



# Statute Law (Miscellaneous Provisions) Act (No. 2) 1984

No. 165 of 1984

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

[Assented to 25 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

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act (No. 2) 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 amendment of the *Acts Interpretation Amendment Act 1984* made by this Act shall be deemed to have come into operation on 12 June 1984.

(4) The amendment of the definition of “respite care bed” in section 10A of the *Aged or Disabled Persons Homes Act 1954* made by this Act shall come

into operation, or be deemed to have come into operation, as the case requires, on the date fixed by the Minister for the purposes of sub-section 2 (7) of the *Social Security and Repatriation Legislation Amendment Act 1984* or on the day fixed by Proclamation for the purpose of sub-section (20) of this section, whichever is the later.

(5) The amendment of sub-section 44 (3) of the *Archives Act 1983* made by this Act shall be deemed to have come into operation on 6 June 1984.

(6) The amendments of the *Australian Shipping Commission Amendment Act 1983* made by this Act shall be deemed to have come into operation on 19 January 1984.

(7) The amendment of the *Australian Wine and Brandy Corporation Act 1980* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(8) The amendments of the *Complaints (Australian Federal Police) Act 1981* made by this Act shall be deemed to have come into operation on 1 January 1984.

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

(10) The amendments of the *Family Law Act 1975* made by this Act shall 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*.

(11) The amendment of the *Health Legislation Amendment Act (No. 2) 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 sub-section 40 (2) of that Act.

(12) The amendment of the *Members of Parliament (Staff) Act 1984* 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 32 of that Act.

(13) The amendments of the *Merit Protection (Australian Government Employees) Act 1984* made by this Act (other than the amendments of paragraphs (a), (b) and (d) of the definition of "Commonwealth authority" in section 3 of the first-mentioned Act) shall—

- (a) in the case of the insertion of section 37A after section 37 of the first-mentioned Act—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of sub-sections 15 (1), section 21 and sub-sections 39 (1) and 47 (1) of that Act or of the first of those provisions to come into operation;
- (b) in the case of the amendment of sub-section 56 (2) of the first-mentioned Act—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of that sub-section;

- (c) in the case of the amendment of sub-section 83 (3) of the first-mentioned Act—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of that sub-section; and
- (d) in the case of the amendments of section 85 of the first-mentioned Act—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of that section.

(14) The amendments of the *National Crime Authority Act 1984* made by this Act shall be deemed to have come into operation on 1 July 1984.

(15) The amendments of sub-sections 105AAA (1), (2), (4), (5) and (6) and paragraphs 105AC (1AA) (a) and (b) and (1B) (a) of the *National Health Act 1953* made by this Act shall be deemed to have come into operation on 23 July 1984.

(16) The amendment of the *Off-shore Installations (Miscellaneous Amendments) Act 1982* made by this Act shall be deemed to have come into operation on 14 July 1982.

(17) Section 8 and the amendments of the *Overseas Telecommunications Act 1946* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(18) The amendments of the *Patents Act 1952* made by this Act (other than the amendments of section 58A of the first-mentioned Act) shall come into operation, or be deemed to have come into operation, as the case requires, on the date fixed by Proclamation for the purposes of sub-section 2 (11) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*.

(19) The amendments of the definition of “Chief Officer” in sub-section 7 (1) of the *Public Service Act 1922* made by this Act shall be deemed to have come into operation on 1 July 1984.

(20) The omission and substitution of Schedules 2 and 3 of the *Public Service Act 1922* effected by this Act shall come into operation on a day to be fixed by Proclamation.

(21) The amendments of the *Public Service Reform Act 1984* made by this Act shall—

- (a) in the case of the amendments of paragraph 5 (5) (a), sub-sections 5 (8), 11 (1) and 12 (1) and (4), paragraph 18 (b), sections 19 and 21, paragraph 67 (j), sub-section 130 (3), section 141 and sub-sections 151 (5) and 152 (2), (3), (4) and (5) of the first-mentioned Act—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of, or on the respective days of commencement of, those provisions of that Act; and
- (b) in the case of the amendments of Items 1 and 3 of Schedule 4 to the first-mentioned Act—be deemed to have come into operation on 1 July 1984.

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(22) The amendment of the *Quarantine Amendment Act 1984* made by this Act shall be deemed to have come into operation on 26 April 1984.

(23) The amendments of the *Radiocommunications Act 1983* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, on the day fixed by Proclamation for the purposes of sub-section 2 (1) of that Act.

(24) The amendments of the *Shipping Registration Amendment Act 1984* 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 20 of that Act.

(25) The amendment of the Schedule to the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984* made by this Act shall be deemed to have come into operation on 23 July 1984.

(26) The amendments to the *Superannuation Act 1976* made by this Act shall—

(a) in the case of the amendment omitting the reference to section 18 of the *Commonwealth Employees (Redeployment and Retirement) Act 1979* from paragraph 58 (3) (e) of the *Superannuation Act 1976*—be deemed to have come into operation on 1 July 1984; and

(b) in the case of the other amendments of the *Superannuation Act 1976*—come into operation, or be deemed to have come into operation, as the case requires, on the commencement of section 84 of the *Public Service Reform Act 1984*.

(27) The amendment made by this Act to paragraph 94 (2) (fa) of the *Telecommunications Act 1975* shall be deemed to have come into operation on 26 April 1984.

(28) The amendments of the *Trade Practices Act 1974* made by this Act shall—

(a) in the case of the amendment inserting in the first-mentioned Act a new section 65A—come into operation on the day on which this Act receives the Royal Assent; and

(b) in the case of the amendment inserting in the first-mentioned Act a new section 79A—come into operation on the day fixed by Proclamation for the purposes of this paragraph.

(29) Section 9 and the amendments of the *Acoustic Laboratories Act 1948*, the *Aged or Disabled Persons Homes Act 1954* (other than the amendment made by this Act of the definition of “respite care bed” in section 10A of that Act), the *Aged or Disabled Persons Hostels Act 1972*, the *Broadcasting and Television Act 1942*, the *Defence (Re-establishment) Act 1965*, the *Delivered Meals Subsidy Act 1970*, the *Handicapped Persons Assistance Act 1974*, the *Health Insurance Act 1973*, the *Home Nursing Subsidy Act 1956*, the *Home Deposit Assistance Act 1982*, the *Homes Savings Grant Act 1964*, the *Homes Savings Grant Act 1976*, the *Income Tax Assessment Act 1936*, the *Narcotic Drugs Act 1967*, the *National Health Act*

1953 (other than the amendments made by this Act to sub-sections 105AAA (1), (2), (4), (5) and (6) and paragraphs 105AC (1AA) (a) and (b) and (1B) (a) of that Act), the *Sales Tax (Exemptions and Classifications) Act 1935*, the *Social Security Act 1947*, the *Re-establishment and Employment Act 1945*, the *Therapeutic Goods Act 1966* and the *Tuberculosis Act 1948* shall come into operation on the day fixed by Proclamation for the purposes of sub-section (20) of this section.

(30) Sub-section 5 (2) shall come into operation, or be deemed to have come into operation, as the case requires, on 12 October 1984.

(31) Sub-section 6 (3) shall come into operation on the date on which this Act receives the Royal Assent.

(32) 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 4, and sub-section 6 (1), in so far as those provisions apply in relation to the amendment, shall come into operation, or be deemed to have come into operation, as the case may be, on the commencement day.

#### **Amendment of Acts**

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

#### **Amendment of Acts consequential upon alteration of certain designations under *Public Service Act 1922***

4. The Acts specified in Schedule 2 are amended, or are further amended, as the case may be, as set out in that Schedule.

#### **Repeal**

5. (1) The Acts specified in Schedule 3 are repealed.

(2) The *Queensland Meat Inspection Agreement Act 1932* is repealed.

#### **Transitional and savings**

6. (1) Except where it is expressly provided to the contrary, 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 pursuant to the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under or pursuant to the provision as so amended or re-enacted.

(2) Regulations made under section 24 of the *Excise Act 1901* 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 section 24 of that Act as so amended.

