



# Statute Law (Miscellaneous Amendments) Act (No. 1) 1982

No. 26 of 1982

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# **Statute Law (Miscellaneous Amendments) Act (No. 1) 1982**

**No. 26 of 1982**

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## **An Act to make various amendments of the statute law of the Commonwealth**

[Assented to 7 May 1982]

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 *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*.

#### **Commencement**

**2. (1)** Sections 1 and 2 and Parts VIII and XXXIV shall come into operation on the day on which this Act receives the Royal Assent.

**(2)** Part IX shall come into operation, or shall be deemed to have come into operation, as the case requires, on the date of commencement of the *Environment Protection (Sea Dumping) Act 1981*.

(3) Part XI shall come into operation, or shall be deemed to have come into operation, as the case requires, on the date of commencement of the *Census and Statistics Amendment Act (No. 2) 1981*.

(4) Section 83 shall be deemed to have come into operation on 10 August 1981.

(5) Part XV shall come into operation on the day on which the *Companies Act 1981* comes into operation.

(6) Part XXVII shall come into operation on the day on which the *Companies Act 1981* comes into operation or the day on which the *Minerals (Submerged Lands) (Registration Fees) Act 1981* comes into operation, whichever is later.

(7) Section 177 and sub-section 191 (1) shall be deemed to have come into operation immediately after the commencement of section 17 of the *Patents Amendment Act 1979*.

(8) The provisions of section 191 (other than sub-section 191 (1)) shall come into operation on a date to be fixed by Proclamation.

(9) Section 196 shall come into operation on a date to be fixed by Proclamation.

(10) Part XXXVII shall come into operation on the date fixed under sub-section 2 (5) of the *Statute Law (Miscellaneous Amendments) Act 1981*.

(11) Section 217 shall be deemed to have come into operation on 12 June 1981.

(12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

## **PART II—AMENDMENTS OF THE ACTS INTERPRETATION ACT 1901**

### **Principal Act**

3. The *Acts Interpretation Act 1901*<sup>1</sup> is in this Part referred to as the Principal Act.

### **Regulations**

4. Section 48 of the Principal Act is amended—

(a) by omitting paragraph (5A) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

(b) by inserting in sub-section (5A) “first-mentioned” before “House” (third and fourth occurring); and

(c) by omitting sub-section (6) and substituting the following sub-sections:

“(6) Where a regulation is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (3), the disallowance of the regulation or the operation of sub-section (3) in relation to the regulation, as the case may be, has the same effect as a repeal of the regulation.

“(7) Where—

- (a) a regulation (in this sub-section referred to as the ‘relevant regulation’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (3); and
- (b) the relevant regulation repealed, in whole or in part, another regulation that was in force immediately before the relevant regulation came into operation,

the disallowance of the relevant regulation or the operation of sub-section (3) in relation to the relevant regulation, as the case may be, has the effect of reviving that other regulation from and including the date of the disallowance or the date on which the relevant regulation became void and of no effect by virtue of that operation of sub-section (3), as the case may be, as if the relevant regulation had not been made.”.

### **PART III—AMENDMENTS OF THE ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975**

#### **Principal Act**

5. The *Administrative Appeals Tribunal Act 1975*<sup>1</sup> is in this Part referred to as the Principal Act.

#### **Interpretation**

6. Section 3 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “Deputy President” and substituting the following definition:

“‘Deputy President’ means a member appointed as a Deputy President of the Tribunal after the commencement of Part III of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*;”;

- (b) by omitting from paragraph (a) of the definition of “Judge” in sub-section (1) “or of a court of a State”;
- (c) by omitting from sub-section (1) the definition of “member” and substituting the following definition:

“‘member’ means a presidential member, a senior member, or any other member of the Tribunal;”;

- (d) by omitting from sub-section (1) the definition of “presidential member” and substituting the following definition:

- “ ‘presidential member’ means the President, a member who is a Judge or a Deputy President;”;
- (e) by omitting from sub-section (1) the definition of “senior non-presidential member” and substituting the following definition:  
“ ‘senior member’ means a senior member of the Tribunal;”;
- (f) by omitting sub-section (4) and substituting the following sub-section:  
“(4) For the purposes of a reference in this Act to the furnishing to a person of a document or statement, or the service on or giving to a person of a notice or other notification—
- (a) a document or statement shall be deemed to be furnished to a person, or a notice or other notification shall be deemed to be served on or given to a person, as the case may be, if it is posted to the person by a pre-paid letter—
- (i) where the document, statement or notice or other notification relates to a proceeding and the person has furnished an address at which documents in relation to the proceeding may be served—to that address; or
- (ii) where sub-paragraph (i) does not apply—
- (A) in the case of a person not being a company—to the address of the place of residence or business of the person last known to the person posting the document, statement or notice or other notification; or
- (B) in the case of a company—to the address of the registered office of the company; and
- (b) a document or statement so posted shall be deemed to have been furnished, and a notice or other notification so posted shall be deemed to have been served or given, unless the contrary is proved, at the time when the document, statement or notice or other notification would have been delivered in the ordinary course of post.”.

### **Establishment of Tribunal**

7. (1) Section 5 of the Principal Act is amended by omitting all the words after “number” and substituting “of other members as are appointed in accordance with this Act”.

(2) The amendment of section 5 of the Principal Act made by sub-section (1) does not affect the continuance in existence of the Administrative Appeals Tribunal in existence immediately before the commencement of this Part.

8. Section 6 of the Principal Act is repealed and the following section is substituted:

### **Appointment of members of Tribunal**

“6. (1) The members shall be appointed by the Governor-General.

“(2) A Judge who is to be appointed as a member (other than the President) of the Tribunal shall be appointed as a presidential member.

“(3) A person (other than a Judge) who is to be appointed as a member of the Tribunal shall be appointed as a Deputy President of the Tribunal, as a senior member of the Tribunal, or as a member of the Tribunal.

“(4) A member (other than a Judge) shall be appointed either as a full-time member or as a part-time member.”.

### **Qualifications for appointment**

**9.** Section 7 of the Principal Act is amended—

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

“(1) A person shall not be appointed as the President unless he is a Judge of the Federal Court of Australia.

“(1A) A person shall not be appointed as a Deputy President unless he is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than 5 years.

“(1B) A person shall not be appointed as a senior member unless he—

(a) is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than 5 years; or

(b) has, in the opinion of the Governor-General, special knowledge or skill relevant to the duties of a senior member.”;

(b) by inserting in sub-section (2) “(other than a senior member)” after “non-presidential member” (first occurring); and

(c) by omitting from paragraph (2) (c) “a non-presidential member” and substituting “such a member”.

**10.** Section 8 of the Principal Act is repealed and the following section is substituted:

### **Term of appointment**

“8. (1) Subject to this Part—

(a) a presidential member who is a Judge, or a Deputy President who was appointed as a full-time member, holds office until he attains the age of 70 years;

(b) a senior member who was appointed as a full-time member holds office until he attains the age of 65 years; and

(c) a Deputy President who was appointed as a part-time member, or a non-presidential member (other than such a member to whom paragraph (b) applies), holds office for such period, not exceeding 7 years, as is specified in the instrument of his appointment but is eligible for re-appointment.

“(2) Where a member who is a Judge ceases to be a Judge, he ceases to hold office as a member.

“(3) A person who has attained the age of 70 years shall not be appointed or re-appointed as a full-time member to an office of Deputy President.

“(4) A Judge who has attained the age of 70 years shall not be appointed or re-appointed as a member.

“(5) A person who has attained the age of 65 years shall not be appointed or re-appointed as a full-time member to an office of senior member or to an office of member, and a person shall not be appointed or re-appointed as a full-time member to an office of member for a period that extends beyond the date on which he will attain the age of 65 years.

“(6) Subject to this Part, a member holds office on such terms and conditions as are prescribed.”.

**11.** Section 9 of the Principal Act is repealed and the following section is substituted:

**Remuneration and allowances**

“9. (1) A member, other than a member who is a Judge, shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Remuneration Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(2) A member to whom sub-section (1) applies shall be paid such allowances as are prescribed.

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.”.

**Acting appointments**

**12.** Section 10 of the Principal Act is amended—

(a) by omitting from sub-section (1) “The Minister may appoint a Deputy President” and substituting “The Governor-General may appoint a Judge of the Federal Court of Australia”;

(b) by omitting sub-section (2) and substituting the following sub-section:

“(2) Where a Deputy President is, or is expected to be, absent from duty or from Australia, the Governor-General may appoint a person qualified to be appointed as a Deputy President to act as a Deputy President during the absence.”;

(c) by omitting from sub-section (3) “qualified to be appointed as a non-presidential member”;

(d) by omitting sub-section (4) and substituting the following sub-section:

“(4) A person shall not be appointed under sub-section (3) to act as a senior member, or as a non-presidential member other than a senior member, unless the person is qualified to be appointed as a senior member or as such a non-presidential member, as the case requires.”;

- (e) by omitting from sub-section (7) “as President,”;
- (f) by omitting sub-section (8);
- (g) by inserting in sub-section (9) “as President,” after “acting” (first occurring); and
- (h) by omitting sub-section (10) and substituting the following sub-section:

“(10) A person acting as the President, as a Deputy President, as a senior member or as a non-presidential member other than a senior member in accordance with this section has and may exercise all the powers, and shall perform all the functions and duties, conferred or imposed by this Act on the President, on a Deputy President, on a senior member or on a non-presidential member other than a senior member, as the case may be, and, for the purposes of the exercise of those powers, or the performance of those functions and duties, this Act has effect as if a reference to the President, to a Deputy President, to a senior member or to a non-presidential member other than a senior member included a reference to a person acting as the President, as a Deputy President, as a senior member, or as a non-presidential member other than a senior member, as the case may be.”.

### **Delegation**

#### **13. Section 10A of the Principal Act is amended—**

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

“(1) The President may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a member all or any of his powers under this Act, other than this power of delegation.”; and
- (b) by omitting sub-section (3) and substituting the following sub-section:

“(3) A delegation may be made to a member under this section notwithstanding that a delegation to another member is, or delegations to other members are, in force under this section.”.

#### **14. After section 10A of the Principal Act the following section is inserted:**

### **Oath or affirmation of office**

“10B. A person who is appointed or re-appointed after the commencement of this section as a member shall, before proceeding to discharge the duties of his office, take before the Governor-General, a Justice of the High Court or a Judge of another federal court or of the Supreme Court of a State or Territory an oath or affirmation in accordance with the form in Schedule 2.”.

**15.** Section 11 of the Principal Act is repealed and the following section is substituted:

**Outside employment**

“11. (1) Subject to sub-section (2), a full-time member shall not, except with the consent of the Minister, engage in paid employment outside the duties of his office.

“(2) Sub-section (1) does not apply in relation to the holding by a full-time member of an office or appointment in the Defence Force.”

**Removal from office**

**16.** Section 13 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(11) A reference in sub-sections (1), (7) and (10) to a member does not include a reference to a member who is a Judge.”

**Constitution of Tribunal for exercise of powers**

**17.** Section 21 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “and to any other provision made in this Act or in any other enactment with respect to the constitution of the Tribunal in relation to particular proceedings” after “sub-section (1A)”;
- (b) by omitting paragraph (1) (a) and substituting the following paragraphs:
  - “(aa) a presidential member who is a Judge and 2 other members (not being Judges);
  - (a) a Deputy President and 2 non-presidential members;”;
- (c) by omitting from paragraph (1) (c) “senior non-presidential member” and substituting “senior member”;
- (d) by omitting from paragraph (1) (d) “senior”;
- (e) by inserting in sub-section (1A) “or 30 (1A)” after “(9)”;
- (f) by inserting in sub-section (1A) “, (1C)” after “(1A)”;
- (g) by inserting at the end of sub-paragraph (1A) (a) (i) “or by a senior member authorized by the President, in accordance with this section, for the purposes of this sub-paragraph”;
- (h) by inserting at the end of sub-paragraph (1A) (a) (iii) “or”;
- (j) by omitting from paragraph (1A) (b) “or”;
- (k) by omitting paragraph (1A) (c); and
- (m) by adding at the end thereof the following sub-sections:

“(3) For the purposes of sub-paragraph (1A) (a) (i), the President may authorize a senior member to exercise, either generally or in relation to a particular proceeding or particular proceedings or to proceedings included within a class or classes of proceedings, any or all of the powers of the Tribunal referred to in sub-section (1A).

“(4) The President may at any time vary or revoke an authorization under sub-section (3).”



**Reconstitution of Tribunal in certain cases**

**18.** Section 21A of the Principal Act is amended—

- (a) by inserting in sub-section (1) “(a),” before “(b)”;
- (b) by inserting before paragraph (3) (a) the following paragraph:
  - “(aa) in the case of a proceeding before the Tribunal constituted in accordance with paragraph 21 (1) (a)—the Tribunal is constituted in accordance with paragraph 21 (1) (aa);”;
- (c) by omitting from paragraph (3) (a) “21 (1) (a)” and substituting “21 (1) (aa) or (a)”;
- (d) by omitting from paragraph (3) (b) “(21 (1) (a), (b) or (c))” and substituting “21 (1) (aa), (a), (b) or (c)”.

**Member presiding**

**19.** Section 22 of the Principal Act is amended—

- (a) by inserting after paragraph (1) (a) the following paragraph:
  - “(aa) if the President is not a member of the Tribunal as so constituted, but a presidential member who is a Judge is a member of the Tribunal as so constituted—that presidential member shall preside;
- (b) by omitting from paragraph (1) (b) “if the President is not a member of the Tribunal as so constituted” and substituting “if a presidential member who is a Judge is not a member of the Tribunal as so constituted”;
- (c) by omitting from paragraph (1) (c) “senior non-presidential member” (wherever occurring) and “senior non-presidential members” (wherever occurring) and substituting “senior member” and “senior members” respectively.

**Tribunal may review certain decisions**

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

- (a) by omitting from sub-section (5) “For the purposes of this section, a failure by a person to do an act or thing within the period prescribed by an enactment” and substituting “For the purposes of an enactment that makes provision in accordance with this section for the making of applications to the Tribunal for review of decisions, a failure by a person to do an act or thing within the period prescribed by that enactment, or by another enactment having effect under that enactment,”;
- (b) by inserting in paragraph (6) (b) “41 (1) or” after “sub-section”.

**Tribunal may review decisions as provided by Schedule 1**

**21.** Section 26 of the Principal Act is amended—

- (a) by omitting from sub-section (8) “(being decisions in respect of which a provision of an enactment provides for review otherwise than by the Tribunal)”;

- (b) by omitting from sub-section (8) “28 (1)” and substituting “28 (1A)”.

**Person affected by decision may obtain reasons for decision**

**22. Section 28 of the Principal Act is amended—**

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

“(1AA) Where a person to whom a request for a statement in relation to a decision is made by an applicant under sub-section (1) is of the opinion that the applicant is not entitled to be furnished with the statement, that person shall, as soon as practicable but in any case within 28 days after receiving the request, give to the applicant notice in writing of his opinion.

“(1AB) A person who gives a notice under sub-section (1AA) with respect to a request for a statement in relation to a decision is not required to comply with the request unless the Tribunal, on application under sub-section (1AC), decides that the applicant was entitled to be furnished with the statement, and, if the Tribunal so decides, the first-mentioned person shall prepare the statement and furnish it to the applicant within 28 days after the decision of the Tribunal is given.

“(1AC) The Tribunal shall, on an application being made, as prescribed, by an applicant who has received a notice under sub-section (1AA) with respect to a request for a statement in relation to a decision, decide whether the applicant was, or was not, entitled to be furnished with the statement.”;

- (b) by omitting sub-sections (2) and (3) and substituting the following sub-sections:

“(2) If the Attorney-General certifies, by writing signed by him, that the disclosure of any matter contained in a statement prepared in accordance with sub-section (1) would be contrary to the public interest—

- (a) by reason that it would prejudice the security, defence or international relations of Australia;
- (b) by reason that it would involve the disclosure of deliberations of the Cabinet or of a Committee of the Cabinet; or
- (c) for any other reason specified in the certificate that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the matter should not be disclosed,

the following provisions of this section have effect.

“(3) A person to whom a request for a statement in relation to a decision is made under sub-section (1)—

- (a) is not required to include in the statement any matter in relation to which the Attorney-General has given a certificate under sub-section (2); and

- (b) where the statement would be false or misleading if it did not include such matter—is not required by sub-section (1) to furnish the statement to the applicant.

“(3A) Where a certificate is given under sub-section (2) in relation to matter contained in a statement prepared in accordance with sub-section (1) in relation to a decision—

- (a) the person who made the decision shall notify the applicant in writing—
  - (i) in a case where the matter is not included in the statement—that the matter is not so included and giving the reason for not including the matter; or
  - (ii) in a case where the statement is not furnished—that the statement will not be furnished and giving the reason for not furnishing the statement; and
- (b) sub-sections 36 (2) to (8) (inclusive) apply in relation to any statement referred to in paragraph 37 (1) (a) in relation to that decision that is lodged with the Tribunal under section 37 as if the certificate were a certificate given under sub-section 36 (1) in relation to any such matter that is contained in the last-mentioned statement.”; and
- (c) by adding at the end thereof the following sub-section:

“(5) If the Tribunal, upon application, as prescribed, for a declaration under this sub-section made to it by an applicant to whom a statement has been furnished in pursuance of a request under sub-section (1), considers that the statement does not contain adequate particulars of findings on material questions of fact, an adequate reference to the evidence or other material on which those findings were based or adequate particulars of the reasons for the decision, the Tribunal may make a declaration accordingly, and, where the Tribunal makes such a declaration, the person to whom the request for the statement was made shall, as soon as practicable but in any case within 28 days after the Tribunal makes the declaration, furnish to the applicant an additional statement or additional statements containing further and better particulars in relation to matters specified in the declaration with respect to those findings, that evidence or other material or those reasons.”.

