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**Statute Law (Miscellaneous Provisions) Act (No. 1) 1984**

**No. 72 of 1984**

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

[*Assented to 25 June 1984*]

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. 1*) *1984.*

**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 amendments of the *Aboriginal Land Rights* (*Northern Territory*) *Act 1976* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

**(4)** The amendment of the *Australian Shipping Commission Act 1956* made by this Act shall be deemed to have come into operation on 19 January 1984.

**(5)** The amendments of the *Commonwealth Inscribed Stock Act 1911* made by this Act shall come into operation on a day to be fixed by Proclamation.

**(6)** The amendment of sub-section 4 (1) of the *Community Employment Act 1983* made by this Act shall be deemed to have come into operation on 24 June 1983.

**(7)** The amendments of the definition of “Australian installation” in sub-section 4 (1) and of paragraph 161a (3) (c) of the *Customs Act 1901* made by this Act shall be deemed to have come into operation on 1 January 1983.

**(8)** If the twenty-eighth day after the day on which this Act receives the Royal Assent is an earlier day than the day on which section 22 of the *Customs and Excise Amendment Act 1982* comes into operation, the amendment of section 96a of the *Customs Act 1901* made by this Act shall come into operation on the last-mentioned day.

**(9)** If the twenty-eighth day after the day on which this Act receives the Royal Assent is an earlier day than the day on which section 25 of the *Customs and Excise Amendment Act 1982* comes into operation, the amendments of sections 111, 111a and 111d of the *Customs Act 1901* made by this Act and the amendment of that Act inserting section 273gab made by this Act shall come into operation on the last-mentioned day.

**(10)** The amendments of the *Customs and Excise Amendment Act 1982* made by this Act shall be deemed to have come into operation on 23 September 1982.

**(11)** The amendments of the *Distillation Act 1901* made by this Act shall come into operation on a day to be fixed by Proclamation.

**(12)** The amendments of the *Family Law Act 1975* made by this Act shall—

(a) in the case of the amendment of section 37a of that Act—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of Part III of the *Family Law Amendment Act 1983;* and

(b) in the case of the amendments of sections 44 and 87 of that Act—be deemed to have come into operation on 25 November 1983; and

(c) in the case of the other amendments of that Act—come into operation on a day to be fixed by Proclamation.

**(13)** The amendment of the *Industries Assistance Commission Act 1973* made by this Act shall be deemed to have come into operation on 1 December 1983.

**(14)** The amendment of the *Insurance Amendment Act 1983* made by this Act shall be deemed to have come into operation on 19 January 1984.

**(15)** The amendments of section 44 of the *Judiciary Act 1903* made by this Act shall come into operation on 1 June 1984 or the day on which this Act receives the Royal Assent, whichever is the later.

**(16)** The amendments of paragraphs 283d (1) (a) and 283e (1) (a) and sub-section 283j (1) of the *Navigation Act 1912* 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 76 of the *Navigation Amendment Act 1980.*

**(17)** The amendment of the *Postal and Telecommunications Amendment Act 1983* made by this Act shall be deemed to have come into operation on 22 December 1983.

**(18)** The amendment of the *Radiocommunications* (*Transitional Provisions and Consequential Amendments*) *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 that Act.

**(19)** The amendments of the *Sex Discrimination Act 1984* made by this Act shall come into operation on the commencement of that Act.

**(20)** The amendments of the *Spirits Act 1906* made by this Act shall come into operation on a day to be fixed by Proclamation.

**(21)** The amendment of the *States Grants* (*Education Assistance—Participation and Equity*) *Act 1983* made by this Act shall be deemed to have come into operation on 21 December 1983.

**(22)** The amendment of the *Statute Law* (*Miscellaneous Provisions*) *Act* (*No. 1*) *1983* made by this Act shall be deemed to have come into operation on 4 June 1982.

**(23)** Section 6 and the amendments of the *Student Assistance Act 1973* made by this Act shall come into operation on a day to be fixed by Proclamation.

**(24)** 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 5, in so far 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 the Schedule are amended as set out in the Schedule.

**Repeal**

**4.** The *Hide and Leather Industries Legislation Repeal Act 1955* is repealed.

**Transitional and savings**

**5.** **(1**) Except as provided by section 6, 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)** Notwithstanding the amendments of sections 133, 273ga and 273h of the *Customs Act 1901* made by this Act and the amendment of that Act inserting section 273j made by this Act, sections 133, 273ga and 273h of that Act apply in relation to any application made to the Administrative Appeals Tribunal before the day on which those amendments come into operation, or any matter or thing arising out of, or any proceeding incidental to or connected with, any such application, as if those amendments had not been made.

**(3)** Regulations made for the purposes of paragraph 4 (2) (d) of the *Defence Service Homes Act 1918* as in force immediately before the commencement of the amendments of that Act made by this Act shall, after that commencement, continue in force as if made for the purposes of paragraph 4 (2) (b) of that Act as so amended.

**(4)** All instruments made before the commencement of the amendments made by this Act to the *Excise Tariff Act 1921* that purported to be Departmental By-laws within the meaning of the definition of “Departmental By-law” in the Schedule to that Act as in force before that commencement shall be deemed to have been Departmental By-laws lawfully made.

**(5)** Notwithstanding the amendment made by this Act to the Schedule to the *Excise Tariff Act 1921,* all Departmental By-laws, within the meaning of the definition of “Departmental By-law” in that Schedule as in force before the commencement of that amendment, that were in force immediately before that commencement, continue in force as if they were Departmental By-laws made under Part XV of the *Excise Act 1901* as amended by this Act.

**(6)** The amendment of section 24 of the *Federal Court of Australia Act 1976* made by this Act applies in relation to judgments given or pronounced before the date of commencement of the amendment but does not affect the hearing and determination of an appeal instituted before that date.

**(7)** Section 105aaa of the *National Health Act 1953* as enacted by this Act does not apply in relation to a decision made before the enactment of that section.

**Operation of Student Assistance Act, &c.**

**6. (1)** Notwithstanding the amendments made by this Act, Part V of the Principal Act continues to operate in relation to a decision made by an authorized person before the commencing day if a request for the reconsideration of the decision was made under section 22 of the Principal Act before the commencing day.

**(2)** Part V of the *Student Assistance Act 1973* as amended by this Act applies in relation to—

(a) a decision made by an authorized person before the commencing day, if a request for the reconsideration of the decision had not been made before the commencing day; and

(b) a decision made by an authorized person on or after the commencing day.

**(3)** Nothing in this Act shall be taken to have affected the appointment, as an authorized person under section 6 of the Principal Act, of a person who, immediately before the commencing day, was an officer or employee within the meaning of the *Public Service Act 1922.*

**(4)** Where, immediately before the commencing day, a person held an office of Chairman of a Tribunal—

(a) that person shall, on and after the commencing day, hold the office of Chairperson of that Tribunal on the same terms and conditions as the person held that office of Chairman; and

(b) the period of appointment of the person as Chairperson of the Tribunal shall, subject to the *Student Assistance Act 1973*,expire on the day on which the period of appointment of the person as Chairman would have expired.

**(5)** Any act done or decision made, before the commencing day, by a person in the capacity of Chairman of a Tribunal shall, for the purposes of the *Student Assistance Act 1973,* be taken to have been done or made by the Chairperson of the Tribunal.

**(6)** In this section—

“commencing day” means the day on which the amendments made by this Act to the *Student Assistance Act 1973* come into operation;

“Principal Act” means the *Student Assistance Act 1973* as amended and in force immediately before the commencing day.

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**SCHEDULE** Section 3

AMENDMENTS OF ACTS

***Aboriginal Land Rights* (*Northern Territory*) *Act 1976***

**Sub-section 3 (1), definition of “Commissioner”—**

Omit the definition, substitute the following definition:

“‘Commissioner’ means an Aboriginal Land Commissioner holding office under Part V;”.

**Sub-section 3 (1), definition of “Judge”—**

Omit the definition:

**Paragraph 11 (1) (a)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Sub-sections 11 (1aa), (1ab), (1ad) and (2)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Section 33—**

Omit “10 per centum”, substitute “10%”.

**Sub-section 34 (3)—**

Omit “20 per centum”, substitute “20%”.

**Heading to Part V—**

Omit the heading, substitute the following heading:

**“PART V—ABORIGINAL LAND COMMISSIONERS”.**

**Section 49—**

Omit “an Aboriginal Land Commissioner”, substitute “such number of Aboriginal Land Commissioners as the Minister determines”.

**Sub-section 50 (1)—**

Omit “the Commissioner” (first occurring), substitute “a Commissioner”.

**Sub-section 50 (2)—**

Omit “The Commissioner”, substitute “A Commissioner”.

**Sub-sections 50 (3) and (4)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Section 51—**

Omit “The Commissioner”, substitute “A Commissioner”.

**Sub-section 52 (1)—**

Omit “The Commissioner”, substitute “A Commissioner”.

**SCHEDULE—**continued

**Sub-section 52 (2)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Sub-section 52 (3)—**

Omit “as Commissioner” (wherever occurring), substitute “as a Commissioner”.

**Section 53—**

Add at the end thereof the following sub-section:

“(4) In this section, ‘Judge of the Supreme Court of the Northern Territory’ includes a person appointed as an additional Judge, or a person acting as a Judge, of the Supreme Court of the Northern Territory.”.

**Sub-sections 53 (1) and (3)—**

Omit “as Commissioner” (wherever occurring), substitute “as a Commissioner”.

**Sub-section 53 (2)—**

Omit “as Commissioner if he ceases to be”, substitute “as a Commissioner if he is no longer”.

**Section 53a—**

(a) Omit “The Commissioner”, substitute “A Commissioner”.

(b) Omit “as Commissioner”, substitute “as a Commissioner”.

**Sub-sections 54 (1), (2) and (5)—**

Omit “The Commissioner”, substitute “A Commissioner”.

**Sub-section 54 (4)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Paragraph 54 (6) (a)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Sub-section 54a (1)—**

Omit “the Commissioner” (first occurring), substitute “a Commissioner”.

**Sub-section 54a (2)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Paragraph 54b (a)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Paragraph 54b (b)—**

Omit “the Commissioner” (first occurring), substitute “a Commissioner”.

**Paragraph 54c (1) (a)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Section 55—**

Omit “The Commissioner”, substitute “A Commissioner”.

**Section 56—**

Omit “the Commissioner”, substitute “a Commissioner”.

**SCHEDULE—**continued

**Section 57—**

Add at the end thereof the following sub-section:

“(7) A reference in sub-section (4) to a Judge is a reference to—

(a) a Judge of the Supreme Court of the Northern Territory or a person appointed as an additional Judge, or a person acting as a Judge, of that Court; or

(b) a Judge, or a person acting as a Judge, of a court created by Parliament.”.

**Sub-section 57 (1)—**

(a) Omit “the office”, substitute “an office”.

(b) Omit “as Commissioner”, substitute “as a Commissioner”.

**Sub-section 57 (2)—**

(a) Omit “the Commissioner” (first occurring), substitute “a Commissioner”.

(b) Omit “as Commissioner”, substitute “as a Commissioner”.

**Sub-section 57 (3)—**

(a) Omit “as Commissioner”, substitute “as a Commissioner”.

(b) Add at the end thereof “in whose place he is appointed to act”.

**Sub-section 57 (4)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Paragraph 57 (5) (a)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Section 58—**

Omit “The Commissioner”, substitute “A Commissioner”.

**Section 59—**

Omit “the Commissioner”, substitute “a Commissioner”.

**Sub-section 60 (1)—**

Omit “The Commissioner”, substitute “A Commissioner”.

**Sub-section 61 (1)—**

Omit “The Commissioner”, substitute “Each Commissioner”.

**Sub-section 61 (2)—**

Omit “The Commissioner”, substitute “A Commissioner”.

**Sub-section 64 (1)—**

Omit “40 per centum”, substitute “40%”.

