



# Industries Assistance Commission Amendment Act 1984

No. 118 of 1984

## TABLE OF PROVISIONS

### Section

1. Short title, &c.
2. Commencement
3. Tariff Board
4. Interpretation
5. Establishment of Commission
6. Associate Commissioners
7. Leave of absence
8. Chairman may authorize Commission to sit in Divisions
9. Heading to Part III
10. Functions of Commission under Part III
11. General policy guidelines for Commission
12. Reference of matters to Commission
13. Repeal of sections 23A and 24 and substitution of new section—
  - 23A. Report of Commission pursuant to reference
14. Repeal of Division 1 of Part IV
15. Omission of heading
16. Interpretation
17. Repeal of section 29A and substitution of new sections—
  - 29AA. Functions of Commission under Part IV
  - 29A. Policy guidelines for inquiry into temporary assistance
18. Request by Minister for inquiry into temporary assistance
19. Repeal of section 30A and substitution of new section—
  - 30A. Inquiry into, and report on, temporary assistance
20. Action to provide temporary assistance
21. Repeal of sections 30C to 30H (inclusive) and substitution of new sections—
  - 30D. Period of temporary assistance
  - 30H. Action by Minister to terminate assistance

**TABLE OF PROVISIONS—*continued***

<b>Section</b>	
22.	Repeal of section 30JA and Division 3 of Part IV
23.	Insertion of new sections—
	31A. General conduct of inquiries
	31B. Notice to person to furnish information and documents
24.	Repeal of sections 33, 34, 35, 36 and 37 and substitution of new sections—
	32A. Commission to prepare draft report
	32B. Power to hold hearings
	32C. Summons to person to attend hearing
	33. Procedure at hearings
	35. Failure of person summoned to attend
	37. Refusal to answer questions or produce documents
	37A. False or misleading evidence or information
25.	Repeal of section 41 and substitution of new sections—
	40A. Written statements and submissions to be made public
	41. Allowances to witnesses
26.	Person prejudiced in employment by reason of assisting Commission
27.	Staff
28.	Repeal of section 44
29.	Annual Report
30.	Repeal of Schedule
31.	Further amendments
32.	Transitional provisions—temporary assistance
33.	Transitional provisions—conduct of inquiries

**SCHEDULE**



# Industries Assistance Commission Amendment Act 1984

No. 118 of 1984

---

---

## An Act to amend the *Industries Assistance Commission Act 1973* and for related purposes

[Assented to 18 October 1984]

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

### Short title, &c.

1. (1) This Act may be cited as the *Industries Assistance Commission Amendment Act 1984*.

(2) The *Industries Assistance Commission Act 1973*<sup>1</sup> is in this Act referred to as the Principal Act.

### Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

### Tariff Board

3. Section 3 of the Principal Act is amended by omitting sub-sections (1), (3), (4), (5) and (6).

### **Interpretation**

**4. (1)** Section 4 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definitions of “Authority” and “full-time member of the Authority”;
- (b) by inserting after the definition of “goods” in sub-section (1) the following definition:

“ ‘hearing’ means a hearing held by the Commission for the purposes of an inquiry;”;
- (c) by inserting “means a primary industry, secondary industry or tertiary industry and” before “includes” in the definition of “industry” in sub-section (1);
- (d) by omitting the definition of “meeting” in sub-section (1) and substituting the following definition:

“ ‘inquiry’ means an inquiry held by the Commission in accordance with this Act;”;

and
- (e) by adding at the end of sub-section (1) the following definition:

“ ‘tertiary industry’ includes a service industry.”.

**(2)** In this Act, “Authority” means the Temporary Assistance Authority established by sub-section 25 (1) of the Principal Act.

### **Establishment of Commission**

**5.** Section 5 of the Principal Act is amended by adding at the end of sub-section (2) “on a full-time basis”.

### **Associate Commissioners**

**6. (1)** Section 8 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections:

“(2) An Associate Commissioner shall be appointed for such period, not exceeding 5 years, as is specified in the instrument of appointment, but, subject to this Act, is eligible for re-appointment.

“(2A) An Associate Commissioner may be appointed on a full-time or part-time basis.”.

