



Statute Law (Miscellaneous Provisions) Act (No. 2) 1983

No. 91 of 1983

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

[Assented to 22 November 1983]

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

Short title

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*.

Commencement

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

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

(3) The amendment of the *Administrative Appeals Tribunal Act 1975* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

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(4) The amendment of section 35 of the *Australian Capital Territory Supreme Court Act 1933* made by this Act shall be deemed to have come into operation on the commencement of that section.

(5) The amendments of the *Australian Federal Police Act 1979* made by this Act shall come into operation on a date to be fixed by Proclamation.

(6) The amendment of the *Crimes Act 1914* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(7) The amendments of the *Economic Planning Advisory Council Act 1983* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(8) Section 88 of the *Judiciary Act 1903* as enacted by this Act shall come into operation on a date to be fixed by Proclamation.

(9) Section 16A of the *Law Officers Act 1964*, as inserted by this Act, shall come into operation on the day on which this Act receives the Royal Assent.

(10) The amendment of the *Navigation (Protection of the Sea) Amendment Act 1983* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, on the commencement of section 7 of that Act.

(11) The amendments of sections 35 and 58E of the *Patents Act 1952* made by this Act shall come into operation on a date to be fixed by Proclamation.

(12) The amendment of section 8 of the *Royal Commissions Amendment Act 1982* made by this Act shall be deemed to have come into operation on 1 February 1983.

(13) The amendments of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983* made by this Act shall—

- (a) in the case of the amendment of Schedule 1, be deemed to have come into operation on 13 December 1982; and
- (b) in the case of the amendment of Schedule 2, be deemed to have come into operation on 18 July 1983.

(14) Where, under this section, an amendment of an Act comes into operation, or is deemed to have come into operation, on a day (in this sub-section referred to as the “commencement day”), other than the twenty-eighth day after the day on which this Act receives the Royal Assent, then sections 3 and 6, insofar as they apply in relation to that amendment, shall come into operation, or be deemed to have come into operation, as the case may be, on the commencement day.

Amendment of Acts

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Formal amendments of *Law Officers Act 1964*

4. The *Law Officers Act 1964* is amended as set out in Schedule 2.

Repeal

5. The *Cattle Slaughter Levy (Suspension) Act 1961* is repealed.

Transitional

6. (1) Subject to sub-section (2), where this Act—

(a) amends a provision of an Act; or

(b) repeals and re-enacts (with or without modifications) a provision of an Act,

any act done or decision made under or in pursuance of the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under or in pursuance of the provision as so amended or re-enacted.

(2) Where notification of a selection for promotion was published under regulation 17 of the Australian Federal Police Regulations before the commencement of the amendments of the *Australian Federal Police Act 1979* (in this sub-section referred to as the “Principal Act”) made by this Act and by the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, any appeal arising out of that selection shall be dealt with, or continue to be dealt with, as the case requires, as if those amendments had not been made, but any promotion following the disposal of any such appeal shall be made in accordance with the Principal Act as so amended.

(3) In section 16A of the *Law Officers Act 1964* inserted by this Act, a reference to a period of service as Solicitor-General extends, in the case of the person who is the Solicitor-General at the date of commencement of that section, to a period of service occurring before that date.

SCHEDULE 1

AMENDMENT OF ACTS

Acts	Amendments
<i>Administrative Appeals Tribunal Act 1975</i>	New sub-section 18 (6)— At the end of the section, add the following sub-section: “(6) In this section, a reference to a presidential member does not include a presidential member who is a part-time member.”.
<i>Airports (Surface Traffic) Act 1960</i>	Sub-section 13 (7)— Omit “\$10”, substitute “\$25”.
<i>Australia-Japan Foundation Act 1976</i>	Paragraph 14 (2) (c)— After “fails”, insert “, without reasonable excuse,”. Sub-section 16 (1)— Omit “, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director,”. Sub-section 16 (2)— Omit the sub-section, substitute the following sub-section: “(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Foundation and the member shall not— (a) be present during any deliberation of the Foundation with respect to that matter; or (b) take part in any decision of the Foundation with respect to that matter.”.
<i>Australian Broadcasting Corporation Act 1983</i>	New sub-section 12 (6)— Add at the end of section 12 the following sub-section: “(6) A person shall not continue to hold the position of Chairman, Deputy Chairman or acting Chairman if he ceases to be a Director.”. Sub-section 46 (1), definition of “redeployment declaration”— Omit “paragraph”, substitute “sub-paragraph”. New sub-section 82 (5A)— After sub-section 82 (5) insert the following sub-section: “(5A) The Principal Community Affairs Officer shall, as soon as practicable after making a decision under sub-section (5), inform the complainant of the decision.”.
<i>Australian Capital Territory Supreme Court Act 1933</i>	Sub-section 35 (1)— Omit sub-section (1), substitute the following sub-section: “(1) The Registrar has power to administer oaths, and may exercise such other powers, and shall perform such duties, as are assigned to him by or under any Act or Ordinance, by Rules of Court or by a special order of the Court.”.
<i>Australian Centre for International Agricultural Research Act 1982</i>	Paragraph 11 (2) (c)— After “fails”, insert “, without reasonable excuse,”. Paragraph 39 (2) (b)— Omit “general”.
<i>Australian Federal Police Act 1979</i>	Sub-section 19 (1A)— Omit “the Deputy Commissioner” (twice occurring), substitute “a Deputy Commissioner”. Paragraph 25 (1) (a)— After “appointment to”, insert “a position within”.