**Sub-section 64 (2)—**

Omit “50 per centum”, substitute “50%”.

**Sub-section 64 (3)—**

Omit “30 per centum”, substitute “30%”.

**Paragraph 74a (1) (b)—**

Omit “the Commissioner”, substitute “a Commissioner”.

**SCHEDULE—**continued

***Acts Interpretation Act 1901***

**Section 34a—**

Omit “that Act”, substitute “that or any other Act”.

***Administrative Appeals Tribunal Act 1975***

**Sections 16, 17 and 18—**

Repeal the sections, substitute the following section:

**Application of Judges’ Pensions Act**

“16. (1) Subject to this section, the *Judges*’ *Pensions Act 1968* has effect as if a presidential member were a Judge for the purposes of that Act.

“(2) Subject to sub-section (3), the *Judges*’ *Pensions Act 1968* does not apply to a presidential member if, immediately before his appointment as a presidential member, he was an eligible employee for the purposes of the *Superannuation Act 1976.*

“(3) If a presidential member was, immediately before his appointment as a presidential member, an eligible employee for the purposes of the *Superannuation Act 1976*,and he elects, within 3 months after his appointment as a presidential member, by notice in writing to the Minister, to cease to be an eligible employee for the purposes of that Act, sub-section (2) does not apply, and shall be deemed not to have applied, to him and he shall be deemed to have ceased to be such an eligible employee immediately before his appointment as a presidential member.

“(4) Where—

(a) a presidential member makes an election in accordance with sub-section (3); and

(b) he would, but for this sub-section, be entitled to a benefit under Division 1, 2 or 4 of Part V, or under Division 3 of Part IX, of the *Superannuation Act 1976,*

sub-section 80 (1) of that Act applies in relation to him as if he were not entitled to that benefit.

“(5) The amount of any pension that, but for this sub-section, would be payable to a person under the *Judges*’ *Pensions Act 1968* in respect of any period by virtue of that person or another person having been a presidential member shall be reduced by the amount of any other pension or retiring allowance payable to the first-mentioned person in respect of that period out of moneys provided in whole or in part by—

(a) the Commonwealth, a State, the Government of the Northern Territory or the Administration of another Territory;

(b) a body corporate established for a public purpose by a law of the Commonwealth, of a State or of a Territory; or

(c) an incorporated company all the stock or shares in the capital of which is or are beneficially owned by the Commonwealth, a State or the Northern Territory.

“(6) In this section, a reference to a presidential member does not include a presidential member who is a part-time member.”.

**SCHEDULE—**continued

***Airports* (*Business Concessions*) *Act 1959***

**Sub-section 15 (1)—**

Omit all the words after “writing”, substitute the following words and paragraphs:

“signed by him—

(a) delegate to any prescribed person or to any person included in a prescribed class of persons his power to grant an authority to sell or supply intoxicating liquor; and

(b) delegate to any person all or any of his other powers and functions under this Act, other than the power of delegation under this section”.

**Sub-section 15 (2)—**

Omit “so delegated”, substitute “delegated under this section”.

***Apple and Pear Stabilization Act 1971***

**After sub-section 17 (4)—**

Insert the following sub-section:

“(4a) Notwithstanding sub-section (4), moneys standing to the credit of the Beurre Bosc Stabilization Fund referred to in column 2 of Schedule 1 may be paid out of that Fund to the Corporation, but the Corporation shall not apply any moneys so paid otherwise than for the purposes of research relating to the production, packing, handling, production or marketing of pears.”.

**Sub-section 17 (7)—**

After “a person”, insert “(other than the Corporation)”.

***Australian Shipping Commission Act 1956***

**Sub-section 19a (6)—**

After “approved”, insert “under sub-section (5)”.

***Australian Tourist Commission Act 1967***

**Sub-section 6 (1)—**

Omit “10”, substitute “12”.

**Sub-section 6 (4)—**

Omit “8”, substitute “10”.

**Sub-section 14 (5)—**

Omit “6”, substitute “7”.

***Australian Wine and Brandy Corporation Act 1980***

**Section 14—**

Add at the end thereof the following sub-sections:

“(5) The Minister may, by writing signed by him, extend the period for which a member is entitled to hold office under sub-section (1), (3) or (4), being a member holding office immediately before the commencement of this sub-section, for a period not exceeding 2 years or for consecutive periods not exceeding in the aggregate 2 years.

**SCHEDULE—**continued

“(6) Whenever a vacancy occurs in the office of a member whose term of office has been extended under sub-section (5), a reference in sub-section (3) or (4) to the period for which the member was entitled to hold office shall be read as a reference to the period as so extended.”.

***Boy Scouts*’ *Association Act 1924***

**Long title of Act—**

Omit “Boy Scouts’ Association”, substitute “Scout Association”.

**Preamble—**

(a) Omit the first paragraph of the Preamble, substitute the following paragraph:

“WHEREAS the Scout Association (in this Act referred to as the ‘Association’) was duly incorporated under the name of the Boy Scouts Association in the United Kingdom of Great Britain and Ireland by Royal Charter granted on 4 January 1912:”.

(b) Omit the third paragraph of the Preamble, substitute the following paragraph:

“AND WHEREAS for providing and maintaining an efficient organization for promoting the objects of the Association, various Local Branches, including the Scout Association of Australia which was duly incorporated under the name of the Australian Boy Scouts Association by Royal Charter granted on 23 August 1967, have been formed under the power aforesaid in Australia:”.

**Section 1—**

Repeal the section, substitute the following section:

**Short title**

“1. This Act may be cited as the *Scout Association Act 1924*”*.*

**Section 2—**

Omit “The Boy Scouts’ Association’“, substitute “the ‘Scout Association’“.

***Broadcasting and Television Act 1942***

**Sub-section 4 (1), definition of “technical equipment”—**

Omit the definition.

**Sub-section 90aa (2)—**

Omit the sub-section.

**Sub-sections 90c (4), (5), (6) and (7)—**

Omit the sub-sections.

**Sub-sections 90f (3) and (4)—**

Omit the sub-sections.

**Sub-section 90l (5)—**

Omit the sub-section.

**Paragraph 90n (2) (a)—**

Omit the paragraph.

**SCHEDULE**—continued

**Sub-section 90n (2)—**

Omit “latest”, substitute “later”.

**Sub-section 91ab (2)—**

Omit the sub-section.

**Sub-sections 92 (3), (4), (5) and (6)—**

Omit the sub-sections.

**Sub-sections 92c (2) and (3)—**

Omit the sub-sections.

**Section 92fab—**

Repeal the section.

**Sub-section 92g (5)—**

Omit the sub-section.

**Paragraph 92j (2) (a)—**

Omit the paragraph.

**Sub-section 92j (2)—**

Omit “latest”, substitute “later”.

**Sub-section 116 (6), definitions of “broadcasting station” and “television station”—**

Omit “Part III or IIIA”, substitute “the *Australian Broadcasting Corporation Act 1983* or Part IIIa of this Act”.

***Christmas Island Act 1958***

**Sub-section 10 (1)—**

Omit “is, and shall be deemed to have been,”, substitute “shall be”.

**Sub-section 10 (6)—**

(a) After “Ordinance”, insert “or any other law (not being an Act) in force in the Territory”.

(b) Omit “are, and shall be deemed to have been,”, substitute “shall be”.

***Commonwealth Employment Service Act 1978***

**Section 12, definitions of “employees’ council” and “employers’ organization”—**

Omit the definitions, substitute the following definitions:

‘employees’ council’ means the Australian Council of Trade Unions;

‘employers’ organization’ means the Confederation of Australian Industry;”.

**Paragraph 14 (1) (b) and sub-section 19 (3)—**

Omit “an employees’ council”, substitute “the employees’ council”.

**Section 21—**

Omit “allowances as if he were an officer of the Second Division of the Public Service”, substitute “allowance at a rate equal to the highest rate of travelling allowance payable to

**SCHEDULE—**continued

officers of the Australian Public Service other than Permanent Heads within the meaning of the *Public Service Act 1922*”.

***Commonwealth Inscribed Stock Act 1911***

**Section 3, definition of “Stock”—**

Omit the definition, substitute the following definition:

“‘stock’ means Commonwealth Government Inscribed Stock, Australian Consolidated Inscribed Stock or such other stock as is created under section 4.”.

**Section 4—**

Omit “or Australian Consolidated Inscribed Stock”, substitute “, Australian Consolidated Inscribed Stock or such other stock as is prescribed”.

**Section 16—**

Omit “four”, substitute “4”.

**Section 19—**

Repeal the section, substitute the following section:

**Protection of Registrar in relation to trusts**

“19. (1) Stock may be inscribed in the name of a trustee in his capacity as a trustee whether as trustee of a specified trust or as trustee without specifying a trust.

“(2) Notwithstanding that stock is inscribed in the name of a trustee in his capacity as a trustee, whether as trustee of a specified trust or as trustee without specifying a trust, the Registrar—

(a) is not affected with notice of any trust; and

(b) is not required to make any inquiries concerning—

(i) any trust; or

(ii) the propriety of anything done in relation to stock that is inscribed in the name of a trustee or any part of such stock.”.

**Section 21—**

Omit “one”, substitute “1”.

**Sub-section 22a (2)—**

Omit “two”, substitute “2”.

**Sub-section 22a (4)—**

Omit “of this section”.

**After section 22a—**

Insert the following section in Division 2 of Part III:

**Inscription of stock in name of unincorporated associations**

“22b. (1) Notwithstanding anything contained in this Act, stock may, subject to this section, be inscribed in the name of an unincorporated association that complies with such conditions as are prescribed.

“(2) An application for stock made by an unincorporated association shall be in such form and contain such particulars as are prescribed, and any documents prescribed by or under this Act and relating to that stock shall be signed by 2 or more persons appointed by that association to sign such documents.

**SCHEDULE**—continued

“(3) A certificate, receipt or other document relating to stock inscribed in the name of an unincorporated association shall be issued only to a person authorized by the association to receive the document concerned.

“(4) A transaction under this Act shall not be effected in relation to stock inscribed under this section unless the transaction is authorized by the persons appointed by the unincorporated association in accordance with sub-section (2) and the Commonwealth is not under any legal liability in respect of any such transaction that is so authorized.”.

**Section 24—**

Add at the end thereof the following sub-section:

“(2) In this section, ‘person’ includes—

(a) a Friendly Society or a branch of a Friendly Society;

(b) a Trade Union or a branch of a Trade Union; or

(c) an unincorporated association.”.

**Section 27—**

(a) Omit “fourteen”, substitute “14”.

(b) Omit “one”, substitute “1”.

**Sub-section 29 (2)—**

Omit “paragraph (a) of the last preceding sub-section”, substitute “paragraph (1) (a)”.

**Sub-section 29 (3)—**

Omit “the last preceding sub-section”, substitute “sub-section (2)”.

**Sub-section 48 (1)—**

Omit “ten”, substitute “10”.

**Section 49—**

Omit “ten”, substitute “10”.

**Section 50—**

Omit “ten”, substitute “10”.

**Section 51a—**

Add at the end thereof the following sub-section:

“(3) Notwithstanding sub-section (1), Treasury Bonds, Debentures or other prescribed securities shall not be made out, issued or sold in connection with any loan raised after the commencement of this sub-section.”.

**Section 51ba—**

(a) Omit “Two hundred dollars”, substitute “$200”.

(b) Omit “six”, substitute “6”.

(c) Omit “Ten per centum”, substitute “10%”.

**Section 51c—**

Omit “*Treasury Bills Act* 1914-1915”, substitute “*Treasury Bills Act 1914*”.

**SCHEDULE**—continued

**Section 51e—**

Add at the end thereof the following sub-section:

“(2) Notwithstanding sub-section (1), stock issued or sold after the commencement of this sub-section may not be exchanged for Treasury Bonds, Debentures or other prescribed securities.”.

**Section 51f—**

Omit “section sixty-two a of the *Audit Act* 1901-1917”, substitute “section 62a of the *Audit Act 1901*”.