(3) Where, before the commencement of this sub-section, proceedings to which a person holding office as the Director-General of Social Security was, in his capacity as the holder of that office, a party, had been instituted in the Federal Court of Australia in relation to a decision made under the *Home Deposit Assistance Act 1982* and, immediately before the commencement of this sub-section, those proceedings were still pending, those proceedings may be continued after the commencement of this sub-section as if the description of that office, for the purposes of those proceedings, were amended by omitting the words "Director-General of Social Security" and substituting "Secretary to the Department of Housing and Construction".

**Transitional provisions relating to *Copyright Act 1968***

7. (1) Where, immediately before the commencement of this section—

- (a) a body, whether incorporated or unincorporated, was a body declared by relevant regulations to be a central records authority for the purposes of the *Copyright Act 1968* as in force immediately before that commencement;
- (b) an institution was an institution declared by relevant regulations to be an institution to which applied paragraph (d) or (e) of the definition of "educational institution" in sub-section 10 (1) of the *Copyright Act 1968*, being that paragraph as in force immediately before that commencement; or
- (c) an institution was an institution declared by relevant regulations to be, for the purposes of the *Copyright Act 1968* as in force immediately before that commencement, an institution assisting handicapped readers,

the Attorney-General shall be deemed, for the purposes of the *Copyright Act 1968* as in force after that commencement—

- (d) to have made, immediately after that commencement, a declaration in relation to the body or institution under paragraph 10A (1) (a), (b) or (c), as the case may be, of that Act; and
- (e) to have complied in relation to that declaration with sub-section 10A (3) of that Act.

(2) In sub-section (1), "relevant regulations" means regulations—

- (a) made under the *Copyright Act 1968*; and
- (b) in effect immediately before the commencement of this section.

**Transitional provisions relating to *Overseas Telecommunications Act 1946***

8. (1) A person who, immediately before the day on which the amendments made by this Act to the Principal Act come into operation, holds office as a Commissioner by virtue of an appointment under a provision of the Principal Act, continues to hold office for the remainder of his or her term of office as if those amendments had not been made.

(2) For the purposes of sub-section 9 (1) of the Principal Act as amended by this Act—

- (a) the Commissioner who continues to hold office as a Commissioner in accordance with sub-section (1) of this section and who is an officer of the Department shall be regarded as the Commissioner referred to in paragraph 9 (1) (b) of that Act as so amended; and
- (b) any other Commissioner who continues so to hold office shall be regarded as a Commissioner referred to in paragraph 9 (1) (d) of that Act as so amended.

(3) Notwithstanding the repeal by this Act of sub-section 18 (1) of the Principal Act, a person who, immediately before the repeal of that sub-section, held office as the general manager of the Commission may continue to hold office as general manager of the Commission until a person is appointed as the Managing Director of the Commission, or is appointed to act as the Managing Director of the Commission, under the Principal Act as amended by this Act.

(4) Notwithstanding the repeal by this Act of sub-section 18 (6) and section 32 of the Principal Act, that sub-section and that section shall be deemed to continue in force for the duration of any period during which a person continues to hold office as general manager of the Commission in accordance with sub-section (3) of this section.

(5) In this section, “Principal Act” means the *Overseas Telecommunications Act 1946* as amended and in force immediately before the date of commencement of this section.

#### **Transitional provisions relating to certain offices under the *Public Service Act 1922***

9. (1) Any act or thing done at any time before the commencement of this section by a person or by a delegate of a person who, at that time, held office as, or acted in the office of, the Director-General of Health, being an act or thing done pursuant to the person’s duties as the holder of, or person acting in, that office or as a delegate of the holder of that office, shall have such consequences or effects after the commencement of this section as it would have had if the amendments made by this Act to the *Acoustic Laboratories Act 1948*, the *Broadcasting and Television Act 1942*, the *Home Nursing Subsidy Act 1956*, the *Narcotic Drugs Act 1967*, the *Sales Tax (Exemptions and Classifications) Act 1935*, the *Therapeutic Goods Act 1966*, the *Tuberculosis Act 1948* and paragraph 16 (4) (f) and sub-section 73A (6) of the *Income Tax Assessment Act 1936* had not been made, but any power or function conferred by any Act may be exercised or performed after the commencement of this section in relation to that act or thing as if that act or thing had been done by the Secretary to the Department of Health or by a delegate of the Secretary to the Department of Health, as the case may be.

(2) Where, immediately before the commencement of this section, there were pending in a court or tribunal any proceedings to which a person holding office as the Director-General of Health was, in his capacity as the holder of

that office, a party, those proceedings may be continued after the commencement of this section as if the description of that office, for the purposes of those proceedings, were amended by omitting the words "Director-General of" and substituting "Secretary to the Department of".

(3) The person who, immediately before the commencement of this section, held office as Director-General of Health shall, subject to the *Public Service Act 1922*, hold office after the commencement of this section as Secretary to the Department of Health.

(4) A reference in any instrument (including rules, regulations and by-laws) made, granted or issued pursuant to any Act to the Director-General of Health shall, in relation to any act or thing done, or to be done, after the commencement of this section, be read as a reference to the Secretary to the Department of Health.

(5) Any act or thing done at any time before the commencement of this section by a person or by a delegate of a person who, at that time, held office as, or acted in the office of, the Director-General of Social Security, being an act or thing done pursuant to the person's duties as the holder of, or person acting in, that office or as a delegate of the holder of that office, shall have such consequences or effects after the commencement of this section as it would have had if the amendments made by this Act to the *Aged or Disabled Persons Homes Act 1954*, the *Aged or Disabled Persons Hostels Act 1972*, the *Defence (Re-establishment) Act 1965*, the *Delivered Meals Subsidy Act 1970*, the *Handicapped Persons Assistance Act 1974*, the *Health Insurance Act 1973*, the *National Health Act 1953* (other than the amendments made by this Act to sub-sections 105AAA (1), (2), (4), (5) and (6) and paragraphs 105AC (1AA) (a) and (b) and (1B) (a) of that Act), the *Re-establishment and Employment Act 1945*, the *Sales Tax (Exemptions and Classifications) Act 1935*, the *Social Security Act 1947* and paragraphs 16 (4) (e) and (j) and sub-section 159J (6) of the *Income Tax Assessment Act 1936* had not been made, but any power or function conferred by any Act may be exercised or performed after the commencement of this section in relation to that act or thing as if that act or thing had been done by the Secretary to the Department of Social Security or by a delegate of the Secretary to the Department of Social Security, as the case may be.

(6) Where, immediately before the commencement of this section, there were pending in a court or tribunal any proceedings (other than proceedings relating to the *Home Deposit Assistance Act 1982*) to which a person holding office as the Director-General of Social Security was, in his capacity as the holder of that office, a party, those proceedings may be continued after the commencement of this section as if the description of that office, for the purposes of those proceedings, were amended by omitting the words "Director-General of" and substituting "Secretary to the Department of".

(7) The person who, immediately before the commencement of this section, held office as Director-General of Social Security shall, subject to the



**Public Service Act 1922**, hold office after the commencement of this section as Secretary to the Department of Social Security.

(8) A reference in any instrument (including rules, regulations and by-laws) made, granted or issued pursuant to any Act to the Director-General of Social Security shall, in relation to any act or thing done, or to be done, after the commencement of this section, be read as a reference to the Secretary to the Department of Social Security.

(9) Where, by virtue of an amendment of any Act that is amended by this Act, being an amendment made by an Act that receives the Royal Assent after the introduction into the Parliament of this Act, a provision of that first-mentioned Act, as so amended, refers to the Director-General of Health or to the Director-General of Social Security, that reference shall be construed, on and after the commencement of that amendment or the day fixed for the purposes of sub-section 2 (20) of this Act, whichever last occurs, as if it were a reference to the Secretary to the Department of Health or to the Secretary to the Department of Social Security, as the case requires.

(10) Where, in any Act that is not amended by this Act, reference is made to the Director-General of Health or to the Director-General of Social Security, that reference shall be construed, on and after the date fixed for the purpose of sub-section 2 (20) of this Act, as if it were a reference to the Secretary to the Department of Health or to the Secretary to the Department of Social Security, as the case requires.