### **Manner of applying for review**

**23.** Section 29 of the Principal Act is amended—

- (a) by omitting from sub-paragraph (2) (b) (ii) “28 (3)” and substituting “28 (3A)”;
- (b) by omitting sub-section (8) and substituting the following sub-section:

“(8) The time for making an application to the Tribunal for a review of a decision may be extended under sub-section (7) although that time has expired.”.

**Parties to proceeding before Tribunal**

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

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

“(b) the person who made the decision;

“(c) if the Attorney-General intervenes in the proceeding under section 30A—the Attorney-General; and

“(d) any other person who has been made a party to the proceeding by the Tribunal on application by the person in accordance with sub-section (1A).”; and

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

“(1A) Where an application has been made by a person to the Tribunal for a review of a decision, any other person whose interests are affected by the decision may apply, in writing, to the Tribunal to be made a party to the proceeding, and the Tribunal may, in its discretion, by order, make that person a party to the proceeding.”.

**25.** After section 30 of the Principal Act the following section is inserted:

**Intervention by Attorney-General**

“30A. (1) The Attorney-General may, on behalf of the Commonwealth, intervene in a proceeding before the Tribunal.

“(2) Where the Attorney-General intervenes under sub-section (1) in a proceeding for a review of a decision, the Attorney-General may authorize the payment to a party to the proceeding by the Commonwealth of such costs as he considers were reasonably incurred by that party in relation to the proceeding as a result of that intervention.”.

**Procedure of Tribunal**

**26.** Section 33 of the Principal Act is amended—

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

“(a) the procedure of the Tribunal is, subject to this Act and the regulations and to any other enactment, within the discretion of the Tribunal;”; and

(b) by omitting sub-section (2) and substituting the following sub-sections:

“(2) For the purposes of sub-section (1), directions as to the procedure to be followed at or in connection with the hearing of a proceeding before the Tribunal may be given—

(a) where the hearing of the proceeding has not commenced—by the President or by a member authorized by the President to give directions for the purposes of this paragraph; and

(b) where the hearing of the proceeding has commenced—by the member presiding at the hearing or by any other member authorized by the member presiding to give such directions.

“(3) A direction as to the procedure to be followed at or in connection with the hearing of a proceeding before the Tribunal may be varied or revoked at any time by any member empowered in accordance with this section to give such a direction in relation to the proceeding at that time.

“(4) An authorization by the President under this section to give directions as to the procedure to be followed at or in connection with the hearing of a proceeding may be of general application or may relate to the hearing of a particular proceeding or particular proceedings or to proceedings included within a class or classes of proceedings.

“(5) The President may at any time vary or revoke an authorization under this section.”.

### **Conferences**

27. Section 34 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) Where an application is made to the Tribunal for a review of a decision, the President may, if he thinks it desirable to do so after consideration of any material that has been lodged by the parties, direct the holding of a conference of the parties or their representatives presided over by the President or another presidential member, by a non-presidential member assigned to the relevant Division or by an officer of the Tribunal.”.

### **Hearings to be in public except in special circumstances**

28. Section 35 of the Principal Act is amended by inserting in paragraph (2) (c) “or received in evidence by the Tribunal” after “Tribunal” (last occurring).

### **Certain documents and information not required to be disclosed**

29. Section 36 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the contents of” (first occurring) and substituting “any matter contained in”;
- (b) by omitting from paragraph (1) (c) “contents of the documents” and substituting “matter contained in the document”;
- (c) by omitting from sub-section (2) “to produce the document to or lodge the document with the Tribunal” and substituting “to produce to, or lodge with, the Tribunal the document in which the matter is contained”;
- (d) by omitting from sub-section (2) “is not, or the contents of the document are not,” and substituting “or the matter contained in the document is not”;
- (e) by omitting sub-section (3) and substituting the following sub-sections:

“(3) Where the Attorney-General has certified in accordance with sub-section (1) that the disclosure of information, or of matter contained in a document, would be contrary to the public interest but the certificate does not specify a reason referred to in paragraph (1) (a) or (b), the Tribunal shall consider whether the information or the matter should be disclosed to all or any of the parties to the proceeding and, if it decides that the information or the matter should be so disclosed, the Tribunal shall make the information available or permit the part of the document containing the matter to be inspected accordingly.

“(3A) Where, in relation to a proceeding to which the Attorney-General would not, but for this sub-section, be a party, the Attorney-General certifies in accordance with sub-section (1) that the disclosure of information, or of matter contained in a document, would be contrary to the public interest but the certificate does not specify a reason referred to in paragraph (1) (a) or (b), the Attorney-General shall, for the purposes of this Act, be deemed to be a party to the proceeding.”;

- (f) by omitting from sub-section (4) “the contents of a document should be disclosed as mentioned in sub-section (3), the President shall take as the basis of his consideration” and substituting “matter contained in a document should be disclosed as mentioned in sub-section (3), the Tribunal shall take as the basis of its consideration”;
- (g) by omitting from sub-section (4) “contents of” (last occurring) and substituting “matter contained in”;
- (h) by inserting before sub-section (4A) the following sub-section:

“(4AA) The Tribunal shall, as soon as practicable after the Tribunal makes a decision under sub-section (3) in relation to information, or matter contained in a document, in relation to a proceeding, furnish to each party to the proceeding a document setting out the terms of the decision of the Tribunal.”;

- (j) by omitting from sub-sections (4A), (5) and (6) “the contents of” (wherever occurring) and substituting “matter contained in”; and
- (k) by adding at the end thereof the following sub-sections:

“(7) The power of the Tribunal under sub-section (3) to decide whether or not information, or matter contained in a document, should be disclosed to all or any of the parties to a proceeding may be exercised only by the Tribunal constituted by a presidential member who is a Judge of the Federal Court of Australia.

“(8) A decision by the Tribunal under sub-section (3) as to whether or not information, or matter contained in a document, should be disclosed to all or any of the parties to a proceeding is a decision by the Tribunal in that proceeding for the purposes of section 44.”.

**Certain questions not required to be answered**

**30.** Section 36A of the Principal Act is amended—

(a) by omitting paragraph (2) (b) and substituting the following paragraph:

“(b) in any other case—the Tribunal decides that the answering of the question would not be contrary to the public interest.”;

(b) by inserting after sub-section (2) the following sub-sections:

“(2A) Where the Attorney-General informs the Tribunal that, in his opinion, the answering by a person of a question at the hearing of a proceeding would be contrary to the public interest, being a proceeding to which the Attorney-General would not, but for this sub-section, be a party, the Attorney-General shall, for the purposes of this Act, be deemed to be a party to the proceeding.

“(2B) The Tribunal shall, as soon as practicable after making a decision under paragraph (2) (b) whether or not the answering of a question at the hearing of a proceeding would be contrary to the public interest, furnish to each party to the proceeding a document setting out the terms of the decision of the Tribunal.”; and

(c) by adding at the end thereof the following sub-sections:

“(5) The power of the Tribunal under paragraph (2) (b) to decide whether or not the answering of a question at the hearing of a proceeding would be contrary to the public interest may be exercised only by the Tribunal constituted by a presidential member who is a Judge of the Federal Court of Australia.

“(6) A decision by the Tribunal under paragraph (2) (b) that the answering by a person of a question at the hearing of a proceeding would, or would not, be contrary to the public interest is a decision by the Tribunal in that proceeding for the purposes of section 44.”.

**Lodging of material documents with Tribunal**

**31.** Section 37 of the Principal Act is amended by inserting after sub-section (1A) the following sub-sections:

“(1B) Where an application that has been lodged with the Tribunal for a review of a decision was not lodged within the time within which it was required by section 29 to be lodged, the reference in sub-section (1) to the period of 28 days after the person who made the decision receives notice of the application for a review shall be read as a reference to the period of 28 days after the day on which that person so receives notice or the day on which the Tribunal makes a determination extending the time for the making of the application for a review, whichever is the later.

“(1C) The Tribunal may, upon request being made, as prescribed, by a party to a proceeding before the Tribunal for a review of a decision, direct, by order, that sub-section (1B) shall have effect in relation to an application for a review of the decision as if the last reference in that sub-section to a period of 28 days were a reference to such shorter period as is specified in the order.

“(1D) Sub-section (1B) does not apply in relation to an application for a review of a decision if the decision is the subject of another application to which sub-section (1B) does not apply.”.

### **Operation and implementation of a decision that is subject to review**

**32.** Section 41 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(7) For the purposes of this section, the President may authorize a senior member, either generally or in relation to a particular decision or particular decisions, or to decisions included within a class or classes of decisions, being a decision or decisions in respect of which an application to the Tribunal for a review has been, or may be, made, to exercise the powers and perform the functions of a presidential member under this section, and, where a senior member is so authorized, a reference in this section (other than this sub-section) to a presidential member shall be read as including a reference to that senior member.

“(8) The President may at any time vary or revoke an authorization under sub-section (7).”.

### **Review by Tribunal**

**33.** Section 43 of the Principal Act is amended—

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

“(2) Subject to this section and to sections 35, 36 and 36A, the Tribunal shall give reasons either orally or in writing for its decision.

“(2A) Where the Tribunal does not give reasons in writing for its decision, a party to the proceeding may, within 28 days after the day on which a copy of the decision of the Tribunal is served on that party, request the Tribunal to furnish to that party a statement in writing of the reasons of the Tribunal for its decision, and the Tribunal shall, within 28 days after receiving the request, furnish to that party such a statement.

“(2B) Where the Tribunal gives in writing the reasons for its decision, those reasons shall include its findings on material questions of fact and a reference to the evidence or other material on which those findings were based.”; and

(b) by omitting from sub-section (5) “the reasons given” and substituting “reasons given in writing”.

### **Return of documents, &c., at completion of proceeding**

**34.** Section 43A of the Principal Act is amended by inserting in sub-section (1) “or any other object” after “document”.



**Sending of documents to, and disclosure of documents by, the Federal Court of Australia**

**35.** Section 46 of the Principal Act is amended—

- (a) by omitting from sub-section (2) “the contents of” (first occurring) and substituting “matter contained in”;
- (b) by omitting from sub-section (2) “contents of the document are” and substituting “matter is”;
- (c) by omitting sub-section (3) and substituting the following sub-section:
  - “(3) If—
  - (a) the certificate referred to in sub-section (2) relating to matter contained in the document does not specify a reason referred to in paragraph 28 (2) (a) or (b) or 36 (1) (a) or (b), as the case may be;
  - (b) a question for decision by the Federal Court of Australia is whether the matter should be disclosed to some or all of the parties to the proceeding before the Tribunal in respect of which the appeal was instituted or the reference was made; and
  - (c) the Court decides that the matter should be so disclosed, the court shall permit the part of the document in which the matter is contained to be inspected accordingly.”;
- (d) by omitting from sub-section (4) “the contents of” and substituting “matter contained in”.

**36.** After section 62 of the Principal Act the following section is inserted:

**False or misleading evidence**

“62A. A person appearing as a witness before the Tribunal shall not give evidence that, to his knowledge, is false or misleading.

Penalty: \$1,000 or imprisonment for 3 months.”.

**Amendments with respect to Schedule**

**37. (1)** The Schedule to the Principal Act is amended by omitting the heading and substituting the following heading:

“SCHEDULE 1  
REVIEWABLE DECISIONS”.

**(2)** The following provisions of the Principal Act are amended by omitting “the Schedule” (wherever occurring) and substituting “Schedule 1”:

Sub-sections 25 (2) and 26 (1), (2), (3), (4), (5), (6), (7) and (8).

## **Schedule 2**

**38.** The Principal Act is amended by adding at the end thereof the following Schedule:

### **“SCHEDULE 2**

Section 10B

#### **OATH OR AFFIRMATION OF OFFICE**

I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors according to law, that I will truly serve Her in the office of (*insert name of office of member of Tribunal*) and that I will faithfully and impartially perform the duties of that office. So Help Me God!

*Or*

I, \_\_\_\_\_, do solemnly and sincerely promise and declare that (*as above, omitting the words 'So Help Me God!'.*).

#### **Transitional provision with respect to existing members**

**39.** Notwithstanding the amendments made by this Part—

- (a) the person who was the President of the Tribunal immediately before the commencement of this Part continues, subject to the Principal Act as amended by this Part, to hold office as the President of the Tribunal, but he shall cease to hold office at the time when he would have ceased to hold office if he had been appointed as the President of the Tribunal under section 6 of the Principal Act as so amended;
- (b) a person who was a Deputy President of the Tribunal immediately before the commencement of this Part shall, subject to the Principal Act as amended by this Part, hold office as a member of the Tribunal as if he had been appointed as a presidential member of the Tribunal under section 6 of the Principal Act as so amended;
- (c) a person who was a senior non-presidential member of the Tribunal immediately before the commencement of this Part by virtue of a declaration made pursuant to sub-section 6 (4) or (5) of the Principal Act shall, subject to the Principal Act as amended by this Part, hold office as a senior member of the Tribunal as if he had been appointed as a senior member under section 6 of the Principal Act as so amended; and
- (d) a person who was a non-presidential member (other than a senior non-presidential member) of the Tribunal immediately before the commencement of this Part shall, subject to the Principal Act as amended by this Part, hold office as a member of the Tribunal as if he had been appointed as a member under section 6 of the Principal Act as so amended for the remainder of the period for which he was appointed as a non-presidential member under the Principal Act.

#### **References to members in other enactments, &c.**

**40. (1)** Subject to sub-section (2), where a provision of an enactment, being a provision that is in force at the commencement of this Part, requires the Tribunal, for the purpose of the exercise of its powers in relation to any matter, to be constituted by, or to include, a presidential member, a reference in that provision to a presidential member, in relation to the constitution of the

Tribunal for that purpose, has effect after that commencement as if it were a reference to a presidential member of the Tribunal who is a Judge of the Federal Court of Australia.

(2) Sub-section (1) does not apply to—

- (a) a provision of the *Administrative Appeals Tribunal Act 1975* (other than a provision of Schedule 1 to that Act); or
- (b) section 154 of the *Superannuation Act 1976*.

(3) A reference in a provision of an enactment or in a determination by the Remuneration Tribunal under the *Remuneration Tribunals Act 1973*, being a provision of an enactment that is in force, or a determination that is in operation, at the commencement of this Part, to a senior non-presidential member of the Tribunal has effect, after that commencement, as if it were a reference to a senior member of the Tribunal.

## **PART IV—AMENDMENTS OF THE AGED PERSONS HOSTELS ACT 1972**

### **Principal Act**

**41.** The *Aged Persons Hostels Act 1972*<sup>3</sup> is in this Part referred to as the Principal Act.

### **Title**

**42.** The title of the Principal Act is amended by inserting “or Disabled” after “Aged”.

### **Short title**

**43.** Section 1 of the Principal Act is amended by inserting “*or Disabled*” after “*Aged*”.

### **Interpretation**

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

- (a) by omitting “Aged Persons Homes Act” from the definition of “qualifying subsidized home” in sub-section (1) and substituting “Aged or Disabled Persons Homes Act”;
- (b) by omitting “Aged Persons Homes Act” (wherever occurring) from the definition of “qualifying unsubsidized home” in sub-section (1) and substituting “Aged or Disabled Persons Homes Act”;
- (c) by omitting from sub-section (1) the definition of “the Aged Persons Homes Act” and substituting the following definition:

“‘the Aged or Disabled Persons Homes Act’ means the *Aged or Disabled Persons Homes Act 1954*”;
- (d) by omitting from sub-section (2) “*Aged Persons Homes Act 1954-72*” and substituting “Aged or Disabled Persons Homes Act”; and
- (e) by omitting from sub-section (3) “two” (wherever occurring) and substituting “2”.

**Approval of hostels**

- 45.** Section 5 of the Principal Act is amended—
- (a) by omitting from sub-section (1) “aged” and substituting “eligible”; and
  - (b) by omitting from sub-section (4) “Aged Persons Homes Act” and substituting “Aged or Disabled Persons Homes Act”.

**Amounts of grants**

- 46.** Section 7 of the Principal Act is amended—
- (a) by omitting from sub-section (1) “the next succeeding sub-section” and substituting “sub-section (2)”;
  - (b) by omitting from sub-section (1) “the last preceding section” and substituting “section 6”;
  - (c) by omitting from paragraph (1) (a) “aged” (first occurring) and substituting “eligible”;
  - (d) by omitting from paragraph (1) (b) “aged” (first and last occurring) and substituting “eligible”;
  - (e) by omitting from sub-section (3) “the last preceding section” and substituting “section 6”; and
  - (f) by omitting from sub-section (3) “aged” (last occurring) and substituting “eligible”.

**Grants for furnishings**

- 47.** Section 8 of the Principal Act is amended—
- (a) by omitting “aged” and substituting “eligible”; and
  - (b) by omitting “paragraph (a) or (b) of sub-section (1) of the last preceding section” and substituting “paragraph 7 (1) (a) or (b)”.