SCHEDULE 1—continued

Acts	Amendments
	Paragraph 25 (1) (b)— Omit “higher”, substitute “position within a higher”.
	Paragraph 25 (1) (c)— Omit “an equivalent”, substitute “a position within an equivalent”.
	Sub-section 25 (2)— Omit “commissioned rank, or a higher commissioned rank”, substitute “position within a commissioned rank, or a position within a higher commissioned rank”.
	Sub-section 25 (3)— Omit “rank” (wherever occurring), substitute “position”.
	New sub-section 25 (3A)— After sub-section 25 (3), insert the following sub-sections: “(3A) Notwithstanding sub-section (1), the Commissioner may, at any time, by instrument in writing, transfer a person from one position in a rank to another position in the same rank.”.
	Paragraph 26 (1) (a)— Omit the paragraph, substitute the following paragraph: “(a) appoint a person to a position within a non-commissioned rank in a component, being a rank that the person is, in accordance with the regulations, competent and qualified to hold;”.
	Paragraph 26 (1) (b)— Omit “higher”, substitute “position within a higher”.
	Paragraph 26 (1) (c)— Omit “an equivalent”, substitute “a position within an equivalent”.
	Paragraph 26 (1) (d)— Omit “higher”, substitute “position within a higher”.
	Sub-section 26 (2)— (a) Omit “rank” (first and second occurring), substitute “position within a rank”. (b) Omit “rank” (last occurring), substitute “position”.
	New sub-section 26 (2A)— After sub-section 26 (2), insert the following sub-section: “(2A) The Commissioner may, at any time, by instrument in writing, transfer a person from one position in a rank to another position in the same rank.”.
	Sub-section 26A (3)— Omit “such rank”, substitute “a position within a rank, being such rank”.
	Paragraph 36 (2) (a)— Omit “and” (last occurring).
	New paragraph 36 (2) (c)— At the end of sub-section 36 (2), add the following word and paragraph: “; and (c) without affecting its meaning in any other provision of this Act, ‘promotion’ includes an appointment under paragraph 25 (1) (a) of a non-commissioned officer to a position within a commissioned rank.”.
	Sub-section 38 (2)— After “transfer him to”, insert “a position within”.
	Paragraph 39 (a)— After “one component to”, insert “a position within”.

SCHEDULE 1—continued

Acts	Amendments
<i>Broadcasting and Television Act 1942</i>	Paragraph 39 (b)— (a) Omit “rank” (first occurring), substitute “position”. (b) Before “lower”, insert “position within a”.
	Paragraph 39 (c)— Before “lower”, insert “position within a”.
	Paragraph 83 (5) (b)— Omit “(ka), (l) or (m)”, substitute “(ka) or (l)”.
	Sub-section 90J (7)— Omit “by notice in writing served on the person within that period of 28 days”.
	Sub-section 90J (7A)— Omit “by notice in writing served on the person before that 28th day”.
	Sub-section 90J (7D)— After “the Chairman”, insert “, or a member authorized in writing by the Chairman for the purposes of this sub-section,”.
	Paragraph 92B (1) (a)— Omit “or” (last occurring).
	Sub-section 92F (7)— Omit “by notice in writing served on the person within that period of 28 days”.
	Sub-section 92F (7A)— Omit “by notice in writing served on the person before that 28th day”.
	Sub-section 92F (7D)— After “the Chairman”, insert “, or a member authorized in writing by the Chairman for the purposes of this sub-section,”.
	Sub-section 117A (8)— Omit “Commission in pursuance of the <i>Parliamentary Proceedings Broadcasting Act 1946-1960</i> ”, substitute “Corporation in pursuance of the <i>Parliamentary Proceedings Broadcasting Act 1946</i> ”.
	Sub-section 126 (6)— Omit “The holder”, insert “Subject to sub-section (6A), the holder”.
	New sub-section 126 (6A)— After sub-section 126 (6), insert the following sub-section: “(6A) Sub-section (6) does not apply in relation to— (a) a permit granted in relation to a proposed variation of a specification, being a specification as defined by sub-section 80 (1); or (b) a permit granted in relation to a proposed broadcasting translator station licence or a proposed television translator station licence.”.
	Paragraph 133 (1) (b)— Omit “on”.
	Paragraph 133 (1) (c)— Omit “on” (first occurring).
<i>Commonwealth Legal Aid Act 1977</i>	New paragraph 4 (2) (ca)— After paragraph 4 (2) (c), insert the following paragraph: “(ca) a member appointed after consultation between the Attorney-General and any person who, or association or body that, in the opinion of the Attorney-General, is representative of community legal centres;”.

SCHEDULE 1—continued

Acts	Amendments
<i>Copyright Act 1968</i>	<p>Paragraph 52 (1) (a)— Omit “(1) of the last preceding section”, substitute “51 (1)”.</p> <p>Paragraph 52 (2) (a)— Omit “(1) of the last preceding section”, substitute “51 (1)”.</p> <p>Section 53C— Omit “, dramatic or musical” (second and third occurring), substitute “or dramatic”.</p> <p>Sub-section 133 (1)— After “copy of a work” (wherever occurring), insert “or other subject-matter,”.</p> <p>Sub-section 159A (1)— Omit “or declarations”.</p> <p>Sub-section 159A (2)— Omit “or declarations”.</p> <p>Sub-section 159B (1)— Omit “sub-section 53B (1)”, substitute “sub-sections 53B (1) and (2)”.</p> <p>Sub-section 159B (2)— Omit “or declarations”.</p> <p>Sub-section 203A (5)— Omit “officer” (second occurring), substitute “custodian”.</p> <p>Sub-section 203F (3)— (a) Omit “a central records authority”, substitute “an institution”.</p> <p>(b) Omit “central records authority” (second occurring), substitute “institution”.</p>
<i>Crimes Act 1914</i>	<p>New sub-section 21AA (3A)— After sub-section (3), insert the following sub-section: “(3A) Sub-section (3) does not prevent a court from taking into account an indictable offence where the court has jurisdiction to sentence a person charged with that offence.”.</p>
<i>Customs Tariff (Anti-Dumping) Act 1975</i>	<p>Sub-section 9 (4)— Omit “party”, substitute “country”.</p>
<i>Customs Tariff (Coal Export Duty) Act 1975</i>	<p>Sub-section 7 (2)— Omit “by the Minister for Trade and Resources” (wherever occurring).</p> <p>Section 8— Omit “Trade and Resources” (wherever occurring), substitute “Resources and Energy”.</p>
<i>Economic Planning Advisory Council Act 1983</i>	<p>Paragraph 7 (7) (a)— Omit “sub-section (1) or (5)”, substitute “this section”.</p> <p>Paragraph 7 (8) (a)— Omit “sub-section (1) or (5)”, substitute “this section”.</p> <p>Paragraph 9 (l) (j)— Omit “and” from the end of the paragraph.</p>