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**SCHEDULE 1**

Section 3

**AMENDMENTS OF ACTS**

***Aboriginal Councils and Associations Act 1976***

**Section 3 (paragraph (a) of the definition of “Aboriginal association”)—**

After “Aboriginals”, insert “and spouses of Aboriginals”.

**Section 3 (definition of “disposable estate or interest”)—**

Omit the definition.

**After the definition of “Registrar” in section 3—**

Insert the following definition:

“ ‘spouse’, in relation to an Aboriginal, includes a person who, although not legally married to the Aboriginal, is living with the Aboriginal as the Aboriginal’s spouse on a permanent and *bona fide* domestic basis;”.

**Paragraph 19 (3 (c))—**

Omit the paragraph, substitute the following paragraph:

“(c) may acquire, hold and dispose of real and personal property; and”.

**Paragraph 19 (3 (d))—**

Omit the paragraph.

**Paragraph 29 (b)—**

Omit all the words after “over”, substitute “all or any of the property of the Council;”.

**Paragraph 46 (1 (c))—**

Omit the paragraph, substitute the following paragraph:

“(c) may acquire, hold and dispose of real and personal property; and”.

**Paragraph 46 (1 (d))—**

Omit the paragraph.

**Sub-section 49 (1)—**

After “an Aboriginal” insert “, or the spouse of an Aboriginal,”.

**After section 49—**

Insert the following section:

**Provision in rules for conferral of specified rights of membership on persons not entitled to become members**

“49A. (1) Where more than 75% of the members of an Aboriginal association agree, the Rules referred to in sub-section 43 (2) may provide for the conferring of specified rights of membership of the association (other than the right to vote at meetings of the association and the right to stand for election to the Governing Committee of the association) on persons not entitled to become members of the association.

“(2) Where more than 75% of the members of an Incorporated Aboriginal Association agree, the Rules of the Association may, subject to section 54 and the requirements of the Rules relating to alteration of the Rules, be altered to provide for the conferring of specified

**SCHEDULE 1—continued**

rights of membership of the Association (other than the right to vote at meetings of the Association and the right to stand for election to the Governing Committee of the Association) on persons not entitled to become members of the Association.”.

**Paragraph 51 (b)—**

Omit all the words after “over”, substitute “all or any of the property of the Association”.

**After section 59—**

Insert the following section:

**Exemption from section 59 in certain circumstances**

“59A. (1) Where the Registrar is satisfied that it would be impracticable for an Incorporated Aboriginal Association to comply with the requirements of section 59, or that the application of those requirements to an Incorporated Aboriginal Association would be unduly onerous, the Registrar may, by writing, exempt the Association, wholly or in part, from those requirements.

“(2) Where the Registrar has, in an instrument issued under sub-section (1), exempted an Incorporated Aboriginal Association, in whole or in part, from the requirements of section 59, the Registrar may, in the instrument, require that Association to comply with such requirements as to the keeping of accounts and records, and the preparation and filing of reports and statements prepared from those accounts and records, as the Registrar thinks appropriate in view of the exemption that has been granted, and that Association shall comply with the requirement.

Penalty: \$50.”.

**Sub-section 60 (1)—**

After “sub-section 59 (1)” insert “, or pursuant to a requirement of the Registrar under sub-section 59A (2),”.

**Paragraph 61 (1) (a)—**

After “section 59” insert “, or under a requirement of the Registrar under sub-section 59A (2)”.

**Paragraph 61 (1) (b)—**

After “sub-section 59 (4)” insert “, or filed in compliance with a requirement of the Registrar under sub-section 59A (2),”.

**Sections 66, 78 and 78A—**

Repeal the sections.

***Acoustic Laboratories Act 1948***

**Section 2 (definition of “the Director-General”)—**

Omit the definition, substitute the following definition:

“ ‘Secretary’ means the Secretary to the Department of Health;”.

**Sections 3 and 5 and paragraph 6 (a)—**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**SCHEDULE 1—continued**

***Acts Interpretation Amendment Act 1984***

**Section 19—**

Omit “ ‘made’ ”, substitute “ ‘made,’ ”.

***Aged or Disabled Persons Homes Act 1954***

**After the definition of “local governing body” in sub-section 2 (1)—**

Insert the following definition:

“ ‘Secretary’ means the Secretary of the Department;”.

**Sub-section 2 (1) (definition of “the Director-General”)—**

Omit the definition.

**Section 10A (definition of “respite care bed”)—**

Omit “Director-General”, substitute “Secretary”.

***Archives Act 1983***

**Sub-section 44 (3)—**

Omit “sub-section (5)”, substitute “sub-section (7)”.

**Paragraph 71 (d)—**

Omit “and”.

**Section 71—**

Add at the end thereof the following word and paragraph:

“; and (f) making records not forming part of the archival resources of the Commonwealth available to the Commonwealth institution from which they were received or to the Commonwealth institution that has succeeded to the relevant functions of that institution.”.

***Australian Shipping Commission Amendment Act 1983***

**Schedule—**

(a) Omit “ ‘1908—1950’ ”, substitute “ ‘—1950’ ”.

(b) Omit “(e) Omit ‘*Stevedoring Industry Act 1949-1954*’ ”.

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

**Sub-section 14 (5)—**

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

“(5) The Minister may, by writing, extend to a day not later than 30 June 1986 the period for which a member (other than a member referred to in paragraph 13 (1) (g)) who held office on 30 June 1984 is entitled (including by reason of a previous extension) to hold that office, and, where the Minister so extends the term of office of a member that would, but for the extension, have expired on 30 June 1984—

(a) the member shall be deemed to have held that office at all times during the period from that 30 June to the time when the extension was given; and

**SCHEDULE 1—continued**

- (b) any act or thing done by the member during the period referred to in paragraph (a) shall be deemed to have been as validly done as if the extension had been given before that act or thing was done.”

***Broadcasting and Television Act 1942***

**Sub-sections 100 (6), (7), (8) and (9)—**

Omit “Director-General of Health” (wherever occurring), substitute “Secretary to the Department of Health”.

***Commonwealth Employees (Redeployment and Retirement) Act 1979***

**Sub-section 3 (1) (paragraphs (a), (b) and (d) of the definition of “prescribed Commonwealth authority”)—**

Omit “on its own behalf” (wherever occurring), substitute “otherwise than under the *Public Service Act 1922*”.

**Sub-sections 25 (1) and (3)—**

Omit “any of its powers” (wherever occurring), substitute “all or any of its powers and functions”.

**Sub-section 25 (2)—**

Omit “any of his powers”, substitute “all or any of his or her powers and functions”.

**Sub-section 25 (4)—**

(a) After “power”, insert “or function”.

(b) After “exercised” (wherever occurring), insert “or performed”.

**Sub-section 25 (5)—**

After “power”, insert “or the performance of a function”.

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

**Sub-section 116 (2)—**

(a) Omit “Presale”.

(b) After “relates” insert “is a sample of greasy wool that”.

***Commonwealth Places (Application of Laws) Act 1970***

**Item 3 of the Schedule—**

Insert “(3A),” after “(3),”.

***Commonwealth Teaching Service Act 1972***

**Section 25—**

Repeal the section, substitute the following section:

**Creation and abolition of positions**

“25. A relevant authority may create positions in the component of the Service in relation to which that authority is the relevant authority and may abolish positions in that component.”

**SCHEDULE 1—continued**

**Sub-section 26 (1)—**

Omit “with the approval of the Public Service Board.”.

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

**Sub-section 22 (8)—**

- (a) Omit “56 and 57”, substitute “52B and 56”.
- (b) Omit “57 (1)”, substitute “52B (2)”.
- (c) Omit “sub-sections 57 (2) and (3)”, substitute “section 52A”.

***Copyright Act 1968***

**Section 8—**

Omit the section, substitute the following section:

**Copyright not to subsist except by virtue of this Act**

“8. Subject to section 8A, copyright does not subsist otherwise than by virtue of this Act.”.

