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**Commonwealth Functions (Statutes Review) Act 1981**

**No. 74 of 1981**

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**Commonwealth Functions (Statutes Review) Act 1981**

**No. 74 of 1981**

**An Act to implement certain changes in Commonwealth functions**

[*Assented to 18 June 1981*]

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

**PART I—PRELIMINARY**

**Short title**

**1.** This Act may be cited as the *Commonwealth Functions* (*Statutes Review*) *Act* 1981.

**Commencement**

**2.** **(1)** Parts I, IV, IX, X, XI, XII, XIII, XV, XVII (other than sections 220, 221, 222, 223, 225, 226, 227, 228 and 230), XX, XXI, XXII and XXIII shall come into operation on the day on which this Act receives the Royal Assent.

**(2)** Part III shall come into operation on 1 July 1981.

**(3)** Section 172 shall come into operation on the day on which section 44 of the *Commonwealth Teaching Service Act* 1972 comes into operation.

**(4)** Section 173 shall come into operation on the day on which section 46 of the *Commonwealth Teaching Service Act* 1972 comes into operation.

**(5)** Section 225 shall come into operation on the day on which sub-section 5 (2) of the *Navigation Amendment Act* 1980 comes into operation.

**(6)** Sections 226, 227 and 230 shall come into operation on the day on which section 18 of the *Navigation Amendment Act* 1980 comes into operation.

**(7)** Section 228 shall come into operation on the day on which sections 61 and 62 of the *Navigation Amendment Act* 1980 come into operation.

**(8)** Parts XIV and XVIII shall come into operation on the day on which the *Petroleum Products Pricing Act* 1981 comes into operation.

**(9)** Part XIX shall come into operation on the day on which this Act receives the Royal Assent but the provisions of the Act amended by that Part shall come into operation as so amended in accordance with section 2 of that Act as so amended.

**(10)** The remaining provisions of this Act shall come into operation on such respective dates as are fixed by Proclamation.

**PART II—AUSTRALIAN CAPITAL TERRITORY**

***Division 1*—*Agents***

**Repeal**

**3.** The following Ordinances of the Australian Capital Territory are repealed:

*Agents Ordinance* 1968

*Agents Ordinance* 1970

*Agents Ordinance* (*No.* 2) 1970

*Agents Ordinance* 1971

*Agents Ordinance* 1972

*Agents Ordinance* 1973

*Agents Ordinance* (*No.* 2) 1973

*Agents* (*Amendment*) *Ordinance* 1976.

***Division 2***—***Architects***

**Repeal**

**4.** The following Ordinances of the Australian Capital Territory are repealed:

*Architects Ordinance* 1959

*Architects Ordinance* 1967

*Architects Ordinance* 1970

*Architects Ordinance* (*No.* 2) 1970

*Architects Ordinance* 1971

*Architects Ordinance* 1973

*Architects Ordinance* 1974

*Architects Ordinance* (*No.* 2) 1974

*Architects* (*Amendment) Ordinance* 1976

*Architects* (*Amendment) Ordinance* 1978.

***Division 3*—*Canberra Commercial Development Authority***

**Interpretation**

**5.** In this Division—

“Authority” means the Canberra Commercial Development Authority established under the Ordinance;

“commencing day” means the day fixed under section 13;

“Minister” means the Minister for the Capital Territory;

“Ordinance” means the *Canberra Commercial Development Authority Ordinance* 1974 of the Australian Capital Territory as amended and in force for the time being;

“purchaser” means a person who enters into an agreement with the Authority under section 7.

**Application of Division**

**6.** This Division has effect notwithstanding anything contained in the Ordinance.

**Power of Authority to enter into agreement**

**7.** **(1)** The Authority shall, if so directed by the Minister, enter into an agreement with a person designated by the Minister for the sale to that person, on terms and conditions specified by the Minister, of such rights, property or assets of the Authority as are referred to in the agreement, with effect on and from the commencement of a day specified in, or ascertained in accordance with, the agreement.

**(2)** An agreement entered into under sub-section (1) may provide for the purchaser to undertake to pay or discharge such debts, liabilities or obligations of the Authority as are referred to in the agreement.

**(3)** In an agreement entered into under sub-section (1)—

(a) a reference to rights, property or assets of the Authority may be a reference to all those rights, property or assets, to such of those rights, property or assets as are specified in the agreement or to all those rights, property or assets other than such of those rights, property or assets as are specified in the agreement; and

(b) a reference to debts, liabilities or obligations of the Authority may be a reference to all those debts, liabilities or obligations, to such of those debts, liabilities or obligations as are specified in the agreement or to all those debts, liabilities or obligations other than such of those debts, liabilities or obligations as are specified in the agreement.

**Power of Minister to give directions to Authority**

**8.** **(1)** For the purpose of facilitating the sale of the rights, property or assets of the Authority and winding up the affairs of the Authority, the Minister may give directions to the Authority in respect of the performance of its functions and duties, and the exercise of its powers, under this Division and under the Ordinance, and the Authority shall comply with any such directions.

**(2)** If the Authority fails to comply with a direction given to it by the Minister under sub-section (1), the Governor-General may, by instrument in writing under his hand, remove any one or more of the members of the Authority from office.

**(3)** Where the Governor-General removes a member of the Authority from office under sub-section (2), the Governor-General may appoint another person as a member of the Authority in place of the member so removed, whether or

not the other person would be eligible for appointment under the Ordinance, and a person so appointed holds office during the pleasure of the Governor-General.

**(4)** If a member of the Authority who is removed from office by the Governor-General under sub-section (2) was the Chairman, or the Deputy Chairman, of the Authority, the Governor-General may appoint another member of the Authority to be the Chairman, or the Deputy Chairman, of the Authority, as the case may be.

**Sale by transfer of assets of Authority to company**

**9. (1)** An agreement entered into in accordance with section 7 may make provision for the sale to which the agreement relates to be carried into effect in accordance with this section and, in that case, the following provisions of this section have effect.

**(2)** The Authority shall—

(a) form, together with such person or persons as the Minister nominates, an incorporated company in the Australian Capital Territory under a name approved by the Minister, being a company having such directors as the Minister nominates and having a share capital all the shares in which are beneficially owned by the Authority; and

(b) on the day referred to in the agreement in accordance with sub-section 7 (1), upon receipt of the consideration specified in the agreement—

(i) transfer to the company such of the rights, property or assets of the Authority as are required by the agreement to be acquired by the purchaser; and

(ii) cause the shares in the company to be transferred to the purchaser or to a person or persons nominated by the purchaser.

**(3)** Upon the transfer to the company of the rights, property or assets referred to in sub-paragraph (2) (b) (i), the company becomes, by force of this sub-section, liable to pay or discharge such debts, liabilities or obligations of the Authority as are required by the agreement to be paid or discharged by the purchaser and the Authority ceases to be liable to pay or discharge those debts, liabilities or obligations.

**(4)** If the company becomes, by force of sub-section (3), liable to pay or discharge any debts, liabilities or obligations of the Authority arising under or by virtue of the *Compensation* (*Commonwealth Government Employees*) *Act* 1971, then, for the purposes of the application, in relation to any event that occurred before the day referred to in the agreement in accordance with sub-section 7 (1), of that Act in relation to a person who, at any time before that day, was an employee within the meaning of that Act by virtue of being, or having been, employed by the Authority, the company shall be deemed to be the prescribed authority of the Commonwealth in relation to that employee.

**Sale by direct transfer of assets**

**10.** **(1)** An agreement entered into in accordance with section 7 may make provision for the sale to which the agreement relates to be carried into effect in accordance with this section and, in that case, the following provisions of this section have effect.

**(2)** The Authority shall, on the day referred to in the agreement in accordance with sub-section 7 (1), upon receipt of the consideration specified in the agreement, transfer to the purchaser such of the rights, property or assets of the Authority as are required by the agreement to be acquired by the purchaser.

**(3)** Upon the transfer to the purchaser of the rights, property or assets referred to in sub-section (2), the purchaser becomes, by force of this sub-section, liable to pay or discharge such debts, liabilities or obligations of the Authority as are required by the agreement to be paid or discharged by the purchaser and the Authority ceases to be liable to pay or discharge those debts, liabilities or obligations.

**(4)** If the purchaser becomes, by force of sub-section (3), liable to pay or discharge any debts, liabilities or obligations of the Authority arising under or by virtue of the *Compensation* (*Commonwealth Government Employees*) *Act* 1971, then, for the purposes of the application, in relation to any event that occurred before the day referred to in the agreement in accordance with sub-section 7 (1), of that Act in relation to a person who, at any time before that day, was an employee within the meaning of that Act by virtue of being, or having been, employed by the Authority, the purchaser shall be deemed to be the prescribed authority of the Commonwealth in relation to that employee.

**Existing contracts**

**11.** After the rights, property or assets referred to in sub-paragraph 9 (2) (b) (i) or sub-section 10 (2), as the case may be, are transferred to a person in accordance with that sub-paragraph or sub-section, such contracts (if any) as are specified in, or ascertained in accordance with, the agreement, being contracts to which the Authority was a party at the time immediately before the transfer took place, have effect as if—

(a) that person were substituted for the Authority as a party to each contract; and

(b) any reference in such a contract to the Authority were (except in relation to matters that occurred before that time) a reference to that person,

and the Authority ceases to be a party to the contracts.

**Pending proceedings**

**12.** If, immediately before the day on which rights, property or assets referred to in sub-paragraph 9 (2) (b) (i) or sub-section 10 (2), as the case may be, are transferred to a person, the Authority was a party to proceedings specified in the agreement that were pending in a court, that person is, on that day, by force of this section, substituted for the Authority as a party to the proceedings and has the same rights in the proceedings as the party for which that person is substituted.

**Consequences of agreement**

**13.** If the Authority enters into an agreement in accordance with section 7, the Minister shall, as soon after the day referred to in that section as it appears to him to be appropriate to do so, by notice published in the *Gazette*,fix a day on which the Authority is to cease to exist.

**Winding up of Authority**

**14.** **(1)** Upon the commencing day—

(a) the *Canberra Commercial Development Authority Ordinance* 1974 and the *Canberra Commercial Development Authority Amendment Ordinance* 1977 of the Australian Capital Territory are repealed;

(b) any rights, property or assets that, immediately before that day, were vested in the Authority vest on that day, by force of this sub-section, in the Commonwealth; and

(c) the Commonwealth becomes, by force of this sub-section, liable to pay or discharge any debts, liabilities or obligations of the Authority that existed immediately before that day.

**(2)** Any contract to which the Authority was a party immediately before the commencing day has effect on and after that day as if—

(a) the Commonwealth were substituted for the Authority as a party to the contract; and

(b) any reference in the contract to the Authority were (except in relation to matters that occurred before that time) a reference to the Commonwealth.

**(3)** If, immediately before the commencing day, proceedings to which the Authority was a party were pending in any court, the Commonwealth is, on that day, by force of this sub-section, substituted for the Authority as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

**Application of Commonwealth Employees (Redeployment and Retirement) Act**

**15.** On and after the commencing day, any functions, duties or powers under the *Commonwealth Employees* (*Redeployment and Retirement*) *Act* 1979 that would, if the Authority had not ceased to exist, be required to be performed or be permitted to be exercised by the Authority shall be performed or may be exercised, as the case may be, by the Secretary to the Department of the Capital Territory.

**Registration of changes in title to land**

**16.** **(1)** Where by reason of the operation of this Division, any interest in land situated in the Australian Capital Territory becomes vested in a person, the Crown Solicitor may lodge with the Registrar or a Deputy Registrar of Titles of that Territory a notice, signed by the Crown Solicitor or by an officer of the Attorney-General’s Department authorized by the Crown Solicitor for the purpose, stating that that interest in land is vested in the person by virtue of the operation of this Division, and the officer with whom the notice is so lodged shall make such entries in his registers, and do such other things, as are necessary to reflect the operation of this Division in relation to that interest in land.

**(2)** The Registrar or a Deputy Registrar of Titles of the Australian Capital Territory may, by notice in writing given to the Authority, require the Authority to produce to him any Crown lease or other document in the possession or

within the control of the Authority affecting land in the Australian Capital Territory in which an interest has become vested in a person by reason of the operation of this Division.

**(3)** If the Authority fails to comply with a requirement in a notice given to the Authority under sub-section (2), the Authority is, in respect of each day (including a day of a conviction under this sub-section or a subsequent day) during which the failure continues, guilty of an offence punishable on conviction by a fine not exceeding $200.

**(4)** If a requirement under sub-section (2) requires the production of aCrown lease or other document within a particular period or before a particular time, the obligation to produce the Crown lease or other document continues notwithstanding that that period has expired or that time has passed until the Crown lease or other document is produced.

**(5)** Charges against the Authority for any number of offences under sub-section (3) may be joined in the same information if those offences relate to afailure to produce the same document.

**(6)** If the Authority is found guilty of more than one offence under sub-section (3), the court may impose one penalty in respect of all the offences, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a penalty were imposed in respect of each offence separately.

**Officers’ Rights Declaration Act**

**17.** Where, at the expiration of the day immediately preceding the commencing day, the repealed *Officers*’ *Rights Declaration Act* 1928 applied in relation to a person who was at that time a member or employee of the Authority, that Act continues, on and after the commencing day, by force of this section, to apply in relation to that person as if the Ordinances referred to in section 14 had not been repealed but that person had on the first-mentioned day resigned his office, or resigned from his employment with the Authority, as the case may be.

***Division 4***—***Canberra Retail Markets Trust***

**Interpretation**

**18.** In this Division—

“commencing day” means the day fixed under section 27;

“Market” has the same meaning as in the Ordinance;

“Minister” means the Minister for the Capital Territory;

“Ordinance” means the *Canberra Retail Markets Ordinance* 1971 of the Australian Capital Territory as amended and in force for the time being;

“purchaser” means a person who enters into an agreement with the Trust under section 20;

“Trust” means the Canberra Retail Markets Trust established under the Ordinance.

**Application of Division**

**19.** This Division has effect notwithstanding anything contained in the Ordinance.

**Power of Trust to enter into agreements**

**20.** **(1)** The Trust shall, if so directed by the Minister, enter into an agreement with a person designated by the Minister for the sale to that person, on terms and conditions specified by the Minister, of such rights, property or assets of the Trust as are referred to in the agreement, with effect on and from the commencement of a day specified in, or ascertained in accordance with, the agreement.

**(2)** An agreement entered into under sub-section (1) may provide for the purchaser to undertake to pay or discharge such debts, liabilities or obligations of the Trust as are referred to in the agreement.

**(3)** In an agreement entered into under sub-section (1)—

(a) a reference to rights, property or assets of the Trust may be a reference to all those rights, property or assets, to such of those rights, property or assets as are specified in the agreement or to all those rights, property or assets other than such of those rights, property or assets as are specified in the agreement; and

(b) a reference to debts, liabilities or obligations of the Trust may be a reference to all those debts, liabilities or obligations, to such of those debts, liabilities or obligations as are specified in the agreement or to all those debts, liabilities or obligations other than such of those debts, liabilities or obligations as are specified in the agreement.

**Power of Minister to give directions to Trust**

**21.** **(1)** For the purpose of facilitating the sale of the rights, property or assets of the Trust and winding up the affairs of the Trust, the Minister may give directions to the Trust in respect of the performance of its functions and duties, and the exercise of its powers, under this Division and under the Ordinance, and the Trust shall comply with any such directions.

**(2)** If the Trust fails to comply with a direction given to it by the Minister under sub-section (1), the Minister may, by instrument in writing under his hand, remove any one or more of the members of the Trust from office.

**(3)** Where the Minister removes a member of the Trust from office under sub-section (2), the Minister may appoint another person as a member of the Trust in place of the member so removed, whether or not the other person would be eligible for appointment under the Ordinance, and a person so appointed holds office during the pleasure of the Minister.

**(4)** If a member of the Trust who is removed from office by the Minister under sub-section (2) was the Chairman of the Trust, the Minister may appoint another member of the Trust to be the Chairman of the Trust.

**Sale by transfer of assets of Trust to company**

**22.** **(1)** An agreement entered into in accordance with section 20 may make provision for the sale to which the agreement relates to be carried into effect in accordance with this section and, in that case, the following provisions of this section have effect.

**(2)** The Trust shall—

(a) form, together with such person or persons as the Minister nominates, an incorporated company in the Australian Capital Territory under a name approved by the Minister, being a company having such directors as the Minister nominates and having a share capital all the shares in which are beneficially owned by the Trust; and

(b) on the day referred to in the agreement in accordance with sub-section 20 (1), upon receipt of the consideration specified in the agreement—

(i) transfer to the company such of the rights, property or assets of the Trust as are required by the agreement to be acquired by the purchaser; and

(ii) cause the shares in the company to be transferred to the purchaser or to a person or persons nominated by the purchaser.

**(3)** Upon the transfer to the company of the rights, property or assets referred to in sub-paragraph (2) (b) (i), the company becomes, by force of this sub-section, liable to pay or discharge such debts, liabilities or obligations of the Trust as are required by the agreement to be paid or discharged by the purchaser and the Trust ceases to be liable to pay or discharge those debts, liabilities or obligations.

**(4)** If the company becomes, by force of sub-section (3), liable to pay or discharge any debts, liabilities or obligations of the Trust arising under or by virtue of the *Compensation* (*Commonwealth Government Employees*) *Act* 1971, then, for the purposes of the application, in relation to any event that occurred before the day referred to in the agreement in accordance with sub-section 20 (1), of that Act in relation to a person who, at any time before that day, was an employee within the meaning of that Act by virtue of being, or having been, employed by the Trust, the company shall be deemed to be the prescribed authority of the Commonwealth in relation to that employee.

**Sale by direct transfer of assets**

**23.** **(1)** An agreement entered into in accordance with section 20 may make provision for the sale to which the agreement relates to be carried into effect in accordance with this section and, in that case, the following provisions of this section have effect.