SCHEDULE 1—continued

Acts	Amendments
	<p>New paragraph 9(1)(m)— Add at the end of sub-section 9(1) the following word and paragraph: “; and (m) 1 member selected after consultation between the Minister or his representative and such organizations that are representative of small business as the Minister considers appropriate.”.</p>
	<p>Sub-section 9(8)— Omit “17”, substitute “18”.</p>
	<p>Sub-section 27(2)— Omit “sub-section 7(1) or (5)”, substitute “section 7”.</p>
<i>Environment Protection (Northern Territory Supreme Court) Act 1978</i>	<p>Section 3, definition of “Commission”— Omit all the words after “means the”, substitute “Conservation Commission of the Northern Territory, being the body corporate established under that name by the <i>Conservation Commission Act 1980</i> of the Northern Territory”.</p>
<i>Evidence Act 1905</i>	<p>New sub-sections 4(1A) and (1B)— After sub-section 4(1), insert the following sub-sections: “(1A) An order may be made under sub-section (1) in relation to an office that has ceased to exist prior to the making of the order. “(1B) An order under sub-section (1) continues to apply in relation to an office, notwithstanding that the office ceases to exist after the making of the order.”.</p>
	<p>New sub-sections 6(2), (3) and (4)— At the end of section 6 add the following sub-sections: “(2) Subject to sub-sections (3) and (4), where an officer entrusted with the custody of a book or document to which sub-section (1) applies is required by a Court to produce the book or document, it is sufficient compliance with the requirement for the officer to produce a copy of or extract from the book or document if it purports to be signed and certified by the officer as a true copy or extract. “(3) It is sufficient production of a copy or extract for the purposes of sub-section (2) if the officer sends it by prepaid post, or causes it to be delivered, to the proper officer of the Court in which it is to be produced or to the person before whom it is to be produced. “(4) The Court before which a copy or extract is produced pursuant to sub-section (2) may, if it thinks fit, direct the officer to produce the original book or document.”.</p>
	<p>Sub-section 7A(1), definition of “proceeding”— Omit “(other than a court of a Territory) created by the Parliament”, substitute “(not being a court of a Territory other than the Australian Capital Territory) created by or under an Act”.</p>
<i>Federal Court of Australia Act 1976</i>	<p>Sub-section 19(1)— Omit “, being jurisdiction in respect of matters arising under laws made by the Parliament”.</p>
<i>Federal Proceedings (Costs) Act 1981</i>	<p>Sub-section 18(2) and (3)— Omit the sub-sections, substitute the following sub-section:</p>

SCHEDULE 1—continued

Acts	Amendments
<i>Growth Centres (Financial Assistance) Act 1973</i>	<p>“(2) The Attorney-General shall not authorize payment under this Act in respect of a costs certificate (other than a costs certificate granted under sub-section 10(2) or (3)) in relation to an appeal or a new trial of an amount that exceeds the prescribed maximum amount in relation to the court that heard that appeal or new trial, as the case may be.”.</p> <p>Sub-section 10(2)— Omit “sub-section (3)”, substitute “sub-sections (3) and (5A)”.</p> <p>Sub-section 10(3)— After “but”, insert “, subject to sub-section (5A),”.</p> <p>New sub-section 10(5A)— After sub-section 10(5), insert the following sub-section: “(5A) An agreement between Australia and a State relating to a loan referred to in this section may vary any conditions provided for by sub-section (2) or (3).”.</p>
<i>Judiciary Act 1903</i>	<p>New section 39B— After section 39A, insert the following section in Part VI: Original jurisdiction of Federal Court of Australia “39B. (1) The original jurisdiction of the Federal Court of Australia includes jurisdiction with respect to any matter in which a writ of mandamus or prohibition or an injunction is sought against an officer or officers of the Commonwealth. “(2) The reference in sub-section (1) to an officer or officers of the Commonwealth does not include a reference to— (a) a person holding office under the <i>Conciliation and Arbitration Act 1904</i>, the <i>Public Service Arbitration Act 1920</i> or the <i>Coal Industry Act 1946</i>; or (b) a Judge or Judges of the Family Court of Australia.”.</p> <p>Sub-section 40 (1)— Omit “or the Attorney-General of a State”, substitute “, the Attorney-General of a State or the Attorney-General of the Northern Territory”.</p> <p>Section 44— (a) After “or not”, insert “, or any part of such a matter”. (b) After “in the matter”, insert “or in that part of the matter, as the case may be,”.</p> <p>New section 78AA— Before section 78A, insert the following section in Division 1A of Part XI: State includes Northern Territory “78AA. In this Division, ‘State’ includes the Northern Territory.”.</p> <p>Sub-section 78B (1)— (a) Omit “other than”, substitute “including”. (b) Omit “Attorney-General of the Commonwealth and—”, substitute “Attorneys-General of the Commonwealth and of the States,”. (c) Omit paragraphs (a) and (b). (d) Omit “that Attorney-General or by those”, substitute “the”.</p> <p>Paragraph 78B (2)(a)— Omit “and” (last occurring).</p>