**Sub-section 10 (1) (definition of “central records authority”)—**

Omit the definition, substitute the following definition:

“‘central records authority’ means a body, whether incorporated or unincorporated, in relation to which a declaration under paragraph 10A (1) (a) is in force;”.

**Sub-section 10 (1) (paragraph (c) of the definition of “educational institution”)—**

Omit “, other than an institution referred to in paragraph (a) or (b),”.

**Sub-section 10 (1) (paragraphs (d) and (e) of the definition of “educational institution”)—**

Omit the paragraphs, substitute the following paragraphs:

- “(d) a school of nursing in relation to which a notice published under sub-section 10A (4) is in force;
- (e) an undertaking within a hospital, being an undertaking—
  - (i) that conducts courses of study or training in the provision of medical services, or in the provision of services incidental to the provision of medical services; and
  - (ii) in relation to which a notice published under sub-section 10A (4) is in force;
- (f) a teacher education centre in relation to which a notice published under sub-section 10A (4) is in force;
- (g) an institution that has, as its principal function, the provision of courses of study or training for the purpose of—
  - (i) general education;
  - (ii) the preparation of persons for a particular occupation or profession; or
  - (iii) the continuing education of persons engaged in a particular occupation or profession,and in relation to which a declaration under paragraph 10A (1) (b) is in force;
- (h) an undertaking within a body administering an educational institution of a kind referred to in a preceding paragraph of this definition, being an undertaking—
  - (i) that has as its principal function, or as one of its principal functions, the provision of teacher training for persons engaged as instructors in educational institutions of such a kind, or of 2 or more such kinds; and

**SCHEDULE 1—continued**

- (ii) in relation to which a declaration under paragraph 10A (1) (b) is in force;  
or
- (j) an institution, or an undertaking within a body administering an educational institution of a kind referred to in a preceding paragraph of this definition, being an institution or undertaking—
  - (i) that has as its principal function, or as one of its principal functions, the furnishing of material to educational institutions of a kind referred to in a preceding paragraph of this definition, or to educational institutions of 2 or more such kinds, for the purpose of assisting those institutions in their teaching purposes; and
  - (ii) in relation to which a declaration under paragraph 10A (1) (b) is in force;”.

**After the definition of “infringing copy” in sub-section 10 (1)—**

Insert the following definition:

“ ‘institution’ includes an educational institution;”.

**Sub-section 10 (1) (paragraph (b) of the definition of “ institution assisting handicapped readers”)—**

Omit all the words after “and”, substitute “in relation to which a declaration under paragraph 10A (1) (c) is in force”.

**Paragraph 10 (3) (a)—**

Omit “educational institution, an institution assisting handicapped readers”, substitute “institution”.

**Paragraph 10 (3) (1)—**

Omit the paragraph, substitute the following paragraph:

- “(1) a reference to a record embodying a sound recording shall be read as a reference to—
- (i) a record produced upon the making of a sound recording; or
  - (ii) another record embodying the sound recording directly or indirectly derived from a record so produced;”.

**Paragraph 10 (3) (m)—**

- (a) Insert “(other than section 49)” after “section” (first occurring).
- (b) Omit “and”.

**After paragraph 10 (3) (m)—**

Insert the following paragraph:

- “(ma) a reference to a relevant declaration, in relation to the making, in reliance on section 49, of a copy of the whole or a part of a work, shall be read as a reference to—
- (i) in a case where the copy is made in reliance on sub-section 49 (2)—a declaration of the kind referred to in sub-section 49 (1) that is furnished in relation to the making of the copy;
  - (ii) in a case where the copy is made in reliance on sub-section 49 (2C)—a declaration of the kind referred to in paragraph 49 (2C) (b) that is made in relation to the making of the copy; or
  - (iii) in any case—a declaration of the kind referred to in sub-section 49 (5) that is made in relation to the making of the copy; and”.

**SCHEDULE 1—continued**

**After section 10—**

Insert the following section:

**Declarations and notices relating to certain bodies and institutions**

“10A. (1) The Attorney-General may, by notice in writing published in the *Gazette*—

- (a) declare a body, whether incorporated or unincorporated, to be a central records authority for the purposes of this Act;
- (b) declare an institution to be an educational institution for the purposes of this Act; or
- (c) declare an institution to be, for the purposes of this Act, an institution assisting handicapped readers.

“(2) The Attorney-General may, by notice in writing published in the *Gazette*, revoke a declaration made under sub-section (1).

“(3) The Attorney-General shall cause a copy of a notice under sub-section (1) or (2) to be laid before each House of the Parliament within 15 sitting days of that House after the notice is published in the *Gazette*.

“(4) The body administering an institution may cause to be published in the *Gazette* a notice that—

- (a) sets out full particulars of the name and address of the institution; and
- (b) contains a statement to the effect that the notice is published for the purposes of this sub-section.

“(5) The body administering an institution may cause to be published in the *Gazette* a notice revoking a notice published under sub-section (4) in relation to the institution.

“(6) In this section, ‘institution’ includes a school of nursing, an undertaking within a hospital, a teacher education centre and an undertaking within a body administering an educational institution.”.

**After section 48—**

Insert the following section:

**Copying by Parliamentary libraries for members of Parliament**

“48A. The copyright in a work is not infringed by anything done, for the sole purpose of assisting a person who is a member of a Parliament in the performance of the person’s duties as such a member, by an authorized officer of a library, being a library the principal purpose of which is to provide library services for members of that Parliament.”.

**Sub-section 49 (1)—**

Omit “(not being a library that is conducted for the profit, direct or indirect, of an individual or individuals) or the officer in charge of”, substitute “or”.

**Paragraph 49 (1) (a)—**

Omit “literary, dramatic or musical”.

**Sub-paragraph 49 (1) (b) (i)—**

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

- “(i) that he requires the copy for the purpose of research or study and will not use it for any other purpose; and”.



**SCHEDULE 1—continued**

**After sub-section 49 (2)—**

Insert the following sub-sections:

“(2A) A person may make to an authorized officer of a library or archives—

- (a) a request to be supplied with a copy of an article, or part of an article, contained in a periodical publication or of the whole or a part of a published work other than an article contained in a periodical publication; and
- (b) a declaration to the effect that—
  - (i) the person requires the copy for the purpose of research or study and will not use it for any other purpose;
  - (ii) the person has not previously been supplied with a copy of the same article or other work, or the same part of the article or other work, as the case may be, by an authorized officer of the library or archives; and
  - (iii) by reason of the remoteness of the person’s location, the person cannot conveniently furnish to the officer in charge of the library or archives a request and declaration referred to in sub-section (1) in relation to the copy soon enough to enable the copy to be supplied to the person before the time by which the person requires it.

“(2B) A request or declaration referred to in sub-section (2A) is not required to be made in writing.

“(2C) Subject to this section, where—

- (a) a request and declaration referred to in sub-section (2A) are made by a person to an authorized officer of a library or archives; and
- (b) the authorized officer makes a declaration setting out particulars of the request and declaration made by the person and stating that—
  - (i) the declaration made by the person, so far as it relates to the matters specified in sub-paragraphs (2A) (b) (i) and (ii), does not contain a statement that, to the knowledge of the authorized officer, is untrue in a material particular; and
  - (ii) the authorized officer is satisfied that the declaration made by the person is true so far as it relates to the matter specified in sub-paragraph (2A) (b) (iii),

an authorized officer of the library or archives may make, or cause to be made, the copy to which the request relates and supply the copy to the person.”.

**Sub-section 49 (3)—**

- (a) After “(1)”, insert “or (2A)”.
- (b) After “(2)”, insert “or (2C), as the case may be,”.

**Sub-section 49 (4)—**

After “(2)”, insert “or (2C)”.

**Sub-section 49 (5)—**

- (a) After “(2)”, insert “or (2C)”.
- (b) Omit “literary, dramatic or musical”.

**Sub-section 49 (6)—**

- (a) After “(1)”, insert “or (2A)”.
- (b) After “(2)”, insert “or (2C), as the case may be,”.