**(2)** The Trust shall, on the day referred to in the agreement in accordance with sub-section 20 (1), upon receipt of the consideration specified in the agreement, transfer to the purchaser such of the rights, property or assets of the Trust as are required by the agreement to be acquired by the purchaser.

**(3)** Upon the transfer to the purchaser of the rights, property or assets referred to in sub-section (2), the purchaser becomes, by force of this sub-section, liable to pay or discharge such debts, liabilities or obligations of the

Trust as are required by the agreement to be paid or discharged by the purchaser and the Trust ceases to be liable to pay or discharge those debts, liabilities or obligations.

**(4)** If the purchaser becomes, by force of sub-section (3), liable to pay or discharge any debts, liabilities or obligations of the Trust arising under or by virtue of the *Compensation* (*Commonwealth Government Employees*) *Act* 1971, then, for the purposes of the application, in relation to any event that occurred before the day referred to in the agreement in accordance with sub-section 20 (1), of that Act in relation to a person who, at any time before that day, was an employee within the meaning of that Act by virtue of being, or having been, employed by the Trust, the purchaser shall be deemed to be the prescribed authority of the Commonwealth in relation to that employee.

**Existing contracts**

**24.** After the rights, property or assets referred to in sub-paragraph 22 (2) (b) (i) or sub-section 23 (2), as the case may be, are transferred to a person in accordance with that sub-paragraph or sub-section, such contracts (if any) as are specified in, or ascertained in accordance with, the agreement, being contracts to which the Trust was a party at the time immediately before the transfer took place, have effect as if—

(a) that person were substituted for the Trust as a party to each contract; and

(b) any reference in such a contract to the Trust were (except in relation to matters that occurred before that time) a reference to that person,

and the Trust ceases to be a party to the contracts.

**Pending proceedings**

**25.** If, immediately before the day on which rights, property or assets referred to in sub-paragraph 22 (2) (b) (i) or sub-section 23 (2), as the case may be, are transferred to a person, the Trust was a party to proceedings specified in the agreement that were pending in a court, that person is, on that day, by force of this section, substituted for the Trust as a party to the proceedings and has the same rights in the proceedings as the party for which that person is substituted.

**Application of Ordinance where Trust continues to operate one Market**

**26.** If the Trust enters into an agreement in accordance with section 20 that relates to rights, property or assets of the Trust in relation to one only of the Markets managed and controlled by the Trust, Parts III, IV, V and VI of the Ordinance apply only in relation to the Market that the Trust continues to manage and control.

**Consequences of agreement**

**27.** If the Trust enters into an agreement in accordance with section 20 that relates, or agreements in accordance with that section that together relate, to rights, property or assets of the Trust in relation to both of the Markets managed and controlled by the Trust, the Minister shall, as soon after the day referred to in section 20 as it appears to him to be appropriate to do so, by notice published in the *Gazette*, fix a day on which the Trust is to cease to exist.

**Winding up of Trust**

**28.** **(1)** Upon the commencing day—

(a) the following Ordinances of the Australian Capital Territory are repealed:

*Canberra Retail Market Trust Ordinance* 1971

*Canberra Retail Market Trust Ordinance* 1972

*Canberra Retail Market Trust Ordinance* 1973

*Canberra Retail Market Trust Ordinance* 1974

*Canberra Retail Markets Ordinance* 1976

*Canberra Retail Markets* (*Amendment*) *Ordinance* 1978

*Canberra Retail Markets* (*Amendment*) *Ordinance* 1980;

(b) any rights, property or assets that, immediately before that day, were vested in the Trust vest on that day, by force of this sub-section, in the Commonwealth; and

(c) the Commonwealth becomes, by force of this sub-section, liable to pay or discharge any debts, liabilities or obligations of the Trust that existed immediately before that day.

**(2)** Any contract to which the Trust was a party immediately before the commencing day has effect on and after that day as if—

(a) the Commonwealth were substituted for the Trust as a party to the contract; and

(b) any reference in the contract to the Trust were (except in relation to matters that occurred before that time) a reference to the Commonwealth.

**(3)** If, immediately before the commencing day, proceedings to which the Trust was a party were pending in any court, the Commonwealth is, on that day, by force of this sub-section, substituted for the Trust as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

**Application of Commonwealth Employees (Redeployment and Retirement) Act**

**29.** On and after the commencing day, any functions, duties or powers under the *Commonwealth Employees* (*Redeployment and Retirement*) *Act* 1979 that would, if the Trust had not ceased to exist, be required to be performed or be permitted to be exercised by the Trust shall be performed or may be exercised, as the case may be, by the Secretary to the Department of the Capital Territory.

**Registration of changes in title to land**

**30.** **(1)** Where, by reason of the operation of this Division, any interest in land situated in the Australian Capital Territory becomes vested in a person, the Crown Solicitor may lodge with the Registrar or a Deputy Registrar of Titles of that Territory a notice, signed by the Crown Solicitor or by an officer of the Attorney-General’s Department authorized bythe Crown Solicitor for the purpose, stating that that interest in land is vested in the person byvirtue of

the operation of this Division, and the officer with whom the notice is so lodged shall make such entries in his registers, and do such things, as are necessary to reflect the operation of this Division in relation to that interest in land.

**(2)** The Registrar or a Deputy Registrar of Titles of the Australian Capital Territory may, by notice in writing given to the Trust, require the Trust to produce to him any Crown lease or other document in the possession or within the control of the Trust affecting land in the Australian Capital Territory in which an interest has become vested in a person by reason of the operation of this Division.

**(3)** If the Trust fails to comply with a requirement in a notice given to the Trust under sub-section (2), the Trust is, in respect of each day (including a day of a conviction under this sub-section or a subsequent day) during which the failure continues, guilty of an offence punishable on conviction by a fine not exceeding $200.

**(4)** If a requirement under sub-section (2) requires the production of a Crown lease or other document within a particular period or before a particular time, the obligation to produce the Crown lease or other document continues notwithstanding that that period has expired or that time has passed, until the Crown lease or other document is produced.

**(5)** Charges against the Trust for any number of offences under sub-section (3) may be joined in the same information if those offences relate to a failure to produce the same document.

**(6)** If the Trust is found guilty of more than one offence under sub-section (3), the court may impose one penalty in respect of all the offences, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a penalty were imposed in respect of each offence separately.

**Officers’ Rights Declaration Act**

**31.** Where, at the expiration of the day immediately preceding the commencing day, the repealed *Officers*’ *Rights Declaration Act* 1928 applied in relation to a person who was at that time a member or employee of the Trust, that Act continues, on and after the commencing day, by force of this section, to apply in relation to that person as if the Ordinances referred to in section 28 had not been repealed but that person had on the first-mentioned day resigned his office, or resigned from his employment with the Trust, as the case may be.

***Division 5***—***Canberra Showground Trust***

**Principal Ordinance**

**32.** The *Canberra Showground Trust Ordinance* 1976 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**33.** Section 18 of the Principal Ordinance is repealed and the following section is substituted:

**Staff**

“18. (1) The Trust may engage such employees as are necessary for the performance of its functions under this Ordinance.

“(2) The terms and conditions of employment of persons engaged under this section (including conditions with respect to the duration of employment or with respect to dismissal from employment) are such as are determined by the Trust with the approval of the Public Service Board.”.

***Division 6***—***Co-operative Societies***

**Principal Ordinance**

**34.** The *Co-operative Societies Ordinance* 1939 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**Interpretation**

**35.** Section 4 of the Principal Ordinance is amended by omitting the definition of “trading society”.

**Repeal of Part III**

**36.** Part III of the Principal Ordinance is repealed.

**Amalgamation**

**37.** Section 18 of the Principal Ordinance is amended by omitting from sub-section (1) “registered trading societies,”.

**Use of word “co-operative”**

**38.** Section 32 of the Principal Ordinance is amended—

(a) by omitting from sub-sections (1) and (1a) “trade or” (wherever occurring); and

(b) by omitting from sub-section (1b) “trading or”.

**Transfer of engagements**

**39.** Section 38 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1) “a registered trading society,”; and

(b) by omitting from sub-section (1) “registered trading society,”.

**Dealings with members and applicants**

**40.** Section 45 of the Principal Ordinance is amended by omitting from sub-section (1) “through or” (first occurring).

***Division 7—Lakes***

**Principal Ordinance**

**41.** The *Lakes Ordinance* 1976 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**Interpretation**

**42.** Section 4 of the Principal Ordinance is amended—

(a) by inserting after the definition of “Dairy Bridge” in sub-section (1) the following definition:

“ ‘delegate of the Minister’ means the person who is the delegate of the Minister for the purposes of this Ordinance by virtue of an appointment under section 6;”; and

(b) by omitting from sub-section (1) the definition of “Superintendent”.

**43.** Sections 6 and 7 of the Principal Ordinance are repealed and the following sections are substituted:

**Delegate of the Minister**

“6. The Minister may, by writing under his hand, appoint a person to be his delegate for the purposes of this Ordinance.

**Powers of delegate**

“7. The delegate of the Minister has such powers as are conferred upon him by this Ordinance and, in addition, has all the powers of an inspector.”.

**Powers to charge for admission**

**44.** Section 35 of the Principal Ordinance is amended by omitting from sub-section (2) “Superintendent” (wherever occurring) and substituting “delegate of the Minister”.

***Division 8*—*Landlord and Tenant***

**Principal Ordinance**

**45.** The *Landlord and Tenant Ordinance* 1949 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**Interpretation**

**46.** Section 8 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1) the definition of “appeal”;

(b) by omitting “Controller” from the definition of “application” in sub-section (1) and substituting “Minister”; and

(c) by omitting from sub-section (1) the definitions of “authorized officer”, “determination”, “Fair Rents Board” and “the Controller”.

**Repeal**

**47.** Division 1 of Part II of the Principal Ordinance is repealed.

**Cessation of application of determinations**

**48.** Section 13aof the Principal Ordinance is amended by omitting sub-section (2).

**Lessor to furnish information to lessee**

**49.** Section 15 of the Principal Ordinance is amended by omitting sub-section (1).

**Application of Division**

**50.** Section 16 of the Principal Ordinance is amended by omitting “the Controller or a Fair Rents Board” and substituting “the Minister”.

**Repeal**

**51.** Divisions 3 and 4 of Part II of the Principal Ordinance are repealed.

**Repeal**

**52.** Sections 30 to 35 (inclusive) of the Principal Ordinance are repealed.

**Certain payments prohibited**

**53.** Section 36 of the Principal Ordinance is amended by omitting from sub-section (6) the definition of “weekly rent” and substituting the following definition:

“ ‘weekly rent’, in respect of prescribed premises, means the rent applicable to those premises in respect of a week.”.

**Repeal**

**54.** Sections 42 to 55 (inclusive) of the Principal Ordinance are repealed.

**Repeal**

**55.** Sections 58 and 59 of the Principal Ordinance are repealed.

**Heading to Part IIa**

**56.** The heading to Part IIa of the Principal Ordinance is repealed and the following heading is substituted:

“PART IIa—RENT INCREASES”.

**Rent increases in relation to prescribed premises**

**57.** Section 62aof the Principal Ordinance is amended—

(a) by omitting from sub-section (8) “by a determination or”;

(b) by adding at the end of paragraph (10) (a) “or”; and

(c) by omitting paragraph (10) (b).

**Repeal**

**58.** Sections 65 and 66 of the Principal Ordinance are repealed.

**Application to limited class of premises**

**59.** Section 79 of the Principal Ordinance is repealed.

**Exclusion of premises let for a short-term from operation of Part**

**60.** Section 87 of the Principal Ordinance is amended by omitting from sub-sections (1), (2), (3) and (5) “Controller” and substituting “Minister”.

**Exclusion of certain premises from operation of Part**

**61.** Section 88 of the Principal Ordinance is amended by omitting from sub-sections (2), (3) and (6) “Controller” and substituting “Minister”.

**Information to be furnished on request**

**62.** Section 93 of the Principal Ordinance is amended by omitting from sub-section (1) “Controller or an authorized officer” and substituting “Minister”.

**Powers of entry and inspection**

**63.** Section 94 of the Principal Ordinance is amended by omitting “Controller or an authorized officer” and substituting “Minister”.

**Proof of instruments**

**64.** Section 95 of the Principal Ordinance is amended by omitting “Controller” (wherever occurring) and substituting “Minister”.

**Service of notices, &c.**

**65.** Section 95a of the Principal Ordinance is amended—

(a) by omitting from paragraph (1) (b) “the Board or the Controller” and substituting “the Minister”; and

(b) by omitting from sub-section (2) “Controller” (wherever occurring) and substituting “Minister”.

***Division 9*—*Life Insurance Holding Companies***

**Repeal of Ordinances**

**66.** The following Ordinances of the Australian Capital Territory are repealed:

*Companies* (*Life Insurance Holding Companies*) *Ordinance* 1968

*Companies* (*Life Insurance Holding Companies*) *Ordinance* 1970

*Companies* (*Life Insurance Holding Companies*) *Ordinance* 1973.

***Division 10*—*Milk Authority***

**Principal Ordinance**

**67.** The *Milk Authority Ordinance* 1971 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**Interpretation.**

**68.** Section 4 of the Principal Ordinance is amended—

(a) by inserting after the definition of “authorized officer” in sub-section (1) the following definition:

“ ‘distributor’ means a person who is a party to a contract with the Authority for the distribution of milk to places other than residential premises;”;

(b) by inserting after the definition of “person” in sub-section (1) the following definition:

“ ‘price’ includes every valuable consideration, whether direct or indirect;”; and

(c) by inserting after the definition of “process” in sub-section (1) the following definition:

“ ‘processor’ means a person who is a party to a contract with the Authority for the processing of milk;”.

**Inspectors**

**69.** Section 5 of the Principal Ordinance is amended by omitting from sub-section (1) “Minister” and substituting “Authority”.

**70.** Section 15 of the Principal Ordinance is repealed and the following sections are substituted:

**Staff**

“14a. (1) The Authority may engage such employees as are necessary for the performance of its functions under this Ordinance.

“(2) The terms and conditions of employment of persons engaged under this section (including conditions with respect to the duration of employment or with respect to dismissal from employment) are such as are determined by the Authority with the approval of the Public Service Board.

**Secretary and Assistant Secretary to Authority**

“15. (1) The Authority may appoint a person employed under section 14ato be Secretary to the Authority.

“(2) The Authority may appoint a person employed under section 14ato be Assistant Secretary to the Authority.

“(3) The person appointed to be Assistant Secretary to the Authority has and may exercise and perform such of the powers and functions of the Secretary to the Authority as the Authority directs.”.

**Functions of Authority**

**71.** Section 16 of the Principal Ordinance is amended by omitting from sub-section (2) “does not include” and substituting “includes”.

**72.** After section 16 of the Principal Ordinance the following sections are inserted:

**Fixing of prices**

“16a. (1) The Authority may, by notice in writing published in the *Gazette*,fix and declare—

(a) the maximum price at which milk of a specified kind in a container of a specified kind may be sold by retail;

(b) the maximum price at which milk of a specified kind in a container of a specified kind may be sold by processors to the holders of Vendor’s Licences or Vendor’s Permits;

(c) the maximum price at which milk of a specified kind in a container of a specified kind may be sold by processors to distributors; and

(d) the maximum price at which milk of a specified kind in a container of a specified kind may be sold by distributors.

“(2) A reference in sub-section (1) to a container of a specified kind shall be read as including a reference to a container of a specified size and to a container of a specified size that has specified characteristics.

**Powers of Minister in relation to maximum prices**

“16b. (1) The Minister may, by writing signed by him and delivered to the Secretary to the Authority, request the Authority to give further consideration to any maximum price fixed by the Authority under section 16aand to report the result of its further consideration to him within 28 days of the delivery of the request, and the Authority shall comply with that request.

“(2) Where as the result of its consideration, in response to a request under sub-section (1), of the maximum price in relation to a class of sales of milk, the Authority decides that in lieu of that maximum price another maximum price should be fixed, the Authority shall, in accordance with section 16a, forthwith fix and declare that other maximum price in relation to that class of sales.

“(3) Where the Minister makes a request for a report under sub-section (1) in respect of a maximum price, he may, by notice published in the *Gazette,* suspend the operation of that price until notice of the receipt of the report is published in the *Gazette.*

“(4) For the purposes of this Ordinance (other than this section), during the suspension, by virtue of sub-section (3), of the operation of a maximum price in relation to a class of sales of milk fixed under a paragraph of sub-section 16a(1)—

(a) that maximum price shall be deemed not to be so fixed; and

(b) the maximum price (if any) that applied (whether by virtue of this Ordinance, the *Prices Regulation Ordinance* 1949 of the Australian Capital Territory as amended or section 75 of the *Commonwealth Functions* (*Statutes Review*) *Act* 1981) in relation to that class of sales

immediately before that first-mentioned maximum price was fixed shall be deemed to be the maximum price in relation to that class of sales fixed under that paragraph.

“(5) Where the Minister has published a notice under sub-section (3) in respect of a maximum price, he shall, on receipt of the report of the Authority requested by him in respect of that price, publish notice of the receipt of the report in the *Gazette.*”*.*

**Powers of Authority**

**73.** Section 17 of the Principal Ordinance is amended by adding at the end of paragraph (1) (e) “or in relation to the price at which milk ought to be sold or the charges that ought to be made in connection with the sale of milk”.

**74.** After section 49aof the Principal Ordinance the following section is inserted:

**Price offences**

“49b. (1) Where the maximum price at which milk of a particular kind in a container of a particular kind may be sold by retail is fixed under paragraph 16a(1) (a), a person shall not sell, or offer for sale, by retail any milk of that kind in a container of that kind at a greater price than that maximum price.