**Transfer of rights in respect of persons**

- 48.** Section 8A of the Principal Act is amended—
- (a) by omitting from sub-section (1) “aged” (second occurring) and substituting “eligible”;
  - (b) by omitting from sub-section (1) “aged persons to a number” and substituting “a number of persons”;
  - (c) by omitting from paragraph (3) (b) “aged” (first occurring) and substituting “eligible”;
  - (d) by omitting from sub-section (4) “aged” (first, third and last occurring); and
  - (e) by omitting from paragraphs (5) (a) and (b) “aged” (first and last occurring).

**Terms and conditions of grants**

- 49.** (1) Section 9 of the Principal Act is amended—
- (a) by omitting from sub-section (1) “twelve months” and substituting “12 months”;

- (b) by omitting from sub-section (4) “the last preceding sub-section” and substituting “sub-section (3)”; and
- (c) by omitting from sub-section (4) “aged” and substituting “eligible”.

(2) An undertaking given under sub-section 9 (4) of the Principal Act with respect to the continued use of a hostel as a home for aged persons shall, after the commencement of this Part, be deemed to be an undertaking given under sub-section 9 (4) of the Principal Act as amended by this Part with respect to the continued use of the hostel as a home for eligible persons.

### **Period of operation**

50. Section 10 of the Principal Act is amended by omitting from sub-section (1) “three” and substituting “3”.

### **Further grants under Aged or Disabled Persons Homes Act**

51. Section 12 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Aged Persons Homes Act” and substituting “Aged or Disabled Persons Homes Act”;
- (b) by omitting from sub-section (2) “aged” (first and last occurring);
- (c) by omitting from sub-section (2) “aged” (second occurring) and substituting “eligible”; and
- (d) by omitting from sub-section (2) “Aged Persons Homes Act” and substituting “Aged or Disabled Persons Homes Act”.

## **PART V—AMENDMENTS OF THE ASHMORE AND CARTIER ISLANDS ACCEPTANCE ACT 1933**

### **Principal Act**

52. The *Ashmore and Cartier Islands Acceptance Act 1933*<sup>4</sup> is in this Part referred to as the Principal Act.

### **Tabling of Ordinances**

53. Section 10 of the Principal Act is amended—

- (a) by omitting paragraph (4) (a) and substituting the following paragraph:
  - “(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;
- (b) by inserting in sub-section (4) “first-mentioned” before “House” (third and fourth occurring); and
- (c) by omitting sub-section (5) and substituting the following sub-sections:
  - “(5) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1), the disallowance of the Ordinance or the operation of sub-section (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(5A) Where—

- (a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1); and
- (b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant Ordinance became void and of no effect by virtue of that operation of sub-section (1), as the case may be, as if the relevant Ordinance had not been made.

“(5B) A reference in sub-section (5) or (5A) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

## **PART VI—AMENDMENTS OF THE AUDIT ACT 1901**

### **Principal Act**

**54.** The *Audit Act 1901*<sup>5</sup> is in this Part referred to as the Principal Act.

### **Commonwealth Public Account**

**55. (1)** Section 21 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (b) “includes the words ‘Commonwealth Public Account’ and”; and
- (b) by omitting from sub-section (3) “sub-section (1)” and substituting “paragraph (1) (a)”.

**(2)** Where—

- (a) an account for the receipt, custody, payment and transmission of public moneys was maintained with a bank immediately before the commencement of this Part; and
- (b) the account did not bear a designation that included the words “Commonwealth Public Account”,

the account—

- (c) shall be deemed to have been validly opened and to have been, before the commencement of this Part, validly maintained; and
- (d) shall be treated, for the purposes of the Principal Act as amended by this Part, as if it had been opened by the Minister pursuant to paragraph 21 (1) (b) of the Principal Act as amended by this Part on the date of commencement of this Part.

### **Delegation by Minister**

**56.** Section 70A of the Principal Act is amended by inserting after sub-section (2) the following sub-section:

“(2A) A delegate is, in the exercise of a power so delegated, subject to the directions of the Minister.”.

## **PART VII—AMENDMENTS OF THE AUSTRALIAN ANTARCTIC TERRITORY ACT 1954**

### **Principal Act**

**57.** The *Australian Antarctic Territory Act 1954*<sup>6</sup> is in this Part referred to as the Principal Act.

### **Tabling of Ordinances in Parliament**

**58.** Section 12 of the Principal Act is amended—

(a) by omitting paragraph (3A) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

(b) by inserting in sub-section (3A) “first-mentioned” before “House” (third and fourth occurring); and

(c) by omitting sub-section (4) and substituting the following sub-sections:

“(4) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1), the disallowance of the Ordinance or the operation of sub-section (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(4A) Where—

(a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1); and

(b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant Ordinance became void and of no effect by virtue of that operation of sub-section (1), as the case may be, as if the relevant Ordinance had not been made.

“(4B) A reference in sub-section (4) or (4A) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

**PART VIII—AMENDMENTS OF THE AUSTRALIAN CAPITAL  
TERRITORY SUPREME COURT ACT 1933**

**Principal Act**

59. The *Australian Capital Territory Supreme Court Act 1933* is in this Part referred to as the Principal Act.

**Interpretation**

60. Section 5 of the Principal Act is amended—

(a) by omitting the definition of “Chief Judge” and substituting the following definition:

“ ‘Chief Justice’ means the Chief Justice of the Court, and includes a Judge for the time being performing the duties and exercising the powers of the Chief Justice;” and

(b) by omitting “Chief Judge” from the definition of “Judge” or “Judge of the Supreme Court” and substituting “Chief Justice”.

**Establishment of Supreme Court**

61. Section 6 of the Principal Act is amended by omitting from sub-section (3) “Chief Judge” and substituting “Chief Justice”.

**Appointment and tenure of Judges**

62. Section 7 of the Principal Act is amended by omitting from sub-sections (1) and (1B) “Chief Judge” and substituting “Chief Justice”.

**Acting Chief Justice**

63. Section 7A of the Principal Act is amended by omitting “Chief Judge” (wherever occurring) and substituting “Chief Justice”.

**Arrangement of business of Court**

64. Section 7B of the Principal Act is amended by omitting “Chief Judge” and substituting “Chief Justice”.

**Salary and allowances of Judges**

65. Section 8B of the Principal Act is amended—

(a) by omitting from sub-section (1) “Chief Judge” and substituting “Chief Justice”; and

(b) by adding at the end thereof the following sub-sections:

“(5) Subject to sub-section (6), a person who holds office as a Judge of the Court by virtue of an appointment that took effect while he was a Judge (including the Chief Judge) of the Federal Court of Australia is not, while he continues to hold office both as a Judge of the Court and as a Judge (including the Chief Judge) of the Federal Court of Australia, entitled to receive salary or annual allowance as provided in sub-section (1).



“(6) In the case of a Judge of the Court to whom sub-section (5) applies, if the salary or annual allowance to which he would be entitled as a Judge of the Court if that sub-section were not applicable to him exceeds the salary or annual allowance, as the case may be, by which he is remunerated as a Judge (including the Chief Judge) of the Federal Court of Australia, he shall receive, in respect of his office as a Judge of the Court, an additional amount by way of salary or annual allowance, as the case may be, equal to the excess.”.

### **Oath of allegiance and office by Judge**

66. Section 10 of the Principal Act is amended by omitting “Chief Judge” (wherever occurring) and substituting “Chief Justice”.

### **Rules of Court**

67. Section 28 of the Principal Act is amended by omitting sub-sections (3), (4) and (4A) and substituting the following sub-section:

“(3) Sections 48, 49 and 50 of the *Acts Interpretation Act* 1901 apply in relation to Rules of Court made under this section as if references in those sections of that Act to regulations were references to Rules of Court.”.

### **Seal**

68. Section 47 of the Principal Act is amended by omitting “Chief Judge” and substituting “Chief Justice”.

### **Transitional provisions**

69. (1) The person who, immediately before the commencement of this Part, held office as Chief Judge of the Australian Capital Territory Supreme Court shall, subject to the Principal Act as amended by this Part, hold office after the commencement of this Part as Chief Justice of the Australian Capital Territory Supreme Court.

(2) A reference in any Act, or in any instrument (including rules, regulations and by-laws) made, granted or issued pursuant to any Act, to the Chief Judge of the Australian Capital Territory Supreme Court shall, in relation to any act or thing done or to be done after the commencement of this Part, be read as a reference to the Chief Justice of the Australian Capital Territory Supreme Court.

(3) For the purposes of the operation of any Act (other than the *Australian Capital Territory Supreme Court Act* 1933), the person from time to time holding the office of Chief Justice of the Australian Capital Territory Supreme Court shall be taken to be a Judge of that Court.

**PART IX—AMENDMENT OF THE AUSTRALIAN SHIPPING  
COMMISSION ACT 1956**

**Principal Act**

70. The *Australian Shipping Commission Act 1956*<sup>8</sup> is in this Part referred to as the Principal Act.

**Schedule**

71. The Schedule to the Principal Act is amended by omitting “*Beaches, Fishing Grounds and Sea Routes Protection Act 1932.*”.

**PART X—AMENDMENTS OF CERTAIN BOUNTY ACTS**

**Amendments of certain Bounty Acts**

72. (1) The Acts specified in column 1 of Schedule 1 are amended as set out in column 2 of that Schedule.

(2) Where, but for the amendments made by sub-section (1), a return would be required to be furnished under a provision (in this section referred to as the “repealed provision”) of any of the Acts amended by that sub-section in respect of a period ending on, or including, 30 June 1982, the repealed provision continues to apply in respect of that period.

(3) A return furnished under a provision inserted in an Act by sub-section (1) is not required to set forth particulars in respect of bounty that have been set forth in a return furnished under the repealed provision of that Act.

(4) Each Act specified in column 1 of Schedule 2 is amended by omitting “payable” from the provision of that Act that is specified in column 2 of the Schedule opposite to the reference to that Act and substituting “paid”.

**PART XI—AMENDMENTS OF THE CENSUS AND STATISTICS  
AMENDMENT ACT (No. 2) 1981**

**Principal Act**

73. The *Census and Statistics Amendment Act (No. 2) 1981*<sup>9</sup> is in this Part referred to as the Principal Act.

**Statistics**

74. Section 14 of the Principal Act is amended by omitting “collected under” from the sub-section (2) proposed to be inserted in section 127 of the *Insurance Act 1973* and substituting “furnished in pursuance of”.

**Australian Statistician**

75. Section 15 of the Principal Act is amended by omitting “collected under” from the sub-section (3) proposed to be inserted in section 9 of the *Port Statistics Act 1977* and substituting “furnished in pursuance of”.

**PART XII—AMENDMENTS OF THE CHRISTMAS ISLAND ACT  
1958**

**Principal Act**

76. The *Christmas Island Act 1958*<sup>10</sup> is in this Part referred to as the Principal Act.

**Tabling of Ordinances in Parliament**

77. Section 10 of the Principal Act is amended—

(a) by omitting paragraph (3A) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

(b) by inserting in sub-section (3A) “first-mentioned” before “House” (third and fourth occurring); and

(c) by omitting sub-section (4) and substituting the following sub-sections:

“(4) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1), the disallowance of the Ordinance or the operation of sub-section (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(4A) Where—

(a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1); and

(b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant Ordinance became void and of no effect by virtue of that operation of sub-section (1), as the case may be, as if the relevant Ordinance had not been made.

“(4B) A reference in sub-section (4) or (4A) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

**PART XIII—AMENDMENTS OF THE COCOS (KEELING)  
ISLANDS ACT 1955**

**Principal Act**

**78.** The *Cocos (Keeling) Islands Act 1955*<sup>11</sup> is in this Part referred to as the Principal Act.

**Laying of Ordinances before the Parliament**

**79.** Section 13 of the Principal Act is amended—

(a) by omitting paragraph (3A) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

(b) by inserting in sub-section (3A) “first-mentioned” before “House” (third and fourth occurring); and

(c) by omitting sub-section (4) and substituting the following sub-sections:

“(4) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1), the disallowance of the Ordinance or the operation of sub-section (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(4A) Where—

(a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1); and

(b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant Ordinance became void and of no effect by virtue of that operation of sub-section (1), as the case may be, as if the relevant Ordinance had not been made.

“(4B) A reference in sub-section (4) or (4A) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

**PART XIV—AMENDMENTS OF THE COMMONWEALTH  
TEACHING SERVICE ACT 1972**

**Principal Act**

**80.** The *Commonwealth Teaching Service Act 1972*<sup>12</sup> is in this Part referred to as the Principal Act.

**Officers**

**81.** Section 20 of the Principal Act is amended by omitting sub-section (5) and substituting the following sub-section:

“(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) any of the provisions of a determination made under section 82D of the *Public Service Act 1922* as in force at a particular time or as in force from time to time; or
- (b) any of the provisions of another determination made under sub-section (4), or of a determination made under sub-section 23 (4), as in force at a particular time or as in force from time to time.”

**Employees**

**82.** Section 23 of the Principal Act is amended by omitting sub-section (5) and substituting the following sub-section:

“(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) any of the provisions of a determination made under section 82D of the *Public Service Act 1922* as in force at a particular time or as in force from time to time; or
- (b) any of the provisions of another determination made under sub-section (4), or of a determination made under sub-section 20 (4), as in force at a particular time or as in force from time to time.”

**Promotions Appeal Boards**

**83.** Section 30 of the Principal Act is amended by omitting from sub-section (1) “the Commissioner” and substituting “the relevant authority”.

**PART XV—AMENDMENTS OF THE COMPANIES ACT 1981**

**Principal Act**

**84.** The *Companies Act 1981*<sup>13</sup> is in this Part referred to as the Principal Act.

85. After section 16 of the Principal Act the following section is inserted in Division 1 of Part II:

**Investigation of certain matters**

“16A. Where the Commission has reason to suspect that a person has committed an offence under a provision of this Act, the Commission may make such investigation as the Commission thinks expedient for the due administration of this Act.”.

**Cancellation or suspension of registration**

86. Section 27 of the Principal Act is amended by inserting after sub-section (11) the following sub-sections:

“(11A) The Chairman or a member of the Board may summon a person to appear before the Board at a hearing held for the purposes of this section to give evidence and to produce such documents (if any) as are referred to in the summons, being documents relating to the matters that are the subject of the hearing.

“(11B) The Board may, at a hearing, take evidence on oath or affirmation and for that purpose the Chairman or a member of the Board may—

- (a) require a person appearing at the hearing to give evidence either to take an oath or make an affirmation; and
- (b) administer an oath or affirmation to a person so appearing at the hearing.

“(11C) The oath or affirmation to be taken or made by a person for the purposes of sub-section (11B) is an oath or affirmation that the answers he will give to the questions asked him will be true.

“(11D) A person shall not—

- (a) insult the Chairman or a member of the Board in the performance of his functions or the exercise of his powers as a member at a hearing before the Board held for the purposes of this section;
- (b) interrupt a hearing before the Board held for the purposes of this section;
- (c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where the Board is conducting a hearing for the purposes of this section; or
- (d) do any other act that would, if the Board were a court of record, constitute contempt of that court.

Penalty: \$1,000 or imprisonment for 3 months.”.

**Interpretation**

87. Section 38 of the Principal Act is amended—

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

“(2) Notwithstanding sub-section (1), a name—

- (a) that, in the opinion of the Commission, so closely resembles a name that is reserved or registered under this Division as to be likely to be mistaken for it;

- (b) that is, in the opinion of the Commission, undesirable; or
  - (c) that is a name, or a name of a kind, that the Ministerial Council has directed the Commission not to accept for registration, shall be taken to be available for reservation in the Territory in relation to a corporation or intended corporation if the Ministerial Council has consented to the name being reserved or registered under this Division in respect of that corporation or intended corporation.”; and
- (b) by adding at the end thereof the following sub-section:
- “(5) For the purposes of section 537, sub-section (2) of this section shall be taken to provide for the review by the Ministerial Council of decisions of the Commission made under paragraph (1) (a) or (b) of this section.”.

#### **Alterations of provisions of memorandum**

**88.** Section 73 of the Principal Act is amended by inserting in sub-section (11) “as provided by sub-section (1) or (2)” after “company”.

#### **Copies of memorandum and articles**

**89.** Section 79 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

- “(1) A company shall, on being so required by a member, send to him a copy of the memorandum and of the articles (if any) of the company—
- (a) if the company requires the payment of an amount not exceeding the prescribed amount—within 21 days after the payment is received by the company or within such longer period as the Commission approves; or
  - (b) in a case to which paragraph (a) does not apply—within 21 days after the request was made or within such longer period as the Commission approves.”.

#### **Application by recognized company for registration under Division**

- 90.** Section 84 of the Principal Act is amended—
- (a) by omitting from sub-paragraph (2) (b) (i) “and”; and
  - (b) by inserting after sub-paragraph (2) (b) (i) the following sub-paragraph:
    - “(ia) notice in the prescribed form of the address of the proposed registered office of the recognized company in the Territory; and”.

#### **Application by foreign company for registration under Division**

- 91.** Section 85 of the Principal Act is amended—
- (a) by omitting from paragraph (4) (f) “and”; and
  - (b) by inserting after paragraph (4) (f) the following paragraph:
    - “(fa) notice in the prescribed form of the address of the proposed registered office of the corporation in the Territory; and”.