**(2)** Subject to sub-section (3), the amendment of section 8 of the Principal Act made by sub-section (1) does not affect the appointment, or the period of appointment, of an existing Associate Commissioner.

**(3)** The Minister shall, as soon as practicable after the commencement of this Act, determine in writing in relation to each existing Associate Commissioner whether that Associate Commissioner is to be deemed, for the purposes of the Principal Act as amended by this Act, to have been appointed on a full-time or part-time basis, and where the Minister so determines in relation to an existing Associate Commissioner, the determination has effect accordingly.

(4) In sub-sections (2) and (3), “existing Associate Commissioner” means a person who, immediately before the commencement of this Act, was an Associate Commissioner of the Commission.

#### **Leave of absence**

7. Section 13 of the Principal Act is amended by omitting from sub-section (1) “who is engaged full-time on business of the Commission” and substituting “appointed on a full-time basis”.

#### **Chairman may authorize Commission to sit in Divisions**

8. Section 19 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “an inquiry and report in relation to a matter” and substituting “a particular inquiry and report”;
- (b) by omitting sub-section (3); and
- (c) by omitting from sub-section (4) “on a matter”.

#### **Heading to Part III**

9. The heading to Part III of the Principal Act is omitted and the following heading is substituted:

**“PART III—REFERENCE OF MATTERS TO COMMISSION”.**

#### **Functions of Commission under Part III**

10. Section 21 of the Principal Act is amended—

- (a) by inserting “under this Part” after “Commission” (first occurring);
- (b) by omitting “and other matters” and substituting “, and other matters,”; and
- (c) by omitting “Act” (last occurring) and substituting “Part”.

#### **General policy guidelines for Commission**

11. (1) Section 22 of the Principal Act is amended—

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

“(1) In the performance of its functions under this Part, the Commission shall have regard to the desire of the Commonwealth Government—

- (a) to encourage the development and growth of efficient Australian industries that are internationally competitive, export-oriented and capable of operating over a long period of time with minimum levels of assistance;
- (b) to facilitate adjustment to structural changes in the economy by industries and persons affected by those changes, and to minimize social and economic hardships arising from those changes; and

- (c) to recognize the interests of other industries, and of consumers, likely to be affected by measures proposed by the Commission.”;
- (b) by inserting in sub-section (4A) “, (ea) or (eb)” after “(a)”;
- (c) by omitting sub-section (5).

(2) Section 22 of the Principal Act as amended by this Act applies in relation to the performance by the Commission, after the commencement of this Act, of its functions in relation to a reference of a matter to the Commission under section 23 or 30C of the Principal Act, or under section 23 of the Principal Act as so amended, being a reference made after 7 June 1984.

(3) Notwithstanding the amendments made by sub-section (1), section 22 of the Principal Act (other than sub-section (5) of that section) continues to apply in relation to the performance by the Commission, after the commencement of this Act, of its functions in relation to a reference of a matter to the Commission under section 23 or 30C of the Principal Act, being a reference made before 7 June 1984.

#### **Reference of matters to Commission**

**12. (1)** Section 23 of the Principal Act is amended—

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

“(3) A Minister shall not take any action in respect of a prescribed matter, being action that is related to the provision of assistance to a particular industry or to a particular group or groups of industries, unless—

- (a) the action is necessary in order to implement the policy of the Commonwealth Government—
  - (i) in relation to, or in relation to negotiations for, bilateral or multilateral trade agreements; or
  - (ii) in relation to tariff preferences for developing countries; or
- (b) a period of not more than 12 months has elapsed since the Minister administering this Act received, or last received, as the case requires, a report of the Commission under this Part in relation to the matter.

“(3A) Where the Minister—

- (a) refers a matter to the Commission under sub-section (1) and, when so referring the matter, specifies a period within which the Commission is to report on the matter; and
- (b) at the expiration of the period (in this sub-section referred to as the ‘relevant period’) of 30 days commencing at the expiration of the period referred to in paragraph (a), has not received a report of the Commission in relation to the matter pursuant to the reference,

the Minister shall be deemed, for the purposes of sub-section (3)—

- (c) to have received such a report at the expiration of the relevant period; and
- (d) if the Minister later receives such a report—to have received the report at the expiration of the relevant period.