“(2) Where the maximum price at which milk of a particular kind in a container of a particular kind may be sold by processors to the holders of Vendor’s Licences or Vendor’s Permits is fixed under paragraph 16a(1) (b), a processor shall not sell or offer for sale any milk of that kind in a container of that kind to such holders at a price greater than that maximum price.

“(3) Where the maximum price at which milk of a particular kind in a container of a particular kind may be sold by processors to distributors is fixed under paragraph 16a(1) (c), a processor shall not sell or offer for sale any milk of that kind in a container of that kind to distributors at a price greater than that maximum price.

“(4) Where the maximum price at which milk of a particular kind in a container of a particular kind may be sold by distributors is fixed under paragraph 16a(1) (d), a distributor shall not sell or offer for sale any milk of that kind in a container of that kind at a price greater than that maximum price.

“(5) A reference in this section to a container of a particular kind shall be read as including a reference to a container of a particular size and to a container of a particular size that has particular characteristics.

“Penalty: $1,000.”.

**Saving**

**75.** If section 80 comes into operation before prices relating to the sale of milk in the Australian Capital Territory are fixed under section 16aof the Principal Ordinance as amended by this Division—

(a) the maximum prices relating to the sale of milk in that Territory under the Ordinances repealed by section 80 that were applicable immediately

before the repeal of those Ordinances took effect continue in force until prices relating to the sale of milk in that Territory are fixed under section 16aof the Principal Ordinance as amended by this Division; and

(b) if a maximum price is in force in relation to a particular class of sales of milk in the Territory by virtue of paragraph (a), a person who sells or offers to sell milk to which that maximum price is applicable at a price that exceeds that maximum price is guilty of an offence punishable upon conviction by a fine not exceeding $1,000.

***Division 11—Nature Conservation***

**Principal Ordinance**

**76.** The *Nature Conservation Ordinance* 1980 of the Australian Capital Territory is in this Division referred to as the Principal Ordinance.

**Interpretation**

**77.** Section 5 of the Principal Ordinance is amended by omitting the definitions of “Chairman” and “Council”.

**Termination of office of Conservator**

**78.** Section 10 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) If the Conservator becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit, the Minister shall terminate his appointment.”.

**Repeal**

**79.** Part II of the Principal Ordinance is repealed.

***Division 12—Prices Regulation***

**Repeal**

**80.** The following Ordinances of the Australian Capital Territory are repealed:

*Prices Regulation Ordinance* 1949

*Prices Regulation Ordinance* 1973

*Prices Regulation Ordinance* 1974.

***Division 13—Rabbit Destruction***

**Principal Ordinance**

**81.** The *Rabbit Destruction Ordinance* 1919 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**Amendment of Regulation**

**82.** Regulation 2 in force under the Principal Ordinance is amended by omitting the definition of “Receiver”.

**Repeal of Regulations**

**83.** Regulations 21, 22 and 23 in force under the Principal Ordinance are repealed.

***Division 14***—***Sewerage Rates***

**Principal Ordinance**

**84.** The *Sewerage Rates Ordinance* 1968 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**Interpretation**

**85.** Section 4 of the Principal Ordinance is amended—

(a) by inserting after the definition of “appropriate officer” in sub-section (1) the following definition:

“‘delegate of the Minister’ means the person who is the delegate of the Minister for the purposes of this Ordinance by virtue of an appointment under section 17;”; and

(b) by omitting from sub-section (1) the definition of “the authorized officer”.

**Delegate and inspectors**

**86.** Section 17 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) The Minister may, by writing under his hand, appoint **a** person to be his delegate for the purposes of this Ordinance.”.

**Accounts for rates**

**87.** Section 19 of the Principal Ordinance is amended by omitting from sub-sections (1) and (2) “authorized officer” and substituting “delegate of the Minister”.

**Evidence**

**88.** Section 24 of the Principal Ordinance is amended by omitting from sub-section (1) “authorized officer” (wherever occurring) and substituting “delegate of the Minister”.

***Division 15*—*Surveyors***

**Repeal**

**89.** The following Ordinances of the Australian Capital Territory are repealed:

*Surveyors Ordinance* 1967

*Surveyors Ordinance* 1970

*Surveyors Ordinance* (*No.* 2) 1970

*Surveyors Ordinance* 1975

*Surveyors* (*Amendment*) *Ordinance* 1976

*Surveyors* (*Amendment*) *Ordinance* 1977

*Surveyors* (*Amendment*) *Ordinance* 1978.

***Division 16*—*Trading Hours***

**Repeal**

**90.** The following Ordinances of the Australian Capital Territory are repealed:

*Trading Hours Ordinance* 1962

*Trading Hours Ordinance* 1968

*Trading Hours Ordinance* 1971

*Trading Hours Ordinance* 1972

*Trading Hours* (*Amendment*) *Ordinance* 1977.

***Division 17*—*Water Rates***

**Principal Ordinance**

**91.** The *Water Rates Ordinance* 1959 of the Australian Capital Territory as amended and in force immediately before the commencement of this section is in this Division referred to as the Principal Ordinance.

**Interpretation**

**92.** Section 4 of the Principal Ordinance is amended—

(a) by inserting before the definition of “Department” in sub-section (1) the following definition:

“ ‘delegate of the Minister’ means the person who is the delegate of the Minister for the purposes of this Ordinance by virtue of an appointment under section 21a;”; and

(b) by omitting from sub-section (1) the definition of “proper authority”.

**Reading of meters**

**93.** Section 17 of the Principal Ordinance is amended by omitting “proper authority” (wherever occurring) and substituting “delegate of the Minister”.

**Additional meter readings**

**94.** Section 18 of the Principal Ordinance is amended by omitting “proper authority” (wherever occurring) and substituting “delegate of the Minister”.

**Meter not registering**

**95.** Section 19 of the Principal Ordinance is amended by omitting from sub-section (1) “proper authority” and substituting “delegate of the Minister”.

**Notice of results of meter readings**

**96.** Section 20 of the Principal Ordinance is amended by omitting “proper authority” and substituting “delegate of the Minister”.

**Rates certificate where land metered**

**97.** Section 20**a** of the Principal Ordinance is amended byomitting “proper authority” and substituting “delegate of the Minister”.

**Rates certificate where land unmetered or not connected to system of works**

**98.** Section 20bof the Principal Ordinance is amended byomitting “proper authority” and substituting “delegate of the Minister”.

**Testing of meters**

**99.** Section 21 of the Principal Ordinance is amended by omitting from sub-section (1) “proper authority” (wherever occurring) and substituting “delegate of the Minister”.

**100.** Before section 22 of the Principal Ordinance the following section is inserted in Part IV:

**Appointment of delegate of the Minister**

“21a. The Minister may, by writing under his hand, appoint a person to be his delegate for the purposes of this Ordinance.”.

**Accounts for rates**

**101.** Section 24 of the Principal Ordinance is amended byomitting “proper authority” and substituting “delegate of the Minister”.

**Special accounts for rates**

**102.** Section 25 of the Principal Ordinance is amended byomitting from sub-sections (1) and (2) “proper authority” (wherever occurring) and substituting “delegate of the Minister”.

**Closing or cutting off of water pipes for non-payment of rates**

**103.** Section 27 of the Principal Ordinance is amended byomitting from sub-section (1) “proper authority” and substituting “delegate of the Minister”.

**Entry of land by Delegate or meter reader**

**104.** Section 33 of the Principal Ordinance is amended byomitting from sub-sections (1) and (2) “proper authority” and substituting “delegate of the Minister”.

***Division 18***—***Miscellaneous***

**Power to amend Ordinances and Regulations**

**105.** Nothing in this Part prevents—

(a) the amendment or repeal by an Ordinance under the Seat of Government (*Administration*) *Act* 1910 of an Ordinance of the Australian Capital Territory that has been amended bythis Part; or

(b) the amendment or repeal byregulations made pursuant to an Ordinance under that Act of a provision of a regulation made under that Ordinance where that provision has been amended bythis Part.

**Part to be deemed to be an Ordinance**

**106.** **(1)** This Part shall be deemed to be an Ordinance of the Australian Capital Territory for the purposes of section 38 of the *Interpretation Ordinance* 1967 of the Australian Capital Territory as amended and in force for the time being.

**(2)** Where a Division of this Part amends an Ordinance of the Australian Capital Territory, the provisions of that Division shall be construed with that Ordinance and as part of it.

**PART III—AUSTRALIAN POSTAL COMMISSION**

**Principal Act**

**107.** The *Postal Services Act* 1975 is in this Part referred to as the Principal Act.

**Interpretation**

**108.** Section 3 of the Principal Act is amended by omitting from the definition of “postal article” in sub-section (1) “or an article not transmissible by post but transmissible by the courier service”.

**Courier service**

**109.** Section 10 of the Principal Act is repealed.

**Protection from actions**

**110.** Section 104 of the Principal Act is amended by omitting from sub-section (1) “or of articles transmitted by the courier service”.

**By-laws**

**111.** Section 115 of the Principal Act is amended by omitting paragraph (1) (p).

**Regulations**

**112.** Section 116 of the Principal Act is amended by omitting from paragraph (g) “or by the courier service”.

**Transitional**

**113.** Notwithstanding the amendments of the Principal Act made by this Part, the Australian Postal Commission may continue to operate a courier service as provided by the Principal Act for the purpose of the conveyance and delivery of any article that had been collected by the Commission before the commencement of this Part for conveyance and delivery pursuant to the courier service but had not been delivered before that commencement.

**PART IV—AUSTRALIAN WOOL CORPORATION**

**Interpretation**

**114.** In this Part—

“Authority” means the Australian Wool Testing Authority continued in existence by the Principal Act;

“commencing day” means such day, after the Corporation sells to a body corporate formed in accordance with this Part testing facilities that are used by the Authority, as is fixed by the Minister for Primary Industry by notice published in the *Gazette*;

“Corporation” means the Australian Wool Corporation established under the Principal Act;

“facilities” includes land and buildings;

“Minister” means the Minister for Primary Industry;

“prescribed tests” means tests of wool and other fibres, whether natural or otherwise, and wool products and similar products made wholly or partly from other fibres;

“Principal Act” means the *Wool Industry Act* 1972;

“testing facilities” means facilities, equipment and material for carrying out prescribed tests.

**Sale of wool testing facilities**

**115.** **(1)** The Corporation may with the consent of the Minister, and shall if so directed by him—

(a) form a body corporate (whether under the law in force in a State or Territory relating to companies or otherwise) having power to carry out prescribed tests, being a body corporate wholly owned by the Corporation; and

(b) sell to the body corporate, on such terms and conditions as the Minister approves, such of the testing facilities used by the Authority as are necessary or desirable to enable the body corporate to perform the functions performed by the Authority.

**(2)** The Corporation may with the consent of the Minister, and shall if so directed by him—

(a) form, or participate with a person or persons approved by the Minister in the formation of, a body corporate (whether under the law in force in a State or Territory relating to companies or otherwise), being a body corporate having power to—

(i) acquire testing facilities from the Corporation or from a body corporate formed in accordance with paragraph (1) (a) and carry out prescribed tests; or

(ii) acquire the whole or a part of the interest of the Corporation in a body corporate formed in accordance with paragraph (1) (a); and

(b) sell, or cause a body corporate formed in accordance with paragraph (1) (a) to sell, to the body corporate formed in accordance with paragraph (a) of this sub-section, on such terms and conditions as the Minister approves—

(i) all or any of the testing facilities that are used by the Authority or by the body corporate formed in accordance with paragraph (1) (a), as the case may be; or

(ii) the whole or such part as the Minister approves of the interest of the Corporation in a body corporate formed in accordance with paragraph (1) (a).

**(3)** The Corporation may with the consent of the Minister, and shall if so directed by him, acquire to such extent and on such terms and conditions as the Minister approves, an interest in a body corporate that—

(a) has acquired or proposes to acquire testing facilities from the Corporation or from a body corporate formed in accordance with paragraph (1) (a) or (2) (a); or

(b) has acquired or proposes to acquire the whole or a part of the interest of the Corporation in a body corporate formed in accordance with paragraph (1) (a) or (2) (a).

**(4)** The Authority shall make the testing facilities referred to in sub-section (1) available to the Corporation for the purpose of enabling the Corporation to exercise any of its powers, or to comply with any of its obligations, under this section.

**(5)** The Corporation may guarantee the repayment of, and payment of interest on, any moneys borrowed by a body corporate in which the Corporation has a direct or indirect interest and which carries out or proposes to carry out prescribed tests.

**(6)** Paragraph 35 (a) of the Principal Act as amended by this Act extends to the payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Corporation in or in connection with the performance of its functions, or the exercise of its powers, under this Part.

**(7)** The Corporation may, for the purpose of assisting a body corporate that carries out or proposes to carry out prescribed tests, make available to the body corporate such members of the staff of the Corporation as the Corporation considers necessary for such period as the Corporation considers necessary.

**Certificates to be evidence**

**116. (1)** A certificate sealed with a seal of a body corporate, being a body corporate in which the Corporation has a direct or indirect interest, that relates to a prescribed test carried out by the body corporate, or a document sealed with such a seal and purporting to be a copy of such a certificate, is *prima facie* evidence of the matters stated in the certificate in relation to the test and that the results of the test as shown in the certificate are correct.

**(2)** A body corporate referred to in sub-section (1) shall not issue a certificate of the kind known as an I.W.T.O. Presale Test Certificate unless the sample to which it relates was drawn at a sampling site that is registered and inspected as provided by regulations in force under the *Wool Industry Act* 1972.

**(3)** All courts, judges and persons acting judicially shall take judicial notice of a seal of a body corporate, being a body corporate in which the Corporation has a direct or indirect interest, that is affixed to a document and shall presume that it was duly affixed.

**Amendments of the Principal Act**

**117.** On the commencing day, the Principal Act is amended as set out in Schedule 1.

**Transfer of rights and liabilities**

**118.** **(1)** On the commencing day—

(a) any rights, property or assets that immediately before that day were vested in the Authority are, by force of this sub-section, vested in the Corporation; and

(b) subject to sub-section (2), the Corporation becomes, by force of this sub-section, liable to pay or discharge any debts, liabilities or obligations of the Authority that existed immediately before that day.

**(2)** The Corporation is not liable to be sued for damages in respect of a breach of an agreement to carry out tests entered into by the Authority and in force immediately before the commencing day unless the breach occurred before that day, and the Corporation is not liable to be sued for specific performance in respect of such an agreement.

**(3)** If, immediately before the commencing day, proceedings to which the Authority was a party were pending in any court, the Corporation is, by force of this sub-section, substituted for the Authority as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted but, in the case of proceedings in relation to an agreement to carry out tests, is not liable to an order for specific performance of the agreement.

**Exemption from taxation**

**119.** An instrument or document that the Secretary to the Attorney-General’s Department or a person authorized by him certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this Part is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

**Certificates issued by Authority**

**120.** Notwithstanding the amendments made by section 117, section 62 of the Principal Act continues to apply in relation to a certificate or document sealed with the seal of the Authority before the commencing day.

**Audit**

**121.** On and after the commencing day, section 85 of the Principal Act continues to apply in relation to the accounts and records of financial transactions that were entered into by the Authority and applies in relation to records relating to assets that have become vested in the Corporation under sub-section 118 (1) of this Act.

**PART V—BANKRUPTCY**

**Principal Act**

**122.** The *Bankruptcy Act* 1966 is in this Part referred to as the Principal Act.

**Duties, &c, of trustee**

**123.** **(1)** Section 19 of the Principal Act is amended—

(a) by omitting from sub-section (1) “Official Receiver” and substituting “trustee”;

(b) by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) if the trustee, having regard to all the circumstances of the case, considers it desirable to do so, to investigate—

(i) the conduct, dealings, and transactions of the bankrupt;

(ii) the cause of bankruptcy; and

(iii) the books, accounts and records kept by the bankrupt,

and, if he conducts such an investigation, to file with the Registrar a report showing the result of the investigation;”;

(c) by omitting from paragraph (1) (d) “an officer, or other person authorized in writing by the Official Receiver,” and substituting “a person authorized in writing by the trustee”;

(d) by omitting paragraph (1) (g) and substituting the following paragraph:

“(g) if an investigation referred to in paragraph (c) is made in relation to the bankrupt, to file from time to time such supplementary reports in relation to the matters specified in that paragraph as the trustee considers desirable, having regard to all the circumstances of the case.”; and

(e) by omitting from sub-section (2) “Official Receiver” and substituting “trustee”.

**(2)** The amendments of section 19 of the Principal Act made by sub-section (1) of this section apply in relation to—

(a) the estate of a person who becomes a bankrupt after the commencement of this section; and

(b) the estate of a person who became a bankrupt before the commencement of this section and in relation to whom a report has not been furnished under section 19 of the Principal Act before the commencement of this section.

**Court may direct Official Trustee or registered trustee to take control of property before sequestration**

**124.** Section 50 of the Principal Act is amended by inserting in sub-section (1) “or a specified registered trustee” after “Official Trustee”.

**Proceedings and order on creditor’s petition**

**125.** **(1)** Section 52 of the Principal Act is amended—

(a) by inserting in sub-section (1) “, subject to sub-section (1a),” after “may”; and

(b) by inserting after sub-section (1) the following sub-section:

“(1a) The Court shall not make a sequestration order under sub-section (1) against the estate of a debtor or against the estates of 2 or more joint debtors, whether partners or not, unless—

(a) a registered trustee has, under sub-section 156a(1), consented to act as the trustee of the estate of the debtor, or as the trustee of the joint and separate estates of the joint debtors, as the case may be; or

(b) if paragraph (a) does not apply—

(i) it appears to the Court that the value of the property of the debtor, or of the property comprising the joint estate of the joint debtors, as the case may be, that would be divisible amongst the creditors by virtue of section 116 if the order were to be made (but not including any property acquired by or devolving on the debtor, or on the joint debtors jointly, as the case may be, after the making of the order that would be so divisible) is less than $10,000, or, if another amount is for the time being prescribed for the purposes of this sub-paragraph, that other amount; or

(ii) the petitioning creditor satisfies the Court that he has, in all the circumstances of the case, taken all reasonable steps to obtain from registered trustees a consent under sub-section 156a(1) in respect of the estate of the debtor, or in respect of the joint and separate estates of the joint debtors who would become bankrupts upon the making of the order, as the case may be, but has been unable to obtain any such consent.”.