**Sub-section 52b (2)—**

(a) Omit “the twelfth day of September One thousand nine hundred and thirty-one”, substitute “12 September 1931”.

(b) Omit “section twenty”, substitute “section 20”.

**Sub-section 52c (1)—**

Omit “*Estate Duty Act* 1914-1941”, substitute “*Estate Duty Act 1914*”.

**Sub-section 54 (1)—**

Omit “ten”, substitute “10”.

**Section 57b—**

Omit “sections thirteen, thirteen A, thirteen B and fourteen of the *Treasury Bills Act* 1914-1940”, substitute “sections 13, 13a, 13b and 14 of the *Treasury Bills Act 1914*”.

***Commonwealth Tertiary Education Commission Act 1977***

**Heading to Part II—**

Omit the heading, substitute the following heading:

**“PART II—COMMONWEALTH TERTIARY EDUCATION COMMISSION”.**

***Community Employment Act 1983***

**Sub-section 4 (1)—**

After “may approve”, insert “, by instrument in writing,”.

**Section 6—**

After “Minister,” insert “or an officer of the Department administered by the Minister who is authorized by the Minister by instrument in writing,”.

**After section 12—**

Insert the following section:

**Rescission of approvals**

“13. If the Minister, or an officer of the Department, rescinds an approval given under sub-section 4 (1) of a project to which an agreement under this Act relates (including an agreement entered into before the commencement of this section), the agreement ceases to have any further effect in relation to the project except for the purposes of the enforcement of any right accrued, or obligation incurred, under the agreement before the agreement so ceases to have effect.”.

**SCHEDULE—**continued

***Complaints* (*Australian Federal Police*) *Act 1981***

**Paragraph 87 (1) (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) a member of the Australian Federal Police;”.

**Paragraph 87 (1) (d)—**

Omit “section 50.”, substitute “section 50;”.

**After paragraph 87 (1) (d)—**

Insert the following paragraph:

“(e) a member of the staff referred to in section 16 of the *Australian Federal Police Act 1979.*”.

**Sub-section 87 (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) Subject to this section, a person who is, or has been, a person to whom this section applies, shall not, either directly or indirectly, and either while he is, or after he has ceased to be, a person to whom this section applies, except in the performance of his duties or with the consent, in writing, of the appropriate person, make a record of, or divulge or communicate, prescribed information acquired at any time by him by reason of his being or having been a person to whom this section applies.

Penalty: $1,000.”.

**After sub-section 87 (3)—**

Insert the following sub-section:

“(3a) Sub-section (2) does not prevent the Commissioner from disclosing information, or making a statement, to any person or to the public or a section of the public with respect to the performance of the functions of, or an investigation or inquiry by, the Investigation Division if, in the opinion of the Commissioner, it is in the interests of the Australian Federal Police or of any person, or is otherwise in the public interest, to do so, having regard to whether the disclosure of that information, or the making of that statement would, or could reasonably be expected to—

(a) prejudice the fair trial of a person or the impartial adjudication of a particular matter;

(b) reveal, or enable a person to ascertain, the existence or identity of a confidential source of information or the identity of a complainant;

(c) constitute an unwarranted invasion of the privacy of any person; or

(d) endanger the physical safety of any person.”.

**Section 87—**

Add at the end thereof the following sub-section:

“(7) In sub-section (2), ‘prescribed information’ means information supplied to or obtained by the Australian Federal Police in the course of, or for the purposes of, the investigation of a complaint, or the holding of an inquiry, concerning action taken by a member.”.

**SCHEDULE—**continued

***Coral Sea Islands Act 1969***

**Preamble—**

Omit the Preamble, substitute the following Preamble:

“Whereas all the islands within the area the boundary of which commences at the point of intersection of the line following the outer edge of the Great Barrier Reef by the parallel of Latitude 12°00’ South and runs—

(1) thence south-easterly along the geodesic to the point of Latitude 16°00’ South, Longitude 156°06’ East;

(2) thence south along the meridian of Longitude 156°06’ East to its intersection by the parallel of Latitude 24°00’ South;

(3) thence west along that parallel to its intersection by the meridian of Longitude 154°00’ East;

(4) thence north along that meridian to its intersection by the parallel of Latitude 22°00’ South;

(5) thence west along that parallel to its intersection by the line following the outer edge of the Great Barrier Reef; and

(6) thence generally north-westerly along that line to the point of commencement,

are territories acquired by the Commonwealth:

And whereas it is desirable to make provision for the government of those islands as one Territory.”.

**Section 2—**

Add at the end thereof the following sub-sections:

“(2) Where, for the purposes of this Act, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of 100/29825 and by reference to the position of the Johnston Geodetic Station in the Northern Territory.

“(3) That station shall be taken to be situated at the point of Latitude 25°56’54.5515” South, Longitude 133°12’30.0771” East and to have a ground level of 571.2 metres above the spheroid referred to in sub-section (2).”.

**Section 3—**

Omit “the islands described in the first paragraph of the Preamble to this Act and the islands described in the second paragraph of that Preamble”, substitute “the islands described in the Preamble to this Act:”.

***Customs Act 1901***

**Sub-section 4 (1), definition of “Australian installation”—**

Omit “section 6aa”, substitute “section 5”.

**SCHEDULE—**continued

**Sub-section 4 (1), definition of “Customs Acts”—**

Omit the definition, substitute the following definition:

“ ‘Customs Acts’ means this Act and any instruments (including rules, regulations or by-laws) made under this Act and any other Act, and any instruments (including rules, regulations or by-laws) made under any other Act, relating to customs in force within the Commonwealth or any part of the Commonwealth;”.

**Sub-section 72 (1)—**

(a) After “cause”, insert “or permit”.

(b) After “directs”, insert “or permits”.

**Sub-section 72 (4)—**

Omit the sub-section, substitute the following sub-section:

“(4) Where—

(a) goods (other than goods to which sub-section (2) applies) have been, or may be, removed under sub-section (1); and

(b) all things that are required to be done to enable authority to deal with the goods to be given under section 39, including the making of an entry in respect of the goods, are not done within—

(i) if the goods have been removed—such period as is prescribed commencing on the removal of the goods; or

(ii) if the goods have not been removed—such period as is prescribed commencing on the expiration of the period applicable under paragraph (1) (b) in relation to the goods,

a Collector may sell the goods.”.

**Sub-section 72 (5)—**

Omit “paragraph (b) of sub-section (4)”, substitute “sub-paragraph (4) (b) (i) or (ii)”.

**Sub-section 86 (4)—**

Omit the sub-section.

**Sub-section 87 (3)—**

Omit the sub-section.

**Section 90—**

Add at the end thereof the following sub-section:

“(2) A requirement imposed on the holder of a warehouse licence under paragraph (1) (c) shall be set out in a notice in writing served, either personally or by post, on the holder of the licence.”.

**Section 96a—**

Add at the end thereof the following sub-section:

“(14) Where a Collector makes a decision under sub-section (2) refusing to give permission to the proprietor of a duty free shop or under sub-section (13) revoking a permission given under sub-section (2), he shall cause to be served, either personally or by post, on the proprietor of the shop, a notice in writing setting out the Collector’s findings on

**SCHEDULE—**continued

material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.”.

**Sub-section 97 (1)—**

Omit “collector”, substitute “Collector”.

**Sub-section 111 (6)—**

Omit the sub-section.

**Sub-section 111a (3)—**

Omit the sub-section.

**Section 111d—**

Add at the end thereof the following sub-section:

“(2) A requirement imposed on the holder of a depot licence under paragraph (1) (e) shall be set out in a notice in writing served, either personally or by post, on the holder of the licence.”.

**Sub-sections 133 (3) and (4)—**

Omit the sub-sections.

**Sub-sections 157 (2)—**

Omit “the Comptroller”, substitute “a Collector”.

**Sub-section 157 (3)—**

Omit “Comptroller”, substitute “Collector”.

**Sub-sections 157 (4) and (5)—**

Omit “a Collector”, substitute “the Collector”.

**Sub-sections 157 (6), (7), (8) and (9)—**

Omit “Comptroller” (wherever occurring), substitute “Collector”.

**Sub-sections 157 (10) and (11)—**

Omit “a Collector”, substitute “the Collector”.

**Sub-section 158 (1)—**

(a) Omit “the Comptroller” (first occurring), substitute “the Collector”.

(b) Omit “a Collector, the Comptroller”, substitute “him, he”.

**Paragraph 158 (2) (a)—**

(a) Omit “Comptroller” (first occurring), substitute “Collector”.

(b) Omit “; the Comptroller”, substitute “, he”.

**Paragraph 158 (2) (b)—**

(a) Omit “Comptroller” (first occurring), substitute “Collector”.

(b) Omit “the Comptroller” (second occurring), substitute “he”.

**Paragraph 158 (2) (c)—**

(a) Omit “Comptroller” (first occurring), substitute “Collector”.

(b) Omit “; the Comptroller”, substitute “, he”.

**SCHEDULE**—continued

**Sub-sections 158 (3), (4), (5) and (6)—**

Omit “Comptroller” (wherever occurring), substitute “Collector”.

**Paragraph 161a (3) (c)—**

Omit “Schedule 2 to the *Customs Tariff Act 1966*”,substitute “Part I of Schedule 4 to the *Customs Tariff Act 1982*”.

**After the definition of “prescribed aircraft” in sub-section 175 (1)—**

Insert the following definition:

“prescribed flight’ in relation to an aircraft, means a flight in the course of which the aircraft takes off from a place outside Australia and lands at a place outside Australia and does not land at a place in Australia;”.

**Sub-section 175 (1), definition of “prescribed ship”—**

Omit “voyages.”, substitute “voyages;”.

**After the definition of “prescribed ship” in sub-section 175 (1)—**

Insert the following definition:

“ ‘prescribed voyage’, in relation to a ship, means a voyage in the course of which the ship travels between places outside Australia and does not call at a place in Australia.”.

**Sub-section 175 (2)—**

Omit “the prescribed ship and a ship that is not a prescribed ship or between the prescribed ship and an aircraft that is not a prescribed aircraft” and substitute the following:

“the prescribed ship and—

(a) a ship that is engaged in making an international voyage or a prescribed voyage; or

(b) an aircraft that is engaged in making an international flight or a prescribed flight”.

**Sub-section 175 (3)—**

Omit “the prescribed aircraft and an aircraft that is not a prescribed aircraft or between the prescribed aircraft and a ship that is not a prescribed ship” and substitute the following:

“the prescribed aircraft and—

(a) an aircraft that is engaged in making an international flight or a prescribed flight; or

(b) a ship that is engaged in making an international voyage or a prescribed voyage”.

**Sub-section 183cr (2)—**

Omit all the words after “under that” (last occurring), substitute “sub-section.”.

**Sub-section 183cs (3)—**

Omit the sub-section, substitute the following sub-section:

“(3) A notice under sub-section (1) shall—

(a) be in writing; and

(b) be served, either personally or by post, on the holder of the licence.”.

**SCHEDULE**—continued

**After section 273g—**

Insert the following section:

**Notices**

“273gaa. (1) Where a person makes a decision to which sub-section (2) applies in relation to a warehouse licence or an agents licence, the person shall cause to be served, either personally or by post, on the applicant or the holder of the licence, as the case requires, a notice in writing setting out the decision.

“(2) For the purposes of sub-section (1), the following decisions are decisions to which this sub-section applies:

(a) a decision under Part V refusing to grant a warehouse licence;

(b) a decision under sub-section 82 (5) refusing to vary the conditions specified in a warehouse licence;

(c) a decision under sub-section 84 (3) refusing to renew a warehouse licence;

(d) a decision under Division 3 of Part XI refusing to grant an agents licence;

(e) a decision under sub-section 183cf (1) or (2) refusing to vary the endorsements on an agents licence;

(f) a decision under sub-section 183cg (7) refusing to vary the conditions specified in an agents licence.