SCHEDULE 1—continued

Acts	Amendments
	<p>New paragraph 78B (2)(c)— At the end of sub-section 78B (2) add the following word and paragraph: “; and (c) may continue to hear evidence and argument concerning matters severable from any matter arising under the Constitution or involving its interpretation.”.</p>
	<p>New section 88— After section 87, add the following section: Regulations “88. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters— (a) required or permitted by this Act to be prescribed; or (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, may make regulations— (c) prescribing the content and form of a notice to be given under sub-section 78B (1) and specifying the documents (if any) that are to accompany such a notice; (d) prescribing the practice and procedure for the filing and giving of such a notice, including the manner in which, the time within which, the persons to whom, and the persons by whom, such a notice is to be given; and (e) specifying any affidavits to be filed following the giving of a notice under sub-section 78B (1) and prescribing the persons by whom and times within which the affidavits are to be filed.”.</p>
<p><i>Land Commissions (Financial Assistance) Act 1973</i></p>	<p>Sub-section 10 (2)— Omit “sub-section (3)”, substitute “sub-sections (3) and (5A)”.</p> <p>Sub-section 10 (3)— After “but”, insert “, subject to sub-section (5A),”.</p> <p>New sub-section 10 (5A)— After sub-section 10 (5), insert the following sub-section: “(5A) An agreement between Australia and a State relating to a loan referred to in this section may vary any conditions provided for by sub-section (2) or (3).”.</p>
<p><i>Law Officers Act 1964</i></p>	<p>New section 16A— After section 16, insert the following section: Payment to Solicitor-General in lieu of long leave “16A. (1) On— (a) the retirement of the Solicitor-General after having completed a period of service of 10 years or more; or (b) the death of the Solicitor-General, whether or not he has completed a period of service of 10 years, an amount calculated in accordance with sub-section (2) is payable in accordance with this section. “(2) The amount payable under sub-section (1) in respect of the Solicitor-General is an amount equal to his salary as Solicitor-General for— (a) a period of 52 weeks; or (b) a period of weeks calculated at the rate of 5.2 weeks for each completed year of his qualifying service, whichever is the lesser period. “(3) An amount payable under paragraph (1) (a) is payable to the Solicitor-General.</p>

SCHEDULE 1—continued

Acts	Amendments
	<p>“(4) An amount payable under paragraph (1) (b) is payable to—</p> <p>(a) where the Solicitor-General leaves a person or persons determined by the Attorney-General in writing to be a dependant or dependants—the person or persons; or</p> <p>(b) in any other case—the legal personal representative of the Solicitor-General.</p> <p>“(5) An application may be made to the Administrative Appeals Tribunal for review of a refusal of the Attorney-General to determine a person to be a dependant for the purposes of paragraph (4) (a).</p> <p>“(6) Where an amount is payable under paragraph (4) (a) to 2 or more dependants of the Solicitor-General, the Attorney-General may give a direction in writing as to the distribution of the amount between or among those dependants.</p> <p>“(7) Where an amount is payable under this section to a person who is under a legal disability, the Attorney-General may, instead of authorizing payment of the amount to the person, authorize payment of the amount to such trustee or trustees as the Attorney-General appoints to be held by the trustee or trustees upon such trusts for the benefit of the person as the Attorney-General directs in writing.</p> <p>“(8) For the purposes of this section, a period of service does not include any period in respect of which the Solicitor-General has exercised a right of election under sub-section 10 (4) of the <i>Long Service Leave (Commonwealth Employees) Act 1976</i>.</p> <p>“(9) Subject to sub-section (8), the period of service of the Solicitor-General includes any prior period (whether continuous or not) during which he acted as Solicitor-General under section 11.</p> <p>“(10) An entitlement to payment under this section commences to accrue from the commencement of the period of service in respect of which the amount of the entitlement is calculated.</p> <p>“(11) In this section, unless the contrary intention appears—</p> <p>‘period of service’ means a period (whether continuous or not) of service as Solicitor-General;</p> <p>‘qualifying service’, in relation to the Solicitor-General, means his period of service, other than any period of service in respect of which he has taken long leave or has been paid in lieu of such leave;</p> <p>‘retirement’, in relation to the Solicitor-General, means ceasing to be the Solicitor-General otherwise than by death or by removal from office under section 10;</p> <p>‘salary as Solicitor-General’ means salary at a weekly rate equal to one fifty-second of the annual rate of salary that was payable to the Solicitor-General immediately before his retirement or death.”.</p> <p>Sub-section 17 (2)—</p> <p>After “Secretary to the Attorney-General’s Department”, insert “or to the person for the time being holding or performing the duties of the office specified in the instrument of delegation”.</p>