**(2)** Notwithstanding the amendments of section 52 of the Principal Act made by sub-section (1) of this section, the provisions of that section of the Principal Act continue to apply, after the commencement of this section, in relation to a petition presented under that section of the Principal Act before the commencement of this section as if those amendments had not been made.

**Bankrupt’s statement of affairs**

**126. (1)** Section 54 of the Principal Act is amended by omitting from paragraphs 54 (1) (b) and 54 (2) (b) “Official Receiver for the District in which the sequestration order was made” and substituting “trustee”.

**(2)** The amendments of section 54 of the Principal Act made by sub-section (1) of this section do not apply in relation to sequestration orders made before the commencement of this section.

**Debtor’s petition**

**127. (1)** Section 55 of the Principal Act is amended—

(a) by omitting from sub-section (3) “Where” and substituting “Subject to sub-section (4a), where”;

(b) by inserting in sub-section (4) “but subject to sub-section (4a), ” after “Registrar,”;

(c) by inserting after sub-section (4) the following sub-section:

“(4a) The Registrar shall not, under sub-section (3), accept a petition presented to him under this section, being a petition other than a petition in relation to which a direction under sub-section (4) is in force, and the Court shall not, under sub-section (4), direct the Registrar to accept such a petition, unless—

(a) a registered trustee has, under sub-section 156a(1), consented to act as the trustee of the estate of the debtor; or

(b) if paragraph (a) does not apply—

(i) it appears to the Registrar, or to the Court, as the case may be, that the value of the property of the debtor that would be divisible amongst his creditors by virtue of section 116 if the petition were to be accepted (but not including any property acquired by or devolving on him after the acceptance of the petition that would be so divisible) is less than $10,000, or, if another amount is for the time being prescribed for the purposes of this sub-paragraph, that other amount; or

(ii) the debtor satisfies the Registrar, or the Court, as the case may be, that he has, in all the circumstances of the case, taken all reasonable steps to obtain from registered trustees a consent under sub-section 156a (1) in respect of his estate but has been unable to obtain any such consent.”; and

(d) by omitting from sub-section (5) “Official Receiver” (wherever occurring) and substituting “trustee”.

**(2)** Notwithstanding the amendments of section 55 of the Principal Act made by sub-section (1) of this section, the provisions of that section of the Principal Act continue to apply, after the commencement of this section, in relation to a petition presented under that section of the Principal Act before the commencement of this section as if those amendments had not been made.

**Debtor’s petition against partnership**

**128. (1)** Section 56 of the Principal Act is amended— (a) by omitting from sub-section (4) “sub-section (6)” and substituting “sub-sections (6) and (7a)”;

(b) byinserting after sub-section (7) the following sub-section:

“(7a) The Registrar shall not, under sub-section (4), accept a petition presented to him under this section, being a petition other than a petition that is required to be referred to the Court under sub-section (5) or (6), and the Court shall not, under sub-section (5) or paragraph (7) (a) or (b), direct the Registrar to accept a petition, unless—

(a) a registered trustee has, under sub-section 156a(1), consented to act as the trustee of the joint and separate estates of the members of the partnership who would become bankrupts upon the acceptance of the petition, or the petition as amended, as the case may be, under this section; or

(b) if paragraph (a) does not apply—

(i) it appears to the Registrar, or to the Court, as the case may be, that the value of the property comprising the joint estate of the members of the partnership, who would become bankrupts upon acceptance of the petition, or the petition as amended, as the case may be, under this section, being property (not including any property acquired by or devolving on the members of the partnership jointly after the acceptance of the petition, or the petition as amended, as the case may be,) that would be divisible amongst the creditors by virtue of section 116 if the petition, or the petition as amended, as the case may be were to be accepted, is less than $10,000, or, if another amount is for the time being prescribed for the purposes of this sub-paragraph, that other amount; or

(ii) the petitioning partners satisfy the Registrar, or the Court, as the case may be, that they have, in all the circumstances of the case, taken all reasonable steps to obtain from registered trustees a consent under sub-section 156a(1) in respect of the joint and separate estates of the members of the partnership who would become bankrupts upon acceptance of the petition, or the petition as amended, as the case may be, under this section but have been unable to obtain any such consent.”; and

(c) by omitting from sub-sections (9) and (13) “Official Receiver” (wherever occurring) and substituting “trustee”.

**(2)** Notwithstanding the amendments of section 56 of the Principal Act made by sub-section (1) of this section, the provisions of that section of the Principal Act continue to apply, after the commencement of this section, in relation to a petition presented under that section of the Principal Act before the commencement of this section as if those amendments had not been made.

**Debtor’s petition by joint debtors who are not partners**

**129. (1)** Section 57 ofthe Principal Act is amended—

(a) byomitting from sub-section (4) “Where” and substituting “Subject to sub-section (5a), where”;

(b) by inserting after sub-section (5) the following sub-section:

“(5a) The Registrar shall not, under sub-section (4), accept a petition presented to him under this section, being a petition other than a petition that is required to be referred to the Court under sub-section (5), and the Court shall not, under sub-section (5), direct the Registrar to accept a petition, unless—

(a) a registered trustee has, under sub-section 156a(1), consented to act as the trustee of the joint and separate estates of the petitioning debtors; or

(b) if paragraph (a) does not apply—

(i) it appears to the Registrar, or to the Court, as the case may be, that the value of the property comprising the joint estate of the petitioning debtors that would be divisible amongst the creditors by virtue of section 116 if the petition were to be accepted (but not including any property acquired by or devolving on the petitioning debtors jointly after the acceptance of the petition that would be so divisible) is less than $10,000, or, if another amount is for the time being prescribed for the purposes of this sub-paragraph, that other amount; or

(ii) the petitioning debtors satisfy the Registrar, or the Court, as the case may be, that they have in all the circumstances of the case, taken all reasonable steps to obtain from registered trustees a consent under sub-section 156a (1) in respect of their joint and separate estates but have been unable to obtain any such consent.”; and

(c) by omitting from sub-section (6) “Official Receiver” (wherever occurring) and substituting “trustee”.

**(2)** Notwithstanding the amendments of section 57 of the Principal Act made by sub-section (1) of this section, the provisions of that section of the Principal Act continue to apply, after the commencement of this section, in relation to a petition presented under that section of the Principal Act before the commencement of this section as if those amendments had not been made.

**Vesting of property upon bankruptcy**

**130.** Section 58 of the Principal Act is amended by inserting in paragraph (1) (a) “or, if, at the time when the debtor becomes a bankrupt, a registered trustee becomes the trustee of the estate of the bankrupt by virtue of section 156a, in that registered trustee” after “Official Trustee”.

**First meeting of creditors**

**131.** Section 64 of the Principal Act is amended by omitting from sub-sections (1) and (2) “Official Receiver” and substituting “trustee”.

**Public examination of bankrupt**

**132.** **(1)** Section 69 of the Principal Act is amended—

(a) by omitting sub-sections (1), (2) and (3) and substituting the following sub-sections:

“(1) The trustee of the estate of a bankrupt may, at any time, make an application, in writing, to the Registrar for the examination of the bankrupt, on oath, as to the conduct, trade dealings, property and affairs of the bankrupt.

“(2) The Registrar shall, on receipt by him of an application under sub-section (1), fix a date, time and place for the commencement of the examination, under this section, of the bankrupt to whom the application relates and shall summon the bankrupt to attend on the date, and at the time and place, so fixed.”; and

(b) by omitting sub-sections (13) to (17) (inclusive).

**(2)** Notwithstanding the amendments of section 69 of the Principal Act made by sub-section (1) of this section, where the Registrar has, before the commencement of this section, fixed a date, time and place for the examination of a bankrupt under that section of the Principal Act, the provisions of section 69 of the Principal Act continue to apply, after the commencement of this section, in relation to any examination of the bankrupt in consequence of that date, time and place having been so fixed as if those amendments had not been made, and section 69 of the Principal Act as amended by sub-section (1) of this section does not apply in relation to any such examination of the bankrupt.

**Vesting and transfer of property**

**133.** Section 132 of the Principal Act is amended by inserting in sub-section (1) “and to section 158,” after “section,”.

**Discharge of bankrupt by operation of law**

**134.** **(1)** Section 149 of the Principal Act is amended by omitting from sub-sections (3), (8) and (12) “Official Receiver” and substituting “Inspector-General”.

**(2)** Where—

(a) the Official Receiver has, before the commencement of this section, entered an objection, under paragraph 149 (3) (c) of the Principal Act, to the discharge of a bankrupt by force of section 149 of the Principal Act;

(b) the objection has not been withdrawn, or has not lapsed, before the commencement of this section; and

(c) the bankrupt has not been discharged under section 150 of the Principal Act before the commencement of this section,

section 149 of the Principal Act as amended by sub-section (1) of this section applies in relation to the objection as if the objection had been entered by the Inspector-General in Bankruptcy under paragraph 149 (3) (c) of the Principal Actas so amended and in relation to any application made by the Official

Receiver under section 149 of the Principal Act in relation to the objection as if that application had been made by the Inspector-General in Bankruptcy under section 149 of the Principal Act as so amended.

**Discharge by the Court**

**135.** **(1)** Section 150 of the Principal Act is amended—

(a) by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) the trustee has notified him in writing, that the trustee does not intend to make an application for his examination under section 69; or”;

(b) by omitting sub-section (3) and substituting the following sub-section:

“(3) On the hearing of an application under this section, the Court shall take into consideration a report in writing by the trustee concerning the bankrupt, his conduct, trade dealings, property and affairs both in respect of the period before and the period after the applicant became a bankrupt.”;

(c) by omitting sub-paragraph (4) (a) (i); and

(d) by omitting from sub-paragraph (4) (a) (iv) “(being a registered trustee)”.

**(2)** Notwithstanding the amendments of section 150 of the Principal Act made by sub-section (1) of this section, where—

(a) a bankrupt has, before the commencement of this section, applied to the Court under section 150 of the Principal Act for an order of discharge; and

(b) the application has not been disposed of before the commencement of this section,

the provisions of section 150 of the Principal Act continue to apply, after the commencement of this section, in relation to the application as if those amendments had not been made.

**136.** The Principal Act is amended by inserting after section 156 the following section:

**Consent to act as trustee**

“156a. (1) A registered trustee may, by instrument signed by him and filed with the Registrar, consent to act—

(a) as the trustee of the estate of the debtor specified in the instrument in the event that the debtor becomes a bankrupt; or

(b) as the trustee of the joint and separate estates of such of the debtors specified in the instrument, being members of a partnership or joint debtors who are not in partnership with one another, as may become bankrupts, or, if only one of those debtors becomes a bankrupt, as the trustee of the estate of that debtor.

“(2) An instrument under sub-section (1) shall be in accordance with the prescribed form.

“(3) Where—

(a) at the time when a debtor becomes a bankrupt, a registered trustee has, under sub-section (1), consented to act as the trustee of the estate of the debtor and the consent has not been revoked, the registered trustee becomes, at that time, by force of this sub-section, the trustee of the estate of the bankrupt; and

(b) at the time when 2 or more debtors, being members of a partnership or joint debtors who are not in partnership with one another, become bankrupts, a registered trustee has, under sub-section (1), consented to act as the trustee of the joint and separate estates of those debtors and the consent has not been revoked, the registered trustee becomes, at that time, by force of this sub-section, the trustee of the joint and separate estates of those bankrupts.

“(4) A creditor may file with the Registrar for the appropriate District an application for the removal by the Court of a trustee of the estate of a bankrupt, being a trustee who is the trustee of that estate by virtue of sub-section (3), on the ground—

(a) that the trustee is not fit to act as trustee; or

(b) that the connection of the trustee with, or the relation of the trustee to, the bankrupt is likely to make it difficult for him to act with impartiality in the interests of the creditors generally.

“(5) Where an application under sub-section (4) is filed, the Court may, if a ground specified in that sub-section is established, remove the trustee from office and may appoint another registered trustee to be trustee in his place.

“(6) Where the Court appoints a person as trustee under sub-section (5), the Registrar shall issue to the person a certificate of appointment.

“(7) The appointment of a trustee under sub-section (5) takes effect from and including the date on which the Court makes the appointment or such later date as the Court directs.”.

**Appointment of trustees**

**137. (1)** Section 157 of the Principal Act is amended—

(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) Where a debtor becomes a bankrupt, the creditors may, if the Official Trustee is the trustee of the estate of the bankrupt, by resolution, at the first or a subsequent meeting of creditors, appoint a registered trustee to the office of trustee of the estate of the bankrupt in place of the Official Trustee.

“(2) The person (in this section referred to as the ‘relevant trustee’) who is the trustee of the estate of a bankrupt at the time of an appointment, under sub-section (1), of a registered trustee as the trustee, or as one of the trustees, of the estate shall, as early as practicable, notify the registered trustee, in writing, that he has been so appointed.”;

(b) by omitting from sub-section (3) “so appointed” and substituting “appointed under sub-section (1)”;

(c) by omitting from sub-sections (3) and (5) “Official Receiver” (wherever occurring) and substituting “relevant trustee”;

(d) by omitting from sub-section (5) “as trustee by the creditors” and substituting “under sub-section (1)”; and

(e) by omitting from sub-section (5) “another person” and substituting “, under sub-section (1), another registered trustee”.

**(2)** Notwithstanding the amendments of section 157 of the Principal Act made by sub-section (1) of this section, where, before the commencement of this section—

(a) a person has been appointed under sub-section 157 (1) of the Principal Act but the appointment has not taken effect (otherwise than by reason of sub-section 157 (5) of the Principal Act); or

(b) an objection to an appointment under sub-section 157 (1) of the Principal Act has been filed under sub-section 157 (6) of the Principal Act but the objection has not been disposed of,

section 157 of the Principal Act continues to apply, after the commencement of this section, in relation to the appointment, or in relation to the appointment and the objection, as the case may be, as if those amendments had not been made.

**Appointment of more than one trustee, &c.**

**138.** Section 158 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(3) In this section, a reference to a registered trustee, in relation to the appointment of a trustee of the estate of a bankrupt, includes a reference to a registered trustee who is, by virtue of sub-section 156a(3), the trustee of the estate of the bankrupt.”.

**139.** Section 160 of the Principal Act is repealed and the following section is substituted:

**Official Trustee to be trustee when no registered trustee is trustee**

“**160.** If at any time there is no registered trustee who is the trustee of the estate of a bankrupt, the Official Trustee shall, by force of this section, be the trustee of the estate.”.

**Solicitation by trustee**

**140.** Section 166 of the Principal Act is repealed.

**Investment of surplus funds**

**141.** Section 172 of the Principal Act is amended—

(a) by omitting from paragraph (1) (a) “fixed”; and

(b) by omitting from paragraph (1) (c) “any Commonwealth security” and substituting “public securities as defined by sub-section 20d(8)”.

**Trustee’s accounts and audit**

**142.** Section 175 of the Principal Act is amended—

(a) by adding at the end of paragraph (1) (a) “and”; and

(b) by omitting paragraph (1) (b).

**Removal of trustee**

**143.** Section 181 of the Principal Act is amended by inserting “, or a registered trustee who is, by virtue of sub-section 156a(3), the trustee of the estate of the bankrupt concerned,” after “them,”.

**Trustee’s and solicitor’s duties and powers**

**144.** Section 190 of the Principal Act is amended by adding at the end of sub-section (3) “or with the leave of the Court”.

**Payment of unclaimed moneys into Consolidated Revenue Fund**

**145.** Section 254 of the Principal Act is amended—

(a) by omitting from paragraph (2a) (a) “or an Official Receiver” and substituting “, an Official Receiver or a registered trustee”; and

(b) by omitting from sub-section (2a) “the Official Trustee or Official Receiver” (wherever occurring) and substituting “the Official Trustee, Official Receiver or registered trustee”.

**Protection in respect of reports**

**146.** **(1)** Section 306bof the Principal Act is amended—

(a) by omitting from sub-section (1) “an Official Receiver” and substituting “the trustee of the estate of a bankrupt”; and

(b) by omitting from sub-section (1) “19 (1) (c)” and substituting “19 (1) (c) or (g)”.

**(2)** Notwithstanding the amendments of section 306bof the Principal Act made by sub-section (1) of this section, that section of the Principal Act continues to apply, after the commencement of this section, in relation to reports prepared in pursuance of paragraph 19 (1) (c) of the Principal Act before the commencement of this section.

**Protection in respect of trustees’ reports**

**147.** **(1)** Section 306c of the Principal Act is repealed.

**(2)** Notwithstanding the repeal of section 306c of the Principal Act effected bysub-section (1) of this section, that section of the Principal Act continues to apply, after the commencement of this section, in relation to reports prepared in pursuance of paragraph 175 (1) (b) of the Principal Act before the commencement of this section.

**PART VI—COMMONWEALTH EMPLOYEES (COMPENSATION)**

**Principal Act**

**148.** The *Compensation* (*Commonwealth Government Employees*) *Act* 1971 is in this Part referred to as the Principal Act.

**Amendments of the Compensation (Commonwealth Government) Employees Act**

**149.** The Principal Act is amended as set out in Schedule 2.

**Interpretation**

**150.** Expressions used in this Part that are used in the Principal Act have, unless the contrary intention appears, the same meanings as in the Principal Act.