“(3) Where a Collector makes—

(a) a decision under section 95 refusing to cancel a valuation of warehoused goods and to revalue the goods; or

(b) a decision under sub-section 97 (1) refusing to grant permission to the owner of warehoused goods,

the Collector shall cause to be served, either personally or by post, on the owner of the goods, a notice in writing setting out the decision.

“(4) Where the Minister makes a decision under sub-section 119 (2) not to grant a Certificate of Clearance, he shall cause to be served, either personally or by post, on the applicant for the Certificate, a notice in writing setting out the decision.

“(5) Where a Collector makes a decision under section 126 refusing to allow the export of goods by a person, he shall cause to be served, either personally or by post, a notice in writing setting out the decision on the person.

“(6) Where a Collector makes a decision under section 164 refusing to pay a rebate, he shall cause to be served, either personally or by post, on the applicant for the rebate, a notice in writing setting out the decision.

“(7) A notice in accordance with section 86 to the holder of a warehouse licence shall state the ground or grounds on which the notice is given.

“(8) A notice under sub-section 87 (2) of the cancellation by the Comptroller of a warehouse licence shall set out the Comptroller’s findings on material questions of fact, refer to the evidence or other material on which those findings were based and give the reasons for the cancellation.

“(9) A notice under sub-section 183cs (1) shall set out the ground or grounds of the decision of the Minister to which the notice relates.

“(10) A reference in this section to a notice in writing setting out the decision of a person is a reference to a notice in writing setting out the decision and the person’s findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.”.

**SCHEDULE**—continued

**After section 273gaa—**

Insert the following section:

**Notices in relation to depot licences**

“273gab. (1) Where a person makes—

(a) a decision under Part Va refusing to grant a depot licence;

(b) a decision under sub-section 107 (6) refusing to vary the conditions specified in a depot licence; or

(c) a decision under sub-section 109 (3) refusing to renew a depot licence,

the person shall cause to be served, either personally or by post, on the applicant or the holder of the licence, as the case requires, a notice in writing setting out the decision.

“(2) A notice in accordance with section 111 to the holder of a depot licence shall set out the ground or grounds on which the notice is given.

“(3) A notice under sub-section 111a (2) of the cancellation of a depot licence shall set out the Comptroller’s findings on material questions of fact, refer to the evidence or other material on which those findings were based and give the reasons for the cancellation.

“(4) A reference in this section to a notice in writing setting out the decision of a person is a reference to a notice in writing setting out the decision and the person’s findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.”.

**Paragraph 273ga (1) (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) a decision of a Collector under section 35a making a demand;”.

**Paragraphs 273ga (1) (d), (e) and (f)—**

Omit the paragraphs, substitute the following paragraphs:

“(d) a decision by a Collector under section 126 refusing to allow the export of goods;

(e) a decision of the Minister under section 132b making a quota order;

(f) a decision of the Minister under section 132c varying a quota order;”.

**Paragraphs 273ga (1) (h), (ha) and (j)—**

Omit the paragraphs, substitute the following paragraphs:

“(h) a decision of the Minister under sub-section 161b (4) specifying a rate of exchange;

(ha) a decision of a Collector under section 164 refusing to pay a rebate;

(j) a decision of the Minister under section 164b;”.

**Sub-section 273ga (4)—**

Omit the sub-section.

**Section 273h—**

(a) Omit “direction given by”, substitute “decision of”.

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

“(2) In sub-section (1), ‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.”.

**SCHEDULE**—continued

**After section 273h—**

Insert the following sections:

**Review of decisions under Customs Tariff (Coal Export Duty) Act**

“273j. (1) Applications may be made to the Administrative Appeals Tribunal for review of decisions of a Collector made for the purposes of the definition of ‘high quality coking coal’ in section 4 of the *Customs Tariff* (*Coal Export Duty*) *Act 1975* or for the purposes of section 7 of that Act and for review of decisions of the Minister for Resources and Energy made for the purposes of section 8 of that Act.

“(2) In sub-section (1), ‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975.*

**Statement to accompany notification of decisions**

“273k. (1) Where notice in writing of the making of a decision of a kind referred to in sub-section 273ga (1) or (2) or section 273h or sub-section 273j (1) is given to a person whose interests are affected by the decision, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975,* application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of the person or persons whose interests are affected by the decision.

“(2) Any failure to comply with the requirements of sub-section (1) in relation to a decision does not affect the validity of the decision.”.

***Customs and Excise Amendment Act 1982***

**Sub-section 70 (3)—**

Omit the sub-section.

**Schedule 2, Part III—**

Omit the Part.

***Defence Service Homes Act 1918***

**Sub-section 4 (1), definition of “Australian Soldier”—**

(a) Omit “the continuance of the war which commenced in the year 1914 or during the continuance of any war in which His Majesty became engaged on or after 3rd September, 1939”, substitute “the First World War or the Second World War or during the warlike operations in or in connection with Korea after 26 June 1950 or the warlike operations in or in connection with Malaya after 28 June 1950”.

(b) Omit “in connexion with the war which commenced on 3rd September, 1939”, substitute “in connection with the Second World War”.

**Sub-section 4 (1), definition of “Eligible person”, paragraph (d)—**

Omit “the continuance of the war which commenced in the year 1914”, substitute “the First World War”.

**Sub-section 4 (1), definition of “Eligible person”, paragraph (e)—**

Omit “the war which commenced in the year 1914”, substitute “the First World War”.

**SCHEDULE**—continued

**Sub-section 4 (1), definition of “Eligible person”, paragraphs (f) and (g)—**

Omit “during the continuance of any war in which the Sovereign became engaged on or after 3rd September, 1939,”, substitute “after the commencement of the Second World War”.

**Sub-section 4 (1), definitions of “Munition worker” and “War worker”—**

Omit “the continuance of the war which commenced in the year 1914”, substitute “the First World War”.

**Sub-section 4 (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) For the purposes of the definition of ‘Australian Soldier’ in sub-section (1), a person shall not be taken to be an Australian soldier in relation to the warlike operations in or in connection with Korea after 26 June 1950, or the warlike operations in or in connection with Malaya after 28 June 1950, unless—

(a) that person was allotted for duty in an operational area in connection with those operations before the date of commencement of the *Repatriation* (*Far East Strategic Reserve*) *Act 1956* and, if he was so allotted while in Australia, or in the part of the Queen’s dominions other than the Commonwealth, as the case may be, he left the last port of call in Australia or in that other part of the Queen’s dominions before that date for the purpose of serving in connection with those operations; or

(b) that person, not being a person to whom paragraph (a) applies, served, after the commencement of the *Repatriation* (*Far East Strategic Reserve*) *Act 1956* and before the commencement of the *Repatriation* (*Special Overseas Service*) *Act 1962*,in an area prescribed to be, or to have been, an operational area for the purposes of this paragraph.”.

**Paragraph 50b (2) (b)—**

Omit “and” (last occurring).

**After paragraph 50b (2) (b)—**

Insert the following paragraph:

“(ba) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the year to which the statements relate have been in accordance with this Act; and”.

***Distillation Act 1901***

**After the definition of “alcohol” in sub-section 6 (1)—**

Insert the following definition:

“ ‘Australian brandy’ means brandy the produce of Australia;”.

**Sub-section 6 (1), definition of “Wine”—**

Omit the definition, substitute the following definition:

“ ‘Wine’ means an alcoholic beverage produced by the complete or partial fermentation of—

(a) grapes;

(b) products derived solely from grapes; or

(c) both grapes and such products;”.

**SCHEDULE**—continued

**Section 57b—**

Repeal the section, substitute the following section:

**Interpretation**

“57b. In this Part, ‘fortifying spirit’ means—

(a) a spirit distilled from wine or other products of wine making, being a spirit that contains not less than 74% by volume of alcohol; or

(b) Australian brandy that has been matured by storage in wood for a period of not less than 2 years, being brandy that contains not less than 57% by volume of alcohol and the flavouring and colouring matter (if any) in which are of kinds approved by the Collector for the purposes of this definition and do not cause obscuration of the strength of the brandy exceeding 1.7%.”.

**Paragraph 59 (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) with any spirit other than fortifying spirit;”.

**Sub-sections 59 (2), (2a), (2b), (3) and (4)—**

Omit the sub-sections, substitute the following sub-section:

“(2) Notwithstanding sub-section (1), Australian wine which is intended for export may, with the written approval of the Collector given before the wine is fortified, be fortified soas to contain more than 23% by volume of alcohol.”.

***Environment Protection* (*Alligator Rivers Region*) *Act 1978***

**Section 3, definition of “Director of Territory Parks and Wildlife”—**

Omit the definition, substitute the following definition:

“Director of Conservation of the Northern Territory’ means the person holding office as Director of Conservation under the *Conservation Commission Act 1980* of the Northern Territory or, if a person is acting as the Director, the person so acting;”.

**Paragraph 33 (b)—**

(a) Omit “Director of Territory Parks and Wildlife”, substitute “Director of Conservation of the Northern Territory”.

(b) Omit “Territory Parks and Wildlife Commission established under the *Territory Parks and Wildlife Conservation Ordinance 1976”,* substitute “Conservation Commission of the Northern Territory established by the *Conservation Commission Act 1980*”.

***Excise Act 1901***

**Sub-section 4 (1), definition of “Excise Acts”—**

Omit the definition, substitute the following definition:

“ ‘Excise Acts’ means this Act and any instruments (including rules, regulations or by-laws) made under this Act and any other Act (including the *Distillation Act 1901*)*,* and any instruments (including rules, regulations or by-laws) made under any other Act, relating to excise in force within the Commonwealth or any part of the Commonwealth.”.

**SCHEDULE**—continued

**After the definition of “Excisable goods” in sub-section 4 (1)—**

Insert the following definition:

“ ‘Excise Tariff’ means an Act imposing duties of excise and includes such an Act that has not come into operation.”.

**Before section 163a—**

Insert the following heading:

**“PART XV—REGULATIONS AND DEPARTMENTAL BY-LAWS”.**

**Section 163a—**

Repeal the section, substitute the following section:

**Interpretation**

“163a. (1) In this Part, unless the contrary intention appears—

‘by-law’ means Departmental By-law;

‘proposed item of an Excise Tariff’” means—

(a) an item of an Excise Tariff proposed in the Parliament; or

(b) an item of an Excise Tariff as proposed to be altered by an Excise Tariff alteration proposed in the Parliament.

“(2) Unless the contrary intention appears, a reference in this Part to an item of an Excise Tariff shall be read as including a reference to a sub-item of such an item, a paragraph of such a sub-item and a sub-paragraph of such a paragraph.”.

**After section 164—**

Insert the following sections:

**Minister may make by-laws**

“165. Where—

(a) an item of an Excise Tariff, or a proposed item of an Excise Tariff, is expressed to apply to goods, or to a class or kind of goods, as prescribed by by-law; or

(b) under an item of an Excise Tariff, or a proposed item of an Excise Tariff, any matter or thing is expressed to be as prescribed or defined by by-law,

the Minister may, subject to this Part, make by-laws for the purposes of that item or proposed item.

**By-laws specifying goods**

“166. The Minister may specify in a by-law made for the purposes of an item, or a proposed item, of an Excise Tariff that is expressed to apply to goods, or to a class or kind of goods, as prescribed by by-law—

(a) the goods, or the class or kind of goods, to which that item or proposed item applies;

(b) the conditions, if any, subject to which that item or proposed item applies to those goods or to goods included in that class or kind of goods; and

(c) such other matters as are necessary to determine the goods to which that item or proposed item applies.

**By-laws for purposes of repealed items**

“167. The Minister may make a by-law for the purposes of an item of an Excise Tariff notwithstanding that the item has been repealed before the making of the by-law, but the by-law shall not apply to goods entered for home consumption after the repeal of that item.