**SCHEDULE 1—continued**

**Sub-section 49 (7)—**

- (a) Omit “literary, dramatic or musical”.
- (b) After “(1)”, insert “or (2A)”.
- (c) After “(2)”, insert “or (2C), as the case may be,”.

**Section 49—**

Add at the end thereof the following sub-section:

“(9) In this section, ‘library’ does not include a library that is conducted for the profit, direct or indirect, of an individual or individuals.”.

**Sub-section 50 (1)—**

Omit “literary, dramatic or musical”.

**Paragraph 50 (1) (a)—**

Omit “or”.

**After paragraph 50 (1) (a)—**

Insert the following paragraph:

“(aa) in a case where the principal purpose of the first-mentioned library is to provide library services for members of a Parliament—for the purpose of assisting a person who is a member of that Parliament in the performance of the person’s duties as such a member; or”.

**Sub-section 50 (3)—**

Before “a copy”, insert “, or causes to be made,”.

**Sub-section 50 (4)—**

Omit “literary, dramatic or musical”.

**Sub-section 50 (7)—**

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

“(7) Where—

- (a) a copy (in this sub-section referred to as the ‘relevant copy’) of, or of a part of, an article, or of the whole or a part of another work, is supplied under sub-section (2) to the officer in charge of a library; and
- (b) a copy of the same article or other work, or of the same part of the article or other work, as the case may be, has previously been supplied under sub-section (2) for the purpose of inclusion in the collection of the library,

sub-section (4) does not apply to or in relation to the relevant copy unless, as soon as practicable after the request under sub-section (1) relating to the relevant copy is made, an authorized officer of the library makes a declaration—

- (c) setting out particulars of the request (including the purpose for which the relevant copy was requested); and
- (d) stating that the copy referred to in paragraph (b) has been lost, destroyed or damaged, as the case requires.

“(7A) Where a copy of the whole of a work (other than an article contained in a periodical publication), or of a part of such a work that contains more than a reasonable

**SCHEDULE 1—continued**

portion of the work, is supplied under sub-section (2) to the officer in charge of a library, sub-section (4) does not apply to or in relation to the copy unless—

- (a) in a case where the principal purpose of the library is to provide library services for members of a Parliament—the copy is so supplied for the purpose of assisting a person who is a member of that Parliament in the performance of the person's duties as such a member; or
- (b) as soon as practicable after the request under sub-section (1) relating to the copy is made, an authorized officer of the library makes a declaration—
  - (i) setting out particulars of the request (including the purpose for which the copy was requested); and
  - (ii) stating that, after reasonable investigation, the authorized officer is satisfied that a copy (not being a second-hand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price.”

**Sub-sections 53B (1), (2) and (3)—**

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

“(1) Subject to this section, the copyright in an article contained in a periodical publication is not infringed by the making of copies of the whole or a part of that article, by or on behalf of the body administering an educational institution, for the teaching purposes of that or another educational institution.

“(2) Subject to this section, the copyright in a work (other than an article in a periodical publication) is not infringed by the making of copies of the whole or a part of that work, by or on behalf of the body administering an educational institution, for the teaching purposes of that or another educational institution.

“(3) Without limiting the generality of sub-section (1) or (2), a copy of the whole or a part of a work shall be taken to have been made for the teaching purposes of an educational institution if—

- (a) it is made in connection with a particular course of instruction provided by that institution; or
- (b) it is made for the purpose of inclusion in the collection of a library of that institution.”

**Sub-section 53B (9)—**

Omit “section”, substitute “sub-section”.

**Sub-section 53B (14)—**

Omit the sub-section.

**After sub-section 53D (11)—**

Insert the following sub-sections:

“(11A) Subject to sub-section (11B), the copyright in a literary or dramatic work that has been published is not infringed by the making, by or on behalf of the body administering an institution assisting handicapped readers, of a prescribed reproduction of the work, or of a part of the work, if the prescribed reproduction is so made in order to be used in the making, by or on behalf of that body, of a handicapped reader's copy of the work, or of the part of the work, as the case may be.

“(11B) Where—

- (a) a prescribed reproduction of a work, or of a part of a work, is made, by or on behalf of the body administering an institution assisting handicapped readers, in order to

**SCHEDULE 1—continued**

be used in the making, by or on behalf of that body, of a handicapped reader's copy of the work, or of the part of the work, as the case may be; and

- (b) the prescribed reproduction—
- (i) is used otherwise than as mentioned in paragraph (a); or
  - (ii) is not destroyed within 3 months after its making,

sub-section (11A) does not apply, and shall be deemed never to have applied, in relation to the making of the prescribed reproduction.

“(11C) In sub-sections (11A) and (11B), ‘prescribed reproduction’, in relation to a work, or a part of a work, means—

- (a) a copy of the work, or of the part of the work;
- (b) a record embodying a sound recording of the work, or of the part of the work; or
- (c) a Braille version, a large-print version, or a photographic version, of the work, or of the part of the work.”.

**After section 104—**

Insert the following section:

**Acts done by Parliamentary libraries for members of Parliament**

“104A. A copyright subsisting by virtue of this Part is not infringed by anything done, for the sole purpose of assisting a person who is a member of a Parliament in the performance of the person's duties as such a member, by an authorized officer of a library, being a library the principal purpose of which is to provide library services for members of that Parliament.”.

**Sub-section 195A (1)—**

After “Part”, insert “(other than sub-section 203H (5) )”.

**Section 195A—**

Add at the end thereof the following sub-sections:

“(3) A reference in this Part to an educational institution, or to an institution assisting handicapped readers, includes a reference to an institution that has at any time been an educational institution, or an institution assisting handicapped readers, as the case may be.

“(4) A reference in this Part to an institution includes a reference to a school of nursing, an undertaking within a hospital, a teacher education centre and an undertaking within a body administering an educational institution.”.

**Sub-section 203A (5)—**

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

“(5) It is a defence to a prosecution of the body administering, or of the officer in charge of, a library or archives for an offence against sub-section (1) in relation to the retention of a declaration, or to a prosecution of the body administering, or of the custodian in charge of the copying records of, an institution for an offence against sub-section (2) in relation to the retention of a record, if the body or person prosecuted (in this sub-section referred to as the ‘defendant’) satisfies the court that—

- (a) in the case of a prosecution of the officer in charge of a library or archives, or a prosecution of the custodian in charge of the copying records of an institution—the declaration or record relates to the making of a copy or handicapped reader's copy of a work, or of a part of a work, before the date on which the defendant became the officer in charge of the library or archives, or the custodian in charge of the copying records of the institution, as the case requires, and was not in the possession

**SCHEDULE 1—continued**

of the body administering the library, archives or institution, as the case requires, at that date; or

- (b) in any case—the defendant took all reasonable precautions, and exercised due diligence, to ensure the retention of the declaration or record in the records of the library, archives or institution, as the case requires.”.

**Sub-section 203B (6)—**

Omit “a copying made”, substitute “copying done”.

**After sub-section 203B (6)—**

Insert the following sub-sections:

“(6A) It is a defence to a prosecution of the custodian in charge of the copying records of an institution for an offence against sub-section (6) constituted by a failure to comply with sub-section (5) in relation to a record if the custodian satisfies the court that the custodian took all reasonable precautions, and exercised due diligence, in attempting to comply with sub-section (5) in relation to the record.

“(6B) It is a defence to a prosecution of the body administering an institution for an offence against sub-section (6) constituted by a failure by the custodian in charge of the copying records of the institution to comply with sub-section (5) in relation to a record if the body satisfies the court that it took all reasonable precautions, and exercised due diligence, to ensure that the custodian complied with sub-section (5) in relation to the record.”.

**Sub-section 203C (4)—**

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

“(4) It is a defence to a prosecution of the body administering, or of the officer in charge of, a central records authority for an offence against sub-section (1) in relation to the retention of a record deposited with the central records authority if the body or person prosecuted (in this sub-section referred to as the ‘defendant’) satisfies the court that—

- (a) in the case of a prosecution of the officer in charge of a central records authority—the record was so deposited before the date on which the defendant became the officer in charge of the central records authority and was not in the possession of the central records authority at that date; or
- (b) in any case—the defendant took all reasonable precautions, and exercised due diligence, to ensure the retention of the record in the possession of the central records authority.”.