“(3B) Nothing in sub-section (3) prevents action being taken to provide assistance to an industry or to a particular group or groups of industries in accordance with, or for the purposes of, Part XVA of the *Customs Act 1901* or a law of the Commonwealth passed or made before 1 January 1974 or to provide financial assistance to an industry or to a particular group or groups of industries in accordance with, or for the purposes of, a law of the Commonwealth passed or made after 1 January 1974 and before 1 July 1974.”;

- (b) by omitting from sub-section (4) “The matters referred to in sub-section (3) are—” and substituting “For the purposes of sub-section (3), each of the following matters is a prescribed matter:”;
- (c) by omitting paragraph 5 (e); and
- (d) by omitting from sub-section (6) “(5) (a) to (e)” and substituting “(5) (a) to (d), inclusive,”.

(2) Subject to sub-sections (3), (4) and (5), where the Minister has, before the commencement of this Act, referred a matter to the Commission under section 23 of the Principal Act, sub-section 23 (3) of the Principal Act as amended by this Act does not apply in relation to a report of the Commission on the matter pursuant to the reference.

(3) Where the Minister—

- (a) has, before 7 June 1984, referred a matter to the Commission under section 23 of the Principal Act and, when so referring the matter, did not specify a period within which the Commission was to report on the matter; and
- (b) received after 7 June 1984 and before the commencement of this Act, or receives after that commencement, a report of the Commission in relation to the matter pursuant to the reference,

sub-section 23 (3) of the Principal Act as amended by this Act applies in relation to the report and so applies as if the report were a report under Part III of the Principal Act as so amended.

(4) Where—

- (a) the Minister has, before 7 June 1984, referred a matter to the Commission under section 23 of the Principal Act and, when so referring the matter, specified a period within which the Commission was to report on the matter; and
- (b) the period (in this sub-section referred to as the “relevant period”) of 30 days commencing at the expiration of the period referred to in paragraph (a) expired after 7 June 1984 and before the commencement of this Act, or expires after that commencement,

then—

- (c) in a case where, after 7 June 1984 and before the expiration of the relevant period, the Minister received, or receives, as the case requires, a report of the Commission in relation to the matter pursuant to the reference—sub-section 23 (3) of the Principal Act as amended by this Act applies in relation to the report, and so applies as if the report were a report under Part III of the Principal Act as so amended; or
- (d) in a case where, at the expiration of the relevant period, the Minister had not, or has not, as the case requires, received a report of the Commission in relation to the matter pursuant to the reference—sub-section 23 (3A) of the Principal Act as amended by this Act applies in relation to the reference of the matter by the Minister to the Commission, and so applies as if the reference in that sub-section to sub-section 23 (3) of the Principal Act as so amended included a reference to this sub-section.

(5) Where the Minister—

- (a) has, after 7 June 1984 and before the commencement of this Act, referred a matter to the Commission under section 23 of the Principal Act; and
- (b) received before, or receives after, that commencement a report of the Commission on the matter pursuant to the reference,

sub-section 23 (3) of the Principal Act as amended by this Act applies in relation to the report, and so applies as if the report were a report under Part III of the Principal Act as so amended.

(6) Notwithstanding sub-section 23 (3) of the Principal Act as amended by this Act, the Minister is not prohibited from taking particular action in respect of a matter if that action would not have been prohibited by sub-section 23 (3) of the Principal Act as in force immediately before the commencement of this Act.

13. (1) Sections 23A and 24 of the Principal Act are repealed and the following section is substituted:

**Report of Commission pursuant to reference**

“23A. Where the Minister has referred to the Commission for inquiry and report a matter relating to the giving, continuance or withdrawal of assistance to an industry or to a particular group or groups of industries, the Commission shall, in its report on the matter pursuant to the reference—

- (a) report on all matters that the Minister has specified in the reference; and
- (b) unless the Minister, when so referring the matter, otherwise directed—report on courses of action that the Commission considers to exist in relation to the matter, and indicate which course of action it considers to be the most advisable.”



