section 9— Omit from sub-section (4) “Commonwealth Police Force”, substitute “Australian Federal Police”.
<i>Crimes (Internationally Protected Persons) Act 1976</i>	Section 11— Omit from sub-section (1) “Commonwealth Police Force”, substitute “Australian Federal Police”.

SCHEDULE—continued

Acts	Amendment
<i>Customs Act 1901</i> . . . . .	Section 4— Omit from sub-section (2) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Defence Act 1903</i> . . . . .	Section 79— Omit “Commonwealth Police Officer or member” (wherever occurring), substitute “member of the Australian Federal Police or”. Section 82— Omit from sub-section (4) “Commonwealth Police Officer”, substitute “member of the Australian Federal Police”. Section 114— Omit “or by a Commonwealth Police Officer”, substitute “, a member of the Australian Federal Police”. Section 122— Omit “or by a Commonwealth Police Officer”, substitute “, a member of the Australian Federal Police”.
<i>Defence (Re-establishment) Act 1965</i>	Section 17— Omit from the definition of “constable” in sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Defence (Special Undertakings) Act 1952</i>	Section 4— Omit “Commonwealth Police Officer and a member”, substitute “member of the Australian Federal Police or”.
<i>Defence (Visiting Forces) Act 1963</i>	Section 19— Omit from sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”. Section 20— Insert in sub-section (1) “of the Australian Federal Police or” after “member”.
<i>Diplomatic Privileges and Immunities Act 1967</i>	Section 7— Omit from paragraph (2)(c) “Commonwealth Police Officers”, substitute “members of the Australian Federal Police”.
<i>Excise Act 1901</i> . . . . .	Section 4— Omit from sub-section (2) “Commonwealth Police Force”, substitute “Australian Federal Police”.
<i>Extradition (Commonwealth Countries) Act 1966</i>	Section 24— Omit from sub-section (2) “Commonwealth Police Officers and all members”, substitute “members of the Australian Federal Police or”. Schedule 2— Omit from Forms 3, 4, 5, 7 and 8 “Commonwealth Police Officers”, substitute “members of the Australian Federal Police”.
<i>Extradition (Foreign States) Act 1966</i>	Schedule 2— Omit from Forms 3, 4 and 5 “Commonwealth Police Officers”, substitute “members of the Australian Federal Police”.
<i>Fisheries Act 1952</i> . . . . .	Section 4— Omit “Commonwealth Police Force” from paragraph (c) of the definition of “officer”, substitute “Australian Federal Police”.
<i>Great Barrier Reef Marine Park Act 1975</i>	Section 44— Omit “Commonwealth Police Force”, substitute “Australian Federal Police”.

SCHEDULE—continued

Acts	Amendment
<i>Lands Acquisition Act 1955</i>	Section 16— Omit from sub-section (2) “Commonwealth Police Officer”, substitute “member of the Australian Federal Police”. Section 57— Omit “Commonwealth Police Officer”, substitute “member of the Australian Federal Police”.
<i>Long Service Leave (Commonwealth Employees) Act 1976</i>	Section 4— Omit paragraph (7) (a). Section 10— After sub-section (2) insert— “(2A) For the purposes of this Act, a member of the Australian Federal Police shall be deemed to be employed in Government Service, and his employment shall, for those purposes, be deemed to be constituted by his service as such a member”.
<i>Maternity Leave (Commonwealth Employees) Act 1973</i>	Section 5— Omit paragraph (2) (a), substitute— “(a) a member of the Australian Federal Police;”.
<i>National Parks and Wildlife Conservation Act 1975</i>	Section 38— Omit “Commonwealth Police Force”, substitute “Australian Federal Police”.
<i>Navigation Act 1912</i>	Section 6— Omit from the definition of “officer of police” in sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Ombudsman Act 1976</i>	Section 3— Omit sub-sections (9) and (10), substitute— “(9) For the purposes of this Act, the Australian Federal Police shall be deemed to be a prescribed authority. “(10) In the application of this Act in relation to the Australian Federal Police, references in this Act to an officer of a prescribed authority shall be read as references to a member or special member of the Australian Federal Police.”. Section 5— Omit sub-section (4), substitute— “(4) Paragraph (2) (d) does not prevent the Ombudsman from investigating action taken by a member or special member of the Australian Federal Police, or by any other person, with respect to a complaint made to such a member or special member concerning action taken by another such member or special member.”.
<i>Passports Act 1938</i>	Section 5— Omit from the definition of “officer” in sub-section (1) “Commonwealth Police Officer, any member”, substitute “member of the Australian Federal Police or”.
<i>Public Order (Protection of Persons and Property) Act 1971</i>	Section 4— Omit “Commonwealth Police Force” from the definition of “Police Force”, substitute “Australian Federal Police”.
<i>Public Service Act 1922</i>	Section 48— Omit from paragraph (1) (b) “Police Force of the Australian Capital Territory”, substitute “Australian Federal Police”. Section 87— Omit paragraph (h) of the definition of “Commonwealth office” in sub-section (1), substitute— “(h) an office or appointment in the Australian Federal Police (other than the office of Commissioner of Police) or in the Police Force of a Territory;”.

SCHEDULE—continued

Acts	Amendment
	Omit paragraph (d) of sub-section (2), substitute— “(d) employment as a member of the Australian Federal Police (other than Commissioner of Police);”.
	Section 87J— Omit paragraph (b) of sub-section (2), substitute— “(b) employment as a member of the Australian Federal Police (other than Commissioner of Police);”.
<i>Quarantine Act 1908</i> . . . .	Section 31— Omit from sub-section (3) “Commonwealth Police Force”, substitute “Australian Federal Police”.
<i>Removal of Prisoners (Australian Capital Territory) Act 1968</i>	Section 3— Omit from the definition of “constable” in sub-section (1) “a Commonwealth Police Officer”, substitute “of the Australian Federal Police”.
<i>Removal of Prisoners (Territories) Act 1923</i>	Section 2— Omit from the definition of “constable” in sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Remuneration Tribunals Act 1973</i>	Section 3— Omit from paragraph (4) (s) “Commonwealth Police Force”, substitute “Australian Federal Police”. Omit from paragraph (4) (s) “that Police Force”, substitute “the Australian Federal Police”.
<i>Reserve Bank Act 1959</i> . . .	Section 32— Omit “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Service and Execution of Process Act 1901</i>	Section 26A— Omit from the definition of “constable” in sub-section (1) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>States Receipts Duties (Administration) Act 1970</i>	Section 50— Omit from sub-section (5) “Commonwealth Police Officer, or a member”, substitute “member of the Australian Federal Police or”.
<i>Superannuation Act 1976</i>	Section 3— After sub-section (5), insert the following sub-section: “(5A) For the purposes of this Act, a member of the Australian Federal Police (other than the Commissioner of Police or a Deputy Commissioner of Police) shall be deemed to be employed by the Commonwealth.”.
<i>Trading with the Enemy Act 1939</i>	Section 3— Omit from the definition of “constable” in sub-section (1) “Commonwealth Police Officer and a member”, substitute “member of the Australian Federal Police or”.
<i>Treasury Bills Act 1914</i> . . .	Section 14— Omit “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.
<i>Wheat Industry Stabilization Act 1974</i>	Section 44— Omit from sub-section (2) “Commonwealth Police Officer or a member”, substitute “member of the Australian Federal Police or”.

**NOTE**

1. Act No. 155, 1979; assented to 28 November 1979.