**Section 203D—**

Add at the end thereof the following sub-section:

“(5) It is a defence to a prosecution of a body or person for an offence against sub-section (1), (2) or (4) in relation to the arrangement of declarations or copying records if the body or person satisfies the court that the body or person took all reasonable precautions, and exercised due diligence, to ensure that the declarations or copying records, as the case may be, were arranged as mentioned in that sub-section.”.

**Section 203E—**

Add at the end thereof the following sub-sections:

“(8) It is a defence to a prosecution of the officer in charge of a library or archives for an offence against sub-section (6), or to a prosecution of the custodian in charge of the copying records of an institution, or of the officer in charge of a central records authority, for an offence against sub-section (7), if the person prosecuted satisfies the court that the person prosecuted believed, on reasonable grounds, that the person who attended the premises of

**SCHEDULE 1—continued**

the library, archives, institution or central records authority, as the case may be, as mentioned in that sub-section, was provided with all reasonable facilities and assistance for the effective exercise of the powers conferred on the last-mentioned person by sub-section (4) or (5), as the case may be.

“(9) It is a defence to a prosecution of the body administering a library or archives for an offence against sub-section (6), or to a prosecution of the body administering an institution or a central records authority for an offence against sub-section (7), if the body satisfies the court that it took all reasonable precautions, and exercised due diligence, to ensure that the person who attended the premises of the library, archives, institution or central records authority, as the case may be, as mentioned in that sub-section, was provided with all reasonable facilities and assistance for the effective exercise of the powers conferred on the last-mentioned person by sub-section (4) or (5), as the case may be.

“(10) A person who, either directly or indirectly, except for the purpose of—

- (a) informing the owner of the copyright in a work that a copy (including a microform copy) has been made of the work;
- (b) enforcing a right that a person has under this Act in connection with a work in which copyright subsists; or
- (c) ensuring compliance with a provision of Division 5 of Part III or with a provision of this Part,

makes a record of, or divulges or communicates to a person, information in relation to which sub-section (11) applies in relation to the first-mentioned person is guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

“(11) This sub-section applies in relation to information in relation to a person if, and only if—

- (a) the information was acquired by the person in the course of an inspection conducted by the person under sub-section (4); or
- (b) the information was divulged or communicated to the person by another person and this sub-section applies in relation to the information in relation to the other person.”.

**Sub-section 203F (1)—**

- (a) After “record that”, insert “the person knows, or ought reasonably to know,”.
- (b) Omit “Penalty: \$500.”, substitute the following:  
“Penalty—
  - (a) in a case where the person knows that the declaration or record is false or misleading in a material particular—\$500; or
  - (b) in any other case—\$250.”.

**Sub-section 203F (2)—**

- (a) Omit “unless the prescribed retention period in respect of the declaration or record has expired”, substitute “, being a declaration or record in respect of which the prescribed retention period has not expired, if the person knows, or ought reasonably to know, that the prescribed retention period in respect of the declaration or record has not expired”.
- (b) Omit “Penalty: \$500.”, substitute the following:  
“Penalty—
  - (a) in a case where the person knows that the prescribed retention period in respect of the declaration or record has not expired—\$500; or
  - (b) in any other case—\$250.”.

**SCHEDULE 1—continued**

**Sub-section 203F (4)—**

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

“(4) Where the body administering a central records authority causes a notice to be published in the *Gazette* under sub-section 203G (9) that a member of the body, or a person holding, or performing the duties of, an office in the service of the body, knows, or ought reasonably to know, is false or misleading in a material particular, the body administering the central records authority is guilty of an offence, punishable, upon conviction, by a fine not exceeding—

- (a) in a case where such a member or person knows that the notice is false or misleading in a material particular—\$500; or
- (b) in any other case—\$250.”

**Sub-section 203G (13)—**

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

“(13) It is a defence to a prosecution of a body or person for an offence against sub-section (12) in relation to the retention of a record if the body or person satisfies the court that the body or person took all reasonable precautions, and exercised due diligence, to ensure the retention of the record in the possession of the body or person.”

**Sub-sections 203H (1) and (2)—**

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

“(1) In proceedings against a person or body for infringement of copyright in a work in connection with the making, by or on behalf of an institution, of a copy of the work, or of a part of the work, the person or body is not entitled to rely on section 49, 50, 51A, 53B or 53D as justification for the making of the copy unless, at or about the time the copy was made, there was made on the copy a notation—

- (a) stating that the copy was made on behalf of that institution and setting out the date on which the copy was made; and
- (b) in the case of a copy that was made in reliance on sub-section 53D (11A)—stating that the copy is a prescribed reproduction made in reliance on that sub-section.”

**Sub-section 203H (3)—**

- (a) Omit “a handicapped reader’s copy of the whole or of a part of that work, being a copy consisting of a record embodying a sound recording of that work or of a part of that work,” substitute “a record embodying a sound recording of the work, or of a part of the work,”
- (b) Omit “section 53D” (twice occurring), substitute “sub-section 53D (1)”.

**After sub-section 203H (3)—**

Insert the following sub-section:

“(3A) In proceedings against a person or body for infringement of copyright in a work in connection with the making, on behalf of an institution assisting handicapped readers, of a record embodying a sound recording of the work, or of a part of the work, the person or body is not entitled to rely on sub-section 53D (11A) unless, at the time the record was made, there was embodied on the record, immediately before the commencement of that sound recording, a sound recording of the following message:

‘This record, embodying a sound recording of (*name of work*), is a prescribed reproduction made in reliance on sub-section 53D (11A) of the *Copyright Act 1968* on (*date on which record made*) by (*name of person who made the record*) on behalf of (*name of institution assisting handicapped readers, on behalf of which the record was made*).’”

**SCHEDULE 1—continued**

**Sub-sections 203H (4) and (5)—**

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

“(4) A person who—

- (a) makes on a copy of a work, or of a part of a work, a notation of the kind referred to in sub-section (1); or
- (b) causes to be embodied on a record embodying a sound recording a message of a kind referred to in sub-section (3) or (3A),

being a notation or message that contains a statement that the person knows, or ought reasonably to know, is false or misleading in a material particular, is guilty of an offence, punishable, upon conviction, by a fine not exceeding—

- (c) in a case where the person knows that the statement is false or misleading in a material particular—\$500; or
- (d) in any other case—\$250.

“(5) For the purposes of sub-sections (1), (3) and (3A)—

(a) where a copy of a work, or of a part of a work—

- (i) is made, or caused to be made, by an authorized officer of a library; or
- (ii) is made by or on behalf of the officer in charge of a library,

being a library of an institution, the copy shall be deemed to have been made on behalf of the institution;

(b) where a copy of a work, or of a part of a work—

- (i) is made, or caused to be made, by an authorized officer of a library; or
- (ii) is made by or on behalf of the officer in charge of a library,

being a library that is not a library of an institution—

- (iii) the copy shall be deemed to have been made on behalf of the person or body administering the library; and
- (iv) those sub-sections apply as if a reference in those sub-sections to an institution included a reference to that person or body;

(c) where a copy of a work, or of a part of a work—

- (i) is made, or caused to be made, by an authorized officer of archives; or
- (ii) is made by or on behalf of the officer in charge of archives,

then—

- (iii) the copy shall be deemed to have been made on behalf of the person or body administering the archives; and
- (iv) those sub-sections apply as if a reference in those sub-sections to an institution included a reference to that person or body; and

(d) where a copy, or a record embodying a sound recording, of a work, or of a part of a work, is made by or on behalf of the body administering an institution, the copy or record, as the case may be, shall be deemed to have been made on behalf of the institution.”.

**Sub-section 203H (6)—**

Omit “the whole or a part of a work (including a Braille, large-print or photographic version, of the whole or a part of the work)”, substitute “a work, or of a part of a work,”.

**Sub-sections 203H (6) and (7)—**

Omit “or (2), whichever is applicable,” (wherever occurring).