**(2) Where—**

- (a) the Minister has, after 7 June 1984 and before the commencement of this Act, referred a matter to the Commission under section 23 of the Principal Act; and
- (b) at that commencement, the Minister has not received a report of the Commission on the matter pursuant to the reference,

section 23A of the Principal Act as amended by this Act applies in relation to the reference.

(3) Notwithstanding the repeals effected by sub-section (1), section 23A of the Principal Act continues to apply in relation to a reference of a matter by the Minister to the Commission under section 23 of the Principal Act, being a reference made before 7 June 1984.

**Repeal of Division 1 of Part IV**

14. Division 1 of Part IV of the Principal Act is repealed.

**Omission of heading**

15. The heading to Division 2 of Part IV of the Principal Act is omitted.

**Interpretation**

16. Section 29 of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

- “(aa) a reference to a group of industries that includes a particular industry is a reference to a group of industries that consists of—
  - (i) the particular industry; and
  - (ii) another industry that is, or 2 or more other industries that are, related to the particular industry;”.

17. Section 29A of the Principal Act is repealed and the following sections are substituted:

**Functions of Commission under Part IV**

“29AA. The functions of the Commission under this Part are to hold inquiries and make reports to the Minister, in accordance with this Act, pursuant to requests by the Minister under section 30.

**Policy guidelines for inquiry into temporary assistance**

“29A. In the performance of its functions under this Part, the Commission shall have regard to the desire of the Commonwealth Government that temporary assistance be provided to an industry (in this section referred to as the ‘relevant industry’) only if there has been a change in the circumstances under which the relevant industry, or a group of industries that includes the relevant industry, operates, being a change in circumstances that—

- (a) is largely outside the control of the relevant industry;

- (b) is peculiar to, or is having a particularly severe impact on, the relevant industry or a group of industries that includes the relevant industry; and
- (c) has caused, or threatens, serious injury to the relevant industry.”.

**Request by Minister for inquiry into temporary assistance**

**18.** Section 30 of the Principal Act is amended by omitting from sub-section (1) “by reason of the importation of any goods”.

**19.** Section 30A of the Principal Act is repealed and the following section is substituted:

**Inquiry into, and report on, temporary assistance**

“30A. Where the Commission is requested under section 30 to undertake an inquiry in relation to an industry, the Commission—

- (a) shall, after giving notice of the inquiry in accordance with section 32, forthwith hold the inquiry;
- (b) shall, as soon as practicable, but not later than 45 days after the day on which the request was made, report to the Minister in accordance with the request;
- (c) shall not, in its report to the Minister in accordance with the request, recommend that particular assistance be provided to the industry, if the provision of that assistance to the industry would seriously disadvantage another industry in Australia;
- (d) shall not, in its report to the Minister in accordance with the request, recommend that assistance be provided to the industry for a period exceeding 12 months; and
- (e) shall, in its report to the Minister in accordance with the request—
  - (i) recommend whether or not the Minister should refer to the Commission under section 23 a matter relating to the giving, continuance or withdrawal of assistance to the industry;
  - (ii) report whether, in its opinion, the circumstances under which the industry, or a group of industries that includes the industry, is operating are such as to warrant the holding, before any temporary assistance that may be provided to the industry following receipt by the Minister of the report ceases to be so provided, of a further inquiry under this Part in relation to the industry; and
  - (iii) in a case where the Commission proposes to recommend in the report that assistance be provided to the industry for a particular period and considers it appropriate to recommend that the industry undertake particular action during that period—recommend that the industry so undertake that action.”.

**Action to provide temporary assistance**

**20.** Section 30B of the Principal Act is amended—

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

“(1A) Where the Minister—

(a) requests the Commission under sub-section 30 (1) to undertake an inquiry in relation to an industry; and

(b) at the expiration of the period of 45 days commencing immediately after the day on which the request was made, has not received a report of the Commission under section 30A in relation to the industry in accordance with the request,

the Minister shall be deemed, for the purposes of this Part—

(c) to have received such a report at the expiration of that period; and

(d) if the Minister later receives such a report—to have received the report at the expiration of that period.”;

(b) by omitting from sub-section (2) “action is taken” (first occurring) and substituting “action is first taken”;

(c) by omitting from sub-section (3) all the words from and including “and” (last occurring); and

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

“(4) Upon the expiration of a period of 12 months commencing when the Minister receives a report of the Commission under section 30A, sub-section (1) of this section ceases to apply in relation to the report.”.