**Review of existing determinations**

**151.** **(1)** Where a determination was made by the Commissioner for Employees’ Compensation under the Principal Act before the date of commencement of this Part, then, subject to this Part—

(a) if a party to the determination had not, before that date, requested the Commissioner to refer a matter or question to which the determination relates to a Compensation Tribunal for reconsideration and had not, before that date, applied to a prescribed Court for a judicial review of the determination, then, subject to this Part, the Principal Act as amended bythis Part applies in relation to the determination in like manner as it applies in relation to a determination made on or after that date;

(b) if a party to the determination had, before that date, applied to a prescribed Court for a judicial review of the determination, then, not-withstanding the amendments made by section 149, the Principal Act continues to apply in relation to the determination, and in relation to any determination made bya prescribed Court in substitution for the determination;

(c) if a party to the determination had, before that date, applied to a prescribed Court for an extension of time for lodging and serving an application for a judicial review of the determination and the Court had granted an extension for a period ending on or after that date but an application had not been made before that date for a judicial review of the determination then, notwithstanding the amendments made by section 149—

(i) the Principal Act continues to apply for the purpose of enabling the party to make such an application within that period; and

(ii) where the party makes an application within that period— the Principal Act continues to apply in relation to the determination, and in relation to any determination made bya prescribed Court in substitution for the determination;

(d) if a party to the determination had, before that date, applied to a prescribed Court for an extension of time for lodging and serving an application for a judicial review of the determination but the Court had not, before that date, heard and determined the application for the extension of time, then, notwithstanding the amendments made by section 149—

(i) the Principal Act continues to apply for the purpose of enabling the Court to hear and determine the application and, where the Court grants the extension of time, enabling that party to apply for a judicial review of the determination within the period for which the time is extended; and

(ii) where the party applies for a judicial review of the determination within that period—the Principal Act continues to apply in relation to the determination, and in relation to any determination made by a prescribed Court in substitution for the determination; or

(e) if a party to the determination had, before that date, requested the Commissioner to refer a matter or question to which the determination relates to a Compensation Tribunal for reconsideration and no Compensation Tribunal had, before that date, commenced the hearing of a reconsideration of the matter or question or a Compensation Tribunal had commenced the hearing but had not, before that date, given its decision on the matter or question—

(i) the proceeding before the Compensation Tribunal is, by force of this section, transferred to the Administrative Appeals Tribunal and shall continue before that Tribunal as if it were a proceeding on an application for a review of the determination made to that Tribunal by the party to the determination who made the request; and

(ii) if a question of law that had arisen in the proceeding had been referred by the Compensation Tribunal to the Federal Court of Australia under section 94aof the Principal Act and that Court had not given its opinion on the question—that question shall be deemed to have been referred to that Court by the Administrative Appeals Tribunal under section 45 of the *Administrative Appeals Tribunal Act* 1975 but, for the purposes of the reference, that Court shall be constituted in accordance with section 94aof the Principal Act.

**(2)** For the purposes of the application of paragraph 29 (1) (d) of the *Administrative Appeals Tribunal Act* 1975 in relation to a determination that was made under the Principal Act before the date of commencement of this Part and of which notification was given under section 61 of the Principal Act within the period of 60 days before that date, the prescribed time is—

(a) the period of 60 days commencing on the date of commencement of this Part; or

(b) the period applicable under sub-section 29 (2) of the *Administrative Appeals Tribunal Act* 1975 as that sub-section has effect by virtue of sub-section 65 (4) of the Principal Act as amended by this Part, whichever period expires later.

**(3)** Paragraph (1) (e) applies in relation to a request lodged with the Clerk of a Compensation Tribunal before the date of commencement of this Part notwithstanding that the request was lodged after the period referred to in paragraph 76 (1) (c) of the Principal Act and, for the purposes of paragraph (1) (e), a proceeding in respect of the request shall be taken to be before a Compensation Tribunal notwithstanding that the request was lodged after that period, but nothing in this sub-section requires the Administrative Appeals Tribunal to hear and determine the proceeding unless that Tribunal extends the time for making the application so that the application is to be taken to have been duly lodged with the Tribunal.

**Proceeding transferred to Administrative Appeals Tribunal**

**152.** Where a proceeding before a Compensation Tribunal in relation to a determination made before the date of commencement of this Part is transferred to the Administrative Appeals Tribunal by virtue of section 151—

(a) the request that instituted the proceeding—

(i) shall be deemed to constitute an application for the review of the determination made, by the party who made the request, to the Administrative Appeals Tribunal; and

(ii) shall be deemed to have complied with the requirements of paragraphs 29 (1) (a), (b) and (c) of the *Administrative Appeals Tribunal Act* 1975;

(b) if the request was lodged with the Clerk of a Compensation Tribunal within the period referred to in paragraph 76 (1) (c) of the Principal Act or within any extension of that period granted under section 77 of that Act, the application that is deemed by paragraph (a) of this section to have been made to the Administrative Appeals Tribunal shall be deemed to have been lodged with the Administrative Appeals Tribunal within the time prescribed by paragraph 29 (1) (d) of the Administrative Appeals Tribunal Act 1975;

(c) if the request was lodged with the Clerk of a Compensation Tribunal after the period referred to in paragraph 76 (1) (c) of the Principal Act, the application that is deemed by paragraph (a) of this section to have been made to the Administrative Appeals Tribunal shall be deemed to have been lodged with the Administrative Appeals Tribunal after the time prescribed by paragraph 29 (1) (d) of the *Administrative Appeals Tribunal Act* 1975 but nothing in this paragraph affects the powers of the Administrative Appeals Tribunal under sub-section 29 (7) of that Act;

(d) the Administrative Appeals Tribunal may, for the purposes of the proceeding, have regard to any record of the proceeding before the Compensation Tribunal relating to its reconsideration of the determination, including a record of any evidence that had been taken;

(e) a person who has in his possession or under his control a document or other thing that was furnished to him in connection with the proceeding before a Compensation Tribunal shall lodge that document or thing with the Administrative Appeals Tribunal;

(f) the President of the Administrative Appeals Tribunal, or a Deputy President or senior non-presidential member of the Administrative Appeals Tribunal authorized for the purpose by the President, may give such directions, not inconsistent with the Administrative Appeals Tribunal Act 1975 or any regulations in force under that Act, as he thinks appropriate in respect of any matter relating to the conduct of the review by that Tribunal of the determination;

(g) the Principal Act as amended by this Part applies in relation to the determination in like manner as that Act as so amended applies in relation to a determination made after the commencement of this Part;

(h) subject to the preceding provisions of this section, the Administrative Appeals Tribunal Act 1975 applies in relation to the determination in like manner as it applies in relation to a determination made after the commencement of this Part; and

(j) the power of the Administrative Appeals Tribunal to make an order in relation to costs under section 64 of the Principal Act as amended by this Part extends in relation to costs incurred in respect of the proceeding before a Compensation Tribunal.

**Extension of time**

**153.** **(1)** A request for an extension of time made before the date of commencement of this Part to a Compensation Tribunal under section 77 of the Principal Act that had not been dealt with by that Tribunal before that date shall be deemed to be an application for an extension of time made to the Administrative Appeals Tribunal under sub-section 29 (7) of the *Administrative Appeals Tribunal Act* 1975.

**(2)** Where a request for an extension of time was granted before the date of commencement of this Part by a Compensation Tribunal under section 77 of the Principal Act, the extension shall be deemed to have been granted by the Administrative Appeals Tribunal under sub-section 29 (7) of the *Administrative Appeals Tribunal Act* 1975.

**Lodging of material documents with Administrative Appeals Tribunal**

**154.** For the purposes of a proceeding that is transferred to the Administrative Appeals Tribunal by virtue of section 151—

(a) the reference in sub-section 37 (1) of the *Administrative Appeals Tribunal Act* 1975 to 28 days after receiving notice of the application for review shall be construed as a reference to 28 days after the commencement of this Part; and

(b) if the Commissioner for Employees’ Compensation has complied with the requirements of paragraphs 78 (a) and (b) of the Principal Act, he shall be deemed to have complied with the requirements of paragraph 37 (1) (a) of the *Administrative Appeals Tribunal Act* 1975 and the documents sent by him to the Clerk of a Compensation Tribunal shall be deemed to constitute a statement referred to in paragraph 37 (1) (a) of the *Administrative Appeals Tribunal Act* 1975,

but nothing in this section affects the powers of the Administrative Appeals Tribunal under section 38 of that last-mentioned Act.

**Saving provision relating to Federal Court of Australia**

**155.** Notwithstanding the amendments made by section 149, Division 5 of Part V of the Principal Act continues to apply in relation to any decision of a Compensation Tribunal made before the commencement of this Part but, for the purposes of the exercise of the powers of the Federal Court of Australia under paragraph 95 (3) (c) of the Principal Act in respect of an appeal to that Court from such a decision, the reference in that paragraph to the Compensation Tribunal shall be construed as a reference to the Administrative Appeals Tribunal, which shall deal with any case remitted to it under that paragraph as if the decision appealed from were a decision of that Tribunal in a proceeding duly instituted before that Tribunal in relation to the relevant determination of the Commissioner.

**PART VII—COMMONWEALTH EMPLOYEES (PAYMENTS OF REMUNERATION AND ALLOWANCES)**

**Principal Act**

**156.** The *Audit Act* 1901 is in this Part referred to as the Principal Act.

**157.** Before section 70aof the Principal Act the following section is inserted in Part XIII:

**Method of paying salary**

“70ah. (1) Except where the Minister otherwise determines, any payment of remuneration or allowances to a Commonwealth employee shall be made otherwise than in cash.

“(2) In this section—

‘Commonwealth authority’ means an authority or body, whether a body corporate or not, established for a public purpose by or under a law of the Commonwealth or of a Territory (other than the Northern Territory), and includes a company or other body corporate incorporated under a law of a State or Territory, being a company or other body corporate in which the Commonwealth has a controlling interest;

‘Commonwealth employee’ means—

(a) a person who is an officer or employee for the purposes of the *Public Service Act* 1922 or is the holder of a statutory office;

(b) any other person employed by the Commonwealth or by a Commonwealth authority, whether in a permanent capacity or otherwise; or

(c) a person holding an office or appointment in the Commonwealth Teaching Service or an office or appointment under the *Supply and Development Act* 1939 or under regulations under the *Naval Defence Act* 1910,

but does not include a member of the Defence Force.”.

**PART VIII—COMMONWEALTH TEACHING SERVICE**

**Principal Act**

**158.** The *Commonwealth Teaching Service Act* 1972 is in this Part referred to as the Principal Act.

**Interpretation**

**159.** Section 4 of the Principal Act is amended by inserting after the definition of “scholarship” in sub-section (1) the following definitions:

“‘school’ means a school or any similar institution at which pre-school, primary, secondary or technical or further education is provided, but does not include a university as defined by the *Commonwealth Tertiary Education Commission Act* 1977 or a college of advanced education as defined by that Act;

‘Secretary’ means the Secretary to the Department of Education;

‘State’ includes the Northern Territory;”.

**160.** Part II of the Principal Act is repealed and the following Part is substituted:

**“PART II—ADMINISTRATION**

**Object of Act**

“6. The object of this Act is to provide for the employment of persons who are to be made available for the performance of teaching duties in Commonwealth schools and certain other schools.

**Functions of relevant authorities**

“7. (1) The functions of the relevant authorities are to make officers and temporary employees available for the performance of teaching duties as mentioned in section 6.

“(2) The relevant authority in relation to a component of the Service may, and if so directed by the Minister shall, make an officer of, or temporary employee engaged to perform services in relation to, that component available to the Government of a country other than Australia or to an authority of such a Government for the performance of teaching duties in a school or schools conducted in that country by that Government or authority or, in the case of Papua New Guinea, by a body other than the Government or an authority of the Government.

“(3) Where a State or an authority of a State has made, or proposes to make, a person or persons available to an authority or authorities conducting a Commonwealth school or Commonwealth schools for the performance of teaching duties in that school or those schools, a relevant authority in relation to a component of the Service may, and if so directed by the Minister shall, make an officer of, or temporary employee engaged to perform services in relation to, that component available to that State or to that authority of that State for the performance of teaching duties in a school or schools conducted by that State or by that authority of that State.

“(4) A relevant authority shall not direct an officer to perform duties under sub-section 7 (2) or (3) unless the officer consents to perform those duties.

“(5) Where a relevant authority makes a person available to an authority that conducts two or more schools, the last-mentioned authority may make use of the services of the person in whichever of those schools that authority thinks fit.

“(6) A relevant authority has power to do all things necessary or convenient for the purposes of this section.

**Delegation**

“8. (1) A relevant authority may, either generally or as otherwise provided by the instrument of delegation, by instrument in writing, delegate to a person any of the powers of that relevant authority under this Act other than this power of delegation.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the relevant authority.

“(3) A delegation under this section does not prevent the exercise of a power by a relevant authority.”.

**161.** Section 19 of the Principal Act is repealed and the following section is substituted:

**Establishment of Commonwealth Teaching Service**

“19. (1) The Commonwealth Teaching Service established under the *Commonwealth Teaching Service Act* 1972 as amended and in force immediately before the commencement of this section is continued in existence for all purposes.

“(2) The Service shall consist of the persons who were members of the Service under the *Commonwealth Teaching Service Act* 1972 as amended and in force immediately before the commencement of this section (other than persons whose membership of that Service would have terminated at the expiration of the day immediately before the date of commencement of this section if Part VIII of the *Commonwealth Functions (Statutes Review) Act* 1981 had not been enacted) and such persons as are appointed as officers or engaged as temporary employees after the commencement of this section in accordance with this Part.

“(3) The Commonwealth Teaching Service as continued in existence by sub-section (1) is divided into the following components:

(a) an Australian Capital Territory Schools component;

(b) an Australian Capital Territory Technical and Further Education component;

(c) a general component; and

(d) such other components as are prescribed.

“(4) Each component shall consist of officers holding positions in the Service established in that component and temporary employees engaged for the purpose of performing services in relation to that component.

“(5) For the purposes of this Act, the relevant authority in relation to a component of the Service is—

(a) in the case of the Australian Capital Territory Schools component— the person for the time being holding, or performing the duties of, the office of Chief Education Officer of the Australian Capital Territory Schools Authority;

(b) in the case of the Australian Capital Territory Technical and Further Education component—the person for the time being holding, or performing the duties of, an office in the Australian Public Service for the time being designated for the purposes of that component by the Secretary by writing signed by him;

(c) in the case of the general component—the person for the time being holding, or performing the duties of, the office of Secretary or, if another office in the Australian Public Service is for the time being designated for the purposes of that component by the Secretary by writing signed by him—the person for the time being holding, or performing the duties of, that other office; and

(d) in the case of any other component—

(i) in a case to which neither sub-paragraph (ii) nor (iii) applies— the person for the time being holding, or performing the duties of, the office of Secretary;

(ii) if an office in the Australian Public Service is for the time being designated for the purposes of that component by the Secretary by writing signed by him and sub-paragraph (iii) does not apply —the person for the time being holding, or performing the duties of, that office; or

(iii) if the regulations designate a particular office for the purposes of that component—the person for the time being holding, or performing the duties of, that office.”.

**Officers**

**162.** Section 20 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) The relevant authority in relation to a component of the Service shall, on behalf of the Commonwealth, appoint as officers in that component such number of persons as he thinks necessary for the purpose of achieving the object of this Act in relation to that component.”;

(b) by inserting in sub-section (2) “by a relevant authority” after “officer” (first occurring);

(c) by omitting “Commissioner” from sub-section (2) (wherever occurring) and substituting “relevant authority”;

(d) by omitting from sub-section (3) “The Commissioner” and substituting “The relevant authority”; and

(e) by omitting sub-sections (4) and (5) and substituting the following sub-sections:

“(4) Subject to this Part, officers hold office on such terms and conditions as the Public Service Board determines.

“(5) A determination under sub-section (4) may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, a determination made under section 82dof the *Public Service Act* 1922.

“(6) Sub-sections 82d(8) to (12), inclusive, and sections 82eand 82fof the *Public Service Act* 1922 apply in relation to determinations made under sub-section (4) of this section in like manner as they apply in relation to determinations made under section 82dof the *Public Service Act* 1922.

“(7) Officers appointed by a relevant authority shall perform duties as directed by that relevant authority.”.

**Employees**

**163.** Section 23 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section;

“(1) The relevant authority in relation to a component of the Service may, on behalf of the Commonwealth, engage persons as temporary employees to perform services in relation to that component.”;

(b) by inserting in sub-section (2) “by a relevant authority” after “employee”;

(c) by omitting from sub-section (2) “the Commissioner” (wherever occurring) and substituting “the relevant authority”;

(d) by omitting from sub-section (3) “The Commissioner” and substituting “The relevant authority”;

(e) by omitting sub-sections (4) and (5) and substituting the following sub-sections:

“(4) Persons engaged as temporary employees shall be employed on such terms and conditions as the Public Service Board determines.

“(5) A determination under sub-section (4) may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, a determination made under section 82dof the *Public Service Act* 1922.

“(6) Sub-sections 82d(8) to (12), inclusive, and sections 82eand 82fof the *Public Service Act* 1922 apply in relation to determinations made under sub-section (4) of this section in like manner as they apply in relation to determinations made under section 82dof the *Public Service Act* 1922.

“(7) Persons engaged as temporary employees by a relevant authority shall perform duties as directed by that relevant authority.”.

**Leave of absence for service with a State or outside Australia**

**164.** **(1)** Section 24 of the Principal Act is repealed.

**(2)** Where, before the commencement of this section, leave of absence was granted to a member of the Service under section 24 of the Principal Act for a period commencing on or after, or extending after, the commencement of this section—

(a) the repeal of that section does not affect the grant of that leave of absence;

(b) any such leave of absence that occurs after the commencement of this section shall be deemed to have been granted in accordance with the terms and conditions (in this paragraph referred to as the “relevant provisions”) on which the member holds office, or is engaged as a temporary employee, as the case may be, and the conditions (if any) subject to which the leave was granted shall be deemed to be conditions applicable to the grant of that leave under the relevant provisions; and

(c) the period during which the member is so absent on leave forms part of his period of service as a member of the Service.