SCHEDULE 1—continued

Acts	Amendments
<i>Law Reform Commission Act 1973</i>	<p>Sub-section 12 (3)— At the end of sub-section 12 (3) add “, but if the Chairman is or becomes the holder of a judicial office he may perform any of the duties of that office”.</p> <p>Sub-section 12 (5A)— Omit “sub-section (5)”, substitute “sub-sections (3) and (5)”.</p>
<i>Meat Inspection Arrangements Act 1964</i>	<p>Sub-section 3 (1), definitions of “officer” and “person employed by the Commonwealth”— Omit the definitions, substitute the following definition: “ ‘person employed by the Commonwealth’ means an officer or employee of the Australian Public Service;”.</p> <p>New definition of “State”— After the definition of “person employed by the Commonwealth” in sub-section 3 (1), insert the following definition: “ ‘State’ includes the Northern Territory and Norfolk Island;”.</p> <p>Sub-section 3 (1) (definitions of “State meat authority” and “State meat inspector”)— Omit “a State Act”, substitute “a law of a State”.</p> <p>Sub-section 3 (1), definitions of “temporary employee”, “the Board”, and “the Public Service Act”— Omit the definitions.</p> <p>Sub-section 3 (2)— Omit the sub-section.</p> <p>Section 4— Repeal the section.</p> <p>Sub-section 5 (2)— (a) Omit “the last preceding sub-section”, substitute “sub-section (1)”.</p> <p>(b) Omit paragraph (a), substitute the following paragraph: “(a) the appointment of State meat inspectors to, and the employment of State meat inspectors in, the Australian Public Service;”.</p> <p>Sections 6, 7, 8, 9 and 11— Repeal the sections.</p>
<i>Navigation (Protection of the Sea) Amendment Act 1983</i>	<p>Section 7, proposed sub-section 267v (1)— Omit “1982”, substitute “1983”.</p>
<i>Nitrogenous Fertilizers Subsidy Act 1966</i>	<p>Section 6— Repeal the section, substitute the following section: Subsidy not payable in respect of certain imported goods “6. (1) Subsidy is not payable under sub-section 5 (2) or (2A) in respect of the importation of goods referred to in paragraph 5 (2) (b), or in sub-section 5 (2A), as the case may be, if the Minister is satisfied— (a) that the amount of the export price of those goods is less than the amount of the normal value of those goods; or</p>

SCHEDULE 1—continued

Acts	Amendments
	<p>(b) that, by reason of any circumstances, including the granting of rebates, refunds or other allowances, those goods have been carried, whether within the country of export for the purpose of exporting the goods to Australia or from the country of export to Australia or both, freight free or with the amount of freight paid or payable in respect of the carriage of the goods being less than the normal freight in relation to the goods.</p> <p>“(2) For the purposes of this section, the export price of any goods referred to in sub-section (1) is—</p> <p>(a) where—</p> <p>(i) the goods have been exported to Australia otherwise than by the importer and have been purchased by the importer from the exporter (whether before or after exportation); and</p> <p>(ii) the importer and the exporter are not business associates,</p> <p>the price paid or payable for the goods by the importer, other than any part of that price that represents a charge in respect of the transport of the goods after exportation or in respect of any other matter arising after exportation;</p> <p>(b) where—</p> <p>(i) the goods have been exported to Australia otherwise than by the importer and have been purchased by the importer from the exporter (whether before or after exportation);</p> <p>(ii) the importer and the exporter are business associates; and</p> <p>(iii) the goods are subsequently sold by the importer, in the condition in which they were imported, to a person who is not a business associate of the importer,</p> <p>the price at which the goods were so sold by the importer to that person less the prescribed deductions; or</p> <p>(c) in any other case—the price that the Minister determines having regard to all the circumstances of the exportation.</p> <p>“(3) A reference in paragraph (2) (b) to prescribed deductions in relation to a sale of goods shall be read as a reference to—</p> <p>(a) any duties of Customs or sales tax paid or payable on the goods;</p> <p>(b) any costs, charges or expenses arising in relation to the goods after exportation; and</p> <p>(c) the profit, if any, on the sale by the importer or, where the Minister so directs, an amount calculated in accordance with such rate as the Minister specifies in the direction as the rate that, for the purposes of paragraph (2) (b), is to be regarded as the rate of profit on the sale by the importer.</p> <p>“(4) For the purposes of this section, the normal freight in relation to any goods referred to in sub-section (1) is—</p>

SCHEDULE 1—continued

Acts	Amendments
	<ul style="list-style-type: none">(a) the amount of freight that would have been payable in respect of the carriage of the goods within the country of export for the purpose of exporting the goods to Australia if the rate of freight applicable to that carriage were a rate determined by the Minister to be the appropriate rate in respect of that carriage having regard to the ruling rates of freight (if any), at the time of that carriage, in respect of the carriage of like goods, and to any other matter that the Minister considers relevant;(b) the amount of freight that would have been payable in respect of the carriage of the goods from the country of export to Australia if the rate of freight applicable to that carriage were a rate determined by the Minister to be the appropriate rate in respect of that carriage having regard to the ruling rates of freight (if any), at the date of exportation of the goods, in respect of the carriage of like goods by sea or, if like goods are regularly carried by aircraft, by aircraft, and to any other matter that the Minister considers relevant; or(c) the sum of the amount of freight referred to in paragraph (a) and the amount of freight referred to in paragraph (b), <p>as the case may be.</p> <p>“(5) Subject to sub-sections (6) to (12) (inclusive), for the purposes of this section, the normal value of any goods referred to in sub-section (1) is the price paid for like goods sold in the ordinary course of trade for home consumption in the country of export in sales that are arm’s length transactions by the exporter or, if like goods are not so sold by the exporter, by other sellers of like goods.</p> <p>“(6) Subject to sub-sections (7) to (12) (inclusive), where the Minister is satisfied that—</p> <ul style="list-style-type: none">(a) by reason of the absence of sales that would be relevant for the purpose of determining a price under sub-section (5); or(b) by reason that the situation in the relevant market is such that sales in that market that would otherwise be relevant for the purpose of determining a price under sub-section (5) are not suitable for use in determining such a price, <p>the normal value of any goods referred to in sub-section (1) cannot be ascertained under sub-section (5), the normal value of the goods, for the purposes of this section, is—</p> <ul style="list-style-type: none">(c) except where paragraph (d) applies, the sum of—<ul style="list-style-type: none">(i) such amount as the Minister determines to be the cost of production or manufacture of the goods in the country of export; and(ii) on the assumption that the goods, instead of being exported, were sold for home consumption in the ordinary course of trade in the country of export—<ul style="list-style-type: none">(A) such amounts as the Minister determines would be the delivery charges and other costs necessarily incurred in that sale; and(B) an amount calculated in accordance with such rate as the Minister determines would be the rate of profit on that sale; or