### **Redeemable preference shares**

92. Section 120 of the Principal Act is amended by omitting from sub-section (8) “specifying the shares redeemed” and substituting “in the prescribed form relating to the shares redeemed”.

### **Commission to be informed of special rights carried by, or division or conversion of, shares**

93. Section 124 of the Principal Act is amended by omitting from sub-section (1) “containing particulars of those rights” and substituting “in the prescribed form relating to those rights”.

### **Company financing dealings in its shares, &c.**

94. Section 129 of the Principal Act is amended by omitting from sub-paragraph (10) (h) (ii) “(9)” and substituting “(12)”.

### **Register of options**

95. Section 131 of the Principal Act is amended—

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

“(4) The register shall be open for inspection—

- (a) by any member of the company—without charge; and  
(b) by any other person—on payment for each inspection of such amount, not exceeding the prescribed amount, as the company requires or, where the company does not require the payment of an amount, without charge.

“(5) A person may request a company to furnish him with a copy of the register or any part of the register and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or  
(b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”; and

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

“(5B) Notwithstanding sub-section (5A), a company is not required to keep a copy of any instrument by which an option has been granted if the option has been granted official quotation by a stock exchange.”.

### **Company to keep register of substantial shareholders**

96. Section 143 of the Principal Act is amended by omitting sub-sections (2) and (3) and substituting the following sub-sections:

“(2) The register shall be open for inspection—

- (a) by any member of the company—without charge; and



- (b) by any other person—on payment for each inspection of such amount, not exceeding the prescribed amount, as the company requires or, where the company does not require the payment of an amount, without charge.

“(3) A person may request a company to furnish him with a copy of the register or any part of the register and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Powers of Court with respect to defaulting substantial shareholder**

97. Section 146 of the Principal Act is amended—

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

“(1A) Where an application is made to the Court for an order under sub-section (1), the Court may, if in the opinion of the Court it is desirable to do so, before considering the application, grant an interim order, being an order of the kind applied for that is expressed to have effect pending the determination of the application.

“(1B) Where the Commission makes an application to the Court for the making of an order under sub-section (1), the Court shall not require the Commission or any other person, as a condition of granting an interim order under sub-section (1A), to give any undertakings as to damages.”; and

- (b) by omitting from sub-sections (4), (5), (6) and (8) “this section” and substituting “sub-section (1)”.

### **Register of debenture holders and copies of trust deed**

98. Section 147 of the Principal Act is amended—

- (a) by omitting paragraph (4) (b) and substituting the following paragraph:

“(b) except when duly closed, be open for inspection at the place where it is kept in accordance with section 547—

- (i) by the registered holder of any debentures of, or by any holder of shares in, the company or foreign company—without charge; and
  - (ii) by any other person—on payment for each inspection of such amount, not exceeding the prescribed amount, as the company or foreign company requires or, where the company or foreign company does not require the payment of an amount, without charge.”; and
- (b) by omitting sub-section (8) and substituting the following sub-section:

“(8) Where a company or registered foreign company receives a request under sub-section (6) or (7), the company shall send the copy that was requested to the person who made the request—

- (a) if the company or registered foreign company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or registered foreign company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Branch registers**

**99.** Section 148 of the Principal Act is amended by omitting from sub-section (5) “as soon as practicable” and substituting “within 28 days”.

### **Obligations of borrowing corporation**

**100.** Section 158 of the Principal Act is amended by inserting in sub-section (17) “and” after “Securities” (last occurring).

### **Loss or destruction of certificates**

**101.** Section 182 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) Subject to sub-section (2), where a certificate or other document of title to shares, debentures or prescribed interests is lost or destroyed, the company shall, on application by the owner of the shares, debentures or prescribed interests, issue a duplicate certificate or document to the owner—

- (a) if the company requires the payment of an amount not exceeding the prescribed amount—within 21 days after the payment is received by the company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the application is made or within such longer period as the Commission approves.”.

### **Charges required to be registered**

**102.** Section 200 of the Principal Act is amended by inserting in paragraph (1) (h) “or charge” after “lien” (last occurring).

### **Company to keep documents relating to charges and register of charges**

**103.** Section 209 of the Principal Act is amended by omitting sub-sections (3) and (4) and substituting the following sub-sections:

“(3) A register kept by a company pursuant to sub-section (2) shall be open for inspection—

- (a) by any creditor or member of the company—without charge; and

- (b) by any other person—on payment for each inspection of such amount, not exceeding the prescribed amount, as the company requires or, where the company does not require the payment of an amount, without charge.

“(4) A person may request a company to furnish him with a copy of the register or any part of the register and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Registration under *Instruments Ordinance 1933***

**104.** Section 211 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the company, recognized company or recognized foreign company is not required to register, under the provisions of that Ordinance, that transfer, assignment or giving of security” and substituting “that transfer, assignment or giving of security is not required to be registered, under the provisions of that Ordinance”; and
- (b) by omitting paragraphs (2) (a) and (b) and substituting the following paragraphs:
  - “(a) by reason of sub-section (1), a transfer, assignment or giving of security is not required to be registered under the provisions of the *Instruments Ordinance 1933*; or
  - (b) by reason of the provision of the law of a participating State or participating Territory that corresponds with sub-section (1), a transfer, assignment or giving of security is not required to be registered under the law of that State or Territory mentioned in that corresponding provision.”.

**105.** After section 215 of the Principal Act the following section is inserted in Part IV:

### **Charges created before commencement of this Act**

“215A. (1) Notwithstanding the repeals effected by section 4—

- (a) Division 7 of Part IV of the *Companies Ordinance 1962*; and
- (b) any other provisions of that Ordinance that are necessary for the effectual operation of that Division,

continue in force, as if that Ordinance had not been repealed, in relation to—

- (c) any charge created by a corporation before the commencement of this Act; and

(d) any charge to which property acquired by a corporation before the commencement of this Act was subject when the property was so acquired,  
and the provisions of this Division do not apply in relation to any such charge.

“(2) Sub-section (1) operates in substitution for section 18 of the *Companies (Transitional Provisions) Act 1981*.”.

### **Register of directors' shareholdings, &c.**

**106.** Section 231 of the Principal Act is amended by omitting sub-sections (7) and (8) and substituting the following sub-sections:

“(7) A register kept by a company pursuant to this section shall be open for inspection—

- (a) by any member of the company—without charge; and
- (b) by any other person—on payment for each inspection of such amount, not exceeding the prescribed amount, as the company requires or, where the company does not require the payment of an amount, without charge.

“(8) A person may request a company to furnish him with a copy of the register or any part of the register and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Register of directors, principal executive officers and secretaries**

**107.** Section 238 of the Principal Act is amended by omitting sub-sections (5) and (6) and substituting the following sub-sections:

“(5) The register shall be open for inspection—

- (a) by any member of the company—without charge; and
- (b) by any other person—on payment for each inspection of such amount, not exceeding the prescribed amount, as the company requires or, where the company does not require the payment of an amount, without charge.

“(6) A person may request a company to furnish him with a copy of the register or any part of the register and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or

- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Statutory meeting and statutory report**

**108.** Section 239 of the Principal Act is amended by omitting paragraph (3) (a) and substituting the following paragraph:

- “(a) the total number of shares allotted, distinguishing—
- (i) shares allotted as fully paid up in cash;
  - (ii) shares allotted as partly paid up in cash;
  - (iii) shares allotted as fully paid up otherwise than in cash; and
  - (iv) shares allotted as partly paid up otherwise than in cash,
- and stating—
- (v) in the case of shares partly paid up—the extent to which they are so paid up; and
  - (vi) in the case of shares allotted as fully or partly paid up otherwise than in cash—the consideration for which they have been allotted;”.

### **Resolutions of exempt proprietary companies**

**109.** Section 250 of the Principal Act is amended by omitting from sub-section (5) “rule or law” and substituting “rule of law”.

### **Lodgment with the Commission, &c., of copies of certain resolutions and agreements**

**110.** Section 251 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) Where articles have not been registered, a member may request the company to furnish him with a printed copy of any resolution, document or agreement to which this section applies and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Inspection of minute books**

**111.** Section 254 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) A member of a company may request the company in writing to furnish him with a copy of any minutes of a general meeting and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Inspection and closing of register**

**112.** Section 257 of the Principal Act is amended by omitting sub-sections (2) and (3) and substituting the following sub-sections:

“(2) The register and index shall be open for inspection—

- (a) by any member of the company—without charge; and
- (b) by any other person—on payment for each inspection of such amount, not exceeding the prescribed amount, as the company requires or, where the company does not require the payment of an amount, without charge.

“(3) A person may request a company to furnish him with a copy of the register or any part of the register (but only so far as it relates to names, addresses, number of shares held and amounts paid on shares) and, where such a request is made, the company shall send the copy to that person—

- (a) if the company requires payment of an amount not exceeding the prescribed amount—within 21 days after payment of the amount is received by the company or within such longer period as the Commission approves; or
- (b) in a case to which paragraph (a) does not apply—within 21 days after the request is made or within such longer period as the Commission approves.”.

### **Branch registers**

**113.** Section 262 of the Principal Act is amended by omitting from sub-section (5) “as soon as practicable” and substituting “within 28 days”.

### **Provisions for facilitating reconstruction and amalgamation of corporations**

**114.** Section 317 of the Principal Act is amended by omitting from sub-section (4) “in relation to a corporation that is a company,”.

### **Functions of committee of management and appointment of deputy official manager**

**115.** Section 357 of the Principal Act is amended by omitting from sub-section (4) “situation” (first occurring) and substituting “address”.

### **Liability as contributories of present and past members**

**116.** Section 360 of the Principal Act is amended by omitting from paragraph (1) (h) “(d)” and substituting “(e)”.

**Certain notices to be lodged with Commission**

**117.** Section 370 of the Principal Act is amended—

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

“(a) lodge with the Commission, not later than 10.30 a.m. on the next business day after the filing of the application, notice of the filing of the application and of the date on which the application was filed;” and

(b) by adding at the end of paragraph (1) (c) “of the application and of the date on which the application was withdrawn or dismissed”.

**Effect of voluntary winding up**

**118.** Section 394 of the Principal Act is amended by omitting from sub-section (1) “commencement” and substituting “commencement”.

**Liquidator’s accounts**

**119.** Section 422 of the Principal Act is amended by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) in the case of a liquidator other than a provisional liquidator—a statement in the prescribed form relating to the position in the winding up, verified by a statement in writing.”.

**Member of committee not to accept extra benefit**

**120.** Section 435 of the Principal Act is amended by adding at the end of sub-section (2) “or member of the company”.

**Agents**

**121.** Section 514 of the Principal Act is amended—

(a) by omitting from paragraph (2) (c) “Court” and substituting “court”; and

(b) by omitting from sub-section (6) “(c), (d) or”.

**Notice to be filed where documents, &c., altered**

**122.** Section 515 of the Principal Act is amended by inserting in paragraph (2) (c) “name or” before “address”.

**Service of documents on company**

**123.** Section 528 of the Principal Act is amended by inserting in paragraph (2) (a) “84 (2), 85 (4) or” after “sub-section”.

**Address of registered office, principal office, &c.**

**124.** Section 530A of the Principal Act is amended by inserting in paragraph (a) “, or of a proposed office,” after “office”.

**Continuing offences**

**125.** Section 571 of the Principal Act is amended by omitting from sub-section (4) “Court” and substituting “court”.

**Power of Court to prohibit payment or transfer of moneys, securities or other property**

**126.** Section 573 of the Principal Act is amended—

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

“(1A) Where an application is made to the Court for an order under sub-section (1), the Court may, if in the opinion of the Court it is desirable to do so, before considering the application, grant an interim order, being an order of the kind applied for that is expressed to have effect pending the determination of the application.

“(1B) Where the Commission makes an application to the Court for the making of an order under sub-section (1), the Court shall not require the Commission or any other person, as a condition of granting an interim order under sub-section (1A), to give any undertakings as to damages.”;

(b) by omitting from sub-section (2) “sub-section (1)” and substituting “this section”; and

(c) by omitting from sub-section (3) “this section” and substituting “sub-section (1) or (2)”.

**Injunctions**

**127.** Section 574 of the Principal Act is amended by inserting in sub-section (1) “it” after “Court” (last occurring).

**Schedule 1**

**128.** Schedule 1 to the Principal Act is amended by omitting—

“*Marketable Securities Ordinance 1971*”

and substituting—

“*Companies (Amendment) Ordinance (No. 2) 1980*

“*Companies (Amendment) Ordinance 1981*

“*Marketable Securities Ordinance 1971*”.

**PART XVI—AMENDMENTS OF THE COMPANIES  
(ACQUISITION OF SHARES) ACT 1980**

**Principal Act**

**129.** The *Companies (Acquisition of Shares) Act 1980*<sup>14</sup> is in this Part referred to as the Principal Act.

**Provisions relating to acquisition and disposal of, and entitlement to, shares, and associated persons**

**130.** Section 7 of the Principal Act is amended by inserting in paragraph (3) (b) “or under the provision of a law of a participating State or of a participating Territory that corresponds with that sub-section” after “sub-section (8)”.



**Miscellaneous provisions relating to orders**

**131.** Section 49 of the Principal Act is amended by inserting after sub-section (2) the following sub-sections:

“(2A) Where an application is made to the Court for an order under section 45, 47, 48, 57 or 60, the Court may, if in the opinion of the Court it is desirable to do so, before considering the application, grant an interim order, being an order of the kind applied for that is expressed to have effect pending the determination of the application, and an interim order so made shall, for the purposes of sub-sections (3), (7) and (8) of this section, be taken to be an order under section 45, 47, 48, 57 or 60, as the case may be.

“(2B) Where the Commission makes an application to the Court for the making of an order under section 45, 47, 48, 57 or 60, the Court shall not require the Commission or any other person, as a condition of granting an interim order under sub-section (2A), to give any undertakings as to damages.”.

**Power of Commission to declare acquisition of shares or other conduct to be unacceptable**

**132.** Section 60 of the Principal Act is amended—

- (a) by omitting from sub-sections (1), (3) and (4) “14 days” and substituting “90 days”;
- (b) by omitting from sub-section (5) “that has been engaged in by a person to have been unacceptable conduct, the Court may, on the application of the Commission,” and substituting “, being conduct that has been engaged in by a person in relation to shares in, or the affairs of, a company, to have been unacceptable conduct, the Court may, on the application of the Commission, the company or a member of the company,”;
- (c) by omitting paragraph (7) (d) and substituting the following paragraph:
  - “(d) the shareholders of a company did not all have reasonable and equal opportunities to participate in any benefits accruing, whether directly or indirectly and whether immediately or in the future, to any shareholder or to any person associated with a shareholder, in connection with the acquisition, or proposed acquisition, by any person of a substantial interest in the company.”; and
- (d) by omitting paragraph (7A) (d) and substituting the following paragraph:
  - “(d) the shareholders of a company did not all have reasonable and equal opportunities to participate in any benefits accruing, whether directly or indirectly and whether immediately or in the future, to any shareholder or to any person associated with a shareholder, in connection with the acquisition, or proposed acquisition, by any person of a substantial interest in the company.”.

133. After section 60 of the Principal Act the following section is inserted:

**Power of Commission to make certain orders**

“60A. (1) Subject to this section, where the Commission makes a declaration under sub-section 60 (1), (3) or (4), the Commission may, whether or not the Commission has previously made an order under this section in reliance upon that declaration, by instrument in writing published in the *Gazette*, make one or more of the following orders:

- (a) an order restraining a specified person from disposing of any interest in specified shares;
- (b) an order restraining a specified person from acquiring any interest in specified shares;
- (c) an order restraining the exercise of voting or other rights attached to specified shares;
- (d) an order directing a person who is registered as the holder of shares in respect of which an order under this section is in force to give notice in writing of that order to any person whom he knows to be entitled to exercise a right to vote attached to those shares;
- (e) an order directing a company not to make payment, except in the course of winding up, of a sum due from the company in respect of specified shares;
- (f) an order directing a company not to register the transfer or transmission of specified shares;
- (g) an order directing a company not to issue shares to a person who holds shares in the company, being shares that were proposed to be issued to the person by reason of his holding shares in the company or pursuant to an offer or invitation made or issued to him by reason of his holding shares in the company.

“(2) The Commission may, by instrument in writing published in the *Gazette*, vary or revoke an order made under sub-section (1).

“(3) A copy of an order under sub-section (1) and of any order by which it is revoked or varied shall be served—

- (a) on any person to whom the order is directed; and
- (b) where it relates to specified shares in a company—on the company.

“(4) Where an order made under sub-section (1) is in force, a person aggrieved by the order may apply to the Court for variation or revocation of the order, and the Court may, if it is satisfied that it is reasonable to do so, vary the order or revoke the order and any order by which it has been varied.

“(5) A person who contravenes or fails to comply with an order under sub-section (1) is guilty of an offence.

Penalty: \$2,500 or imprisonment for 6 months, or both.

“(6) Where an offence under sub-section (5) is committed by a company, each officer of the company who is in default is guilty of an offence.

Penalty: \$2,500 or imprisonment for 6 months, or both.

“(7) An order made under sub-section (1) ceases to operate at the expiration of the period of 30 days after the order is made or at the expiration of the day specified in the order as the day on which it ceases to operate, whichever is earlier.