**21.** Sections 30C to 30H, inclusive, of the Principal Act are repealed and the following sections are substituted:

**Period of temporary assistance**

“30D. Where temporary assistance (in this section referred to as the ‘relevant assistance’) is being provided to an industry in consequence of the taking of action, following the receipt by the Minister of a report of the Commission under section 30A in relation to the industry, to provide temporary assistance to the industry, the relevant assistance shall not continue to be provided to the industry after the expiration of the period of 12 months commencing on the day on which temporary assistance was first provided, or first commenced to be provided, as the case requires, to the industry in consequence of the taking of action, following the receipt by the Minister of the report, to provide temporary assistance to the industry.

**Action by Minister to terminate assistance**

“30H. Where—

(a) by reason of section 30D, temporary assistance is not to continue to be provided to an industry after the expiration of a particular period; and

(b) action by the Minister is required to ensure that the temporary assistance does not continue to be provided to the industry after the expiration of that period,  
the Minister shall take that action.”.

**Repeal of section 30JA and Division 3 of Part IV**

**22. (1)** Section 30JA and Division 3 of Part IV of the Principal Act are repealed.

(2) The Commission shall, in the report on its operations that it is required to furnish to the Minister in respect of the year ending on 30 June 1985, include a report on the operations of the Authority during the period that commenced at the expiration of the last period in respect of which a report on the operations of the Authority was furnished to the Minister and ended at the commencement of this Act.

**23.** Before section 32 of the Principal Act the following sections are inserted in Part V:

**General conduct of inquiries**

“31A. Subject to this Act, in an inquiry—

- (a) the procedure to be followed is within the discretion of the Commission; and
- (b) the Commission—
  - (i) is not bound to act in a formal manner;
  - (ii) is not bound by the rules of evidence;
  - (iii) may inform itself on any matter in such manner as it thinks fit;
  - (iv) may receive information or submissions in the form of oral or written statements; and
  - (v) may consult with such persons as it thinks fit.

**Notice to person to furnish information and documents**

“31B. (1) Where the Commission is holding an inquiry, the Chairman, or a Commissioner who has been nominated to preside at a meeting of a Division of the Commission constituted for the purposes of the inquiry, may, for the purposes of the inquiry, by notice in writing served on a person, require the person to send to the Commission, on or before a day specified in the notice—

- (a) a statement, signed by the person, setting out such information as is so specified; and
- (b) such documents as are so specified.

“(2) A person shall not, without reasonable excuse, refuse or fail to comply with a notice served on the person under sub-section (1).

Penalty: \$1,000 or imprisonment for 6 months.”.

24. Sections 33, 34, 35, 36 and 37 of the Principal Act are repealed and the following sections are substituted:

**Commission to prepare draft report**

“32A. In the course of an inquiry into a matter, being an inquiry held pursuant to a reference of the matter to the Commission under section 23, the Commission shall, unless the Minister, when referring the matter to the Commission under that section, otherwise directed—

- (a) prepare a draft report on the matter, being a draft report that includes all the matters that Part III would require it to include if it were the report of the Commission on the matter pursuant to the reference; and
- (b) cause copies of the draft report to be made available to the public.

**Power to hold hearings**

“32B. (1) Subject to this Part, the Commission shall hold hearings for the purposes of an inquiry.

“(2) Where section 32A requires the Commission to prepare a draft report on a matter in the course of an inquiry into the matter, then, unless the Minister has consented in writing to the holding, before the Commission has so prepared such a draft report pursuant to that section, of hearings for the purposes of the inquiry, the Commission shall, until it has so prepared such a draft report pursuant to that section, inform itself for the purposes of the inquiry without holding such hearings.