SCHEDULE 1—continued

Acts	Amendments
	<p>(d) where the Minister so directs, the highest price paid for like goods sold in the ordinary course of trade in the country of export for export to a third country.</p> <p>“(7) Subject to sub-sections (8) and (9), where the Minister is satisfied that it is inappropriate to ascertain the normal value of any goods in accordance with the preceding sub-sections by reason that the Government of the country of export—</p> <ul style="list-style-type: none">(a) has a monopoly, or a substantial monopoly, of the trade of the country; or(b) determines or substantially influences the domestic price of goods in that country, <p>the normal value of the goods, for the purposes of this section, shall be a value ascertained in accordance with whichever of the following paragraphs the Minister determines, having regard to what is appropriate and reasonable in the circumstances of the case:</p> <ul style="list-style-type: none">(c) a value equal to the price of like goods produced or manufactured in a country determined by the Minister and sold for home consumption in the ordinary course of trade in that country, being sales that are arm's length transactions;(d) a value equal to the price of like goods produced or manufactured in a country determined by the Minister and sold for export from that country to another country in the ordinary course of trade, being sales that are arm's length transactions;(e) a value equal to the sum of the following amounts ascertained in respect of like goods produced or manufactured in a country determined by the Minister and sold for home consumption in the ordinary course of trade in that country:<ul style="list-style-type: none">(i) such amount as the Minister determines to be the cost of production or manufacture of the like goods in that country;(ii) such amounts as the Minister determines are the delivery charges and other costs necessarily incurred in selling the like goods;(iii) an amount calculated in accordance with such rate as the Minister determines is to be regarded as the rate of profit on the sale of the like goods;(f) a value equal to the price payable for like goods produced or manufactured in Australia and sold for home consumption in the ordinary course of trade in Australia, being sales that are arm's length transactions. <p>“(8) Where the Minister is satisfied that sufficient information has not been furnished or is not available to enable the normal value of any goods to be ascertained under sub-section (5), (6) or (7), the normal value of the goods, for the purposes of this section, shall be such amount as is determined by the Minister having regard to all relevant information.</p> <p>“(9) Where the normal value of goods referred to in sub-section (1) is the price paid for like goods and that price and the export price of the goods exported—</p> <ul style="list-style-type: none">(a) relate to sales occurring at different times;(b) are not in respect of identical goods; or(c) are modified in different ways by taxes or the terms or circumstances of the sales to which they relate,

SCHEDULE 1—continued

Acts	Amendments
	<p>that price paid for like goods is to be taken to be that price paid adjusted in accordance with directions by the Minister so that those differences would not affect its comparison with that export price.</p> <p>“(10) For the purposes of this section, where, during the exportation of goods to Australia, the goods pass in transit from a country through another country, that other country shall be disregarded in ascertaining the country of export of the goods.</p> <p>“(11) Where—</p> <ul style="list-style-type: none">(a) the actual country of export of goods exported to Australia is not the country of origin of the goods; and(b) the Minister is of the opinion that the normal value of the goods should be ascertained for the purposes of this section as if the country of origin were the country of export, <p>he shall direct that the normal value of the goods shall be so ascertained.</p> <p>“(12) For the purposes of sub-section (11), the country of origin of goods is—</p> <ul style="list-style-type: none">(a) in the case of unmanufactured raw products—the country of which they are the products; or(b) in any other case—the country in which the last significant process in the manufacture or production of the goods was performed. <p>“(13) For the purposes of this section, a purchase or sale of goods shall not be treated as an arm's length transaction if—</p> <ul style="list-style-type: none">(a) there is any consideration payable for or in respect of the goods other than their price;(b) the price is influenced by a commercial or other relationship between the buyer, or a business associate of the buyer, and the seller, or a business associate of the seller; or(c) the buyer, or a business associate of the buyer, will, directly or indirectly, be reimbursed, be compensated or otherwise receive a benefit for, or in respect of, the whole or any part of the price. <p>“(14) For the purposes of this section, two persons who are not business associates within the ordinary meaning of that term shall, nevertheless, be deemed to be business associates if, directly or indirectly—</p> <ul style="list-style-type: none">(a) one has an interest in the business or property of the other;(b) both have an interest in the same business or property; or(c) another person has an interest in the business or property of each of them. <p>“(15) For the purposes of calculations under this section, any amount not expressed in Australian currency shall be converted to the equivalent amount in Australian currency, ascertained in accordance with a fair rate of exchange in effect at the appropriate time.</p> <p>“(16) Every determination or direction made by the Minister under this section shall be made in writing.</p> <p>“(17) In this section, ‘importer’, in relation to goods referred to in sub-section (1), means the beneficial owner of the goods at the time of their arrival within the limits of the port or airport in Australia at which they are landed.”.</p>