“(8) The Commission shall not make an order under sub-section (1) unless it has afforded the person to whom the order is directed an opportunity to appear at a hearing before the Commission and to make submissions and give evidence to the Commission in relation to the matter.

“(9) The Commission is not empowered to make an order under sub-section (1) in reliance on a declaration made by the Commission if—

- (a) where the declaration was made under sub-section 60 (1) in relation to an acquisition of shares—an application has been made to the Court under section 45 in relation to that acquisition as mentioned in sub-section 60 (2);
- (b) where the declaration was made under sub-section 60 (3) or (4)—an application has been made to the Court under sub-section 60 (5); or
- (c) an order made in reliance on that declaration has been revoked by the Court under sub-section (4).”.

## **PART XVII—AMENDMENTS OF THE CONSULAR PRIVILEGES AND IMMUNITIES ACT 1972**

### **Principal Act**

**134.** The *Consular Privileges and Immunities Act 1972*<sup>15</sup> is in this Part referred to as the Principal Act.

### **Provision relating to exemption from customs duties**

**135.** Section 6 of the Principal Act is amended—

- (a) by omitting from sub-paragraph (1) (b) (i) “two years” and substituting “, in the case of articles other than motor vehicles, 2 years, and in the case of motor vehicles, 3 years,”; and
- (b) by adding at the end thereof the following sub-section:

“(3) In sub-section (1), ‘motor vehicle’ means a vehicle with a motor engine, being a vehicle ordinarily for use on land.”.

## **PART XVIII—AMENDMENTS OF THE COPYRIGHT ACT 1968**

### **Principal Act**

**136.** The *Copyright Act 1968*<sup>16</sup> is in this Part referred to as the Principal Act.

### **Interpretation**

**137.** Section 136 of the Principal Act is amended—

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

“ ‘Judge’ means—

(a) a Judge of a federal court or of the Supreme Court of a State or Territory; or

(b) a person who has the same designation and status as a Judge of a federal court;”;

(b) by inserting “, and includes the President and the Deputy President” after “Tribunal” in the definition of “member” in sub-section (1).

**138.** (1) Section 138 is repealed and the following section is substituted:

### **Constitution of Tribunal**

“138. The Copyright Tribunal established by the section for which this section was substituted by section 138 of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982* continues in existence but shall consist of a President, a Deputy President and such other members as are appointed in accordance with this Division.”.

(2) A person who, immediately before the commencement of this section, held office as—

(a) the President of the Copyright Tribunal;

(b) the Deputy President of the Copyright Tribunal; or

(c) a member (other than the President or the Deputy President) of the Copyright Tribunal,

shall, subject to the Principal Act as amended by this Part, hold office after the commencement of this Part as President of the Copyright Tribunal, as Deputy President of the Copyright Tribunal or as a member (other than the President or the Deputy President) of the Copyright Tribunal, as the case may be, for the remainder of the term for which he was appointed under the Principal Act.

**139.** Section 140 of the Principal Act is repealed and the following section is substituted:

### **Qualifications of members**

“140. (1) A person shall not be appointed as the President or as the Deputy President unless he is a Judge of the Federal Court of Australia.

(2) A person shall not be appointed as a member (other than the President or the Deputy President) unless—

(a) he is or has been a Judge;

(b) he is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than 5 years;

- (c) he has had experience, for not less than 5 years, at a high level in industry, commerce, business, public administration, education or the practice of a profession;
- (d) he has obtained a degree of a university, or an educational qualification of a similar standing, after studies in the field of law, economics or public administration; or
- (e) he has, in the opinion of the Governor-General, special knowledge or skill relevant to the duties of a member.”.

### **Tenure of office**

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

- (a) by omitting “A member” and substituting “Subject to this section, a member”; and
- (b) by adding at the end thereof the following sub-sections:
  - “(2) Where a member who is a Judge ceases to be a Judge, he ceases to hold office as a member, but he is eligible for appointment as a member (other than the President or the Deputy President).
  - “(3) The Governor-General may terminate the appointment of a member (other than a member who is a Judge) for physical or mental incapacity.
  - “(4) The Governor-General shall terminate the appointment of a member (other than a member who is a Judge) if—
    - (a) the member is guilty of misbehaviour; or
    - (b) the member 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.”.

### **Acting President**

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

- (a) by omitting sub-section (1); and
- (b) by adding at the end of sub-section (2) “and while the Deputy President is acting as President, he has and may exercise all the powers, and shall perform all the functions and duties, conferred or imposed by this Act on the President”.

**142.** Section 143 of the Principal Act is repealed and the following section is substituted:

### **Remuneration and allowances**

“143. (1) Subject to this section, a member shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

- “(2) A member shall be paid such allowances as are prescribed.

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

“(4) A member who is a Judge is not, while he receives salary or annual allowance as a Judge, entitled to remuneration under this Act.”.

#### **Removal from office for failure to disclose interest**

**143.** Section 144B of the Principal Act is amended by inserting “(other than a member who is a Judge)” after “member” (first occurring).

#### **Sittings of the Tribunal**

**144.** Section 146 of the Principal Act is amended by omitting sub-section (8) and substituting the following sub-section:

“(8) Where the hearing of any proceeding has been commenced before the Tribunal constituted by 2 or more members and one or more of those members has ceased to be a member or has ceased to be available for the purposes of the proceeding, the remaining member or members may continue the hearing of the proceeding if the remaining member, or one of the remaining members, is the President or the Deputy President.”.

#### **President to arrange business of Tribunal**

**145.** Section 147 of the Principal Act is amended by omitting “sub-section 146 (3)” and substituting “sub-section 146 (2) or (3)”.

### **PART XIX—AMENDMENTS OF THE CORAL SEA ISLANDS ACT 1969**

#### **Principal Act**

**146.** The *Coral Sea Islands Act 1969*<sup>17</sup> is in this Part referred to as the Principal Act.

#### **Tabling of Ordinances**

**147.** Section 7 of the Principal Act is amended—

(a) by omitting paragraph (4) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

(b) by inserting in sub-section (4) “first-mentioned” before “House” (third and fourth occurring); and

(c) by omitting sub-section (5) and substituting the following sub-sections:

“(5) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1), the disallowance of the Ordinance or the operation of sub-section (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(5A) Where—

- (a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1); and
- (b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant Ordinance became void and of no effect by virtue of that operation of sub-section (1), as the case may be, as if the relevant Ordinance had not been made.

“(5B) A reference in sub-section (5) or (5A) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

## **PART XX—AMENDMENTS OF THE DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT 1967**

### **Principal Act**

**148.** The *Diplomatic Privileges and Immunities Act 1967*<sup>18</sup> is in this Part referred to as the Principal Act.

### **Limitation on exemption from customs duties**

**149.** Section 8 of the Principal Act is amended—

- (a) by omitting from paragraph (3) (a) “2 years” and substituting “, in the case of articles other than motor vehicles, 2 years, and in the case of motor vehicles, 3 years,”; and
- (b) by adding at the end thereof the following sub-section:

“(4) In sub-section (3), ‘motor vehicle’ means a vehicle with a motor engine, being a vehicle ordinarily for use on land.”.

## **PART XXI—AMENDMENTS OF THE ENVIRONMENT PROTECTION (IMPACT OF PROPOSALS) ACT 1974**

### **Principal Act**

**150.** The *Environment Protection (Impact of Proposals) Act 1974*<sup>19</sup> is in this Part referred to as the Principal Act.

### **Orders to be notified and may be disallowed**

**151.** Section 7 of the Principal Act is amended—

- (a) by omitting paragraph (5) (a) and substituting the following paragraph:

- “(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;
- (b) by inserting in sub-section (5) “first-mentioned” before “House” (third and fourth occurring); and
- (c) by adding at the end thereof the following sub-sections:
- “(6) Where an order is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (2), the disallowance of the order or the operation of sub-section (2) in relation to the order, as the case may be, has the same effect as a repeal of the order.

“(7) Where—

- (a) an order (in this sub-section referred to as the ‘relevant order’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (2); and
- (b) the relevant order repealed, in whole or in part, another order that was in force immediately before the relevant order came into operation,

the disallowance of the relevant order or the operation of sub-section (2) in relation to the relevant order, as the case may be, has the effect of reviving that other order from and including the date of the disallowance or the date on which the relevant order became void and of no effect by virtue of that operation of sub-section (2), as the case may be, as if the relevant order had not been made.

“(8) A reference in sub-section (6) or (7) to an order shall be read as including a reference to a part of an order.”.

## **PART XXII—AMENDMENTS OF THE ENVIRONMENT PROTECTION (NUCLEAR CODES) ACT 1978**

### **Principal Act**

**152.** The *Environment Protection (Nuclear Codes) Act 1978*<sup>20</sup> is in this Part referred to as the Principal Act.

### **Codes of practice to be notified and may be disallowed**

**153.** Section 10 of the Principal Act is amended—

- (a) by omitting paragraph (5) (a) and substituting the following paragraph:
- “(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued;”;
- and
- (b) by inserting in sub-section (5) “first-mentioned” before “House” (third and fourth occurring).



**PART XXIII—AMENDMENT OF THE FEDERAL COURT OF AUSTRALIA ACT 1976**

**Principal Act**

**154.** The *Federal Court of Australia Act 1976*<sup>21</sup> is in this Part referred to as the Principal Act.

**Rules of Court**

**155.** Section 59 of the Principal Act is amended by omitting sub-sections (4) and (5) and substituting the following sub-section:

“(4) Sections 48, 49 and 50 of the *Acts Interpretation Act 1901* apply in relation to Rules of Court made under this section as if references in those sections of that Act to regulations were references to Rules of Court.”.

**PART XXIV—AMENDMENTS OF THE HEARD ISLAND AND McDONALD ISLANDS ACT 1953**

**Principal Act**

**156.** The *Heard Island and McDonald Islands Act 1953*<sup>22</sup> is in this Part referred to as the Principal Act.

**Laying of Ordinances before the Parliament**

**157.** Section 11 of the Principal Act is amended—

(a) by omitting paragraph (3A) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

(b) by inserting in sub-section (3A) “first-mentioned” before “House” (third and fourth occurring); and

(c) by omitting sub-section (4) and substituting the following sub-sections:

“(4) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1), the disallowance of the Ordinance or the operation of sub-section (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(4A) Where—

(a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1); and

(b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant Ordinance became void and of no effect by virtue of that operation of sub-section (1), as the case may be, as if the relevant Ordinance had not been made.

“(4B) A reference in sub-section (4) or (4A) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

## **PART XXV—AMENDMENT OF THE IMMIGRATION (UNAUTHORIZED ARRIVALS) ACT 1980**

### **Principal Act**

**158.** The *Immigration (Unauthorized Arrivals) Act 1980*<sup>23</sup> is in this Part referred to as the Principal Act.

### **Restrictions on disembarking from certain vessels**

**159.** Section 8 of the Principal Act is amended by inserting in sub-section (6) “of the crew” after “member”.

## **PART XXVI—AMENDMENT OF THE JUDICIARY ACT 1903**

### **Principal Act**

**160.** The *Judiciary Act 1903*<sup>24</sup> is in this Part referred to as the Principal Act.

**161.** Section 87 of the Principal Act is repealed and the following section is substituted:

### **Application of sections 48, 49 and 50 of the Acts Interpretation Act 1901**

“87. Sections 48, 49 and 50 of the *Acts Interpretation Act 1901* apply in relation to Rules of Court made under section 86 as if references in those sections of that Act to regulations were references to Rules of Court.”.

## **PART XXVII—AMENDMENT OF THE MINERALS (SUBMERGED LANDS) (REGISTRATION FEES) ACT 1981**

### **Principal Act**

**162.** The *Minerals (Submerged Lands) (Registration Fees) Act 1981*<sup>25</sup> is in this Part referred to as the Principal Act.

### **Imposition of registration fees**

**163.** Section 4 of the Principal Act is amended by omitting from paragraph (5) (a) “*Companies Ordinance 1962* of the Australian Capital Territory as

amended and in force for the time being” and substituting “*Companies Act 1981*”.

## **PART XXVIII—AMENDMENTS OF THE NORFOLK ISLAND ACT 1979**

### **Principal Act**

**164.** The *Norfolk Island Act 1979*<sup>26</sup> is in this Part referred to as the Principal Act.

### **Laying of certain Ordinances before the Parliament**

**165.** Section 28 of the Principal Act is amended—

(a) by omitting paragraph (5) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

(b) by inserting in sub-section (5) “first-mentioned” before “House” (third and fourth occurring); and

(c) by omitting sub-sections (6) and (7) and substituting the following sub-sections:

“(6) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (2), the disallowance of the Ordinance or the operation of sub-section (2) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(7) Where—

(a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (1); and

(b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (2) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant Ordinance became void and of no effect by virtue of that operation of sub-section (2), as the case may be, as if the relevant Ordinance had not been made.

“(7A) A reference in sub-section (6) or (7) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

**PART XXIX—AMENDMENT OF THE NURSING HOMES ASSISTANCE ACT 1974**

**Principal Act**

166. The *Nursing Homes Assistance Act 1974*<sup>27</sup> is in this Part referred to as the Principal Act.

**Moneys from which payments under this Act to be made**

167. Section 36 of the Principal Act is amended by omitting “*National Welfare Act 1943–1952*” and substituting “*National Welfare Fund Act 1943*”.

**PART XXX—AMENDMENTS OF THE PARLIAMENTARY ALLOWANCES ACT 1952**

**Principal Act**

168. The *Parliamentary Allowances Act 1952*<sup>28</sup> is in this Part referred to as the Principal Act.

**Allowances to Senators**

169. Section 4 of the Principal Act is amended by omitting sub-sections (1) and (2).

**Allowances to members of the House of Representatives**

170. Section 5 of the Principal Act is amended by omitting sub-sections (1) and (2).

**Allowances to President, Speaker and Chairmen of Committees**

171. Section 6 of the Principal Act is amended—

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

“(1) Where—

(a) a person is, by virtue of the operation of section 3, 4 or 6 of the *Parliamentary Presiding Officers Act 1965*, deemed to continue, for the purposes referred to in that section, to be the President of the Senate or the Speaker of the House of Representatives during any period; or

(b) a person is, by virtue of the operation of section 5 or 7 of that Act, deemed to be, for the purposes referred to in that section, the President of the Senate or the Speaker of the House of Representatives during any period and the person is not, in respect of that period, entitled to allowances as Chairman of Committees of the Senate or of the House of Representatives, as the case may be,

the person is entitled to receive, in respect of that period, the allowances (other than the allowances referred to in section 4 or 5)

- payable to a person who holds the office of President of the Senate or Speaker of the House of Representatives, as the case may be.”;
- (b) by omitting from sub-section (4) “to a President of the Senate or”;
  - (c) by omitting from sub-section (4) “President or Chairman, as the case may be,” and substituting “Chairman”;
  - (d) by omitting from sub-section (5) “to a Speaker of the House of Representatives or”;
  - (e) by omitting from sub-section (5) “that House” (first occurring) and substituting “the House of Representatives”; and
  - (f) by omitting from sub-section (5) “Speaker or Chairman, as the case may be,” and substituting “Chairman”.

### **Repeal**

172. Sections 7, 7A, 8, 8A, 9, 10, 11, 11A and 12 of the Principal Act are repealed.

## **PART XXXI—AMENDMENTS OF THE PATENTS ACT 1952**

### **Principal Act**

173. The *Patents Act* 1952<sup>29</sup> is in this Part referred to as the Principal Act.

### **Interpretation**

174. Section 6 of the Principal Act is amended by inserting after the definition of “patent” the following definition:

“‘patent application’ means an application for a standard patent or an application for a petty patent;”.

### **References to prescribed court**

175. Section 6A of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) in relation to the institution of an appeal or other proceeding, as a reference to a prescribed court having jurisdiction with respect to matters arising under this Act in respect of which the appeal or other proceeding is instituted; and”.

### **Crown to be bound**

176. Section 7 of the Principal Act is amended by omitting “and of the several States” and substituting “, of each of the States, of the Northern Territory and of Norfolk Island”.

### **Priority date of complete specification**

177. Section 45 of the Principal Act is amended by inserting after sub-section (3) the following sub-section:

“(3A) The priority date of a claim of a complete specification accompanying an application made under sub-section 49A (1) of the *Patents Act* 1952, as in force at any time before the commencement of section 17 of the

*Patents Amendment Act 1979*, being a claim fairly based on matter disclosed in the complete specification from which the invention has been excluded by an amendment made under section 49 or 52D or would have been excluded if an amendment included in a statement of proposed amendments lodged under either of those sections had been made, is the date that would have been the priority date of that claim if that claim were a claim of that last-mentioned specification.”.

### **Voluntary division of patents**

**178.** (1) Section 51 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “or at any time after the application has been accepted and before the expiration of the period of 3 months after acceptance of the application has been advertised in the *Official Journal*” after “at any time before the application has been accepted”;
- (b) by omitting from sub-section (4) “the application has been accepted” and substituting “the expiration of the period of 3 months after acceptance of the application has been advertised in the *Official Journal*”;
- (c) by omitting from sub-section (5) “the application has been accepted” and substituting “the sealing of a petty patent on the application”; and
- (d) by inserting after sub-section (5) the following sub-section:

“(5A) A patentee of a petty patent may, at any time before the expiration of the period of 3 months after sealing of the petty patent, make an application for a petty patent or a standard patent, or applications for petty patents or standard patents, in respect of an invention or inventions disclosed in the petty patent specification lodged in respect of the application on which the first-mentioned petty patent was sealed.”.