**165.** Section 25 of the Principal Act is repealed and the following section is substituted:

**Creation and abolition of position**

“25. (1) Each position in the Service immediately before the commencement of this section continues in existence as a position in the Service in such component of the Service as the Public Service Board determines.

“(2) The Public Service Board may authorize a relevant authority to create positions in the component of the Service in relation to which that authority is the relevant authority and to abolish positions in that component.

“(3) Where the Public Service Board authorizes the creation of a position, it shall determine the salary, or the range of salary, to be applicable to the position.”.

**Promotions Appeal Boards**

**166.** Section 30 of the Principal Act is amended—

(a) by omitting from paragraph (2) (c) “elected, as prescribed, by” and substituting “nominated, as provided by the regulations, to represent”; and

(b) by omitting sub-sections (4), (5), (6) and (10).

**Tenure of office**

**167.** Division 4 of the Principal Act is repealed.

**Retirement on grounds of inefficiency or incapacity**

**168.** Section 34 of the Principal Act is repealed.

**Disciplinary action for misconduct**

**169.** Section 35 of the Principal Act is amended by omitting paragraphs (10) (a) to (h), inclusive, and substituting the following paragraphs:

(a) he wilfully disobeys, or wilfully disregards, a direction given by a person having authority to give the direction, being a direction with which it is his duty as an officer to comply;

(b) he is inefficient or incompetent for reasons or causes within his own control;

(c) he is negligent or careless in the discharge of his duties;

(d) he engages in improper conduct as an officer;

(e) he engages in improper conduct otherwise than as an officer, being conduct that affects adversely the performance of his duties or brings the Service into disrepute;

(f) he contravenes or fails to comply with—

(i) a provision of this Act or of the regulations, being a provision that is applicable to him; or

(ii) the terms and conditions upon which he is employed; or

(g) he has, whether before or after becoming an officer, wilfully supplied to the Commonwealth Teaching Service Commissioner, a relevant authority, a person acting on behalf of the Commonwealth Teaching Service Commissioner or of a relevant authority, or any other officer of the Service, incorrect or misleading information in connection with his appointment to the Service.”.

**Disciplinary Appeals Board**

**170.** Section 37 of the Principal Act is amended—

(a) by omitting from paragraph (2) (c) “elected, as prescribed, by” and substituting “nominated, as provided by the regulations, to represent”; and

(b) by omitting sub-sections (4), (5), (6) and (10).

**Interpretation**

**171.** Section 38 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(4) For the purposes of this Division, the Public Service Board shall be deemed to be the employer of the employees of the Service.”.

**Commonwealth Teaching Service Scholarships**

**172.** Section 44 of the Principal Act is amended by omitting “Commissioner” (wherever occurring) and substituting “Secretary”.

**Payment of benefits under scholarships**

**173.** Section 46 of the Principal Act is amended by omitting “Commissioner” and substituting “Secretary”.

**174.** Sections 50 and 51 of the Principal Act are repealed and the following sections are substituted:

**Delegation**

“50. (1) The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under Division 10 of Part III or under Part IV.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Secretary.

“(3) A delegation under this section does not prevent the exercise of a power by the Secretary.

**Approvals**

“51. (1) An approval under this Act may be varied or revoked by the person by whom, or by the authority by which, the approval was given.

“(2) A person who, or authority which, gives, varies, or revokes an approval under this Act shall make such arrangements as the person or authority thinks proper for giving public notice of the giving of the approval or of the variation or revocation of the approval.”.

**Additional amendments**

**175.** The Principal Act is amended as set out in Schedule 3.

**Transitional and Saving**

**176.** Notwithstanding the amendments of the Principal Act made by this Part—

(a) any determination made or approval given by the Commonwealth Teaching Service Commissioner under the Principal Act and in force immediately before the commencement of this section continues in force as if it were a determination made or approval given by the person or authority having power to make such a determination or give such an approval under the Principal Act as amended by this Part;

(b) any reference in a determination or approval referred to in paragraph (a) to the Commonwealth Teaching Service Commissioner shall, except in relation to matters that occurred before the commencement of this section, be read as a reference to the person or authority having power to make such a determination or give such an approval under the Principal Act as amended by this Part;

(c) a person who held a position in the Commonwealth Teaching Service immediately before the commencement of this section and continues in the Service after that commencement by virtue of sub-section 19 (2) of the Principal Act as amended by this Part continues to hold that position after that commencement;

(d) a person who was a temporary employee in the Commonwealth Teaching Service immediately before the commencement of this section and continues in the Service after that commencement by virtue of sub-section 19 (2) of the Principal Act as amended by this Part continues as a temporary employee in the Service in such component of the Service as the Secretary determines;

(e) any provisional promotion to a position in the Commonwealth Teaching Service that was made before the commencement of this section but had not been confirmed before that commencement continues to have effect and may be confirmed or appealed against under the Principal Act as amended by this Part;

(f) any appeal to a Promotions Appeals Board, or to the Disciplinary Appeals Board, that was pending immediately before the commencement of this section continues in force and may be heard or determined under the Principal Act as amended by this Part;

(g) any person who held office as a member of a Promotions Appears Board or of the Disciplinary Appeals Board immediately before the commencement of this section continues to hold office as if he had been duly appointed under the Principal Act as amended by this Part; and

(h) in any proceeding before the Australian Conciliation and Arbitration Commission in respect of an industrial dispute or industrial matter in respect of the Commonwealth Teaching Service that was pending immediately before the commencement of this section the Public Service Board shall be deemed to be a party to the proceeding in place of the Commonwealth Teaching Service Commissioner.

**PART IX—DIRECTOR-GENERAL OF HEALTH**

**Director-General of Health to be medical practitioner**

**177.** Section 5 of the *National Health Act* 1953 is repealed.

**PART X—EXPORT EXPANSION GRANTS**

**Principal Act**

**178.** The *Export Expansion Grants Act* 1978 is in this Part referred to as the Principal Act.

**Interpretation**

**179.** Section 3 of the Principal Act is amended—

(a) by adding “or (4a)” at the end of the definition of “eligible services” in sub-section (1); and

(b) by omitting “4” from the definition of “grant year” in sub-section (1) and substituting “5”.

**180.** **(1)** Section 13 of the Principal Act is repealed and the following section is substituted:

**Incentive grant entitlements**

“13. Subject to this Act, the incentive grant entitlement of a claimant in relation to a grant year is an amount equal to—

(a) where his export earnings increment for that year does not exceed $500,000—7.5% of that increment;

(b) where his export earnings increment for that year exceeds $500,000 but does not exceed $5,000,000—the sum of $37,500 and an amount equal to 5% of the difference between that increment and $500,000;

(c) where his export earnings increment for that year exceeds $5,000,000 but does not exceed $10,000,000—the sum of $262,500 and an amount equal to 2.5% of the difference between that increment and $5,000,000; or

(d) where his export earnings increment for that year exceeds $10,000,000 —the sum of $387,500 and an amount equal to 1.25% of the difference between that increment and $10,000,000.”.

**(2)** The amendment made by sub-section (1) applies in respect of the grant year commencing on 1 July 1982 and section 13 of the Principal Act continues to apply in respect of earlier grant years.

**Regulations**

**181.** Section 22 of the Principal Act is amended by inserting after sub-section (4) the following sub-section:

“(4a) The regulations may declare that services by way of provision of eligible goods under an agreement for lease or hire of those goods are eligible services.”.

**PART XI—EXPORT MARKET DEVELOPMENT GRANTS**

**Principal Act**

**182.** The *Export Market Development Grants Act* 1974 is in this Part referred to as the Principal Act.

**Interpretation**

**183.** Section 3 of the Principal Act is amended—

(a) by adding “or (2a)” at the end of the definition of “eligible services” in sub-section (1); and

(b) by omitting “7” from the definition of “grant year” in sub-section (1) and substituting “8”.

**Regulations**

**184.** Section 43 of the Principal Act is amended **by** inserting after sub-section (2) the following sub-section:

“(2**a**) The regulations may declare that services **by** way of provision of eligible goods under an agreement for lease or hire of those goods are eligible services.”.

**PART XII—FOREIGN TAKEOVERS**

**Principal Act**

**185.** The *Foreign Takeovers Act* 1975 is in this Part referred to as the Principal Act.

**Interpretation**

**186.** Section 5 of the Principal Act is amended byinserting after the definition of “moneylending agreement” in sub-section (1) the following definition:

“‘non-trading company’ means a corporation—

(a) that does not carry on any business and is not engaged in any trading activities; and

(b) the value of the assets of which does not exceed $1,000;”.

**Compulsory notification of transactions**

**187.** Section 26 of the Principal Act is amended byinserting in sub-section (2) “(other than a non-trading company)” after “Australian corporation” (twice occurring).

**PART XIII—HOUSING LOANS INSURANCE CORPORATION**

**Interpretation**

**188.** In this Part—

“commencing day” means the day fixed under section 195;

“Corporation” means the Housing Loans Insurance Corporation established under the Principal Act;

“Minister” means the Minister for Housing and Construction;

“Principal Act” means the *Housing Loans Insurance Act* 1965;

“purchaser” means a body corporate that enters into an agreement with the Minister under section 189;

“rights, property or assets”, in relation to the Corporation, includes records, documents or information relating to the business of the Corporation.

**Power of Minister to enter into agreement**

**189.** **(1)** The Minister may, on behalf of the Commonwealth, enter into an agreement with a body corporate that proposes to carry on, or carries on, a business of insurance of the kind carried on by the Corporation for the sale to that body corporate, with effect on and from the commencement of a day specified in, or ascertained in accordance with, the agreement, of the whole or a part of the business of insurance carried on by the Corporation.

**(2)** Notwithstanding section 43 of the Principal Act, a person referred to in that section shall, if so required by the Minister or an officer of the Department of Housing and Construction, make available such information relating to the operations or affairs of the Corporation as the Minister or officer considers necessary for the purpose of negotiating the sale of the business or a part of the business of the Corporation, but nothing in this sub-section permits the disclosure to the Minister or an officer of information relating to the affairs of a particular person other than the Corporation.

**(3)** If the Minister enters into an agreement in accordance with sub-section (1), the Minister shall determine whether the sale for which the agreement provides is to be effected in accordance with section 190 or 191.

**Sale by means of formation of company**

**190.** **(1)** Where the Minister determines that a sale provided for by an agreement entered into in accordance with section 189 is to be effected in accordance with this section, the Corporation shall—

(a) form, together with such person or persons as the Minister nominates, an incorporated company in the Australian Capital Territory under the name “Housing Loans Insurance Corporation Limited” or a similar name approved by the Minister and having power to carry on a business of insurance of the kind carried on by the Corporation, being a company having such directors as the Minister nominates and having a share capital all the shares in which are beneficially owned by the Corporation;

(b) transfer to the company such of the rights, property or assets of the Corporation as are required by the agreement to be acquired by the purchaser; and

(c) on the day referred to in section 189, upon receipt by the Commonwealth of the consideration specified in the agreement, cause the shares in the company to be transferred to the purchaser or to a person or persons nominated by the purchaser.

**(2)** Upon the transfer to the company of the rights, property or assets referred to in paragraph (1) (b), the company becomes, by force of this sub-section, liable to pay or discharge such debts, liabilities or obligations of the

Corporation as are required by the agreement to be paid or discharged by the purchaser and the Corporation ceases to be liable to pay or discharge those debts, liabilities or obligations.

**(3)** After the rights, property or assets referred to in paragraph (1) (b) are transferred to the company—

(a) the Corporation shall not enter into any contract of insurance under the Principal Act; and

(b) such contracts (if any) as are specified in, or ascertained in accordance with, the agreement, being contracts to which the Corporation was a party immediately before the transfer took place, have effect as if—

(i) the company were substituted for the Corporation as a party to each contract; and

(ii) any reference in such a contract to the Corporation were (except in relation to matters that occurred before that time) a reference to the company,

and the Corporation ceases to be a party to the contracts.

**(4)** Nothing in any law of the Commonwealth or of the Australian Capital Territory prevents the formation of a company as provided by paragraph (1) (a).

**Sale by direct transfer of assets**

**191. (1)** Where the Minister determines that a sale provided for by an agreement entered into in accordance with section 189 is to be effected in accordance with this section, then, on the day referred to in section 189—

(a) the Corporation shall, upon receipt by the Commonwealth of the consideration specified in the agreement, transfer to the purchaser such of the rights, property or assets of the Corporation as are required by the agreement to be acquired by the purchaser; and

(b) upon the transfer to the purchaser of those rights, property or assets, the purchaser becomes, by force of this sub-section, liable to pay or discharge such debts, liabilities or obligations (if any) of the Corporation as are required by the agreement to be paid or discharged by the purchaser and the Corporation ceases to be liable to pay or discharge those debts, liabilities or obligations.

**(2)** After the rights, property or assets referred to in paragraph (1) (a) are transferred to the purchaser—

(a) the Corporation shall not enter into any contract of insurance under the Principal Act; and

(b) such contracts to which the Corporation was a party immediately before the transfer took place as are specified in, or ascertained in accordance with, the agreement, have effect as if—

(i) the purchaser were substituted for the Corporation as a party to each contract; and

(ii) any reference in such a contract to the Corporation were (except in relation to matters that occurred before that time) a reference to the purchaser,

and the Corporation ceases to be a party to the contract.

**(3)** Nothing in any law of the Commonwealth, of a State or of a Territory prevents a company that is to be formed by the purchaser for the purpose of carrying on, in accordance with the agreement, a business of insurance of the kind carried on by the Corporation from having the name “Housing Loans Insurance Corporation Limited” or any similar name.

**Pending proceedings**

**192.** If, immediately before the day on which rights, property or assets referred to in paragraph 190 (1) (b) or 191 (1) (a) are transferred to a person, the Corporation was a party to proceedings specified in the agreement that were pending in a court, that person is, on that day, by force of this section, substituted for the Corporation as a party to the proceedings and has the same rights in the proceedings as the party for which the person is substituted.

**Secrecy provisions not to prevent transfer of records or information to purchaser**

**193.** Nothing in section 43 of the Principal Act prevents any records, documents or information relating to the business of the Corporation being transferred by the Corporation to a company in accordance with paragraph 190 (1) (b) or to a body corporate in accordance with paragraph 191 (1) (a).

**Application of Commonwealth Employees (Redeployment and Retirement) Act**

**194.** **(1)** The Chairman and the Deputy Chairman of the Corporation shall, for the purposes of the *Commonwealth Employees* (*Redeployment and Retirement*) *Act* 1979, be deemed to be employed by the Corporation in a permanent capacity.

**(2)** On and after the commencing day, any functions, duties or powers under the *Commonwealth Employees* (*Redeployment and Retirement*) *Act* 1979 that would, if the Corporation had not ceased to exist, be required to be performed or permitted to be exercised by the Corporation shall be performed or may be exercised, as the case may be, by the Secretary to the Department of Housing and Construction.

**Consequences of agreement**

**195.** If the Minister enters into an agreement in accordance with section 189, the Minister shall, as soon after the day referred to in that section as it appears to him to be appropriate to do so, by notice published in the *Gazette*,fix a day on which the Corporation is to cease to exist.

**Repeals**

**196.** **(1)** Upon the commencing day, the *Housing Loans Insurance Act* 1965 and the *Housing Loans Insurance Amendment Act* 1977 are repealed.

**(2)** Notwithstanding the repeals effected by sub-section (1), the Commonwealth continues to be responsible for the payment of all moneys due by the Corporation, by a company formed in accordance with paragraph 190 (1) (a), or by a purchaser referred to in section 191, under contracts of insurance entered into by the Corporation, but nothing in this sub-section authorizes a creditor or other person claiming moneys from the Corporation or from such a company or purchaser to sue the Commonwealth in respect of his claim.

**Transfer of assets and liabilities**

**197.** **(1)** Upon the commencing day—

(a) any rights, property or assets that, immediately before that day, were vested in the Corporation vest on that day, by force of this sub-section, in the Commonwealth; and

(b) the Commonwealth becomes, by force of this sub-section, liable to pay or discharge any debts, liabilities or obligations of the Corporation that existed immediately before that day.

**(2)** Any contract to which the Corporation was a party immediately before the commencing day has effect on and after that day as if—

(a) the Commonwealth were substituted for the Corporation as a party to the contract; and

(b) any reference in the contract to the Corporation were (except in relation to matters that occurred before that time) a reference to the Commonwealth.

(3) If, immediately before the commencing day, proceedings to which the Corporation was a party were pending in any court, the Commonwealth is, on that day, by force of this sub-section, substituted for the Corporation as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

**Registration of changes in title to land**

**198.** Where, by reason of the operation of this Part, any interest in land situated in a State or Territory becomes vested in a person, the Crown Solicitor may lodge with the Registrar-General, Registrar of Titles or other appropriate officer of the State or Territory a notice, signed by the Crown Solicitor or by an officer of the Attorney-General’s Department authorized by the Crown Solicitor for the purpose, stating that that interest in land is vested in the person by virtue of the operation of this Part, and the officer with whom the notice is so lodged may make such entries in his registers, and do such other things, as are necessary to reflect the operation of this Part in relation to that interest in land.

**Application of Compensation (Commonwealth Government Employees) Act**

**199.** If a person (other than the Commonwealth) becomes, by force of a provision of this Part, liable to pay or discharge any debts, liabilities or obligations of the Corporation arising under or by virtue of the *Compensation* (*Commonwealth Government Employees*) *Act* 1971, then, for the purpose of the application, in relation to any event that occurred before the day on which that liability arose, of that Act in relation to a person who, at any time before that day, was an employee within the meaning of that Act by virtue of being, or having been, an employee of the Corporation, the first-mentioned person shall be deemed to be the prescribed authority of the Commonwealth in relation to that employee.