“(3) Before the Commission commences to hold hearings for the purposes of an inquiry, the Commission shall give reasonable notice in each State and in the Australian Capital Territory and in the Northern Territory, by advertisement published in the *Gazette* and in a newspaper circulating in the State or Territory, as the case may be, of its intention to hold the hearings, the subject of the hearings and the time and place at which the first of the hearings is to be commenced.

“(4) Sections 9, 18 and 19 apply in relation to a hearing, so far as those sections are capable of so applying, and so apply as if the hearing were a meeting of the Commission.

**Summons to person to attend hearing**

“32C. (1) The Chairman, or the Commissioner who has been nominated to preside at the hearing concerned, may summon a person in writing to appear at a hearing to give evidence and to produce such documents as are specified in the summons.

“(2) Where a person has been served, as prescribed, with a summons under sub-section (1) to appear at a hearing, the Chairman, or the Commissioner who has been nominated to preside at the hearing, may, at any time before the

person has so appeared pursuant to the summons, direct the person in writing to send to the Commission, on or before a day specified in the direction—

- (a) a statement, signed by the person, setting out such information as is so specified; and
- (b) such documents as are specified in the summons,

and, if such a direction is served on the person, a prosecution for an offence against section 35 or 37 shall not be brought against the person in relation to the summons.

“(3) A person shall not, without reasonable excuse, refuse or fail to comply with a direction under sub-section (2) that is served on the person.

Penalty: \$1,000 or imprisonment for 6 months.

#### **Procedure at hearings**

“33. (1) A hearing shall be held in public and evidence at a hearing shall, subject to this section, be given in public.

“(2) Where a person appearing as a witness at a hearing objects to giving in public evidence that the Commission is satisfied is of a confidential nature, the Commission may take the evidence in private if it considers that it is desirable in the public interest to do so.

“(3) The Commission may, if it thinks fit, permit a person appearing as a witness at a hearing to give evidence by tendering a statement signed by the person.

“(4) At a hearing, the Commission may, if it thinks fit, permit or require a person desiring to make a submission to the Commission to make the submission in writing.

#### **Failure of person summoned to attend**

“35. A person served, as prescribed, with a summons under sub-section 32C (1) to appear at a hearing shall not, without reasonable excuse—

- (a) fail to attend as required by the summons; or
- (b) fail to attend from day to day unless excused, or released from further attendance, by the Commissioner presiding at the hearing.

Penalty: \$1,000 or imprisonment for 6 months.

#### **Refusal to answer questions or produce documents**

“37. A person appearing as a witness at a hearing shall not, without reasonable excuse—

- (a) refuse or fail to answer a question that the person is required to answer by the Commissioner presiding at the hearing; or
- (b) refuse or fail to produce a document that the person was required to produce by a summons under sub-section 32C (1) served on the person as prescribed.

Penalty: \$1,000 or imprisonment for 6 months.

**False or misleading evidence or information**

“37A. A person shall not—

- (a) furnish to the Commission, whether orally or in writing, information that the person knows to be false or misleading in a material particular;
- (b) at a hearing before the Commission, give evidence that the person knows to be false or misleading in a material particular; or
- (c) send to the Commission, pursuant to section 31B or 32C, a statement containing matter that the person knows to be false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 6 months.”.

**25.** Section 41 of the Principal Act is repealed and the following sections are substituted:

**Written statements and submissions to be made public**

“40A. Where—

- (a) the Commission receives information, or a submission, in the form of a written statement;
- (b) pursuant to section 31B or 32C, a person sends a statement to the Commission;
- (c) pursuant to section 33, evidence is given at a hearing by the tendering of a signed statement; or
- (d) a document is furnished or sent to the Commission in connection with an inquiry, or is produced at a hearing,

the Commission shall make available to the public in such manner as the Commission thinks fit the contents of the statement or document, other than any matter—

- (e) that the person who furnished, sent, tendered or produced the statement or document, as the case may be, objects to being made public; and
- (f) the evidence of which the Commission is satisfied would have been taken in private if that evidence had been given orally at a hearing and the person giving that evidence had objected to giving it in public.

**Allowances to witnesses**

“41. A person who attends at a hearing pursuant to a summons served on the person under sub-section 32C (1) is entitled to be paid by the Commonwealth such allowances and expenses as are prescribed.”.