(2) The amendments of section 51 of the Principal Act made by sub-section (1) apply in relation to a further application for a standard patent or for a petty patent made after the commencement of this section whether the application for a standard patent or for a petty patent to which the further application relates was lodged before, or is lodged after, the commencement of this section.

**179.** Section 113 of the Principal Act is repealed and the following section is substituted:

### **Infringement action may be instituted in a prescribed court**

“113. An action or proceeding for infringement of a patent may be instituted in a prescribed court, but nothing in this section prevents such an action or proceeding being instituted in a court that is not a prescribed court.”.

### **Declaration as to non-infringement**

**180.** Section 120 of the Principal Act is amended by omitting sub-section (2).

### **Groundless threats of legal proceedings**

**181.** Section 121 of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section:

“(4) An action under this section may be instituted in a prescribed court, but nothing in this sub-section prevents such an action or proceeding being instituted in a court that is not a prescribed court.”.

**182.** Section 132 of the Principal Act is repealed and the following section is substituted:

### **Interpretation**

“132. (1) In this Part, ‘State’ includes the Northern Territory.

“(2) In this Part, a reference to the Commonwealth shall be read as including a reference to an authority of the Commonwealth and a reference to a State shall be read as including a reference to an authority of a State.

“(3) This Part applies in relation to the Administration of Norfolk Island as if that Administration were a State.”.

**183.** After section 135 of the Principal Act the following section is inserted:

### **Regulations with respect to the professional conduct of patent attorneys**

“135A. (1) The regulations may make provision for and in relation to the control of the professional conduct of registered patent attorneys and the practice of the profession.

“(2) Without limiting the generality of sub-section (1), the regulations may make provision for and in relation to—

- (a) the making of complaints, and the hearing of charges, against registered patent attorneys in relation to their professional conduct; and
- (b) the imposition of penalties on registered patent attorneys, including the issuing of a reprimand and the suspension or cancellation of registration.

“(3) The regulations made for the purposes of this section may make provision for and in relation to—

- (a) the summoning of witnesses;
- (b) requiring persons to give evidence on oath (whether orally or otherwise);
- (c) the administering of oaths to persons giving evidence (whether orally or otherwise); and
- (d) requiring persons to produce documents or articles.”.

**Jurisdiction of prescribed courts**

**184.** Section 146 of the Principal Act is amended—

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

“(1) Subject to sub-section (2), every prescribed court has jurisdiction with respect to matters arising under this Act in respect of which actions or proceedings may, under this Act, be instituted in a prescribed court.

“(2) The jurisdiction conferred by sub-section (1) on the Supreme Court of a Territory—

- (a) to the extent that it relates to an action or proceeding for the infringement of a patent or an action under section 120 or 121, or to a matter arising under this Act that may be heard and determined together with such an action or proceeding—is conferred to the extent that the Constitution permits; and
- (b) in any other case—is conferred only in relation to an action or proceeding instituted by a natural person who is resident in the Territory, or a corporation that has its principal place of business in the Territory, at the time of the institution of the action or proceeding.”; and
- (b) by omitting from sub-section (4) “proceedings under this Act, including provision prescribing the time within which any” and substituting “an action or proceeding under this Act, including provision prescribing the time within which any action or”.

**Transfer of proceedings**

**185.** Section 147 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “proceedings have been” and substituting “an action or proceeding has been”;
- (b) by omitting from sub-section (1) “proceedings” (second, third and fourth occurring) and substituting “action or proceeding”; and
- (c) by omitting sub-section (2) and substituting the following sub-section:

“(2) Where an action or proceeding is transferred from a court in pursuance of this section—

- (a) all documents filed of record in that court shall be transmitted by the Registrar or other proper officer of that court to the Registrar or other proper officer of the court to which the action or proceeding is transferred; and
- (b) the court to which the action or proceeding is transferred shall proceed as if the action or proceeding had been originally instituted in that court and as if the same proceedings had been taken in that court as had been taken in the court from which the action or proceeding was transferred.”.



### **Appeals**

**186.** Section 148 of the Principal Act is amended by adding at the end of sub-section (1) “or 121”.

### **Application for review**

**187.** Section 151 of the Principal Act is amended—

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

“(a) a decision of the Commissioner under section 47E, sub-section 59 (1), section 66, sub-section 77 (4), section 82 or 98, sub-section 106 (1) or section 154, 159C or 160; or”;

(b) by adding at the end thereof the following sub-section:

“(2) In this section, ‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.”.

### **Fees**

**188.** Section 176 of the Principal Act is amended—

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

“(1A) Without limiting the generality of sub-section (1), different fees may be prescribed in respect of the doing of an act, or the taking of a step, according to the time at which the act is done or the step taken, as the case may be.”;

(b) by adding at the end thereof the following sub-section:

“(5) The regulations may make provision for the remission of, or for exempting persons from the payment of, the whole or any part of a fee.”.

### **Regulations**

**189.** Section 177 of the Principal Act is amended by inserting after paragraph (ac) the following paragraph:

“(ad) requiring persons to furnish statutory declarations in relation to patent applications or patents or in proceedings under this Act (not being proceedings in a court);”.

### **Formal amendments**

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

### **Transitional**

**191. (1)** Notwithstanding the repeal of section 49A of the *Patents Act 1952* effected by section 17 of the *Patents Amendment Act 1979*, the provisions of that first-mentioned section continue to apply, after the commencement of this sub-section, in relation to applications made by virtue of that first-mentioned section before the commencement of this sub-section as if that first-mentioned section had not been repealed.

- (2) The following provisions of this section apply to an invention if—
- (a) the invention falls within the scope of a claim of the complete specification of an application for a patent that was accepted before 1 July 1979 but in respect of which a patent was not sealed before that date; and
  - (b) the invention was, before 1 July 1979, excluded from the complete specification by an amendment under section 49 or 52D of the *Patents Act 1952*.
- (3) An application for a standard patent may be made, before the expiration of the period of 6 months after the commencement of this sub-section, in respect of an invention to which this sub-section applies by a person who is entitled or by persons who are entitled, in accordance with section 34 of the *Patents Act 1952*, to make an application for a patent for the invention.
- (4) An application under sub-section (3) may be made whether or not a patent has been sealed in respect of the application referred to in paragraph (2) (a).
- (5) An application for a standard patent made by virtue of sub-section (3) shall be accompanied by a complete specification.
- (6) The fee payable in respect of the making of an application under sub-section (3) is \$40 together with—
- (a) if the number of sheets comprising the specification, including any drawings contained in the specification, exceeds 10—\$2 for each sheet in excess of 10; and
  - (b) if the number of claims exceeds 10—\$4 for each claim in excess of 10.
- (7) The Commissioner may, in his discretion, remit the whole or part of any fee that would, but for this sub-section, be payable in respect of the making of an application under sub-section (3).
- (8) Notwithstanding anything contained in section 45 or 45A of the *Patents Act 1952*, the priority date of a claim of a complete specification accompanying an application made by virtue of sub-section (3), being a claim fairly based on matter disclosed in the complete specification from which the invention was excluded by an amendment made under section 49 or 52D of the *Patents Act 1952*, is the date that would have been the priority date of that claim if that claim were a claim of that last-mentioned specification.
- (9) Where an application is made by virtue of sub-section (3), the Commissioner shall forthwith publish in the *Official Journal* a notification that the complete specification lodged in respect of that application is open to public inspection.
- (10) Subject to the provisions of the *Patents Act 1952* other than sub-section 67 (1) of that Act, a patent granted on an application made by virtue of sub-section (3) of this section shall be dated as of the date of lodgement of the complete specification referred to in paragraph (2) (a).

(11) Where an application for a patent for an invention is made by virtue of sub-section (3), such provisions as are prescribed have effect for the protection or compensation of persons who availed themselves, or took definite steps by way of contract or otherwise to avail themselves, of the invention by reason of the repeal effected by section 17 of the *Patents Amendment Act 1979*.

(12) The Governor-General may make regulations for the purposes of sub-section (11).

### **Compensation**

**192.** (1) If the operation of this Part (including the operation of any provision of the Principal Act as amended by this Part, being a provision of the Principal Act amended by this Part) results in the acquisition of property from a person for the benefit of another person, being an acquisition of property within the meaning of paragraph 51 (xxxi) of the Constitution, that second-mentioned person is liable to pay that first-mentioned person such compensation as is determined by agreement between those persons, or, in the absence of agreement, by action brought by that first-mentioned person against that second-mentioned person 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 in respect of which actions may be brought in those Courts under this section.

## **PART XXXII—AMENDMENTS OF THE PUBLIC SERVICE ACT 1922**

### **Principal Act**

**193.** The *Public Service Act 1922*<sup>30</sup> is in this Part referred to as the Principal Act.

### **Determination of matters by reference to other instruments**

**194.** Section 82E of the Principal Act is amended—

(a) by omitting from paragraph (1) (a) “or” (last occurring); and

(b) by inserting after paragraph (1) (a) the following paragraph:

“(aa) any of the provisions of another determination as in force at a particular time or as in force from time to time; or”.

### **Regulations**

**195.** Section 97 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(3) Regulations made pursuant to the foregoing provisions may make provision for or in relation to any matter authorized by those provisions by applying, adopting or incorporating, with or without modification, any of the provisions of a determination made under section 82D as in force at a particular time or as in force from time to time.”.

**Amendment of Schedule 3**

**196.** (1) Schedule 3 to the Principal Act is amended by omitting “The Director-General of Social Services” and substituting “The Director-General of Social Security”.

(2) The person who, immediately before the commencement of this section, held office as Director-General of Social Services shall, subject to the Principal Act as amended by this section, hold office after the commencement of this section as Director-General of Social Security.

**PART XXXIII—AMENDMENTS OF THE REMUNERATION AND ALLOWANCES ACT 1973**

**Principal Act**

**197.** The *Remuneration and Allowances Act 1973*<sup>31</sup> is in this Part referred to as the Principal Act.

**Salaries and allowances of certain office holders**

**198.** Section 13 of the Principal Act is amended—

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

“(5) The President of the Administrative Appeals Tribunal shall receive, in respect of his office as President of that Tribunal, in addition to the salary and annual allowance by which he is remunerated as a Judge of the Federal Court of Australia, an annual allowance at the rate of \$300 per annum.”; and

(b) by omitting sub-section (7) and substituting the following sub-section:

“(7) Sub-section (1) does not apply in respect of the office of Director-General of Security unless the Director-General is a Judge of a court created by the Parliament.”.

**Travelling allowances payable to holders of certain offices**

**199.** Section 13C of the Principal Act is amended by omitting sub-section (7) and substituting the following sub-section:

“(7) Notwithstanding sub-section (1), the office of Director-General of Security shall not be taken to be an office to which this section applies unless the Director-General is a Judge of a court created by the Parliament.”.

**Schedule**

**200.** Schedule 3 to the Principal Act is amended by omitting from Part II—

“President of the Administrative Appeals Tribunal . . . . . 67,000 3,375”.

**PART XXXIV—AMENDMENTS OF THE ROYAL COMMISSIONS  
ACT 1902**

**Principal Act**

**201.** The *Royal Commissions Act 1902*<sup>32</sup> is in this Part referred to as the Principal Act.

**202.** Section 6DD of the Principal Act is repealed and the following section is substituted:

**Statements made by witness not admissible in evidence against him**

“6DD. A statement or disclosure made by any witness in the course of giving evidence before a Commission is not (except in proceedings for an offence against this Act) admissible in evidence against that witness in any civil or criminal proceedings in any court of the Commonwealth, of a State or of a Territory.”.

**203.** After section 7 of the Principal Act the following sections are inserted:

**Effect of Royal Commissioner having authority to inquire under foreign law**

“7A. Where—

- (a) by Letters Patent, a commission to make inquiry into and report upon the matters specified in the Letters Patent has been issued to a person or persons under section 1A;
- (b) an authority to inquire into, and take evidence in relation to, specified matters is granted by, or issued under, a law of another country, to the person, or to any one or more of the persons, referred to in paragraph (a);
- (c) in the opinion of the Attorney-General, the matters specified—
  - (i) in the case of an authority granted by a law of another country—in that law; or
  - (ii) in the case of an authority issued under a law of another country—in the instrument by which the authority is issued,are the same or substantially the same as the matters specified in the Letters Patent or are significantly related to those last-mentioned matters; and
- (d) arrangements have been made between Australia and that other country in relation to the performance of functions and the exercise of powers under the authority by the person or persons referred to in paragraph (b),

any information obtained, and any evidence taken, by the person or persons referred to in paragraph (b), in the course of the performance of a function, or the exercise of a power, under the authority, being information or evidence that relates to the matters specified in the Letters Patent, may, subject to—

- (e) any conditions or restrictions subject to which the authority was granted or issued; and

(f) any provision of the arrangements, be used by the person or persons referred to in paragraph (a) for the purposes of the performance of any function, or the exercise of any power, under the commission.

**Commission may take evidence outside Australia**

“7B. Where—

(a) by Letters Patent, a commission has been issued to a person or persons (in this section referred to as the ‘Commission’) under section 1A; and  
(b) arrangements have been made between Australia and another country in relation to the taking of evidence in that country by the Commission, the Commission may, in that other country, subject to any provision of the arrangements and to the laws of that other country, administer an oath or affirmation to any person appearing as a witness before the Commission and take evidence given by that witness on oath or affirmation, and any evidence taken in that country by the Commission in accordance with those arrangements may be used by the Commission in Australia for the purpose of the performance of any function, or the exercise of any power, under the commission.

**Statements made by witness not admissible in evidence against him**

“7C. A statement or disclosure made by any witness in the course of giving evidence, being evidence that is taken as mentioned in section 7A or 7B, is not (except in proceedings for an offence against this Act) admissible in evidence against that witness in any civil or criminal proceedings in any court of the Commonwealth, of a State or of a Territory.”.

**Evidence of issue of Commission, &c.**

**204.** Section 16 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) In all legal proceedings—

(a) a certificate signed by the Minister for Foreign Affairs, stating that arrangements have been made between Australia and a country specified in the certificate in relation to the receiving of evidence in that country by the person or persons to whom a commission has, by Letters Patent, been issued under section 1A, is evidence that those arrangements have been so made; and  
(b) a certificate signed by the Minister for Foreign Affairs, stating that arrangements have been made between Australia and a country specified in the certificate in relation to the performance of functions, and the exercise of powers, by a person or persons specified in the certificate, under an authority to inquire into particular matters granted by, or issued under, the law of another country, is evidence that those arrangements have been so made.

“(3) A certificate signed by the Attorney-General stating that, in his opinion—

- (a) the matters specified in a law of another country by which an authority to inquire into, and take evidence in relation to, those matters is granted to a person, being a law referred to in the certificate; or
  - (b) the matters specified in an instrument by which an authority to inquire into, and take evidence in relation to, those matters is issued under the law of another country, being an authority referred to in the certificate,
- are the same or substantially the same as the matters specified in the Letters Patent by which a commission referred to in the certificate has been issued under section 1A, or are significantly related to those last-mentioned matters, is evidence that the Attorney-General is of that opinion.”.

## **PART XXXV—AMENDMENTS OF THE SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910**

### **Principal Act**

**205.** The *Seat of Government (Administration) Act 1910*<sup>33</sup> is in this Part referred to as the Principal Act.

### **Ordinances**

**206.** Section 12 of the Principal Act is amended—

- (a) by omitting paragraph (5A) (a) and substituting the following paragraph:

“(a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and”;

- (b) by inserting in sub-section (5A) “first-mentioned” before “House” (third and fourth occurring); and
- (c) by omitting sub-section (6) and substituting the following sub-sections:

“(6) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (3), the disallowance of the Ordinance or the operation of sub-section (3) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

“(6A) Where—

- (a) an Ordinance (in this sub-section referred to as the ‘relevant Ordinance’) is disallowed, or is deemed to have been disallowed, under this section or becomes void and of no effect by virtue of the operation of sub-section (3); and
- (b) the relevant Ordinance repealed, in whole or in part, another Ordinance that was in force immediately before the relevant Ordinance came into operation,

the disallowance of the relevant Ordinance or the operation of sub-section (3) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance from and including the date of the disallowance or the date on which the relevant

Ordinance became void and of no effect by virtue of that operation of sub-section (3), as the case may be, as if the relevant Ordinance had not been made.

“(6B) A reference in sub-section (6) or (6A) to an Ordinance shall be read as including a reference to a part of an Ordinance.”.

## **PART XXXVI—AMENDMENTS OF THE SECURITIES INDUSTRY ACT 1980**

### **Principal Act**

**207.** The *Securities Industry Act 1980*<sup>34</sup> is in this Part referred to as the Principal Act.

### **Interpretation**

**208.** Section 4 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) Where a person is, for the purposes of the *Companies (Acquisition of Shares) Act 1980*, taken to acquire shares in a company, the person shall, for the purposes of the definition of ‘dealing’ in sub-section (1), be taken to acquire those shares.”.

### **Disclosure to Commission**

**209.** Section 12 of the Principal Act is amended by omitting sub-section (7) and substituting the following sub-section:

“(7) In this section—

- (a) a reference to disclosing information includes, in relation to information that is contained in a document, a reference to furnishing the document; and
- (b) a reference to an acquisition of securities includes, where a person is, for the purposes of the *Companies (Acquisition of Shares) Act 1980*, taken to acquire shares in a company, a reference to the acquisition of the shares.”.