**SCHEDULE**—continued

**Publication of by-laws**

“168. A by-law made under this Part—

(a) shall be published in the *Gazette,* and has no force until so published;

(b) shall, subject to this Part—

(i) take effect, or be deemed to have taken effect, from the date of publication, or from a date (whether before or after the date of publication) specified by or under the by-law; or

(ii) have effect, or be deemed to have had effect, for such period (whether before or after the date of publication) as is specified by or under the by-law; and

(c) shall be deemed not to be a Statutory Rule within the meaning of the *Statutory Rules Publication Act 1903.*

**Retrospective by-laws not to increase duty**

“169. This Part does not authorize the making of a by-law which has the effect of imposing duty, in relation to goods entered for home consumption before the date on which the by-law is published in the *Gazette,* at a rate higher than the rate of duty payable in respect of those goods on the day on which those goods were entered for home consumption.

**By-laws for purposes of proposals**

“170. Where—

(a) a by-law is made for the purposes of an Excise Tariff proposed in the Parliament or of an Excise Tariff as proposed to be altered by an Excise Tariff alteration proposed in the Parliament; and

(b) the proposed Excise Tariff becomes an Excise Tariff or the proposed alteration is made, as the case may be,

the by-law shall have effect for the purposes of that Excise Tariff or of that Excise Tariff as so altered, as the case may be, as if the by-law had been made for those purposes and the proposed Excise Tariff or the Excise Tariff as proposed to be altered, as the case may be, had been in force on the day on which the by-law was made.”.

***Excise Tariff Act 1921***

**Section 6b—**

Add at the end thereof the following sub-section:

“(14) Determinations made for the purposes of sub-section (11) shall be deemed not to be Statutory Rules within the meaning of the *Statutory Rules Publication Act 1903*”.

**Schedule, definition of “Departmental By-laws”—**

Omit the definition.

***Export Control Act 1982***

**Section 3, definition of “Department”—**

Omit the definition.

**SCHEDULE**—continued

***Family Law Act 1975***

**Sub-section 4 (1), definition of “matrimonial cause”, sub-paragraph (ca) (iii) and paragraph (eb)—**

Omit “country”, substitute “jurisdiction”.

**Sub-section 4 (1), definition of “overseas country”—**

Omit the definition, substitute the following definition:

“overseas jurisdiction’ means a country, or part of a country, outside Australia;”.

**Sub-section 4 (1), definition of “overseas maintenance agreement”—**

Omit “country” (wherever occurring), substitute “jurisdiction”.

**Sub-section 4 (1), definition of “prescribed overseas country”—**

Omit the definition, substitute the following definition:

“prescribed overseas jurisdiction’ means New Zealand or any other country, or part of a country, outside Australia that is declared by the regulations to be a prescribed overseas jurisdiction for the purposes of the provision in which the expression is used;”.

**Paragraph 37a (1) (n)—**

Omit “made for the purposes of this section”.

**Sub-paragraphs 44 (1b) (a) (ii) and (iii)—**

Omit the sub-paragraphs, substitute the following word and sub-paragraph:

“or (ii) another suitable person or organization nominated by the Principal Director of Court Counselling of the Family Court or by an appropriate officer of a Family Court of a State; and”.

**Section 60, definition of “overseas custody order”—**

Omit “court in a prescribed overseas country”, substitute “court of a prescribed overseas jurisdiction”.

**Sub-sections 64 (9) and (10)—**

Omit “country” (wherever occurring), substitute “jurisdiction”.

**Sub-sections 69 (1) and (2)1—**

Omit “country” (wherever occurring), substitute “jurisdiction”.

**Paragraph 87 (10) (b)—**

Omit “part”, substitute “party”.

**Paragraph 89 (b)—**

Omit “countries” (wherever occurring), substitute “jurisdictions”.

**Sub-section 104 (2)—**

Omit “country” (second and third occurring), substitute “jurisdiction”.

**Sub-sections 104 (3), (6), (7), (8) and (9)—**

Omit “country” (wherever occurring), substitute “jurisdiction”.

**SCHEDULE**—continued

**Sub-section 110 (1), definition of “country with restricted reciprocity”—**

Omit the definition, substitute the following definition:

“ ‘jurisdiction with restricted reciprocity’ means a country, or part of a country, outside Australia declared by the regulations to be a jurisdiction with restricted reciprocity for the purposes of this section;”.

**Sub-section 110 (1), definition of “reciprocating country”—**

Omit the definition, substitute the following definition:

“ ‘reciprocating jurisdiction’ means a country, or part of a country, outside Australia declared by the regulations to be a reciprocating jurisdiction for the purposes of this section.”.

**Sub-sections 110 (2) and (3)—**

Omit “countries” (wherever occurring), substitute “jurisdictions”.

**Sub-paragraph 110 (2) (aa) (i)—**

Omit “country” (wherever occurring), substitute “jurisdiction”.

**Sub-section 114 (6)—**

Omit “a provision of”, substitute “an injunction or order under”.

***Federal Court of Australia Act 1976***

**After sub-section 24 (1)—**

Insert the following sub-section:

“(1a) An appeal shall not be brought from a judgment referred to in sub-section (1) that is an interlocutory judgment unless the Court or a Judge gives leave to appeal.”.

**Sub-section 25 (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) Applications for leave or special leave to appeal to the Court or for an extension of time within which to institute an appeal may be heard and determined by a single Judge or by a Full Court and the Rules of Court may provide for enabling such applications to be dealt with, subject to conditions prescribed by the Rules, without an oral hearing.”.

**After section 35—**

Insert the following section:

**Powers of Registrars**

“35a. (1) Subject to sub-section (2), the following powers of the Court may, if the Court or a Judge so directs, be exercised by a Registrar:

(a) the power to dispense with the service of any process of the Court;

(b) the power to make orders in relation to substituted service;

(c) the power to make orders in relation to discovery, inspection and production of documents in the possession, power or custody of a party to proceedings in the Court or of any other person;

(d) the power to make orders in relation to interrogatories;

(e) the power, in proceedings in the Court, to make an order adjourning the hearing of the proceedings;

(f) the power to make an order as to costs;

**SCHEDULE**—continued

(g) the power to make an order exempting a party to proceedings in the Court from compliance with a provision of the Rules of Court;

(h) a power of the Court prescribed by Rules of Court.

“(2) A Registrar shall not exercise the powers referred to in paragraph (1) (f) except in relation to costs of or in connection with an application heard by a Registrar.

“(3) The provisions of this Act and the Rules of Court that relate to the exercise by the Court of a power that is, by virtue of sub-section (1), exercisable by a Registrar apply in relation to an exercise of the power by a Registrar under this section as if references in those provisions to the Court were references to the Registrar.

“(4) Notwithstanding any other provision of this Act and any provision of the *Public Service Act 1922* or of any other law, a Registrar is not subject to the direction or control of any person or body in relation to the manner in which he exercises powers pursuant to sub-section (1).

“(5) A party to proceedings in which a Registrar has exercised any of the powers of the Court under sub-section (1) may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

“(6) The Court may, on application under sub-section (5) or of its own motion, review an exercise of power by a Registrar pursuant to this section and may make such order or orders as it thinks fit with respect to the matter with respect to which the power was exercised.

“(7) Where an application for the exercise of a power referred to in sub-section (1) is being heard by a Registrar and—

(a) the Registrar considers that it is not appropriate for the application to be determined by a Registrar acting under this section; or

(b) an application is made to the Registrar to arrange for the first-mentioned application to be determined by the Court,

he shall not hear, or continue to hear, the application and shall make appropriate arrangements for the application to be heard by the Court.

“(8) In this section, ‘Registrar’ means the Registrar, a Deputy Registrar, a District Registrar or a Deputy District Registrar of the Court.”.

***Industries Assistance Commission Act 1973***

**Sub-section 17 (7)—**

Omit “that Commissioner”, substitute “that person”.

***Insurance Act 1973***

**Paragraph 4 (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) the reference to a corporation that is in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of another corporation were a reference to a corporation that is in a position to cast, or control the casting of, more than one-quarter of that number of votes; and”.

**SCHEDULE**—continued

***Insurance Amendment Act 1983***

**Schedule 3—**

Omit the following:

“Sub-section 127 (2) 1905-1966 *1905*”.

***Judiciary Act 1903***

**Paragraph 39 (2) (d)—**

After “such jurisdiction”, insert “, or an arbitrator on whom the jurisdiction, or part of the jurisdiction, of that Court is conferred by a prescribed law of the State, within the limits of the jurisdiction so conferred”.

**Paragraph 39b (2) (a)—**

Omit “, the *Public Service Arbitration Act 1920*”.

**After sub-section 44 (2)—**

Insert the following sub-section:

“(2a) Where a matter in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party is at any time pending in the High Court, the High Court may, upon the application of a party or of the High Court’s own motion, remit the matter, or any part of the matter, to the Federal Court of Australia.”.

**Sub-section 44 (3)—**

After “sub-section (2)”, insert “or (2a)”.

***Management and Investment Companies Act 1983***

**After the definition of “member” in sub-section 3 (1)—**

Insert the following definition:

“prescribed business entity’ means a business entity that has, or proposes to have, in relation to the business activity or business activities in which the business entity is, or proposes to become, primarily engaged, at least 3 of the following features to a significant extent:

(a) the use of innovative technology;

(b) an export orientation;

(c) international competitiveness;

(d) the potential for rapid growth;

(e) the potential for creating skilled employment in Australia;”.

**Sub-section 3 (3)—**

Omit “of nominal prescribed share capital of the licensee”.

**Paragraph 6 (1) (a)—**

Omit “business entities engaged in businesses substantially of the kind described in sub-paragraphs 29 (6) (f) (i) to (v) (inclusive)”, substitute “prescribed business entities”.

**Paragraph 15 (1) (d)—**

Omit “none”, substitute “not all”.

**Sub-section 17 (4)—**

Omit the sub-section.

**SCHEDULE**—continued

**Sub-section 18 (1)—**

(a) Omit “of prescribed share capital of licensees”.

(b) After “approved capital”, insert “of licensees”.

**Sub-section 18 (2)—**

(a) Omit “of prescribed share capital of licensees”.

(b) Omit “in that financial year”, substitute “of licensees in the financial year to which the first-mentioned notice relates”.

**Paragraph 20 (2) (d)—**

Omit the paragraph, substitute the following paragraph:

“(d) the amount for which the approval of the Board is sought by the applicant as approved capital of the applicant for the purposes of this Act;”.

**Sub-section 21 (1)—**

Omit all the words after “in the licence”, substitute “that an amount equal to or exceeding the amount of the paid-up prescribed share capital of the applicant on the day on which the licence is granted is approved capital of the licensee for the purposes of this Act”.

**Sub-section 21 (3)—**

Omit “business entities engaged in businesses substantially of the kind described in sub-paragraphs 29 (6) (f) (i) to (v) (inclusive)”, substitute “prescribed business entities”.

**Paragraph 23 (1) (d)—**

Omit “business entities engaged in businesses substantially of the kind described in sub-paragraphs 29 (6) (f) (i) to (v) (inclusive)”, substitute “prescribed business entities”.

**Sub-section 29 (3)—**

Omit all the words preceding paragraph (a), substitute the following:

“On receipt of an application by a licensee under sub-section (1), the Board shall, as soon as practicable, but, in any case, where the application relates to a business entity to which all of paragraphs (6) (a) to (e) (inclusive) apply, not later than 10 days after the date of receipt of the application, serve notice on the licensee”.

**Sub-section 29 (5)—**

Omit all the words preceding paragraph (a), substitute the following:

“On receipt of information required by the Board under sub-section (3) in relation to an application by a licensee under sub-section (1), the Board shall, as soon as practicable, but, in any case, where the application relates to a business entity to which all of paragraphs (6) (a) to (e) (inclusive) apply, not later than 10 days after the date on receipt of the information, serve notice on the licensee”.

**Paragraph 29 (6) (f)—**

Omit the paragraph, substitute the following paragraph:

“(f) the Board is satisfied that the business entity is a prescribed business entity.”.