**Report on operations of Corporation**

**200.** **(1)** The Minister shall, as soon as practicable after the commencing day, cause to be prepared—

(a) a report on the operations of the Corporation during the period that commenced at the expiration of the last period in respect of which a report on the operations of the Corporation was laid before each House of the Parliament and ended immediately before the commencing day; and

(b) financial statements in respect of the period to which the report relates in such form as the Minister for Finance approves.

**(2)** The Minister shall furnish the financial statements referred to in paragraph (1) (b) to the Auditor-General, who shall report to the Minister—

(a) whether, in his opinion, the statements are based on proper accounts and records;

(b) whether the statements are in agreement with the accounts and records and, in his opinion, show fairly the financial transactions and the state of affairs of the Corporation;

(c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the period to which the statements relate were in accordance with the Principal Act and this Part; and

(d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

**(3)** The Minister shall cause copies of the report and financial statements prepared under this section, together with a copy of the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after the receipt by the Minister of the report of the Auditor-General.

**Exemption from taxation**

**201.** An instrument or document that the Secretary to the Attorney-General’s Department or a person authorized by him certifies to have been made, executed or given by reason of, or for a purpose connected with, or arising out of, the operation of this Part is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

**Officers’ Rights Declaration Act**

**202.** Where, at the expiration of the day immediately preceding the commencing day, the repealed *Officers*’ *Rights Declaration Act* 1928 applied in relation to a person who was at that time a member, officer or employee of the Corporation, that Act continues, on and after the commencing day, by force of this section, to apply in relation to that person as if the Acts referred to in section 196 had not been repealed but that person had on the first-mentioned day resigned his office or resigned from his service or employment with the Corporation, as the case may be.

**PART XIV—INDUSTRIES ASSISTANCE COMMISSION**

**Principal Act**

**203.** The *Industries Assistance Commission Act* 1973 is in this Part referred to as the Principal Act.

**Reference of matters to Commission**

**204.** Section 23 of the Principal Act is amended by inserting in sub-section (1) “or to industries generally” after “a particular group or groups of primary or secondary industries”.

**Temporary Assistance Authority**

**205.** Section 25 of the Principal Act is amended—

(a) by inserting in sub-section (2) “sub-section (3a) and” after “Subject to”; and

(b) by inserting after sub-section (3) the following sub-sections:

“(3a) The Governor-General may, under sub-section (2), appoint the person who holds the office of Commissioner for Petroleum Products Pricing as the full-time member of the Authority, and nothing in this Act operates to prohibit such a person carrying out the duties of the office of Commissioner for Petroleum Products Pricing.

“(3b) Notwithstanding section 6 as it applies by virtue of sub-section (3) of this section, the person who holds the office of full-time member of the Authority may be appointed to, and may carry out the duties of, the office of Commissioner for Petroleum Products Pricing.”.

**Validation of references made before commencement of Part**

**206.** If, before the commencement of this Part, the Minister for Business and Consumer Affairs purported to refer to the Industries Assistance Commission a matter that could not have been referred to the Industries Assistance Commission under section 23 of the *Industries Assistance Commission Act* 1973 as amended and in force immediately before the commencement of this Part, being a matter that could be referred to the Industries Assistance Commission under section 23 of the *Industries Assistance Commission Act* 1973 as amended and in force immediately after the commencement of this Part, that matter shall be deemed to have been referred to the Industries Assistance Commission on the date of commencement of this Part.

**PART XV—LANDS ACQUISITION**

**Principal Act**

**207.** The *Lands Acquisition Act* 1955 is in this Part referred to as the Principal Act.

**Interpretation**

**208.** Section 5 of the Principal Act is amended by inserting before the definition of “claimant” in sub-section (1) the following definition:

“ ‘Australia’ includes the external Territories;”.

**209.** Section 5aof the Principal Act is repealed and the following section is substituted:

**Application of Act**

“5a. This Act applies both within and outside Australia and extends to every external Territory.”.

**Modes of acquisition**

**210.** Section 6 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) The Commonwealth may—

(a) acquire land in Australia for a public purpose by agreement or by compulsory process; and

(b) acquire land outside Australia for a public purpose by agreement.”.

**Disposal of land**

**211.** Section 53 of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section:

“(4) Sub-section (3) does not apply—

(a) in relation to land outside Australia; or

(b) where the Commonwealth has, since the date of acquisition, made substantial improvements to the land.”.

**PART XVI—LEGISLATIVE DRAFTING INSTITUTE**

**Repeal**

**212.** The *Legislative Drafting Institute Act* 1974 is repealed.

**Interpretation**

**213.** In this Part, unless the contrary intention appears—

“commencing day” means the day on which this Part comes into operation;

“Institute” means the Legislative Drafting Institute established by the repealed Act;

“repealed Act” means the Legislative Drafting Institute Act 1974.

**Transfer of rights, liabilities, &c.**

**214.** On the commencing day—

(a) any rights, property or moneys that immediately before that day were vested in the Institute are, by force of this section, vested in the Commonwealth; and

(b) the Commonwealth becomes, by force of this section, liable to pay or discharge any debts, liabilities or obligations of the Institute that existed immediately before that day.

**Report on operations of Institute**

**215.** The Attorney-General shall, as soon as practicable after the commencing day, cause to be prepared a report of the operations of the Institute during the period that commenced at the expiration of the last period in respect of which a report of the operations of the Institute was furnished to the Attorney-General and ended immediately before the commencing day (in section 216 referred to as the “relevant period”), together with financial statements in respect of that period in such form as the Minister for Finance approves.

**Audit of financial statements**

**216.** The Attorney-General shall cause the financial statements prepared in accordance with section 215 to be submitted to the Auditor-General, who shall report to the Attorney-General—

(a) whether the statements are based on proper accounts and records;

(b) whether the statements are in agreement with the accounts and records;

(c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Institute during the relevant period were in accordance with the repealed Act; and

(d) as to such matters arising out of the statements as the Auditor-General considers should be reported to the Attorney-General.

**Report and financial statements to be laid before Parliament**

**217.** The Attorney-General shall cause copies of the report and financial statements together with a copy of the report of the Auditor-General to be laid before each House of the Parliament within 15 sitting days of that House after receipt by the Attorney-General of the report of the Auditor-General.

**Officers’ Rights Declaration Act**

**218.** Where, at the expiration of the day immediately preceding the commencing day, the repealed *Officers*’ *Rights Declaration Act* 1928 applied in relation to a person who was at that time the Director or a member of the staff of the Institute, that Act continues, on and after the commencing day, by force of this section, to apply in relation to that person as if the repealed Act had not been repealed but that person had on the first-mentioned day resigned his office or resigned from his employment with the Institute, as the case may be.

**PART XVII—NAVIGATION**

***Division 1*—*Navigation Act* 1912**

**Principal Act**

**219.** The *Navigation Act* 1912 is in this Division referred to as the Principal Act.

**Interpretation**

**220.** Section 6 of the Principal Act is amended by inserting after sub-section (4) the following sub-sections:

“(4a) Where, in pursuance of articles of agreement, a person becomes a member of the crew of a ship, he shall, until he ceases to be a member of the crew of the ship, be deemed, for the purposes of this Act, to belong to the ship.

“(4b) A person who, in pursuance of articles of agreement, ceases temporarily to be a member of the crew of a ship shall be deemed, for the purposes of this Act, to cease to belong to the ship and does not again belong to the ship until he again becomes a member of the crew of the ship.

“(4c) A person who, in pursuance of articles of agreement, ceases temporarily to be a member of the crew of a ship shall not be taken to have been discharged from the ship.”.

**221.** Section 52 of the Principal Act is repealed and the following section is substituted:

**Owner or master to furnish details of crew of ship**

“52. (1) The owner or master of a ship to which this Part applies shall, at such times as are prescribed and in accordance with the prescribed form or in a form approved by the Minister by instrument in writing, furnish to a superintendent at a port such details of, and such details of changes in, the crew of the ship as are required by the form to be furnished.

“(2) Where there is a failure to comply with sub-section (1) in relation to a ship to which this Part applies, the owner and the master of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding—

(a) in the case of an offence by a natural person—$500; or

(b) in the case of an offence by a body corporate—$1,000.”.

**Certificate where seaman left behind**

**222.** Section 148bof the Principal Act is amended—

(a) by omitting from sub-section (1) “The master” and substituting “Subject to sub-section (1a), the master”; and

(b) by inserting after sub-section (1) the following sub-section:

“(1a) Sub-section (1) does not apply in relation to a seaman serving under articles of agreement where the seaman is left behind, or is proposed to be left behind, in accordance with the terms of the articles of agreement.”.

**Wages and effects of seaman left behind**

**223.** Section 148c of the Principal Act is amended—

(a) by omitting from sub-section (1) “If a seaman” and substituting “Subject to sub-section (1a), if a seaman”; and

(b) by inserting after sub-section (1) the following sub-section:

“(1a) Sub-section (1) does not apply in relation to a seaman serving under articles of agreement where the seaman is left on shore at a port in accordance with the terms of the articles of agreement.”.

***Division 2*—*Navigation Amendment Act* 1980**

**Principal Act**

**224.** The *Navigation Amendment Act* 1980 is in this Division referred to as the Principal Act.

**Interpretation**

**225.** Section 5 of the Principal Act is amended by omitting paragraph (2) (f) and substituting the following paragraph:

“(f) by inserting in sub-sections (4a), (4b) and (4c) ‘or a contract of sea service’ after ‘agreement’.”.

**226.** Section 18 of the Principal Act is amended—

(a) by omitting from sub-section (7) of the new section 47a that is proposed to be inserted in the Navigation Act 1912 “a port.” and substituting “a port.’.”; and

(b) by omitting sub-section (8) of that new section.

**Changes in crew**

**227.** Section 23 of the Principal Act is amended by omitting sub-section (2).

**228.** Sections 61 and 62 of the Principal Act are repealed and the following sections are substituted:

**Certificate where seaman left behind**

“61. Section 148bof the Principal Act is amended—

(a) by inserting in sub-section (1) ‘, or the contract of sea service under which the seaman is serving, as the case requires,’ after ‘the articles of agreement of the ship’;

(b) by inserting in sub-section (1a) ‘or under a contract of sea service’ after ‘agreement’ (first occurring); and

(c) by inserting in sub-section (1a) ‘or of the contract of sea service, asthe case may be’ after ‘agreement’ (last occurring).

**Wages and effects of seaman left behind**

“62. Section 148c of the Principal Act is amended—

(a) by inserting in sub-section (1a) ‘or under a contract of sea service’ after ‘agreement’ (first occurring); and

(b) by inserting in sub-section (1a) ‘or of the contract of sea service, as the case may be’ after ‘agreement’ (last occurring).”.

***Division 3*—*Navigation Amendment Act* 1981**

**Principal Act**

**229.** The *Navigation Amendment Act* 1981 is in this Division referred to as the Principal Act.

**230.** **(1)** Schedule 1 to the Principal Act is amended by omitting the item relating to sub-section 47a(8).

**(2).** Schedule 3 to the Principal Act is amended by omitting the item relating to sub-section 47a (8).

**PART XVIII—PRICES JUSTIFICATION TRIBUNAL**

**Repeal**

**231.** The following Acts are repealed: *Prices Justification Act* 1973

*Prices Justification Act* 1974

*Prices Justification Amendment Act* 1976

*Prices Justification Amendment Act* 1979.

**Report on operations of Prices Justification Tribunal**

**232.** The Minister for Business and Consumer Affairs shall, as soon as practicable after the commencement of this Part, cause to be prepared a report of the operations of the Prices Justification Tribunal during the period that commenced at the expiration of the last period in respect of which a report of the operations of that Tribunal was furnished to that Minister and ended immediately before the commencement of this Part and shall cause copies of the report to be laid before each House of the Parliament as soon as practicable after the report is prepared.

**Transfer of records**

**233.** **(1)** The Minister for Business and Consumer Affairs shall, as soon as practicable after the commencement of this Part, cause to be transferred to the Petroleum Products Pricing Authority the records of the Prices Justification Tribunal that relate to the production or supply of petroleum products as defined in the *Petroleum Products Pricing Act* 1981 or to services related to the production or supply of petroleum products as so defined.

**(2)** The Minister for Business and Consumer Affairs shall, as soon as practicable after the commencement of this Part, cause to be transferred to the Australian Archives the records of the Prices Justification Tribunal other than the records referred to in sub-section (1).

**Obligation of secrecy to continue**

**234.** **(1)** Notwithstanding the repeals effected by section 231, the provisions of section 34aof the *Prices Justification Act* 1973 as amended and in force immediately before the commencement of this Part continue to operate in relation to any person who, immediately before that commencement, was a person to whom that section applied.

**(2)** Section 34aof the *Prices Justification Act* 1973 as continued in operation by sub-section (1) does not operate to prohibit—

(a) the transfer of records to the Petroleum Products Pricing Authority or the Australian Archives as required by section 233; or

(b) a person divulging or communicating any information or producing any document (being information or a document relating to the production or supply of petroleum products or to services relating to the production or supply of petroleum products) to—

(i) the Commissioner for Petroleum Products Pricing;

(ii) an associate Commissioner of the Petroleum Products Pricing Authority;

(iii) a consultant to the Petroleum Products Pricing Authority;

(iv) a member of the staff of the Petroleum Products Pricing Authority; or

(v) an officer of the Department of Business and Consumer Affairs.

**Officers’ Rights Declaration Act**

**235.** Where, at the expiration of the day immediately preceding the commencement of this Part, the repealed *Officers*’ *Rights Declaration Act* 1928 applied in relation to a person who was at that time a member of the Prices Justification Tribunal, that Act continues, after the commencement of this Part, by force of this section, to apply in relation to that person as if the Acts repealed by section 231 had not been repealed but that person had immediately before the commencement of this Part resigned his office as a member of the Tribunal.

**PART XIX—PROCUREMENT OF GOODS, WORKS AND SERVICES**

**Principal Act**

**236.** The *Preference to Australian Goods* (*Commonwealth Authorities*) *Act* 1980 is in this Part referred to as the Principal Act.

**Amendment of title**

**237.** The title of the Principal Act is amended by omitting “to give preference, in the procurement of goods for Commonwealth authorities, to goods of Australian origin or having an Australian content” and substituting “relating to the procurement of goods, works and services for the Commonwealth and Commonwealth authorities”.

**Heading**

**238.** Before section 1 of the Principal Act the following heading is inserted:

**“PART I—PRELIMTNARY”.**

**239.** Sections 1 and 2 of the Principal Act are repealed and the following sections are substituted:

**Short title**

“1. This Act may be cited as the *Procurement of Goods, Works and Services Act* 1981.

**Commencement**

“2. (1) This Part shall come into operation on the day on which the *Commonwealth Functions* (*Statutes Review*) *Act* 1981 receives the Royal Assent.

“(2) The remaining Parts shall come into operation on such respective dates as are fixed by Proclamation.”.

**Interpretation**

**240.** Section 3 of the Principal Act is amended—

(a) by inserting in sub-section (1), after the definition of “procurement”, the following definition:

“ ‘services’ includes—

(a) services of a professional nature; and

(b) the provision of facilities,

but does not include legal professional services, court reporting services or financing or underwriting services;”; and’

(b) by omitting sub-section (2).

**Specification of requirement**

**241.** Section 4 of the Principal Act is repealed.

**Heading**

**242.** Before section 5 of the Principal Act the following Part, heading and section are inserted:

**“PART II—PROCUREMENT OF GOODS, WORKS AND SERVICES**

**Interpretation**

“4a. In this Part, unless the contrary intention appears—

‘Commonwealth authority’ means an authority or body (including a body corporate and a corporation sole) established for a public purpose by, or in accordance with the provisions of, a law of the Commonwealth or of the Australian Capital Territory, but does not include an intergovernmental body unless that body is prescribed for the purposes of this Part;

‘goods’ includes—

(a) ships, aircraft, vehicles, machinery and equipment;

(b) copyrights, patent rights, trademarks and other incorporeal property; and

(c) computer software;

‘procurement’, in relation to goods, includes taking the goods on lease or hire.

**Procurement of goods, works and services**

“4b. (1) Subject to this section, after the commencement of this Part, the procurement of goods, works or services on behalf of the Commonwealth or a Commonwealth authority involving expenditure exceeding $10,000, or, if a higher amount is prescribed, that higher amount, shall be undertaken in accordance with arrangements approved by the Secretary to the Department of Administrative Services or approved by a person authorized in writing by him, and not otherwise.

“(2) The Minister may, by instrument in writing under his hand, grant exemptions from the application of sub-section (1), either absolutely or subject to conditions (not being conditions inconsistent with Part III or IV or with regulations in force under the *Audit Act* 1901), and, without limiting the generality of the foregoing, may grant exemptions by reference to one or more of the following:

(a) particular Departments of the Australian Public Service or particular Commonwealth authorities;

(b) particular activities of particular Departments of the Australian Public Service or of particular Commonwealth authorities;

(c) particular classes of goods, works or services;

(d) particular places;

(e) particular stages of procurement;

(f) particular amounts of expenditure;

(g) particular periods of time.

“(3) Where a provision of a law constituting or establishing a Commonwealth authority requires the authority to obtain the consent or approval of the Minister administering that law before the authority enters into a contract, this section does not exempt the authority from the requirement.

**“PART III—COMMONWEALTH AUTHORITIES TO INVITE TENDERS OR QUOTATIONS**

**This Part subject to Part II**

“4c. This Part has effect subject to Part II.”.

**Tenders or quotations to be invited**

**243.** Section 5 of the Principal Act is amended—

(a) by inserting “, works or services” after “goods” (wherever occurring); and

(b) by omitting “in such manner as is prescribed” from paragraph (2) (b) and substituting “as prescribed”.