**SCHEDULE 1—continued**

**Sub-sections 203H (7), (8) and (9)—**

Omit “the whole or a part of a work” (wherever occurring), substitute “a work or a part of a work.”.

**Sub-sections 203H (8) and (9)—**

Omit “the kind referred to in sub-section (3)” (wherever occurring), substitute “a kind referred to in sub-section (3) or (3A)”.

**Section 203H—**

Add at the end thereof the following sub-section:

“(10) In this section, ‘copy’, in relation to a work, or a part of a work, includes a microform copy, a Braille version, a large-print version, or a photographic version, of the work, or of the part of the work.”.

***Crimes Act 1914***

**Section 3 (definition of “Queen’s dominions”)—**

Omit “State.”, substitute “State;”.

**After the definition of “Queen’s dominions” in section 3—**

Insert the following definitions:

“ ‘State’ includes the Northern Territory;

‘Territory’ does not include the Northern Territory.”.

**After section 29C—**

Insert the following section:

**Fraud**

“29D. A person who defrauds the Commonwealth or a public authority under the Commonwealth is guilty of an indictable offence.

Penalty: \$50,000 or imprisonment for 5 years, or both.”.

**Paragraph 86 (1) (c)—**

Add at the end thereof “or”.

**Paragraph 86 (1) (d)—**

Omit “Commonwealth; or”, substitute “Commonwealth.”.

**Paragraph 86 (1) (e)—**

Omit the paragraph.

**After section 86—**

Insert the following section:

**Conspiracy to defraud**

“86A. A person who conspires with another person to defraud the Commonwealth or a public authority under the Commonwealth is guilty of an indictable offence.

Penalty: \$50,000 or imprisonment for 5 years, or both.”.

**SCHEDULE 1—continued**

***Customs Act 1901***

**Sub-section 4 (1) (definition of “prescribed narcotic substance”)—**

Omit “ ‘prescribed narcotic substance’ ”, substitute “ ‘Prescribed narcotic substance’ ”.

**Sub-section 4 (1) (paragraph (b) of the definition of “Trafficable quantity”)—**

Omit “traffickable”, substitute “trafficable”.

**After sub-section 163 (1)—**

Insert the following sub-section:

“(1A) The regulations may prescribe the amount, or the means of determining the amount, of any refund, rebate or remission of duty that may be made for the purposes of sub-section (1).”.

**Sub-section 163 (2)—**

Omit “the last preceding sub-section”, substitute “this section”.

**Sub-paragraph 235 (2) (c) (ii) and paragraphs 235 (2) (d) and (3) (a)—**

Omit “traffickable” (wherever occurring), substitute “trafficable”.

***Defence Act 1903***

**Section 123A—**

Repeal the section, substitute the following section:

**Intoxicating liquor**

“123A. It is lawful for a person—

- (a) in or at an establishment, camp, unit, mess or canteen of the Defence Force;
- (b) on board a vessel of the Defence Force; or
- (c) at a gathering of members of the Defence Force (with or without guests) approved by a chief of staff or by an officer authorized by that chief of staff,

notwithstanding any provision of the law of a State or Territory—

- (e) if the person is a member of the Defence Force or of a mess, or is a guest of such a member—to have in his or her possession, sell, supply, consume or buy intoxicating liquor; or
- (f) in any other case—to have in his or her possession, sell or supply intoxicating liquor, in accordance with conditions determined by a chief of staff or by an officer authorized by that chief of staff.”.

**Paragraph 124 (1) (w)—**

- (a) Omit “\$500”, substitute “\$2,000”.
- (b) Omit “3 months”, substitute “12 months, or both”.

***Defence (Re-establishment) Act 1965***

**Section 46A (definition of “Director-General”)—**

Omit the definition, substitute the following definition:

“ ‘Secretary’ means the Secretary to the Department of Social Security;”.

**Sub-section 47 (3) and paragraphs 48 (3) (b) and 49 (b)—**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**SCHEDULE 1—continued**

**Sub-section 49A (1) (definition of “Director-General”)—**

Omit the definition, substitute the following definition:

“ ‘Secretary’ means the Secretary to the Department of Social Security;”.

**Sub-section 49A (2) and paragraphs 49C (3) (b) and 49D (b)—**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

***Delivered Meals Subsidy Act 1970***

**Sub-section 3 (1) (definition of “the Director-General”)—**

Omit the definition, substitute the following definition:

“ ‘Secretary’ means the Secretary to the Department of Social Security;”.

***Director of Public Prosecutions Act 1983***

**After paragraph 6 (1) (b)—**

Insert the following paragraph:

“(ba) where a person holding office as a Special Prosecutor under the *Special Prosecutors Act 1982* dies, or ceases for any reason so to hold office and is not forthwith re-appointed—to carry on prosecutions of the kind referred to in paragraph (a), being prosecutions that—

(i) were instituted; or

(ii) were, at the time when the person died or ceased so to hold office, being carried on,

by the person, or by a person acting as a Special Prosecutor under that Act in the place of the first-mentioned person;”.

**After sub-section 9 (3)—**

Insert the following sub-section:

“(3A) Where a person holding office as a Special Prosecutor under the *Special Prosecutors Act 1982* dies, or ceases for any reason so to hold office and is not forthwith re-appointed, the Director may, for the purposes of the performance of the Director’s functions, take over a prosecution on indictment for an offence against a law of the Commonwealth, being a prosecution that—

(a) was instituted; or

(b) was, at the time when the person died or ceased so to hold office, being carried on,

by the person, or by a person acting as a Special Prosecutor under that Act in the place of the first-mentioned person.”.

**Paragraph 14 (1) (a)—**

After “9 (3)”, insert “, (3A)”.

**Sub-section 14 (2)—**

After “9 (3)”, insert “, (3A)”.

***Excise Act 1901***

**Section 24—**

Omit “be delivered free of duty or subject to such lower duty as may be prescribed for use”, substitute “, while subject to control of the Customs, be used”.

**SCHEDULE 1—continued**

**Section 78—**

Add at the end thereof the following sub-section:

“(2) The regulations may prescribe the amount, or the means of determining the amount, of any remission, rebate or refund of excise duty that may be allowed for the purposes of sub-section (1).”.

***Family Law Act 1975***

**Sub-section 116C (1)—**

Omit “or under the regulations”, substitute “, under the regulations or under the Rules of Court”.

**Sub-section 116C (2)—**

Omit “or under the regulations”, substitute “, under the regulations or under the Rules of Court”.

**Sub-section 116C (5) (definition of “relevant funding”)—**

Omit “or under the regulations”, substitute “, under the regulations or under the Rules of Court”.

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

**After section 51—**

Insert the following section:

**Interest up to judgment**

“51A. (1) In any proceedings for the recovery of any money (including any debt or damages or the value of any goods) in respect of a cause of action that arises after the commencement of this section, the Court or a Judge shall, upon application, unless good cause is shown to the contrary, either—

- (a) order that there be included in the sum for which judgment is given interest at such rate as the Court or the Judge, as the case may be, thinks fit on the whole or any part of the money for the whole or any part of the period between the date when the cause of action arose and the date as of which judgment is entered; or
- (b) without proceeding to calculate interest in accordance with paragraph (a), order that there be included in the sum for which judgment is given a lump sum in lieu of any such interest.

“(2) Sub-section (1) does not—

- (a) authorize the giving of interest upon interest or of a sum in lieu of such interest;
- (b) apply in relation to any debt upon which interest is payable as of right whether by virtue of an agreement or otherwise;
- (c) affect the damages recoverable for the dishonour of a bill of exchange;
- (d) limit the operation of any enactment or rule of law which, apart from this section, provides for the award of interest; or
- (e) authorize the giving of interest, or a sum in lieu of interest, otherwise than by consent, upon any sum for which judgment is given by consent.