SCHEDULE 1—continued

Acts	Amendments
<i>Overseas Telecommunications Act 1946</i>	<p>Sub-section 13 (1)— Omit “Governor-General”, substitute “Minister”.</p> <p>Sub-section 23 (3)— Omit “Governor-General” (twice occurring), substitute “Minister”.</p> <p>Paragraph 31 (3) (b)— Omit “Governor-General”, substitute “Minister”.</p> <p>Paragraph 31 (3) (c)— Omit “Governor-General”, substitute “Minister”.</p> <p>Sub-section 75 (2)— Omit “consult the body known as the Commonwealth Telecommunications Council, and obtain the approval of the Minister.”, substitute “obtain the approval of the Minister”.</p> <p>Paragraph 75 (2) (c)— Add at the end thereof “or”.</p> <p>Paragraphs 75 (2) (e), (f) and (g)— Omit the paragraphs.</p>
<i>Patents Act 1952</i>	<p>Paragraph 35 (1) (e)— Omit “and”.</p> <p>New paragraph 35 (1) (g)— At the end of sub-section 35 (1), add the following word and paragraph: “; and (g) where the application is accompanied by a complete specification or a petty patent specification—shall, unless sub-section (1B) applies, be accompanied by an abstract, prepared in accordance with the regulations, of the specification.”.</p> <p>New sub-sections 35 (1A), (1B) and (1C)— After sub-section 35 (1), insert the following sub-sections: “(1A) The Commissioner may amend, or require the applicant to amend, an abstract lodged in accordance with paragraph (1) (g). “(1B) Where the application is accompanied by a complete specification or a petty patent specification and, on lodgment of the application, the applicant pays the fee prescribed for the purposes of this sub-section, an officer in the Patent Office shall prepare an abstract of the specification. “(1C) An abstract prepared under paragraph (1) (g) or sub-section (1B) shall not be taken into account in construing the specification to which it relates.”.</p> <p>Sub-paragraph 52A (1) (a) (ii)— Omit “made in another country”.</p> <p>Sub-paragraph 52B (1) (b) (ii)— Omit “made in another country”.</p> <p>Section 58— Repeal the section, substitute the following section:</p>

SCHEDULE 1—continued

Acts	Amendments
	<p>Validity of patent not guaranteed</p> <p>“58. An investigation or report referred to in this Act or in the Treaty defined in sub-section 58A (1) or the furnishing of information under section 30 does not in any way guarantee the granting or validity of a patent (whether in Australia or elsewhere), and the Commissioner, the Commissioner, or an officer or person employed in the Patent Office, is not liable by reason of, or in connection with, any such investigation, report or furnishing of information or any proceedings consequent on any such investigation, report or furnishing of information.”</p> <p>Sub-section 58C (6)— After “24”, insert “or 39”.</p> <p>Sub-section 58E (2)— Omit “and (f) and with the requirements of sub-section 35 (2)”, substitute “, (f) and (g) and with the requirements of sub-sections 35 (1B) and (2)”.</p> <p>Section 58F— Repeal the section, substitute the following section:</p> <p>Preservation of priority dates</p> <p>“58F. Where—</p> <ul style="list-style-type: none">(a) an application (in this section referred to as the ‘relevant application’) is lodged under this Act;(b) not later than 12 months after the date of lodgment of the relevant application, the applicant files in a receiving Office an international application to which section 58B applies; and(c) a claim in the international application is fairly based on matter disclosed in the specification accompanying the relevant application, <p>the priority date of the claim shall be the date of lodgment of the relevant application.”</p>
<i>Pig Industry Research Act 1971</i>	<p>Paragraph 9 (1) (a)— Omit “Commercial Pig”, substitute “Pork”.</p>
<i>Pig Meat Promotion Act 1975</i>	<p>Section 9— Omit “Commercial Pig” (wherever occurring), substitute “Pork”.</p> <p>Section 10— Omit “Commercial Pig”, substitute “Pork”.</p> <p>Sub-section 12 (2)— Omit “Commercial Pig”, substitute “Pork”.</p>
<i>Royal Commissions Act 1902</i>	<p>Sub-section 6F (2)— After “paragraph 6P”, insert “(1)”.</p> <p>New sub-sections 6P (2) and (3)— Add at the end of section 6P the following sub-sections:</p> <p>“(2) Where, in the course of inquiring into a matter, a Commission—</p> <ul style="list-style-type: none">(a) obtains information;(b) takes evidence; or(c) receives a document or thing, <p>that, in the opinion of the Commission, relates or may relate to a matter into which another Commission is required or authorized to inquire, the first-mentioned Commission may, if in its opinion it is appropriate so to do, communicate the information or furnish the evidence, document or thing, as the case may be, to that other Commission.</p>

SCHEDULE 1—continued

Acts	Amendments
	<p>“(3) A reference in sub-section (2) to the furnishing of a document or thing includes a reference to the furnishing of the contents of the document or a description of the thing.”.</p>
<i>Royal Commissions Amendment Act 1982</i>	<p>New sub-section 8 (2)— Add at the end of section 8 the following sub-section: “(2) Notwithstanding the amendment made by sub-section (1), any direction given before the commencement of this Act under sub-section 6D (3) of the Principal Act continues in force as if it had been given under sub-section 6D (3) of that Act as amended by this Act.”.</p>
<i>Statute Law (Miscellaneous Amendments) Act (No. 1) 1982</i>	<p>Paragraph 40 (2) (a)— Omit “or” at the end of the paragraph.</p> <p>New paragraph 40 (2) (aa)— After paragraph 40 (2) (a), insert the following paragraph: “(aa) section 66E of the <i>Migration Act 1958</i>; or”.</p>
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1983</i>	<p>Schedule 1, paragraph (b) of the amendments of the <i>Stages Grants (Schools Assistance) Act 1982</i>, paragraph 28 (2) (b)— Omit “the”, substitute “that”.</p> <p>Schedule 2— Omit “Paragraph 59 (b) . . . Omit ‘sub-section (2) of section 61’, substitute ‘sub-section 61 (2)’.”, substitute “Paragraph 59 (b) . . . Omit ‘sub-section (2) of section 61C’, substitute ‘sub-section 61C (2)’.”.</p>
<i>Telecommunications Act 1975</i>	<p>Sub-sections 29 (1) and (2)— Omit the sub-sections, substitute the following sub-section: “(1) The Minister may appoint a person to act as Managing Director— (a) during a vacancy in the office of Managing Director; or (b) during any period, or during all periods, when the Managing Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office, but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.”.</p> <p>Sub-section 29 (4)— Omit the sub-section, substitute the following sub-section: “(4) The Minister may appoint a person to act as a part-time Commissioner— (a) during a vacancy in the office of such a Commissioner; or (b) during any period, or during all periods, when such a Commissioner is unable (whether on account of illness or otherwise) to attend meetings of the Commission, but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.”.</p> <p>New sub-section 29 (5A)— After sub-section 29 (5), insert the following sub-section: “(5A) An appointment under this section may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.”.</p> <p>Paragraph 29 (6) (a)— After “appointment”, insert “, including remuneration and allowances,”.</p>