**List of registered tenderers**

**244.** Section 6 of the Principal Act is amended by inserting “, works or services” after “goods” in sub-section (1).

**Postponement or cessation of action on tenders**

**245.** Section **7** of the Principal Act is amended by inserting “, works or services” after “goods”.

**Heading**

**246.** After section 8 of the Principal Act the following heading is inserted:

**“PART IV—PREFERENCE TO GOODS OF AUSTRALIAN ORIGIN OR HAVING AUSTRALIAN CONTENT”.**

**247.** Before section 9 of the Principal Act the following sections are inserted:

**Interpretation**

“8a. Where a specification of a requirement for goods for a Commonwealth authority includes related services, this Part applies in relation to those goods and related services as if a reference in this Part to goods were a reference to goods and related services.

**Specification of requirement**

“8b**.** (1) A Commonwealth authority, in preparing a specification of a requirement for goods for the authority, shall ensure that the specification is not drawn up so as to exclude goods of Australian origin or goods having an Australian content, being, in either case, goods that are suitable, or reasonably capable of being adapted, for meeting that requirement.

“(2) The Minister may, by instrument in writing, issue guidelines to assist Commonwealth authorities to comply with sub-section (1).”.

**Determination of Australian content of goods**

**248.** Section 9 of the Principal Act is amended—

(a) by omitting from sub-section (1) “for the method of calculation” and substituting “for or in relation to the determination”; and

(b) by omitting from sub-section (2) “Act” and substituting “Part”.

**Method of determination of origin of goods**

**249.** Section 10 of the Principal Act is amended by omitting from sub-section (2) “Act” and substituting “Part”.

**Acceptance of tenders or quotations**

**250.** Section 13 of the Principal Act is amended by inserting “authority” after “Commonwealth” in paragraph (9) (c).

**Publication of Australian content of goods**

**251.** Section 16 of the Principal Act is amended by omitting from sub-section (1) “may be published to such persons, and in such circumstances, as are prescribed” and substituting “may, and shall in such cases or classes of cases as are prescribed, be published as prescribed”.

**252.** Before section 17 of the Principal Act the following heading is inserted:

**“PART V—MISCELLANEOUS”.**

**Exemption from Part III or IV**

**253.** Section 17 of the Principal Act is amended by omitting “this Act” (wherever occurring) and substituting “Part III or IV”.

**Information to be furnished to Minister**

**254.** Section 19 of the Principal Act is amended by inserting “, works or services” after “goods”.

**PART XX—REMUNERATION IN RESPECT OF DUAL APPOINTMENTS**

**Principal Act**

**255.** The *Remuneration Tribunals Act* 1973 is in this Part referred to as the Principal Act.

**256.** Section 7 of the Principal Act is amended by inserting after sub-section (12) the following sub-section:

“(12a) Where the same person holds each of two public offices on a fulltime basis—

(a) if the salary applicable to one of those offices is higher than the salary applicable to the other of those offices—he shall be remunerated only by the salary and annual allowance (if any) applicable to the office to which the higher salary is applicable; or

(b) if the same salary is applicable to each of those offices—

(i) where an annual allowance is applicable to one only of those offices—he shall be remunerated only by the salary and annual allowance applicable to that office;

(ii) if an annual allowance is applicable to each of those offices but the annual allowance applicable to one of those offices is higher than the annual allowance applicable to the other of those offices—he shall be remunerated only by the salary and annual allowance applicable to the office to which the higher annual allowance is applicable; or

(iii) if the same annual allowance is applicable to each of those offices—he shall be remunerated only by the salary and annual allowance applicable to one of those offices.”.

**PART XXI—TRANSPORT PLANNING AND RESEARCH**

**Principal Act**

**257.** The *Transport Planning and Research* (*Financial Assistance*) *Act* 1977 is in this Part referred to as the Principal Act.

**Interpretation**

**258.** Section 3of the Principal Act is amended by omitting “or any succeeding year” from the definition of “year to which this Act applies” and substituting “or any of the next 3 succeeding years”.

**PART XXII—URBAN PUBLIC TRANSPORT**

**Principal Act**

**259.** The *States Grants* (*Urban Public Transport*) *Act* 1978 is in this Part referred to as the Principal Act.

**Interpretation**

**260.** Section 3of the Principal Act is amended—

(a) by omitting “and includes any amount allocated to the State under section 8 in respect of that year” from the definition of “maximum grant” in sub-section (1); and

(b) by omitting “4” from the definition of “year to which this Act applies” in sub-section (1) and substituting “2”.

**Transfer of part of maximum grant from one year to another**

**261.** Section 7 of the Principal Act is amended by omitting sub-section (2).

**Additional amount to be allocated among States**

**262.** Section 8 of the Principal Act is repealed.

**Schedule**

**263.** The Schedule to the Principal Act is amended by omitting—

|  |  |
| --- | --- |
| “Year commencing | Year commencing |
| 1 July 1981 | 1 July 1982 |
| $ | $ |
| 17,500,000 | 17,500,000 |
| 15,000,000 | 15,000,000 |
| 8,750,000 | 8,750,000 |
| 5,000,000 | 5,000,000 |
| 2,500,000 | 2,500,000 |
| 1,250,000 | 1,250,000.” |

**PART XXIII—MISCELLANEOUS**

**Compensation**

**264. (1)** If the operation of this Act results in the acquisition of property from a person, being an acquisition of property within the meaning of paragraph 51 (xxxi) of the Constitution, the Commonwealth is liable to pay to that person such compensation as is determined by agreement between the

Commonwealth and that person or, in the absence of agreement, by action brought by that person against the Commonwealth in the Supreme Court of a State or Territory.

**(2)** The Supreme Courts of the States have jurisdiction, and the Supreme Courts of the Territories have jurisdiction to the extent that the Constitution permits, with respect to matters arising under this section.

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**SCHEDULE 1** Section 117

AMENDMENTS OF THE WOOL INDUSTRY ACT 1972

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| Provision amended | Amendments |
| Sub-section 5 (2) | Omit “, the Authority”. |
| Sub-section 6 (1) | Omit the definition of “the Authority”. |
| Sub-section 20 (4) | Before paragraph (a) insert the following paragraph:  “(aa) carry out tests of wool and other fibres, whether natural or otherwise, and wool products and similar products made wholly or partly from other fibres;”. |
| Paragraph 35 (b) | Omit “or of the Authority”. |
| Part V. | Repeal. |
| Section 7 | At the end of the section add the following sub-section:  “(3) Where the Minister is satisfied that the retention by the Corporation of land or a building to which this Part applies is not necessary to the maintenance by the Corporation of a minimum wool storage capacity, the Minister may, by writing under his hand, direct the Corporation to dispose of, in such manner and on such terms and conditions as are specified in the instrument of direction, the property or rights of the Corporation in or in respect of the land or building and to apply the proceeds of the disposal in such manner as is so specified, and, where such a direction is given, the Corporation shall comply with the direction.”. |
| Sub-section 85 (1) | Omit “and of the Authority” (wherever occurring). |
| Sub-section 85 (4) | (a) Omit “and of the Authority”.  (b) Omit “or by the Authority”. |
| Sub-section 87 (1) | Omit “and the Authority are”, substitute “is”. |
| Sub-section 87 (1a) | Omit “and the Authority are”, substitute “is”. |
| Sub-section 87 (2) | (a) Omit “and by the Authority”.  (b) Omit “or the Authority”. |
| Section 89 | Omit “or of the Authority” (wherever occurring). |
| Sub-section 90 (5) | Omit the sub-section. |
| Sub-section 92 (2) | Omit “sub-section (2a) of section 60”, substitute “sub-section (2) of section 116 of the *Commonwealth Functions* (*Statutes Review*) *Act* 1981”. |

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**SCHEDULE 2** Section 149

AMENDMENTS OF THE COMPENSATION (COMMONWEALTH GOVERNMENT EMPLOYEES) ACT 1971

|  |  |
| --- | --- |
| Provision amended | Amendments |
| Sub-section 5 (1) | Omit the definitions of “Compensation Tribunal”, “Judge”, “prescribed Court” and “the Clerk”. |
| Sub-section 5 (2a) | Omit the sub-section. |
| Sub-sections 5 (8) and (9) | Omit the sub-sections, substitute— |
|  | “(8) A reference in this Act to the institution of a proceeding under Part V in respect of a determination shall be read as a reference to the making of an application to the Administrative Appeals Tribunal under section 63 for a review of the determination.”. |
| Paragraph 7a (3) (a) | Omit “, a Territory forming part of the Commonwealth or a Commonwealth Employees’ Compensation Tribunal”, substitute “or a Territory forming part of the Commonwealth”. |
| Paragraph 51 (1) (b) | Omit “Compensation”. |
| Paragraph 51 (3) (b) | Omit “Compensation”. |
| Paragraphs 61 (1) (b) and (c) | Omit the paragraphs, substitute— |
|  | “(b) if the determination does not set out the findings on material questions of fact, refer to the evidence or other material on which those findings were based and give the reasons for the decision—a notice informing the person served of his rights under section 28 of the *Administrative Appeals Tribunal Act* 1975; and |
|  | “(c) a notice informing the person of his right to apply to the Administrative Appeals Tribunal for a review of the determination.”. |
| Sub-section 61 (3) | Omit the sub-section. |
| Part V | Omit— |
|  | **“PART V—REFERENCES TO COMPENSATION TRIBUNALS AND APPLICATIONS TO PRESCRIBED** **COURTS** |
|  | ***Division 1***—***Preliminary*”,** |
|  | substitute— |
|  | **“PART V—REVIEW OF DETERMINATIONS BY ADMINISTRATIVE APPEALS TRIBUNAL”.** |
| Section 63 | Repeal the section, substitute— |
|  | **Applications to Administrative Appeals Tribunal** |
|  | “63. (1) Where a determination by the Commissioner is made under this Act, an application may be made to the Administrative Appeals Tribunal for a review of the determination by or on behalf of a party to the determination but, notwithstanding section 27 of the *Administrative Appeals Tribunal Act* 1975, no other person may make such an application. |
|  | “(2) The parties to a proceeding before the Tribunal for a review of a determination shall be the person by or on behalf of whom the application for the review was made and any other person who was a party to the determination but, notwithstanding section 30 of the *Administrative Appeals Tribunal Act* 1975, the Commissioner shall not be a party to a proceeding before the Tribunal for a review of a determination. |

**SCHEDULE 2—**continued

|  |  |
| --- | --- |
| Provision amended | Amendments |
|  | **Costs of proceeding before Administrative Appeals Tribunal**  “64. (1) Subject to this section, the costs incurred by a party in relation to proceedings instituted before the Administrative Appeals Tribunal under this Part shall be borne by that party.  “(2)” Where—  (a) the Administrative Appeals Tribunal gives a decision—  (i) varying a determination of the Commissioner in a manner favourable to a party to the determination other than the Commonwealth; or  (ii) setting aside a determination of the Commissioner and making a determination in substitution for the determination so set aside that is more favourable to a party to the determination other than the Commonwealth than the determination so set aside; or  (b) the Administrative Appeals Tribunal gives a decision—  (i) varying the determination of the Commissioner in a manner adverse to a party to the determination other than the Commonwealth; or  (ii) setting aside a determination of the Commissioner and making a determination in substitution for the determination so set aside that is less favourable to a party to the determination other than the Commonwealth than the determination so set aside,  not being a decision made as the result of an application to  the Tribunal by or on behalf of that party, the Administrative Appeals Tribunal may order that the costs of the proceedings before it incurred by that party, or a part of those costs, shall be paid by the Commonwealth.  “(3) Where the Administrative Appeals Tribunal gives a decision setting aside a determination of the Commissioner and remitting the case for re-determination by the Commissioner, the Administrative Appeals Tribunal shall order that the costs of the proceedings before it incurred by parties to the determination other than the Commonwealth shall be paid by the Commonwealth.  “(4) Where—  (a) the Administrative Appeals Tribunal gives a decision affirming a determination of the Commissioner; and  (b) a party to the determination, not being the Commonwealth or a party by or on behalf of whom the proceedings were instituted, incurred costs in connection with the proceedings before the Tribunal,  the Tribunal shall order that those costs shall be paid by the Commonwealth.  “(5) Nothing in sub-section (2), (3) or (4) authorizes the Administrative Appeals Tribunal to order the Commonwealth to pay any costs incurred by a party in relation to an application for an extension of time for applying to the Tribunal for a review of a determination.  “(6) Where, in accordance with this section, the Administrative Appeals Tribunal orders the Commonwealth to pay costs incurred by a party to a determination, the Tribunal may, in the absence of agreement between the Commonwealth and that party as to the amount of the costs to be so paid, tax or settle the amount of the costs to be so paid or order that the costs be taxed by the Registrar or a Deputy Registrar of the Tribunal |

**SCHEDULE 2—**continued

|  |  |
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| Provision amended | Amendments |
|  | “(7) This section does not limit the operation of sub-section (5) of section 20.  **Modifications of *Administrative Appeals Tribunal Act* 1975**  “65. (1) This section has effect for the purposes of the application of the *Administrative Appeals Tribunal Act* 1975 in relation to a determination made by the Commissioner under this Act.  “(2) Section 21 of the *Administrative Appeals Tribunal Act* 1975 has effect as if any reference in sub-section (1a) to a presidential member included a reference to a senior non-presidential member authorized by the President for the purposes of the exercise of the powers referred to in that sub-section.  “(3) Section 24 of the *Administrative Appeals Tribunal Act* 1975 has effect as if the reference to any place in Australia or in an external Territory were a reference to any place whether within or outside Australia.  “(4) Sub-section (2) of section 29 of the *Administrative Appeals Tribunal Act* 1975 has effect as if the reference in that sub-section to “the twenty-eighth day” (first occurring) were a reference to “the sixtieth day”.  “(5) Section 29 of the *Administrative Appeals Tribunal Act* 1975 has effect as if there were added at the end thereof the following sub-section:  ‘(12) A person who applies to the Administrative Appeals Tribunal for a review of a determination under the *Compensation* (*Commonwealth Government Employees*) *Act* 1971 shall cause a copy of the application to be served on the other party or each other party to the determination.’.  “(6) Section 41 of the *Administrative Appeals Tribunal Act* 1975 has effect as if references in sub-sections (4) and (5) to the person who made the decision to which the relevant proceeding relates were references to the parties to the determination to which the relevant proceeding relates.  “(7) Section 42a of the *Administrative Appeals Tribunal Act* 1975 has effect as if sub-section (2) were omitted and the following sub-section substituted:  ‘(2) If, in the case of a proceeding before the Tribunal in respect of an application for the review of a determination under the *Compensation* (*Commonwealth Government Employees*) *Act* 1971, the person who applied for the review (being the person by or on behalf of whom the claim to which the determination relates was made) fails either to appear in person or to appear by a representative at a preliminary conference held in relation to the application under section 34 and the only other party to the proceeding is the Commonwealth, the Tribunal may dismiss the application without proceeding to review the determination.’.  “(8) Section 43 of the *Administrative Appeals Tribunal Act* 1975 has effect as if ‘and to the Commissioner for Employees’ Compensation’ were added at the end of sub-section (3).  “(9) Section 67 of the *Administrative Appeals Tribunal Act* 1975 has effect as if the reference in paragraph (a) of sub-section (2) to the person who made the decision subject to review were a reference to the Commonwealth.”. |

**SCHEDULE 2**—continued

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| Provision amended | Amendments |
| Divisions 2, 3, 4 and 5 of Part V | Repeal the Divisions. |
| Sub-paragraph 123 (1) (a) (i) | Add “and” at the end of the sub-paragraph. |
| Sub-paragraph 123 (1) (a) (ii) | Add “and” at the end of the sub-paragraph. |
| Sub-paragraphs 123 (1) (a) (iii) and (iv) | Omit the sub-paragraphs. |

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**SCHEDULE 3** Section 175

AMENDMENTS OF THE COMMONWEALTH TEACHING SERVICE ACT 1972

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| Provision amended | Amendments |
| Sub-section 4 (1) | (1) Omit “Commissioner” from the definition of “advanced education institution”, substitute “Secretary”.  (2) Omit “Commissioner” from the definition of “full-time student”, substitute “Secretary”.  (3) Omit the definition of “the Commissioner”.  (4) Omit “Commissioner” from the definition of “University”, substitute “Secretary”. |
| Section 21 | Omit from sub-sections (1) and (2) “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 22 | Omit “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 23a | Omit “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 26 | Omit “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 27 | Omit “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Paragraph 28 (2) (a) | Omit “Commissioner”, substitute “relevant authority”. |
| Section 29 | Omit from sub-sections (3), (4), (5), (6) and (7) “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 30 | Omit from paragraphs (2) (b) and (8) (a) “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Sub-section 31 (2) | Omit “Commissioner”, substitute “relevant authority”. |
| Section 32 | Omit “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 34 | Omit “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 35 | Omit “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Sub-section 36 (5) | Omit “Commissioner”, substitute “relevant authority”. |
| Section 37 | Omit from paragraphs (2) (b) and (8) (a) “Commissioner” (wherever occurring), substitute “relevant authority”. |
| Section 43 | Omit “Commissioner” (wherever occurring), substitute “Public Service Board”. |
| Section 43t | (1) Omit from sub-section (1) “Commissioner” (wherever occurring), substitute “Secretary”.  (2) Omit sub-section (4). |
| Section 43u | Omit “Commissioner” (wherever occurring), substitute “Secretary”. |
| Section 43v | Omit “Commissioner” (wherever occurring), substitute “Secretary”. |
| Section 43w | Omit “Commissioner” (wherever occurring), substitute “Secretary”. |
| Sub-section 43x (2) | Omit “Commissioner”, substitute “Secretary”. |
| Section 43y | Omit “Commissioner” (wherever occurring), substitute “Secretary”. |
| Section 52 | Omit “Commissioner”, substitute “Secretary”. |
| Section 53 | Omit paragraph (a). |
| First Schedule | Repeal the Schedule. |