**Sub-section 30 (2)—**

Omit “, or does not propose to become, engaged primarily in a business or businesses substantially of the kind described in sub-paragraphs 29 (6) (f) (i) to (v) (inclusive)”, substitute “a prescribed business entity”.

**SCHEDULE**—continued

**Sub-section 38 (2)—**

Omit “, being the whole or a portion of the nominal prescribed share capital of the licensee,”.

**Sub-section 38 (5)—**

Omit the sub-section, substitute the following sub-section:

“(5) The aggregate of the amount of paid-up prescribed share capital of the licensee and of all the amounts paid as premiums on shares in the licensee (and not paid-off by the licensee by way of a reduction of share capital) shall not at any time exceed the approved capital of the licensee.”.

**Section 40—**

Omit the section.

***Maritime College Act 1978***

**Section 16—**

Omit the section.

***Meat Inspection Act 1983***

**Sub-section 21 (1)—**

Omit “unless the meat is, under the regulations, fit for human consumption”, substitute “if the meat is, under the regulations, unfit for human consumption”.

**Sub-section 21 (2)—**

Omit “unless the meat is, under the regulations, fit for use as animal food”, substitute “if the meat is, under the regulations, unfit for use as animal food”.

***Migration Act 1958***

**Paragraph 67 (1) (aa)—**

After “remission”, insert “, refund or waiver”.

***National Health Act 1953***

**Section 105aaa—**

Omit the section, substitute the following section:

**Review of certain decisions of Permanent Head**

“105aaa. (1) In this section, ‘reviewable decision’ means—

(a) a decision of the Permanent Head under section 13 or 14 refusing to approve a person as an approved patient, an approved attendant or an approved escort, as the case may be, for the purposes of Part III;

(b) a decision of the Permanent Head under section 20 refusing to give a direction under that section; or

(c) a decision of the Permanent Head made for the purposes of Part II of the regulations.

“(2) A person affected by a reviewable decision who is dissatisfied with the decision may, by notice in writing given to the Permanent Head within the period of 28 days after the day on which the decision first comes to the notice of the person, or within such further

**SCHEDULE**—continued

period as the Permanent Head (either before or after the expiration of that period), by notice in writing served either personally or by post on the person, allows, request the Permanent Head to reconsider the decision.

“(3) There shall be set out in the request the reasons for making the request.

“(4) Upon the receipt of the request, the Permanent Head shall reconsider the decision and may affirm or revoke the decision or vary the decision in such a manner as he thinks fit.

“(5) Where the Permanent Head does not affirm, revoke or vary a decision before the expiration of the period of 60 days after the day on which he received the request under sub-section (2) to reconsider the decision, he shall, upon the expiration of that period, be deemed to have affirmed the decision under sub-section (4).

“(6) Where the Permanent Head affirms, revokes or varies a decision, he shall, by notice in writing served either personally or by post on the person who made the request, inform the person of the result of his reconsideration of the decision, set out the findings on material questions of fact, refer to the evidence or other material on which those findings were based and give his reasons for affirming, revoking or varying the decision, as the case may be.

“(7) Applications may be made to the Administrative Appeals Tribunal for review of reviewable decisions that have been affirmed or varied under sub-section (4).”.

**Sub-section 105ac (1)—**

Omit “section 105aaa or 105ab”, substitute “section 105ab”.

**After sub-section 105ac (1)—**

Insert the following sub-section:

“(1aa) Where a reviewable decision within the meaning of section 105aaa is made and notice in writing of the decision is given to a person affected by the decision, that notice shall include a statement to the effect that—

(a) the person may, if he is dissatisfied with the decision, seek a reconsideration of the decision by the Permanent Head in accordance with sub-section 105aaa (2); and

(b) a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975,* if he is dissatisfied with a decision made by the Permanent Head upon the reconsideration affirming or varying the first-mentioned decision, make application to the Administrative Appeals Tribunal for review of the decision so affirmed or varied.”.

**Sub-section 105ac (1b)—**

Omit the sub-section, substitute the following sub-section:

“(1b) Where—

(a) the Permanent Head affirms or varies a decision under sub-section 105aaa (4) and gives to a person notice in writing of the affirmation or variation; or

(b) the Minister affirms, revokes or varies a decision under sub-section 105aab (4) and gives to a person notice in writing of the affirmation, revocation or variation of the decision,

that notice shall include a statement to the effect that a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*,if he is dissatisfied with the decision so affirmed or varied, or the decision so to revoke, as the case may be, make application to the Administrative Appeals Tribunal for review of the decision.”.

**SCHEDULE**—continued

**Sub-section 105ac (2)—**

After “sub-section (1),” insert”(1aa),”.

**Sub-section 110 (2)—**

Omit “the Director and”.

**Sub-sections 112ac (2) and (3)—**

Omit the sub-sections, substitute the following sub-section:

“(2) A Committee for a State shall consist of 4 dental practitioners appointed by the Minister from among dental practitioners nominated by the branch of the Australian Dental Association in that State.”.

**Sub-section 115 (1)—**

Omit “the Director, an officer of the Department who is a pharmacist and”.

**Sub-section 115 (2)—**

Omit the sub-section.

***National Labour Consultative Council Act 1977***

**Section 9—**

Omit “as if he were an officer of the Second Division of the Australian Public Service”, substitute “at a rate equal to the highest rate of travelling allowance payable to officers of the Australian Public Service other than Permanent Heads within the meaning of the *Public Service Act 1922*”.

***National Parks and Wildlife Conservation Act 1975***

**After the definition of “Australian coastal sea” in sub-section 3 (1)—**

Insert the following definition:

“Conservation Commission’ means the Conservation Commission of the Northern Territory established by the *Conservation Commision Act 1980* of the Northern Territory;”.

**Sub-section 3 (1), definition of “Territory Commission”—**

Omit the definition.

**Paragraph 8d (3) (a), sub-sections 11 (3), (10), (11) and (14), paragraph 11 (21) (b) and sub-section 16 (4)—**

Omit “Territory Commission”, substitute “Conservation Commission”.

***Navigation Act 1912***

**After the definition of “exemption certificate” in sub-section 187a (1)—**

Insert the following definition:

“ ‘International Code of Signals’ means the Code of that name that is issued by the International Maritime Organization, as amended from time to time;”.

**Sub-section 191a (2)—**

Omit “, or apparatus” (first occurring), insert “or apparatus,”.

**SCHEDULE**—continued

**Section 206c**

Add at the end thereof the following sub-section:

“(2) Sub-section 6 (3) does not apply to a safety certificate issued under this Division in respect of a ship in accordance with the Safety Convention.”.

**Sub-section 230 (1)—**

After “under the regulations”, insert “or orders”.

**Section 258—**

Add at the end thereof the following sub-section:

“(7) A person who is guilty of an offence against the regulations made by virtue of this section is punishable on conviction—

(a) if the offender is a natural person—by a fine not exceeding $10,000 or imprisonment for a period not exceeding 2 years, or both; or

(b) if the offender is a body corporate—by a fine not exceeding $20,000.”.

**Paragraph 269a (1) (a)—**

After “regulations”, insert “or orders”.

**Paragraphs 283d (1) (a) and 283e (1) (a) and sub-section 283j (1)2—**

Omit “Inter-Governmental Maritime Consultative Organization”, substitute “International Maritime Organization”.

**Sub-section 392 (1)—**

(a) Omit “68 (1a)”, substiute “68 (1)”.

(b) Omit “, section 312, 387 or 389 or a regulation made by virtue of section 258”, substitute “or section 312, 387 or 389”.

**Paragraph 394 (4) (b)—**

(a) Omit “68 (1a)”, substitute “68 (1)”.

(b) Omit “, section 312, 387 or 389 or a regulation made by virtue of section 258”, substitute “or section 312, 387 or 389”.

**After sub-section 425 (6)—**

Insert the following sub-section:

“(7) Notwithstanding section 49a of the *Acts Interpretation Act 1901* and sub-section (6) of this section, the regulations, and orders under this Act or in pursuance of the regulations, may make provision for or in relation to a matter by applying, adopting or incorporating all or any of the provisions of the Code referred to in section 427 as in force or existing from time to time.”.

**Sub-section 426 (3)—**

Omit “of State for Transport and Construction”, substitute “for the time being administering this Act”.

***Overseas Telecommunications Act 1946***

**Sub-section 18 (7)—**

Omit the sub-section.

**SCHEDULE**—continued

**Sub-section 18 (8)—**

After “employment”, insert “, including such terms and conditions with respect to salaries,”.

**Sub-section 24 (1)—**

Omit the sub-section, substitute the following sub-sections:

“(1) At any time after an officer has attained the age of sixty years, he may be retired by the Commission from the Service of the Commission.

“(1a) An officer who has attained the age of fifty-five years is entitled to retire from the Service of the Commission if the officer desires to do so.”.

***Postal and Telecommunications Amendment Act 1983***

**Schedule, amendment of paragraph 70 (2) (a)—**

Omit “*Employees*’“, substitute “*Employees*”.

***Postal Services Act 1975***

**After sub-section 75 (3)—**

Insert the following sub-section:

“(3a) Without limiting the generality of sub-sections (1) and (3), a borrowing by the Commission under sub-section (1) may be by the issue of securities of such kinds as are prescribed.”.

**After sub-section 75 (4)—**

Insert the following sub-section:

“(4a) Where the Commission borrows moneys under this section by the issue of prescribed securities, the repayment by the Commission of the amounts borrowed and the payment of interest on those amounts are, by force of this sub-section, guaranteed by the Commonwealth.”.

**Section 83—**

Add at the end thereof the following sub-section:

“(2) Stamp duty or any similar tax is not payable under a law of the Commonwealth or of a State or Territory in respect of—

(a) a security issued by the Commission;

(b) the issue, redemption, transfer, sale or purchase of such a security, not including a transaction entered into without consideration or for an inadequate consideration; or

(c) any document executed by or on behalf of the Commission, or any transaction, in relation to the borrowing of moneys by the Commission.”.

***Protection of the Sea* (*Civil Liability*) *Act 1981***

**Paragraph 16 (4) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) comes into force on such day as is specified in the certificate; and”.

**Paragraph 16 (4) (c)—**

Omit “the day specified in the certificate as the day until which it is to remain in force”, substitute “such day as is specified in the certificate”.

**SCHEDULE**—continued

**Sub-paragraph 16 (4) (c) (i)—**

Omit “is issued”, substitute “comes into force”.

***Protection of the Sea* (*Prevention of Pollution from Ships*) *Act 1983***

**Paragraph 9 (4) (e)—**

After “1,000,000 parts”, insert “, if the discharge occurs when the ship is not within a special area”.

**Paragraph 9 (4) (f)—**

(a) After “1,000,000 parts”, insert “, if the discharge occurs when the tanker is not within a special area”.

(b) After “pump”, insert “room”.

***Radiocommunications* (*Transitional Provisions and Consequential Amendments*) *Act 1983***

**Schedule, amendment of section 74 of *Overseas Telecommunications Act 1946—***

Omit “permits”, substitute “permissions”.

***Science and Industry Endowment Act 1926***

**Sub-section 10 (2)—**

Omit “for Finance”.

***Sex Discrimination Act 1984***

**Sub-section 4 (1), definition of “Commonwealth employee”, paragraph (e)—**

After “*1979*”,insert “the *Commonwealth Electoral Act 1918*”.

**Sub-section 92 (1)—**

Add at the foot thereof the following:

“Penalty:

(a) in the case of a natural person—$1,000; or

(b) in the case of a body corporate—$5,000.”.

***Spirits Act 1906***

**After the definition of “Article of food or drink” in sub-section 3 (1)—**

Insert the following definition:

“ ‘Brandy’ means a spirit distilled from wine in such a manner that the spirit possesses the taste, aroma and other characteristics generally attributed to brandy, being a spirit that contains not less than 25% of spirit distilled at a strength of not more than 83% by volume of alcohol;”.