### **Power of Court to make certain orders**

**210.** Section 14 of the Principal Act is amended—

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

“(1A) Where an application is made to the Court for an order under sub-section (1), the Court may, if in the opinion of the Court it is desirable to do so, before considering the application, grant an interim order, being an order of the kind applied for that is expressed to have effect pending the determination of the application.

“(1B) Where the Commission makes an application to the Court for the making of an order under sub-section (1), the Court shall not require the Commission or any other person, as a condition of granting



an interim order under sub-section (1A), to give any undertakings as to damages.”; and

- (b) by omitting from paragraph (6) (a) “sub-section (1)” and substituting “this section”.

#### **Use by dealer of clients’ moneys**

**211.** Section 67 of the Principal Act is amended—

- (a) by omitting “deposits moneys with, or lends moneys to,” and substituting “lends moneys to”;
- (b) by omitting from paragraph (a) “deposited with or”; and
- (c) by omitting from paragraph (b) “deposit or”.

#### **Power of Court to restrain dealings with dealer’s bank accounts**

**212.** Section 83 of the Principal Act is amended—

- (a) by omitting “the Commission shows to the satisfaction of the Court” and substituting “the Court is satisfied, on application by the Commission”; and
- (b) by adding at the end thereof the following sub-sections:

“(2) Where an application is made to the Court for an order under sub-section (1), the Court may, if in the opinion of the Court it is desirable to do so, before considering the application, grant an interim order, being an order of the kind applied for that is expressed to have effect pending the determination of the application.

“(3) Where the Commission makes an application to the Court for the making of an order under sub-section (1), the Court shall not require the Commission or any other person, as a condition of granting an interim order under sub-section (2), to give any undertakings as to damages.”.

#### **Power of Court to prohibit payment or transfer of moneys, securities or other property**

**213.** Section 147 of the Principal Act is amended—

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

“(1A) Where an application is made to the Court for an order under sub-section (1), the Court may, if in the opinion of the Court it is desirable to do so, before considering the application, grant an interim order, being an order of the kind applied for that is expressed to have effect pending the determination of the application.

“(1B) Where the Commission makes an application to the Court for the making of an order under sub-section (1), the Court shall not require the Commission or any other person, as a condition of granting an interim order under sub-section (1A), to give any undertakings as to damages.”;

- (b) by omitting from sub-section (2) “sub-section (1)” and substituting “this section”; and

- (c) by omitting from sub-section (3) “this section” and substituting “sub-section (1) or (2)”.

### **PART XXXVII—AMENDMENT OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) ACT 1981**

#### **Principal Act**

**214.** The *Statute Law (Miscellaneous Amendments) Act 1981*<sup>35</sup> is in this Part referred to as the Principal Act.

#### **Persons entitled to enrolment and to vote**

**215.** Section 32 of the Principal Act is amended by omitting sub-paragraph (ii) of the proposed new paragraph 39 (1) (b) that is to be inserted in the *Commonwealth Electoral Act 1918* and substituting the following sub-paragraph:

- “(ii) British subjects (other than Australian citizens) whose names were, immediately before the date fixed under sub-section 2 (5) of the *Statute Law (Miscellaneous Amendments) Act 1981*—
- (A) on the roll for a Division; or
  - (B) on a roll kept for the purposes of the *Australian Capital Territory Representation (House of Representatives) Act 1973* or the *Northern Territory Representation Act 1922*”.

### **PART XXXVIII—AMENDMENTS OF THE STATUTE LAW REVISION ACT 1981**

#### **Principal Act**

**216.** The *Statute Law Revision Act 1981*<sup>36</sup> is in this Part referred to as the Principal Act.

#### **Schedule 1**

**217.** Schedule 1 to the Principal Act is amended—

- (a) by omitting from column 1 “*Australian Capital Territory Supreme Court Act 1953*” and substituting “*Australian Capital Territory Supreme Court Act 1933*”; and
- (b) by omitting from column 1 “*Australian Institute of Aboriginal Studies Act 1961*” and substituting “*Australian Institute of Aboriginal Studies Act 1964*”.

### **PART XXXIX—AMENDMENTS OF THE STUDENT ASSISTANCE ACT 1973**

#### **Principal Act**

**218.** The *Student Assistance Act 1973*<sup>37</sup> is in this Part referred to as the Principal Act.

### **Title of Principal Act**

**219.** The title of the Principal Act is repealed and the following title is substituted:

“An Act to provide certain benefits to students”.

### **Benefits provided under this Act**

**220.** Section 4 of the Principal Act is amended by omitting “Senior Secondary Scholarships of the kind provided for in Part II,”.

### **Interpretation**

**221.** Section 5 of the Principal Act is amended—

- (a) by omitting the definition of “secondary school”; and
- (b) by omitting “a Senior Secondary Scholarship,” from the definition of “student assistance to which this Act applies”.

### **Repeal of Part II**

**222.** Part II of the Principal Act is repealed.

### **Grant of Tertiary Education Assistance**

**223.** Section 10 of the Principal Act is amended by adding at the end thereof “or a part of a course of study or instruction, being a part approved by the Minister for the purposes of this section”.

### **Benefit under Tertiary Education Assistance Grants**

**224.** Section 11 of the Principal Act is amended—

- (a) by omitting from paragraph (a) “and”;
- (b) by adding at the end of sub-paragraph (b) (i) “and”;
- (c) by omitting sub-paragraph (b) (iii); and
- (d) by adding at the end thereof the following paragraph:
  - “(c) the payment of such other allowances, if any, as are payable in accordance with the regulations.”.

### **Repeal of sections 12 and 13**

**225.** Sections 12 and 13 of the Principal Act are repealed.

### **Grant of Post-graduate Awards**

**226.** Section 14 of the Principal Act is amended by adding at the end thereof “or a part of a post-graduate course of study, instruction or research, being a part approved by the Minister for the purposes of this section”.

### **Benefit under Post-graduate Awards**

**227.** Section 15 of the Principal Act is amended by inserting in paragraph (a) “, or the part of a course,” after “course”.

### **Repeal of section 16**

**228.** Section 16 of the Principal Act is repealed.

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

**Remuneration and allowances**

“19. (1) A member of a Tribunal shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) A member of a Tribunal shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act* 1973.”.

**Termination of appointment**

**230.** Section 20 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(2) Where the Minister is satisfied that a member of a Tribunal has failed, without reasonable excuse, to make a disclosure that he is, under sub-section 25B (1), required to make, the Minister shall terminate the appointment of the member.”.

**231.** Section 21 of the Principal Act is repealed and the following section is substituted:

**Resignation**

“21. A member of a Tribunal may resign his office by writing signed by him delivered to the Minister.”.

**Request for review by Tribunal**

**232.** Section 23 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(3) A person who has given a notice under this section requesting an authorized person to refer a decision (in this sub-section referred to as the ‘relevant decision’) to a Tribunal for review may, at any time before the Tribunal has given a decision in writing in accordance with sub-section 26 (1) following a review of the relevant decision, by notice in writing given to the authorized person, withdraw the request, and where a person so withdraws a request—

- (a) he shall be deemed not to have given a notice under this section requesting the referral of the relevant decision to a Tribunal for review;
- (b) if the authorized person has forwarded the request to the Chairman of a Tribunal in accordance with section 24—the Chairman of the Tribunal shall be deemed not to have received a request for a review of the relevant decision by the Tribunal; and
- (c) if the Chairman of a Tribunal has arranged for the relevant decision to be reviewed by the Tribunal—the Tribunal shall not commence or continue a review of the relevant decision.”.

233. After section 25 of the Principal Act the following sections are inserted:

**Constitution of Tribunal**

“25A. (1) Subject to this section, a Tribunal shall for the purposes of the exercise of its power to review a decision of an authorized person, be constituted by the Chairman and the 2 other members of the Tribunal.

“(2) Where—

- (a) the Chairman of a Tribunal has arranged for a decision of an authorized person to be reviewed by the Tribunal;
- (b) before the Tribunal has made a decision on the review, a member of the Tribunal (other than the Chairman)—
  - (i) is, under section 25B, prohibited from taking part or continuing to take part in the proceedings;
  - (ii) is directed by the Chairman in accordance with section 25B not to take part, or not to continue to take part, in the proceedings; or
  - (iii) is, for any other reason, unable to take part or continue to take part in the proceedings; and
- (c) there is lodged with the Chairman of the Tribunal, as prescribed, a notice, signed by the person who requested the review by a Tribunal of the decision, stating that he consents to the decision being reviewed, or to the review of the decision being continued and completed, by the Tribunal constituted by the Chairman and the remaining member of the Tribunal,

the Tribunal shall be constituted for the purposes of the review of that decision by the Chairman and that remaining member.

**Disclosure of interests by members**

“25B. (1) Where a member is, or is to be, a member of a Tribunal as constituted for the purposes of proceedings in relation to a review of a decision of an authorized person and he has or acquires any interest, pecuniary or otherwise, that could conflict with the proper performance of his functions in relation to those proceedings—

- (a) he shall disclose the interest to the parties to the proceedings; and
- (b) except with the consent of both the parties to the proceedings, he shall not take part in the proceedings.

“(2) Where the Chairman of a Tribunal becomes aware that a member is, or is to be, a member of the Tribunal as constituted for the purposes of proceedings relating to a review of a decision of an authorized person and that the member has, in relation to those proceedings, such an interest as is mentioned in sub-section (1)—

- (a) if the Chairman considers that the member should not take part, or should not continue to take part, in the proceedings—he shall give a direction to the member accordingly; or

- (b) in any other case—he shall cause the interest of the member to be disclosed to the parties to the proceedings.”.

**Powers of Tribunal with respect to decision under review**

**234.** Section 26 of the Principal Act is amended by omitting from sub-section (1) “A Review Tribunal” and substituting “Subject to sub-section 27 (5), a Tribunal”.

**Procedure of Tribunal to be informal, &c.**

**235.** Section 27 of the Principal Act is amended—

- (a) by omitting from sub-section (3) “A copy” and substituting “Subject to section 29, a copy”; and
- (b) by adding at the end thereof the following sub-section:

“(5) Where a Tribunal constituted by the Chairman and one other member completes a review of a decision of an authorized person and the Chairman and the other member do not agree as to the decision to be made by the Tribunal, the Chairman shall arrange for the decision of the authorized person to be reviewed by a Tribunal constituted as provided by sub-section 25A (1).”.

**236.** Section 29 of the Principal Act is repealed and the following sections are substituted:

**Hearings to be in public except in special circumstances**

“29. (1) Subject to this section, the hearing of proceedings before a Tribunal shall be in public.

“(2) Where a Tribunal is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or for any other reason, the Tribunal may, by order—

- (a) direct that a hearing or part of a hearing shall take place in private and give directions as to the persons who may be present;
- (b) give directions prohibiting or restricting the publication of evidence given before the Tribunal, whether in public or in private, or of matters contained in documents lodged with the Tribunal (including any documents forwarded to the Tribunal under section 24) or received in evidence by the Tribunal; and
- (c) give directions prohibiting or restricting the disclosure to either or both of the parties to the proceedings of evidence given before the Tribunal, or of the contents of a document lodged with the Tribunal (including a document forwarded to the Tribunal under section 24) or received in evidence by the Tribunal, in relation to the proceedings.

“(3) In considering—

- (a) whether the hearing of proceedings should be held in private; or
- (b) whether publication, or disclosure to either or both of the parties, of evidence given before the Tribunal, or of a matter contained in a

document lodged with the Tribunal (including a document forwarded to the Tribunal under section 24) or received in evidence by the Tribunal, should be prohibited or restricted,

a Tribunal shall take as the basis of its consideration the principle that it is desirable that hearings of proceedings before Tribunals should be held in public and that evidence given before Tribunals and the contents of documents lodged with Tribunals (including documents forwarded to Tribunals under section 24) or received in evidence by Tribunals should be made available to the public and to both the parties, but shall pay due regard to any reasons given to the Tribunal why the hearing should be held in private or why publication or disclosure of the evidence or the matter contained in the document should be prohibited or restricted.

**Opportunity to make submissions concerning evidence**

“29A. Subject to section 29, a Tribunal shall ensure that each party to proceedings before the Tribunal is given a reasonable opportunity to present his case and, in particular, to inspect any documents to which the Tribunal proposes to have regard in reaching a decision in the proceedings and to make submissions in relation to those documents.”

237. After section 30 of the Principal Act the following section is inserted in Part VI:

**Request for reconsideration or review may be made on behalf of person**

“30A. Where a person is, for any reason, unable—

- (a) to request a reconsideration of a decision; or
- (b) to request a review by a Tribunal of a decision of an authorized person,

such a request may be made by another person on behalf of that first-mentioned person.”

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**SCHEDULE 1**

Sub-section 72 (1)

**AMENDMENTS OF CERTAIN BOUNTY ACTS**

Column 1 Act	Column 2 Amendment
<i>Automatic Data Processing Equipment Bounty Act 1977</i>	Omit sub-section 20 (1) and substitute the following sub-section: “(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth— (a) the name and address of each person to whom bounty was paid in that financial year; (b) the amount of bounty paid to each person in that financial year and the quantity of automatic data processing equipment in respect of which the bounty was paid; and (c) such other particulars (if any) as are prescribed.”.
<i>Bounty (Bed Sheeting) Act 1977</i>	Omit sub-section 19 (1) and substitute the following sub-section: “(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth— (a) the name and address of each person to whom bounty was paid in that financial year; (b) the amount of bounty paid to each person in that financial year and the quantity of bountiable bed sheeting in respect of which the bounty was paid; and (c) such other particulars (if any) as are prescribed.”.
<i>Bounty (Books) Act 1969</i>	Omit sub-section 18 (1) and substitute the following sub-section: “(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth— (a) the name and address of each person to whom bounty was paid in that financial year; (b) the number of books produced during that financial year in respect of which bounty was paid; and (c) such other particulars (if any) as are prescribed.”.
<i>Bounty (Drilling Bits) Act 1980</i>	Omit sub-section 20 (1) and substitute the following sub-section: “(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth— (a) the name and address of each person to whom bounty was paid in that financial year; (b) the amount of bounty paid to each person in that financial year and the number of bountiable drilling bits in respect of which the bounty was paid; and (c) such other particulars (if any) as are prescribed.”.
<i>Bounty (Injection-moulding Equipment) Act 1979</i>	Omit sub-section 20 (1) and substitute the following sub-section: “(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth— (a) the name and address of each person to whom bounty was paid in that financial year; (b) the amount of bounty paid to each person in that financial year and the quantity of injection-moulding equipment in respect of which the bounty was paid; and (c) such other particulars (if any) as are prescribed.”.
<i>Bounty (Non-adjustable Wrenches) Act 1981</i>	Omit sub-section 21 (1) and substitute the following sub-section: “(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth—



SCHEDULE 1—continued

Column 1 Act	Column 2 Amendment
	<ul style="list-style-type: none"> <li>(a) the name and address of each person to whom bounty was paid in that financial year;</li> <li>(b) the amount of bounty paid to each person in that financial year and the number of the bountiable implements in respect of which the bounty was paid; and</li> <li>(c) such other particulars (if any) as are prescribed.”.</li> </ul>
<i>Bounty (Paper) Act 1979</i>	<p>Omit sub-section 20 (1) and substitute the following sub-section:</p> <p>“(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth—</p> <ul style="list-style-type: none"> <li>(a) the name and address of each person to whom bounty was paid in that financial year;</li> <li>(b) the amount of bounty paid to each person in that financial year and the quantity of bountiable paper in respect of which the bounty was paid; and</li> <li>(c) such other particulars (if any) as are prescribed.”.</li> </ul>
<i>Bounty (Penicillin) Act 1980</i>	<p>Omit sub-section 22 (1) and substitute the following sub-section:</p> <p>“(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth—</p> <ul style="list-style-type: none"> <li>(a) the name and address of each person to whom bounty was paid in that financial year;</li> <li>(b) the amount of bounty paid to each person in that financial year and the amount of bountiable penicillin in respect of which the bounty was paid; and</li> <li>(c) such other particulars (if any) as are prescribed.”.</li> </ul>
<i>Bounty (Printed Fabrics) Act 1981</i>	<p>Omit sub-section 19 (1) and substitute the following sub-section:</p> <p>“(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth—</p> <ul style="list-style-type: none"> <li>(a) the name and address of each person to whom bounty was paid in that financial year;</li> <li>(b) the amount of bounty paid to each person in that financial year; and</li> <li>(c) such other particulars (if any) as are prescribed.”.</li> </ul>
<i>Bounty (Textile Yarns) Act 1981</i>	<p>Omit sub-section 19 (1) and substitute the following sub-section:</p> <p>“(1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth—</p> <ul style="list-style-type: none"> <li>(a) the name and address of each person to whom bounty was paid in that financial year;</li> <li>(b) the amount of bounty paid to each person in that financial year; and</li> <li>(c) such other particulars (if any) as are prescribed.”.</li> </ul>

**SCHEDULE 2**

Sub-section 72 (4)