**Person prejudiced in employment by reason of assisting Commission**

**26.** Section 42 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “appeared as a witness, or has given any evidence, at an inquiry by the Commission” and substituting “assisted the Commission in connection with an inquiry”;

- (b) by omitting from paragraph (1) (b) “appear as a witness or to give evidence at an inquiry by the Commission” and substituting “assist the Commission in connection with an inquiry”;
- (c) by omitting from paragraph (2) (a) “appeared as a witness, or gave any evidence, at an inquiry by the Commission” and substituting “assisted the Commission in connection with an inquiry”;
- (d) by omitting from paragraph (2) (a) “appeared as a witness or gave evidence” and substituting “assisted the Commission”;
- (e) by omitting from paragraph (2) (b) “appear as a witness, or to give evidence, at an inquiry by the Commission” and substituting “assist the Commission in connection with an inquiry”;
- (f) by omitting from paragraph (2) (b) “appear as a witness or to give evidence” and substituting “assist the Commission”; and
- (g) by adding at the end thereof the following sub-section:

“(3) For the purposes of this section, a person shall be taken to assist the Commission in connection with an inquiry if, and only if, the person—

- (a) furnishes information, whether orally or in writing, or furnishes documents, to the Commission in connection with the inquiry;
- (b) gives evidence, or produces documents, at a hearing held for the purposes of the inquiry; or
- (c) sends to the Commission a statement, or documents, pursuant to section 31B or 32C, in connection with the inquiry.”.

#### **Staff**

27. Section 43 of the Principal Act is amended by omitting sub-section (5).

#### **Repeal of section 44**

28. Section 44 of the Principal Act is repealed.

#### **Annual Report**

29. Section 45 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) The Commission shall, as soon as practicable, and in any event within 3 months, after 30 June in each year, prepare and furnish to the Minister a report (in this section referred to as an ‘annual report’) on the operations of the Commission during the year that ended on that day.”.

#### **Repeal of Schedule**

30. The Schedule to the Principal Act is repealed.

#### **Further amendments**

31. The Principal Act is amended as set out in the Schedule.



**Transitional provisions—temporary assistance**

**32. (1)** Where the Minister has, after 7 June 1984 and before the commencement of this Act, received a report of the Authority under section 30A of the Principal Act, Part IV of the Principal Act as amended by this Act applies in relation to the report and so applies as if a reference in that Part to a report of the Commission under section 30A of the Principal Act as so amended included a reference to the first-mentioned report.

**(2)** Where—

**(a)** at the commencement of this Act, temporary assistance (in this section referred to as the “relevant assistance”) is being provided to an industry in consequence of the taking of action, following the receipt by the Minister of a report of the Authority under section 30A of the Principal Act, to provide temporary assistance to the industry; and

**(b)** the Minister received the report before 7 June 1984,

sub-sections (3), (4), (5) and (6) apply.

**(3)** Notwithstanding the amendments of the Principal Act made by sections 16 to 22 (inclusive) and 31 of this Act, the provisions (in this section referred to as the “applied provisions”) of Division 2 of Part IV of the Principal Act continue, subject to sub-sections (4) and (5), to apply in relation to the industry in relation to the relevant assistance, until the relevant assistance ceases to be provided to the industry.

**(4)** The Minister shall not, after the commencement of this Act, request the Commission under the applied provisions to undertake an inquiry in relation to the industry.

**(5)** If—

**(a)** immediately before the commencement of this Act, the Minister was required by section 30C of the Principal Act to refer to the Commission a matter relating to the continuance or withdrawal of assistance to the industry; and

**(b)** as at that commencement, the Minister has not referred such a matter to the Commission,

the Minister ceases at that commencement to be required to refer such a matter to the Commission.

**(6)** Subject to the Principal Act as amended by this Act, the determination, by reason of any of the applied provisions, of the provision of the relevant assistance does not prevent the taking of further action to provide assistance to the industry.

**(7)** Notwithstanding the amendments of section 29 of the Principal Act made by sections 16 and 31 of this Act, section 29 of the Principal Act continues to apply for the purposes of this section and so applies as if this section were a provision of Division 2 of Part IV of the Principal Act.