**Sub-section 3 (1), definitions of “Pure Australian Standard Brandy”, “Australian Blended Brandy”, “Australian Standard Malt Whisky”, “Australian Blended Whisky” and “Australian Standard Rum”—**

Omit the definitions, substitute the following definitions:

“ ‘Rum’ means a spirit obtained by the distillation of a fermented liquor derived from the products of sugar cane, being distillation carried out in such a manner that the

**SCHEDULE**—continued

spirit possesses the taste, aroma and other characteristics generally attributed to rum;

‘Whisky’ means a spirit obtained by the distillation of a fermented liquor of a mash of cereal grain in such a manner that the spirit possesses the taste, aroma and other characteristics generally attributed to whisky.”.

**Section 7—**

Omit “ ‘Pure Australian Standard Brandy’ or ‘Australian Blended Brandy’ or ‘Australian Standard Malt Whisky’ or ‘Australian Blended Whisky’ or ‘Australian Standard Rum’“ (wherever occurring), substitute “brandy, whisky or rum”.

**Paragraphs 9 (a) and (b)—**

Omit the paragraphs, substitute the following paragraphs:

“(a) describe any spirits as brandy, as whisky, or as rum unless the spirits are brandy, whisky or rum;

(b) describe as brandy any spirit not distilled wholly from wine that has been produced from—

(i) grapes;

(ii) products derived solely from grapes; or

(iii) both grapes and such products.”.

**Section 103—**

Omit “from grape wine”, substitute:

“from—

(a) grapes;

(b) products derived solely from grapes; or

(c) both grapes and such products.”.

**Section 11 and 12—**

Repeal the sections, substitute the following sections:

**Certain imported spirits to be matured**

“11. Imported brandy, whisky or rum shall not be delivered from the control of the Customs unless the Collector of Customs is satisfied that the brandy, whisky or rum, as the case may be, has been matured by storage in wood for a period of not less than 2 years.

**Certain Australian spirits to be matured**

“12. Brandy, whisky or rum made in Australia shall not be delivered from the control of the Customs unless the brandy, whisky or rum, as the case may be, has been matured by storage in wood for a period of not less than 2 years.”.

**Section 13—**

After “consumption”, insert “or contain more than 8 grams of methanol per litre of ethanol”.

***States Grants* (*Education Assistance—Participation and Equity*) *Act 1983***

**Section 28—**

Omit “accoint”, substitute “account”.

**SCHEDULE**—continued

***Statute Law* (*Miscellaneous Provisions*) *Act* (*No. 1*) *1983***

**Schedule 1, amendment of *Parliamentary Allowances Act 1952—***

Before “1st January”, insert “the”.

***Student Assistance Act 1973***

**Section 5, definition of “student assistance to which this Act applies”—**

Omit “to which this Act applies”.

**Section 6—**

Repeal the section, substitute the following section:

**Appointment of authorized persons**

“6. The Minister may, by notice in writing published in the *Gazette,* appoint persons who are officers or employees within the meaning of the *Public Service Act 1922* to be authorized persons for the purposes of this Act.”.

**Paragraph 11 (b)—**

Omit “his”, substitute “any”.

**Paragraph 15 (b)—**

Omit “his”, substitute “any”.

**Sub-section 17 (1), definition of “Chairman”—**

Omit the definition, substitute the following definition:

“ ‘Chairperson’, in relation to a Tribunal, means the Chairperson of the Tribunal;”.

**Sub-section 17 (1), definition of “member”—**

Omit “Chairman”, substitute “Chairperson”.

**After the definition of “member” in sub-section 17 (1)—**

Insert the following definitions:

“primary decision’ means—

(a) a decision made by an authorized person that has been affirmed by a senior authorized person under sub-section 22 (3);

(b) a decision made by an authorized person as varied by a senior authorized person under sub-section 22 (3);

(c) a decision made by a senior authorized person under sub-section 22 (3) in substitution for a decision of an authorized person that has been considered and set aside under that sub-section; or

(d) a decision made by an authorized person (other than a decision referred to in paragraph (a), (b) or (c)) in respect of which a request has been made under sub-section 23 (1a);

**SCHEDULE**—continued

‘procedural decision’ means a decision in relation to the period available for the making of a request under sub-section 23 (1) or (1a) and, in relation to a primary decision, means a decision in relation to the period available for the making of a request under sub-section 23 (1) or (1a) in relation to that primary decision;”.

**Sub-section 17 (3)—**

Omit the sub-section, substitute the following sub-section:

“(3) A reference in this Part to a party to proceedings before a Tribunal in relation to a decision shall be read as a reference to—

(a) the person by whom, or on whose behalf, the review by the Tribunal of the decision was requested; and

(b) the authorized person to whom the request was made.”.

**Section 17—**

Add at the end thereof the following sub-section:

“(5) A reference in this Part to a senior authorized person, in relation to a decision made by a person who was, when the decision was made, an authorized person by virtue of performing the duties of an office in the Australian Public Service, shall be construed as a reference to another person who is an authorized person by virtue of performing the duties of an office in the Australian Public Service, being an office the classification of which is higher than the classification of the first-mentioned office.”.

**After section 17—**

Insert the following section in Division 1 of Part V:

**Request under Act on behalf of another person**

“ 17a. Where a person is, for any reason, unable—

(a) to request a consideration by a senior authorized person of a decision of an authorized person; or

(b) to request a review by a Tribunal of a primary decision,

such a request may be made by another person on behalf of that first-mentioned person.”.

**Sub-section 18 (2)—**

(a) Omit “Chairman”, substitute “Chairperson”.

(b) Omit “two”, substitute “2”.

**Sub-section 18 (3)—**

Omit “Chairman”, substitute “Chairperson”.

**Sub-section 18 (4)—**

(a) Omit “three”, substitute “3”.

(b) Omit “his”, substitute “the member’s”.

**Sub-section 20 (2)—**

Omit “he”, substitute “the member”.

**SCHEDULE**—continued

**Section 21—**

Repeal the section, substitute the following section:

**Resignation**

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

**Heading to Division 3 of Part V—**

Omit the heading, substitute the following heading:

**“*Division*** *3*—***Consideration by Senior Authorized Person*”.**

**Section 22—**

Repeal the section, substitute the following section:

**Consideration by senior authorized person**

“22. (1) Where—

(a) a person who has made an application for student assistance is dissatisfied with a decision of an authorized person (not being a procedural decision) relating to the application; or

(b) a person who has been granted student assistance is dissatisfied with a decision of an authorized person relating to the student assistance (including any decision with respect to benefit under the student assistance or with respect to any suspension or revocation of the student assistance but not including a procedural decision),

the person may, by notice in writing given to the authorized person not later than 30 days after the day on which the decision first comes to the person’s notice, or within such further period as the authorized person approves, request the authorized person to arrange for a senior authorized person to consider the decision.

“(2) There shall be set out in a request under this section the grounds on which it is made.

“(3) An authorized person who receives a request under sub-section (1) to arrange for a senior authorized person to consider a decision shall, as soon as practicable, arrange for a senior authorized person to consider the decision and the senior authorized person shall, as soon as practicable but in any case within 60 days after receipt of the request by the first-mentioned authorized person, consider the decision and—

(a) affirm the decision;

(b) vary the decision; or

(c) set the decision aside and make a decision in substitution for the decision so set aside.

“(4) A decision of an authorized person as varied by a senior authorized person, or a decision made by a senior authorized person in substitution for a decision of an authorized person, shall, unless the senior authorized person otherwise directs, be deemed to have had effect on and from the day on which the decision of the authorized person had effect.

“(5) A senior authorized person who considers a decision of an authorized person pursuant to a request made under sub-section (1) shall give the person who made the request notice in writing of the result of the consideration setting out the findings on

**SCHEDULE**—continued

material questions of fact, referring to the evidence or other material on which those findings were based and giving reasons for the primary decision resulting from that consideration.”.

**After section 22—**

Insert the following heading:

**“*Division 3a*—*Requests for Review by Tribunal*”.**

**Sub-section 23 (1)—**

Omit the sub-section, substitute the following sub-sections:

“(1) If, upon receipt of a notice under section 22 setting out the result of the consideration by a senior authorized person of a decision of an authorized person, the person who made the request under that section for the consideration of the decision is dissatisfied with the result of the consideration, that last-mentioned person may, unless the person has already made a request under sub-section (1a) in relation to the decision, by notice in writing given to the senior authorized person within the period of 30 days after receiving the first-mentioned notice, or within such further period as the senior authorized person allows, request the senior authorized person to refer the primary decision to a Tribunal for review.

“(1a) If, within 60 days after making a request under section 22 for the consideration by a senior authorized person of a decision of an authorized person, the person who made the request has not received notice of the result of the consideration of the decision, that last-mentioned person may, by notice in writing given to the authorized person within the period of 30 days after the expiration of that period of 60 days or within such further period as the authorized person allows, request the authorized person to refer the decision to a Tribunal for review.

“(1b) If a person (in this sub-section referred to as the ‘relevant person’) is dissatisfied with a procedural decision of an authorized person in relation to a primary decision, the relevant person may, by notice in writing given to the authorized person not later than 30 days after the day on which the procedural decision first comes to the relevant person’s notice, request the authorized person to refer the procedural decision and the primary decision to a Tribunal for review.”.

**Sub-section 23 (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) There shall be set out in a request under this section the grounds on which it is made including, in the case of a request under sub-section (1b), the grounds on which the review of the primary decision is requested.”.

**Paragraph 23 (3) (a)—**

Omit “he”, substitute “the person”.

**Paragraph 23 (3) (b)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Paragraph 23 (3) (c)—**

Omit “Chairman”, substitute “Chairperson”.

**SCHEDULE**—continued

**Section 24—**

Repeal the section, substitute the following section:

**Request, &c., to be forwarded to Chairperson**

“24. (1) An authorized person who receives a request under sub-section 23 (1) or (1a) for the review by a Tribunal of a primary decision shall, as soon as practicable but in any case within 14 days after receipt of the request, forward the request to the Chairperson of a Tribunal, together with all the records and other papers relevant to the primary decision.

“(2) An authorized person who receives a request under sub-section 23 (1b) for the review by a Tribunal of a procedural decision and a primary decision shall, as soon as practicable but in any case within 14 days after receipt of the first-mentioned request, forward that request to the Chairperson of a Tribunal, together with all the records and other papers relevant to those decisions.”.

**Heading to Division 4 of Part V—**

Omit the heading.

**Section 25—**

Repeal the section, substitute the following section:

**Chairperson to arrange for review of decisions, &c.**

“25. (1) Where the Chairperson of a Tribunal receives from an authorized person a request from a person (in this section referred to as a ‘relevant person’) for a review by the Tribunal, the Chairperson shall—

(a) arrange for the Tribunal to review—

(i) in the case of a request made under sub-section 23 (1) or (1a)—the primary decision to which the request related; or

(ii) in the case of a request made under sub-section 23 (1b)—the procedural decision to which the request related and, if sub-section 25c (3) so requires, the relevant primary decision; and

(b) not less than 14 days before the day fixed for the review, give to the relevant person—

(i) subject to sub-section (2), copies of all documents forwarded, pursuant to section 24, to the Chairperson with the request for the review; and

(ii) a notice, which may take the form of a copy of a statement, or of a part of a statement, published in the *Gazette* pursuant to section 9 of the *Freedom of Information Act 1982*,being a notice identifying the documents relevant to the student assistance to which the primary decision relates that are available for inspection and for purchase by members of the public as required by that section.

“(2) Notwithstanding sub-section (1), the Chairperson of a Tribunal shall not give to a relevant person a copy of a document, or of a part of a document, if—

(a) the document, or that part of the document, contains information of the kind referred to in the definition of ‘officer’ in sub-section 16 (1) of the *Income Tax Assessment Act 1936,* being information that was disclosed or obtained as mentioned in that sub-section;

(b) the document, or that part of the document, contains information relating to the income of any person other than the relevant person; or

(c) the Chairperson is satisfied, by reason of the confidential nature of a matter contained in the document or that part of the document, or for any other reason, that it is not desirable to give such a copy to the relevant person.”.