**AMENDMENTS OF CERTAIN OTHER BOUNTY ACTS**

Column 1 Act	Column 2 Provision
<i>Bounty (Agricultural Tractors) Act 1966</i>	Sub-section 19 (1)
<i>Bounty (Commercial Motor Vehicles) Act 1978</i>	Sub-section 20 (1)
<i>Bounty (Metal-working Machine Tools) Act 1978</i>	Sub-section 19 (1)
<i>Bounty (Refined Tin) Act 1980</i>	Sub-section 20 (1)
<i>Bounty (Ships) Act 1980</i>	Sub-section 18 (1)
<i>Nitrogenous Fertilizers Subsidy Act 1966</i>	Sub-section 24 (1)
<i>Phosphate Fertilizers Bounty Act 1963</i>	Sub-section 21 (1)

**SCHEDULE 3**

Section 192

**FORMAL AMENDMENTS OF THE PATENTS ACT 1952**

Provision	Amendment
Section 6 (definition of "the Register")	Omit "(1) of section 20", substitute "20 (1)".
Paragraph 48 (3) (d)	Omit "(a) of sub-section (1) of section 158", substitute "158 (1) (a)".
Sub-section 48 (4)	(a) Omit "(a) of sub-section (3)", substitute "(3) (a)". (b) Omit "(c) of that sub-section", substitute "(3) (c)".
Sub-section 48 (5)	Omit "(e) of sub-section (3)", substitute "(3) (e)".
Sub-section 49A (12)	(a) Omit "(b) of sub-section (11)", substitute "(11) (b)". (b) Omit "(d) of that sub-section", substitute "(11) (d)".
Sub-section 50A (1)	Omit "(3) of section 50", substitute "50 (3)".
Sub-section 50A (2)	Omit "(c) of sub-section (1)", substitute "(1) (c)".
Paragraph 52B (1) (d)	Omit "(b) and (c) of sub-section (2) of that section", substitute "47A (2) (b) and (c)".
Sub-section 52B (2)	Omit "(b) of section 47C", substitute "47C (b)".
Paragraph 52C (2) (b)	Omit "(b) of sub-section (1) of section 35", substitute "35 (1) (b)".
Paragraph 52C (2) (c)	Omit "(3) of section 52A", substitute "52A (3)".
Paragraph 52C (2) (d)	Omit "(3) of section 52A", substitute "52A (3)".
Sub-section 52C (3)	Omit "(3), (4) and (5) of section 48", substitute "48 (3), (4) and (5)".
Paragraph 52D (2) (b)	Omit "(3) of section 52A", substitute "52A (3)".
Sub-section 52D (4)	(a) Omit "(3) of section 52A", substitute "52A (3)". (b) Omit "(ii) of paragraph (b) of sub-section (2)", substitute "(2) (b) (ii)".
Paragraph 52D (6) (a)	Omit "(b) of sub-section (2) of this section", substitute "(2) (b)".
Paragraph 52D (8) (b)	(a) Omit "(3) of section 52A", substitute "52A (3)". (b) Omit "(b) of sub-section (2)", substitute "(2) (b)".
Sub-section 52D (10)	Omit "(4) of section 52", substitute "52 (4)".
Sub-section 54 (4)	Omit "(a) of sub-section (3) of section 48", substitute "48 (3) (a)".
Paragraph 54A (4) (e)	Omit "(i) of paragraph (a)", substitute "(a) (i)".
Paragraph 54A (4) (f)	Omit "(ii) of paragraph (a)", substitute "(a) (ii)".
Paragraph 54A (4) (g)	Omit "(i) of paragraph (b)", substitute "(b) (i)".
Paragraph 54A (4) (h)	Omit "(ii) of paragraph (b)", substitute "(b) (ii)".

**SCHEDULE 3—continued**

Provision	Amendment
Paragraph 54A (4) (j)	Omit "(i) of paragraph (c)", substitute "(c) (i)".
Paragraph 54A (4) (k)	Omit "(ii) of paragraph (c)", substitute "(c) (ii)".
Paragraph 54A (4) (l)	Omit "(i) of paragraph (d)", substitute "(d) (i)".
Paragraph 54A (4) (m)	Omit "(ii) of paragraph (d)", substitute "(d) (ii)".
Paragraph 54B (1) (f)	Omit "(3) of section 35", substitute "35 (3)".
Paragraph 54B (1) (g)	Omit "(3) and (4) of section 143", substitute "143 (3) and (4)".
Paragraph 54B (2) (c)	Omit "(3) of section 35", substitute "35 (3)".
Paragraph 54B (2) (d)	Omit "(3) and (4) of section 143", substitute "143 (3) and (4)".
Sub-section 54C (1)	Omit "(9) of section 47E", substitute "47E (9)".
Section 56	Omit "(3) of section 48", substitute "48 (3)".
Paragraph 57 (1) (b)	Omit "(e), (f) or (g) of section 100", substitute "100 (e), (f) or (g)".
Paragraph 58B (4) (a)	Omit "(a) of sub-section (1)", substitute "(1) (a)".
Sub-section 58C (1)	(a) Omit "(c), (d), (e) and (f) of sub-section (1) of section 35", substitute "35 (1) (c), (d), (e) and (f)". (b) Omit "(2) of section 35", substitute "35 (2)". (c) Omit "(a) or (b) of sub-section (1) of section 35", substitute "35 (1) (a) or (b)".
Sub-section 58C (2)	Omit "(1) or (2) of section 40", substitute "40 (1) or (2)".
Sub-section 58C (3)	Omit "(1A) or (2) of section 40", substitute "40 (1A) or (2)".
Paragraph 58C (9) (b)	Omit "(2) or (3) of section 58G", substitute "58G (2) or (3)".
Sub-section 58 D (1)	Omit "(8) or (9) of section 58C", substitute "58C (8) or (9)".
Sub-section 58D (2)	Omit "(8) or (9) of section 58C", substitute "58C (8) or (9)".
Sub-section 58E (2)	(a) Omit "(c), (d), (e) and (f) of sub-section (1) of section 35", substitute "35 (1) (c), (d), (e) and (f)". (b) Omit "(2) of section 35", substitute "35 (2)". (c) Omit "(a) or (b) of sub-section (1) of section 35", substitute "35 (1) (a) or (b)".
Sub-section 58E (3)	Omit "(1) or (2) of section 40", substitute "40 (1) or (2)".
Sub-section 58E (4)	Omit "(1A) or (2) of section 40", substitute "40 (1A) or (2)".
Paragraph 58G (2) (b)	Insert "public" before "inspection".
Paragraph 58J (a)	Omit "the" (first occurring).
Sub-section 59 (2)	(a) Omit "(c) of sub-section (1)", substitute "(1) (c)". (b) Omit "(d) of that sub-section", substitute "(1) (d)".
Sub-section 59 (2A)	Omit "(c) of sub-section (1)", substitute "(1) (c)".
Sub-section 60 (4)	Omit "(c) of sub-section (1) of section 59", substitute "59 (1) (c)".
Paragraph 68B (2) (a)	Omit "(a) of section 68A", substitute "68A (a)".
Sub-section 68B (3)	(a) Omit "Patents", substitute "Patent". (b) Omit "(b), (c), (d), (e), (f) and (g) of sub-section (1) of section 100", substitute "100 (1) (a), (b), (c), (d), (e), (f) and (g)".
Sub-sections 68B (5), (6) and (7)	Omit "(b), (c), (d), (e), (f) and (g) of sub-section (1) of section 100", substitute "100 (1) (b), (c), (d), (e), (f) and (g)".
Sub-section 95 (3)	Omit "(b) of sub-section (2)", substitute "(2) (b)".
Sub-section 100 (2)	Omit "(e) or (g) of sub-section (1)", substitute "(1) (e) or (g)".
Sub-section 100 (3)	Omit "(1) of sub-section (1)", substitute "(1) (1)".
Sub-section 110 (2)	Omit "(c) of sub-section (1)", substitute "(1) (c)".
Sub-section 112 (3)	Omit "(a) of sub-section (2)", substitute "(2) (a)".
Sub-section 126 (1)	Omit "(1) of 125", substitute "125 (1)".
Sub-section 142 (1)	Omit "(1) of section 141", substitute "141 (1)".
Sub-paragraph 151 (a) (ii)	Omit "(4) of section 77 or sub-section (1) of section 106", substitute "77 (4) or 106 (1)".
Paragraph 158 (1) (j)	Omit "(iv) of paragraph (i)", substitute "(i) (iv)".

**SCHEDULE 3—continued**

<b>Provision</b>	<b>Amendment</b>
<b>Sub-section 158 (2)</b> . . .	Omit “(c), (d), (e) and (f) of sub-section (1)”, substitute “(1) (c), (d), (e) and (f)”.
<b>Paragraph 159B (1) (b)</b> . . .	Omit “(1) or sub-section (3) of section 159A”, substitute “159A (1) or (3)”.
<b>Sub-section 159B (2)</b> . . .	Omit “(2) and (3) of section 54C”, substitute “54C (2) and (3)”.
<b>Paragraph 159C (1) (b)</b> . . .	Omit “(1) of section 57”, substitute “57 (1)”.
<b>Sub-section 159C (2)</b> . . .	(a) Omit “(2) of section 57”, substitute “57 (2)”. (b) Omit “(b) of sub-section (1)”, substitute “(1) (b)”.
<b>Sub-section 160 (8)</b> . . .	Omit “(1) of section 52B”, substitute “52B (1)”.

*Statute Law (Miscellaneous Amendments) (No. 1) No. 26, 1982*

**NOTES**

1. No. 2, 1901, as amended. For previous amendments, see No. 4, 1916; No. 8, 1918; No. 23, 1930; No. 24, 1932; No. 10, 1937; No. 7, 1941; No. 78, 1947; No. 79, 1948; No. 80, 1950; No. 69, 1957; No. 19, 1963; No. 52, 1964; No. 93, 1966 (as amended by No. 3, 1967); No. 79, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 37 and 144, 1976; No. 35, 1978; No. 1, 1980; and No. 61, 1981.
2. No. 91, 1975, as amended. For previous amendments, see Nos. 60, 89, 91, 157, 162, 163 and 209, 1976; Nos. 30, 57, 58 and 111, 1977; Nos. 65 and 109, 1978; Nos. 19 and 143, 1979; No. 110, 1980; and Nos. 19 and 61, 1981.
3. No. 76, 1972, as amended. For previous amendments, see No. 131, 1974; and Nos. 91 and 92, 1976.
4. No. 60, 1933, as amended. For previous amendments, see No. 11, 1938; No. 216, 1973; and No. 59, 1978.
5. No. 4, 1901, as amended. For previous amendments, see No. 8, 1906; No. 4, 1909; No. 6, 1912; No. 32, 1917; No. 23, 1920; No. 34, 1924; No. 18, 1926; No. 45, 1934; No. 52, 1947; No. 60, 1948; No. 51, 1950; No. 79, 1952; No. 12, 1953; No. 29, 1954; No. 18, 1955; No. 39, 1957; No. 8, 1959; Nos. 17 and 77, 1960; No. 89, 1961; No. 74, 1962; No. 75, 1964; No. 126, 1965; No. 93, 1966; No. 120, 1968; No. 20, 1969; No. 216, 1973 (as amended by No. 20, 1974); No. 56, 1975; No. 36, 1978; Nos. 8 and 155, 1979; No. 74, 1981; and No. 176, 1981.
6. No. 42, 1954, as amended. For previous amendments, see No. 35, 1957; No. 20, 1963; and No. 216, 1973.
7. No. 34, 1933, as amended. For previous amendments, see No. 27, 1935; No. 57, 1945; No. 52, 1947; No. 65, 1948; Nos. 51 and 80, 1950; Nos. 17 and 36, 1955; No. 47, 1956; No. 34, 1957; No. 43, 1958; No. 51, 1959; No. 110, 1960; No. 109, 1964; No. 92, 1965; Nos. 8 and 93, 1966; No. 156, 1968; No. 40, 1969; Nos. 13 and 98, 1971; No. 216, 1973; Nos. 37 and 158, 1976; No. 3, 1978; and No. 61, 1981.
8. No. 41, 1956, as amended. For previous amendments, see No. 87, 1962; No. 88, 1964; No. 4, 1966; No. 145, 1968; No. 55, 1969; No. 216, 1973; No. 83, 1974; No. 153, 1977; No. 36, 1978; and No. 39, 1980.
9. No. 177, 1981.
10. No. 41, 1958, as amended. For previous amendments, see No. 9, 1959; No. 21, 1963; No. 131, 1965; No. 93, 1966; No. 216, 1973; and No. 174, 1980.
11. No. 34, 1955, as amended. For previous amendments, see No. 89, 1956; No. 67, 1958; No. 22, 1963; No. 93, 1966; No. 216, 1973; No. 56, 1975; and No. 6, 1979.
12. No. 13, 1972, as amended. For previous amendments, see No. 98, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 23, 1976; No. 26, 1977; No. 177, 1980; and Nos. 5, 61 and 74, 1981.
13. No. 89, 1981, as amended. For previous amendments, see No. 153, 1981.

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14. No. 64, 1980, as amended. For previous amendments, see Nos. 2, 94 and 153, 1981.
15. No. 62, 1972, as amended. For previous amendments, see No. 216, 1973; No. 91, 1976; No. 155, 1979; and No. 70, 1980.
16. No. 63, 1968, as amended. For previous amendments, see No. 216, 1973; No. 91, 1976; No. 160, 1977; No. 19, 1979; No. 154, 1980; and Nos. 42, 61 and 113, 1981.
17. No. 58, 1969, as amended. For previous amendments, see No. 216, 1973; and No. 79, 1981.
18. No. 16, 1967, as amended. For previous amendments, see No. 69, 1972; No. 216, 1973; Nos. 37 and 91, 1976; No. 155, 1979; and Nos. 41 and 70, 1980.
19. No. 164, 1974, as amended. For previous amendments, see No. 36, 1975; and No. 61, 1981.
20. No. 32, 1978.
21. No. 156, 1976, as amended. For previous amendments, see Nos. 19 and 87, 1979; and No. 61, 1981.
22. No. 7, 1953, as amended. For previous amendments, see No. 36, 1957; No. 23, 1963; and No. 216, 1973.
23. No. 112, 1980, as amended. For previous amendments, see No. 176, 1980.
24. No. 6, 1903, as amended. For previous amendments, see No. 5, 1906; No. 8, 1907; No. 34, 1910; No. 31, 1912; No. 11, 1914; No. 4, 1915; No. 38, 1920; No. 39, 1926; No. 9, 1927; No. 60, 1932; Nos. 34 and 65, 1933; No. 45, 1934; No. 5, 1937; No. 43, 1939; No. 50, 1940; No. 10, 1946; No. 52, 1947; No. 65, 1948; Nos. 51 and 80, 1950; Nos. 17 and 35, 1955; No. 50, 1959; Nos. 32 and 109, 1960; No. 91, 1965; Nos. 55 and 93, 1966; No. 134, 1968; No. 39, 1969; No. 216, 1973 (as amended by No. 20, 1974); No. 164, 1976; No. 36, 1978; Nos. 19, 86 and 138, 1979; and No. 61, 1981.
25. No. 86, 1981.
26. No. 25, 1979, as amended. For previous amendments, see No. 20, 1981.
27. No. 147, 1974, as amended. For previous amendments, see No. 91, 1976; No. 100, 1977; No. 118, 1980, and No. 118, 1981.
28. No. 2, 1952, as amended. For previous amendments, see No. 29, 1956; No. 19, 1959; No. 70, 1964; No. 93, 1966; No. 101, 1968; No. 22, 1970; No. 14, 1973; and No. 216, 1973.
29. No. 42, 1952, as amended. For previous amendments, see No. 14, 1954; No. 3, 1955; No. 107, 1960; No. 84, 1962; No. 93, 1966; No. 34, 1969; No. 216, 1973 (as amended by No. 20, 1974); Nos. 91 and 162, 1976; No. 131, 1978; Nos. 9, 19 and 188, 1979; and No. 176, 1981.
30. No. 21, 1922, as amended. For previous amendments, see No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29

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- and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; Nos. 47 and 85, 1966; Nos. 2 and 115, 1967; Nos. 59, 114 and 120, 1968; No. 6, 1972; Nos. 21, 71, 73 and 209, 1973; No. 59, 1974; No. 40, 1975; Nos. 193 and 194, 1976; Nos. 6 and 80, 1977; No. 170, 1978; Nos. 52 and 155, 1979; No. 177, 1980; and No. 61, 1981.
31. No. 14, 1973, as amended. For previous amendments, see No. 203, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 8, 1975; Nos. 83, 170 and 182, 1976; Nos. 81 and 111, 1977; No. 166, 1978; No. 140, 1979; No. 164, 1980; and No. 121, 1981.
32. No. 12, 1902, as amended. For previous amendments, see No. 4, 1912; No. 1, 1933; No. 93, 1966; No. 216, 1973; No. 36, 1978; and No. 19, 1979.
33. No. 25, 1910, as amended. For previous amendments, see No. 9, 1927; No. 44, 1928; No. 2, 1930; No. 9, 1931; No. 4, 1933; No. 86, 1939; No. 14, 1940; No. 10, 1947; No. 70, 1955; No. 90, 1959; No. 24, 1963; No. 111, 1965; No. 90, 1970; No. 38, 1972; No. 216, 1973; No. 40, 1978.
34. No. 66, 1980, as amended. For previous amendments, see Nos. 3, 96 and 153, 1981.
35. No. 176, 1981.
36. No. 61, 1981.
37. No. 155, 1973.