**Transitional provisions—conduct of inquiries**

**33. (1)** Part V of the Principal Act as amended by this Act applies in relation to an inquiry that the Commission commences, after the commencement of this Act, to hold under the Principal Act as so amended.

**(2)** Notwithstanding the amendments of the Principal Act made by sections 23 to 26 (inclusive) and 31 of this Act, Part V of the Principal Act continues to apply in relation to an inquiry that the Commission has, before the commencement of this Act, commenced to hold under the Principal Act.

---

**SCHEDULE**

**FURTHER AMENDMENTS**

Provision amended	Omit—	Substitute—
Sub-section 5 (1) . . . . .	(a) "five or" (b) "nine"	"5 nor" "9"
Sub-section 5 (3) . . . . .	(a) "five" (b) "three"	"5" "3"
Sub-section 7 (1) . . . . .	"five"	"5"
Sub-section 7 (2) . . . . .	"sixty-five" (twice occurring)	"65"
Sub-section 16 (2) . . . . .	"seven"	"7"
Sub-section 16 (3) . . . . .	"fifteen"	"15"
Sub-section 16 (4) . . . . .	"fifteen"	"15"
Paragraph 18 (6) (a) . . . . .	"three"	"3"
Sub-section 19 (7) . . . . .	(a) "three" (b) "two"	"3" "2"
Sub-section 22 (2) . . . . .	"functions"	"functions under this Part"
Sub-section 22 (4A) . . . . .	"functions"	"functions under this Part"
Sub-section 23 (1) . . . . .	"primary or secondary industries"	"industries"
Sub-section 23 (2) . . . . .	"primary or secondary industries"	"industries"
Sub-section 23 (4) . . . . .	"primary or secondary industries" (wherever occurring)	"industries"
Paragraph 23 (4) (f) . . . . .	(a) "two" (b) "a particular group or" (second occurring)	"2" "that group or those"
Paragraph 23 (4) (g) . . . . .	"two"	"2"
Sub-paragraph 23 (4) (g) (i)	(a) "six" (b) "two"	"6" "2"
Sub-paragraph 23 (4) (g) (ii)	"two years; or"	"2 years;"
Paragraph 23 (4) (h) . . . . .	"two"	"2"
Sub-section 23 (5) . . . . .	"matters:—"	"matters:"
Section 29 . . . . .	"Division"	"Part"
Paragraph 29 (a) . . . . .	"Authority"	"Commission"
Section 30 . . . . .	"Authority" (wherever occurring)	"Commission"
Section 30B . . . . .	"Authority" (wherever occurring)	"Commission"
Sub-section 30B (1) . . . . .	"Division" (twice occurring)	"Part"
Sub-section 30J (1) . . . . .	"30D, 30E or 30G"	"30D"
Section 32 . . . . .	"time and place at which"	"time when"

**SCHEDULE—continued**

Provision amended	Omit—	Substitute—
Sub-section 38 (2) . . . . .	“appearing before the Commission as a witness at an inquiry”	“appearing as a witness at a hearing”
Paragraph 39 (b) . . . . .	“an inquiry by the Commission”	“a hearing”
Paragraph 39 (d) . . . . .	(a) “in or near” (b) “an inquiry”	“in” “a hearing”
Paragraph 39 (e) . . . . .	“contempt of”	“contempt in the face of”
Section 39 . . . . .	(a) “One thousand dollars” (b) “three”	“\$1,000” “6”
Sub-section 40 (1) . . . . .	(a) “furnished”  (b) “an inquiry”	“furnished or sent” “a hearing”
Sub-section 42 (1) . . . . .	(a) “Five hundred dollars” (b) “six”	“\$1,000” “6”
Section 43 . . . . .	“1922-1973” (wherever occurring)	“1922”
Sub-section 45 (4) . . . . .	“fifteen”	“15”

**NOTE**

1. No. 169, 1973, as amended. For previous amendments, see No. 91, 1976; No. 1, 1978; No. 74, 1981; No. 80, 1982; Nos. 21 and 75, 1983; and Nos. 2, 63 and 72, 1984.