**SCHEDULE**—continued

**Before section 25a—**

Insert the following heading:

**“*Division 4*—*Proceedings before the Tribunal*”.**

**Sub-section 25a (1)—**

(a) Omit “of an authorized person,”, substitute “under this Act”.

(b) Omit “Chairman”, substitute “Chairperson”.

**Paragraph 25a (2) (a)—**

(a) Omit “Chairman”, substitute “Chairperson”.

(b) Omit “of an authorized person”, substitute “under this Act”.

**Paragraph 25a (2) (b)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Paragraph 25a (2) (c)—**

(a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

(b) Omit “he”, substitute “the person”.

**Sub-section 25a (2)—**

Omit “Chairman” (last occurring), substitute “Chairperson”.

**Sub-section 25b (1)—**

(a) Omit “of an authorized person”, substitute “under this Act”.

(b) Omit “he” (first occurring), substitute “the member”.

(c) Omit “his”, substitute “the member’s”.

**Paragraph 25b (1) (a)—**

Omit “he”, substitute “the member”.

**Paragraph 25b (1) (b)—**

Omit “he”, substitute “the member”.

**Sub-section 25b (2)—**

(a) Omit “Chairman” (first occurring), substitute “Chairperson”.

(b) Omit “of an authorized person”, substitute “under this Act”.

**Paragraph 25b (2) (a)—**

(a) Omit “Chairman”, substitute “Chairperson”.

(b) Omit “he”, substitute “the Chairperson”.

**Paragraph 25b (2) (b)—**

Omit “he”, substitute “the Chairperson”.

**After section 25b—**

Insert the following section:

**Review of procedural decision**

“25c. (1) Subject to sub-section 27 (5), a Tribunal that reviews a procedural decision shall, after due consideration of the matter, either affirm the decision or refuse to affirm the decision.

**SCHEDULE**—continued

“(2) Where a Tribunal affirms a procedural decision in relation to a primary decision, the Tribunal—

(a) shall set out its decision in a statement in writing that also sets out the findings on material questions of fact, refers to the evidence or other material on which those findings were based and gives reasons for its decision;

(b) shall give a copy of the statement to each party to the proceedings; and

(c) shall not review the primary decision.

“(3) Where a Tribunal refuses to affirm a procedural decision in relation to a primary decision, the Tribunal shall review the primary decision.”.

**Sub-section 26 (1)4—**

(a) Omit “decision of an authorized person”, substitute “primary decision”.

(b) Omit “in writing”.

**Paragraph 26 (1) (a)—**

Insert “primary” before “decision”.

**Paragraph 26 (1) (b)—**

Insert “primary” before “decision”.

**Paragraph 26 (1) (c)—**

Insert “primary” before “decision” (first and last occurring).

**Sub-section 26 (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) The Tribunal shall set out its decision in a statement in writing that also sets out the findings on material questions of fact, refers to the evidence or other material on which those findings were based and gives reasons for the decision, and shall give a copy of the statement to each party to the proceedings.”.

**Sub-section 26 (3)—**

Omit the sub-section, substitute the following sub-section:

“(3) A primary decision as varied by a Tribunal, or a decision made by a Tribunal in substitution for a primary decision, shall, for the purposes of this Act, other than this Part, be deemed to be a decision of an authorized person and, unless the Tribunal otherwise directs, shall be deemed to have had effect on and from the day on which the primary decision had effect or was deemed to have had effect.”.

**Sub-section 27 (2)—**

Omit “he”, substitute “the party”.

**Sub-section 27 (5)—**

(a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

(b) Omit “of an authorized person”, substitute “under this Act”.

(c) Omit “decision of the authorized person”, substitute “first-mentioned decision”.

**Section 28—**

Omit “not being a legal practitioner”.

**Paragraph 29 (2) (b)—**

Insert “Chairperson of the” before “Tribunal” (third occurring).

**SCHEDULE**—continued

**Paragraph 29 (2) (c)—**

Insert “Chairperson of the” before “Tribunal” (third occurring).

**Paragraph 29 (3) (b)—**

Insert “Chairperson of the” before “Tribunal” (third occurring).

**Sub-section 29 (3)—**

Insert “Chairpersons of” before “Tribunals” (second-last occurring).

**Section 29a—**

Omit “his”, substitute “a”.

**Sub-section 30 (1)—**

Omit “his office”, substitute “the office of member”.

**After Division 4 of Part V—**

Insert the following Division:

**“*Division* 5—*Review by Administrative Appeals Tribunal***

**Interpretation—**

“30aa. In this Division, unless the contrary intention appears—

‘administering Department’ means the Department administered by the Minister administering the *Student Assistance Act 1973*;

‘reviewable decision’ means—

(a) a primary decision that has been affirmed by a Student Assistance Review Tribunal as the result of a review under sub-section 26 (1);

(b) a primary decision as varied by a Student Assistance Review Tribunal as the result of a review under sub-section 26 (1); or

(c) a decision that has been made by a Student Assistance Review Tribunal in substitution for a primary decision as the result of a review under sub-section 26 (1),

but does not include a decision relating to the approval of a period for the making of a request under sub-section 22 (1);

‘section 22 notice’, in relation to a reviewable decision, means the notice given by an authorized person pursuant to sub-section 22 (5) in relation to the primary decision to which the reviewable decision relates;

‘section 26 statement’, in relation to a reviewable decision, means the statement made by a Student Assistance Review Tribunal pursuant to sub-section 26 (2) in relation to the review of the primary decision to which the reviewable decision relates;

‘Tribunal Act’ means the *Administrative Appeals Tribunal Act 1975.*

**Review by Administrative Appeals Tribunal**

“30ab. An application may be made to the Administrative Appeals Tribunal for a review of a reviewable decision.

**Operation of Tribunal Act**

“30ac. (1) The Tribunal Act applies in relation to reviewable decisions as if paragraph 25 (3) (a) of that Act were omitted.

**SCHEDULE**—continued

“(2) For the purposes of the operation of the Tribunal Act in relation to a reviewable decision, the Permanent Head of the administering Department shall be taken to be the person who made the reviewable decision.

“(3) For the purposes of the operation of section 27 of the Tribunal Act, the interests of the Permanent Head of the administering Department shall be taken to be affected by a reviewable decision.

“(4) Section 28 of the Tribunal Act does not apply in respect of reviewable decisions, but a person (other than the Permanent Head of the administering Department) who is entitled to apply to the Administrative Appeals Tribunal for a review of a reviewable decision may, if the person has not received a section 22 notice in relation to the reviewable decision, request the Permanent Head of the administering Department to give the person a copy of the section 22 notice in relation to the reviewable decision or, if there is no such notice in relation to the reviewable decision, a statement setting out—

(a) the opinion, in relation to the reviewable decision, of the Permanent Head; and

(b) the Permanent Head’s reasons for forming that opinion,

and the Permanent Head shall, as soon as practicable but in any case within 28 days after receiving a request under this section, comply with the request.

“(5) Sub-sections 29 (1) to (6), inclusive, of the Tribunal Act do not apply in relation to reviewable decisions, but an application to the Administrative Appeals Tribunal for a review of a reviewable decision—

(a) shall be in writing;

(b) may be made in accordance with the form prescribed for the purposes of paragraph 29 (1) (b) of the Tribunal Act;

(c) shall set out a statement of the reason for the application; and

(d) shall be lodged with the Administrative Appeals Tribunal within the prescribed time.

“(6) The prescribed time for the purposes of paragraph (5) (d) is the period commencing on the day when the Student Assistance Review Tribunal gives its decision under sub-section 26 (1) in relation to the primary decision to which the reviewable decision relates and ending—

(a) for the purposes of an application by the Permanent Head of the administering Department—on the twenty-eighth day after the day on which a copy of the section 26 statement in relation to the reviewable decision is given to the authorized person who was a party to the proceedings before the Student Assistance Review Tribunal in relation to the primary decision; and

(b) for the purposes of an application by a person other than the Permanent Head of the administering Department—on the twenty-eighth day after the day on which a copy of the section 26 statement in relation to the reviewable decision is given to the person.

“(7) Without limiting the operation of section 30 of the Tribunal Act, where the Permanent Head of the administering Department applies to the Administrative Appeals Tribunal for a review of a reviewable decision, the person by whom, or on whose behalf, the review of the primary decision to which the reviewable decision relates was requested under section 23 of this Act is a party to the proceeding before the Administrative Appeals Tribunal for the review of the reviewable decision.

“(8) Section 37 of the Tribunal Act has effect in relation to a reviewable decision as if the reference in paragraph (1) (a) of that section to a statement setting out the findings on

**SCHEDULE**—continued

material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision were a reference to—

(a) the statement that is, in relation to the reviewable decision, the section 26 statement within the meaning of Division 5 of Part V of the *Student Assistance Act 1973*;and

(b) the notice that is, in relation to the reviewable decision, the section 22 notice within the meaning of that Division or, if there is no such notice in relation to the reviewable decision, a statement setting out—

(i) the opinion, in relation to the reviewable decision, of the Permanent Head of the administering Department; and

(ii) the Permanent Head’s reasons for forming that opinion.

“(9) Sub-section 43 (6) of the Tribunal Act does not apply in relation to reviewable decisions, but a reviewable decision as varied by the Administrative Appeals Tribunal, or a decision made by the Administrative Appeals Tribunal in substitution for a reviewable decision, shall, for all purposes (other than the purposes of—

(a) Part V of this Act;

(b) applications to the Administrative Appeals Tribunal for a review; or

(c) appeals in accordance with section 44 of the Tribunal Act),

be deemed to be a decision of an authorized person and, unless the Administrative Appeals Tribunal otherwise directs, shall, upon the coming into operation of the decision of that Tribunal, be deemed to have had effect on and from the day on which the reviewable decision had effect or was deemed to have had effect.

“(10) The power of the Governor-General under section 70 of the Tribunal Act extends to the making of regulations prescribing the number of copies to be lodged with the Administrative Appeals Tribunal of the documents referred to in paragraphs (8) (a) and (b) of this section.

“(11) This section has effect notwithstanding paragraph 25 (6) (b) of the Tribunal Act.”.

**Section 30a—**

Omit the section.

**Section 31—**

Omit “to which this Act applies”.

**Sub-section 32 (1)—**

Omit “to which this Act applies”.

**Section 33—**

Omit “to which this Act applies”.

**Sub-section 34 (2)—**

Omit “he”, substitute “the Minister”.

**Sub-section 35 (1)—**

Omit “under this Act”.

**Paragraph 36 (a)—**

(a) Omit “under this Act”.

(b) Omit “to which this Act applies”.

**SCHEDULE**—continued

***Trade Marks Act 1955***

**Sub-section 36 (3)—**

Omit “either of the last 2 preceding sub-sections”, substitute “this section”.

**NOTES**

1. On the commencement of the amendments of section 69 of the *Family Law Act 1975* made by the *Statute Law* (*Miscellaneous Provisions*) *Act* (*No. 1*) *1984,* the heading to that section is altered to “Transmission of Australian custody orders to overseas jurisdictions”.

2. On the commencement of the amendment of section 283J of the *Navigation Act 1912* made by the *Statute Law* (*Miscellaneous Provisions*) *Act* (*No. 1*) *1984,* the heading to that section is altered to “Notices by Minister as to International Maritime Organization resolutions”.

3. On the commencement of the amendment of section 10 of the *Spirits Act 1906* made by the *Statute Law* (*Miscellaneous Provisions*) *Act* (*No. 1*) *1984,* the heading to that section is altered to “Brandy delivered for human consumption”.

4. On the commencement of the amendments of the *Student Assistance Act 1973* made by the *Statute Law* (*Miscellaneous Provisions*) *Act* (*No. 1*) *1984,* the heading to section 26 of the *Student Assistance Act 1973* is altered to “Review of primary decision”.