SCHEDULE 1—continued

Acts	Amendments
	<p>Sub-sections 29 (7) and (8)— Omit the sub-sections, substitute the following sub-sections:</p> <p>“(7) Where a person is acting as Managing Director in accordance with paragraph (1) (b), or as a part-time Commissioner in accordance with paragraph (4) (b), and the office of Managing Director or that part-time Commissioner, as the case may be, becomes vacant while that person is so acting, then, subject to sub-section (5A), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.</p> <p>“(8) The appointment of a person under this section ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Minister.</p> <p>“(9) While a person is acting as Managing Director or as a part-time Commissioner under this section, he has and may exercise all the powers, and shall perform all the functions, of the Managing Director or that part-time Commissioner, as the case may be.</p> <p>“(10) The validity of anything done by a person purporting to act under this section shall not be called in question on the ground that the occasion for his appointment had not arisen, that there was a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.”.</p> <p>New sub-sections 31 (10) and (11)— After sub-section 31 (9), insert the following sub-sections:</p> <p>“(10) Where a majority of Commissioners sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a duly constituted meeting of the Commission held on the day on which the document was signed, or, if the Commissioners sign the document on different days, on the day on which the document was last signed by a Commissioner.</p> <p>“(11) For the purposes of sub-section (10), 2 or more separate documents containing statements in identical terms each of which is signed by one or more Commissioners shall together be deemed to constitute one document containing a statement in those terms signed by those Commissioners on the respective days on which they signed the separate documents.”.</p> <p>Sub-sections 36 (1) and (2)— Omit the sub-sections, substitute the following sub-sections:</p> <p>“(1) The Minister may appoint a person to act as Chief General Manager—</p> <ul style="list-style-type: none">(a) during a vacancy in the office of Chief General Manager; or(b) during any period, or during all periods, when the Chief General Manager—<ul style="list-style-type: none">(i) is acting as Managing Director;(ii) is absent from duty or from Australia; or(iii) is, for any other reason, unable to perform the functions of his office,but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

SCHEDULE 1—continued

Acts	Amendments
	“(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.”.
	Paragraph 36 (3) (a)— After “appointment”, insert “, including remuneration and allowances,”.
	Sub-sections 36 (4), (5) and (6)— Omit the sub-sections, substitute the following sub-sections: “(4) Where a person is acting as Chief General Manager in accordance with paragraph (1) (b) and the office of Chief General Manager becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens. “(5) The appointment of a person under sub-section (1) ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Minister. “(6) Sub-section 34 (7) applies in relation to a person appointed under sub-section (1) in like manner as it applies in relation to the Chief General Manager. “(7) While a person is acting as Chief General Manager, he has and may exercise all the powers, and shall perform all the functions, of the Chief General Manager. “(8) The validity of anything done by a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there was a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.”.
	Sub-section 54 (1)— Omit “60 years”, substitute “55 years”.

SCHEDULE 2

Section 4

FORMAL AMENDMENTS OF LAW OFFICERS ACT 1964

Provision	Amendment
Sub-section 4 (2)	Omit “seven, eight, twelve, thirteen, fifteen and seventeen of this Act”, substitute “7, 8, 12, 13, 15 and 17”.
Sub-section 6 (1)	Omit “seven”, substitute “7”.
Sub-section 6 (2)	Omit “five”, substitute “5”.
Paragraph 11 (2) (b)	Omit “six of this Act”, substitute “6”.
Section 14	Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”.
Paragraph 14 (b)	Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”.
Paragraph 14 (d)	(a) Omit “sixteen”, substitute “16”. (b) Omit “sub-section (1) of section five of the <i>Officers’ Rights Declaration Act 1928-1959</i> ”, substitute “sub-section 5 (1) of the <i>Officers’ Rights Declaration Act 1928</i> ”.

SCHEDULE 2—continued

Provision	Amendment
Sub-section 16 (1) . . .	Omit "sub-section (3) of section six", substitute "sub-section 6 (3)".
Sub-section 16 (2) . . .	Omit "six and seven", substitute "6 and 7".
Paragraph 16 (2) (a) . . .	Omit "of this section".
Sub-section 16 (3) . . .	Omit "of this section".
Sub-section 16 (4) . . .	Omit "seven", substitute "7".
Paragraph 16 (4) (b) . . .	Omit "of this section".
Sub-section 16 (5) . . .	Omit "The last preceding sub-section", substitute "Sub-section (4)".
Paragraph 16 (5) (a) . . .	Omit "five", substitute "5".
Sub-section 16 (6) . . .	Omit "of this section, a reference in section six", substitute ", a reference in section 6".
Sub-section 16 (7) . . .	Omit "of this section" (wherever occurring).
Sub-section 16 (7A) . . .	Omit "the foregoing provisions of".
Sub-section 16 (8) . . .	Omit "Sub-sections (4) and (5) of section four of the <i>Superannuation Act 1922-1963</i> ", substitute "Sub-sections 4 (4) and (5) of the <i>Superannuation Act 1922</i> ".
Sub-section 17 (3) . . .	Omit "of the last two preceding sub-sections", substitute "sub-section (1) or sub-section (2)".
Sub-section 17 (4) . . .	Omit "of this section".