**SCHEDULE 1—continued**

“(3) Where the sum for which judgment is given (in this sub-section referred to as ‘the relevant sum’) includes, or where the Court in its absolute discretion, or a Judge in that Judge’s absolute discretion, determines that the relevant sum includes, any amount for—

- (a) compensation in respect of liabilities incurred which do not carry interest as against the person claiming interest or claiming a sum in lieu of interest;
- (b) compensation for loss or damage to be incurred or suffered after the date on which judgment is given; or
- (c) exemplary or punitive damages,

interest, or a sum in lieu of interest, shall not be given under sub-section (1) in respect of any such amount or in respect of so much of the relevant sum as in the opinion of the Court or the Judge represents any such amount.

“(4) Sub-section (3) shall not be taken to preclude interest or a sum in lieu of interest being given, pursuant to this section, upon compensation in respect of a liability of the kind referred to in paragraph (3) (a) where that liability has been met by the plaintiff, as from the date upon which that liability was so met.”.

***Handicapped Persons Assistance Act 1974***

**Paragraph 37 (1) (a) and section 38—**

Omit “Director-General of Social Security” (wherever occurring), substitute “Secretary of the Department”.

***Health Insurance Act 1973***

**Paragraph 5 (3) (c)—**

Omit “Director-General, the”, substitute “Secretary, the”.

**Paragraph 5B (5) (b)—**

Omit “Director-General had”, substitute “Secretary had”.

**Sub-section 5D (3)—**

Omit “Director-General may”, substitute “Secretary may”.

**Sub-section 5E (7)—**

Omit “Director-General may”, substitute “Secretary may”.

**Sub-section 130A (1)—**

Omit “approved by the Director-General”, substitute “approved by the Secretary”.

**Sub-section 130G (1)—**

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

“(1) All courts shall take judicial notice of the signature of any person who holds or has held the office of Secretary to the Department of Social Security, Director-General of Social Security or Director-General of Social Services or who is or was an officer of the Department of Social Security or of the Department of Social Services, and of the fact that that person holds or has held that office or is or was an officer, as the case may be, if the signature purports to be attached or appended to any official document and any such document purporting to be so signed shall be received in all courts as *prima facie* evidence of the facts and statements contained therein.”.

**SCHEDULE 1—continued**

**Sub-section 130G (3)—**

Omit the sub-section.

***Health Legislation Amendment Act (No. 2) 1983***

**Sub-section 40 (2)—**

Omit “ ‘Permanent Head’ ”, substitute “ ‘Secretary’ ”.

***Home Deposit Assistance Act 1982***

**Sub-section 4 (1) (definition of “Director-General”)—**

Omit the definition.

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

Insert the following definition:

“ ‘Secretary’ means the Secretary of the Department;”.

**Sub-section 63 (1)—**

Omit “Director-General”, substitute “Secretary, Director-General of Social Security or Director-General of Social Services”.

**After section 63—**

Insert the following section:

**References to the Secretary to include references to Director-General**

“63A. A reference in this Act to the Secretary shall, in relation to the doing of any act or thing under this Act—

- (a) during the period commencing on 2 June 1982 and ending on 30 June 1982—be read as a reference to the Director-General of Social Services or to a delegate of the Director-General of Social Services; and
- (b) during the period commencing on 1 July 1982 and ending on 10 March 1983—be read as a reference to the Director-General of Social Security or to a delegate of the Director-General of Social Security.”.

***Home Nursing Subsidy Act 1956***

**Sub-section 4 (1)—**

Omit “Director-General of Health”, substitute “Secretary to the Department of Health”.

***Homes Savings Grant Act 1964***

**Sub-section 4 (1) (definition of “Director-General”)—**

Omit the definition.

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

Insert the following definition:

“ ‘Secretary’ means the Secretary of the Department;”.

**SCHEDULE 1—continued**

**Section 31A—**

Repeal the section, substitute the following section:

**References to Secretary to include references to Director-General**

“31A. A reference in this Act to the Secretary shall, in relation to the doing of any act or thing under this Act—

- (a) during the period commencing on 7 May 1982 and ending on 30 June 1982—be read as a reference to the Director-General of Social Services or to a delegate of the Director-General of Social Services; and
- (b) during the period commencing on 1 July 1982 and ending on 10 March 1983—be read as a reference to the Director-General of Social Security or to a delegate of the Director-General of Social Security.”.

***Homes Savings Grant Act 1976***

**Sub-section 4 (1) (definition of “Director-General”)—**

Omit the definition.

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

Insert the following definition:

“ ‘Secretary’ means the Secretary of the Department;”.

**Section 53B—**

Repeal the section, substitute the following section:

**References to Secretary to include references to Director-General**

“53B. A reference in this Act to the Secretary shall, in relation to the doing of any act or thing under this Act—

- (a) during the period commencing on 7 May 1982 and ending on 30 June 1982—be read as a reference to the Director-General of Social Services or to a delegate of the Director-General of Social Services; and
- (b) during the period commencing on 1 July 1982 and ending on 10 March 1983—be read as a reference to the Director-General of Social Security or to a delegate of the Director-General of Social Security.”.

***Income Tax Assessment Act 1936***

**Paragraph 16 (4) (e)—**

Omit “Director-General of Social Security”, substitute “Secretary to the Department of Social Security”.

**Paragraph 16 (4) (f)—**

Omit “Director-General of Health”, substitute “Secretary to the Department of Health”.

**Paragraph 16 (4) (j)—**

Omit “Director-General of Social Security”, substitute “Secretary to the Department of Housing and Construction”.

**SCHEDULE 1—continued**

**Sub-section 73A (6) (definition of “an approved research institute”)—**

Omit “Director-General of Health or by the Secretary,”, substitute “Secretary to the Department of Health or by the Secretary to the”.

**Sub-section 159J (6) (paragraph (c) of the definition of “invalid relative”)—**

Omit “Director-General of Social Security”, substitute “Secretary to the Department of Social Security”.

***Industrial Research and Development Incentives Act 1976***

**Sub-section 4 (1) (definition of “industrial research and development”)—**

Omit all the words from and including “paragraph (a),”, substitute “paragraph (a)”.

***Judiciary Act 1903***

**After section 77M—**

Insert the following section:

**Interest up to judgment**

“77MA. (1) In any proceedings, other than proceedings on appeal, for the recovery of any money (including any debt or damages or the value of any goods) in respect of a cause of action that arises after the commencement of this section, the High Court shall, upon application, unless good cause is shown to the contrary, either—

- (a) order that there be included in the sum for which judgment is given interest at such rate as the Court thinks fit on the whole or any part of the money for the whole or part of the period between the date when the cause of action arose and the date as of which judgment is entered; or
- (b) without proceeding to calculate interest in accordance with paragraph (a), order that there be included in the sum for which judgment is given a lump sum in lieu of any such interest.

“(2) Sub-section (1) does not—

- (a) authorize the giving of interest upon interest or of a sum in lieu of such interest;
- (b) apply in relation to any debt upon which interest is payable as of right whether by virtue of an agreement or otherwise;
- (c) affect the damages recoverable for the dishonour of a bill of exchange;
- (d) limit the operation of any enactment or rule of law which, apart from this section, provides for the award of interest; or
- (e) authorize the giving of interest, or a sum in lieu of interest, otherwise than by consent, upon any sum for which judgment is given by consent.

“(3) Where the sum for which judgment is given (in this sub-section referred to as ‘the relevant sum’) includes, or where the High Court, in its absolute discretion, determines that the relevant sum includes, any amount for—

- (a) compensation in respect of liabilities incurred which do not carry interest as against the person claiming interest or claiming a sum in lieu of interest;
- (b) compensation for loss or damage to be incurred or suffered after the date on which judgment is given; or
- (c) exemplary or punitive damages,

interest, or a sum in lieu of interest, shall not be given under sub-section (1) in respect of any such amount or in respect of so much of the relevant sum as in the opinion of the Court represents any such amount.



**SCHEDULE 1—continued**

“(4) Sub-section (3) shall not be taken to preclude interest or a sum in lieu of interest being given, pursuant to this section, upon compensation in respect of a liability of the kind referred to in paragraph (3) (a) where that liability has been met by the plaintiff, as from the date upon which that liability was so met.”.

***Members of Parliament (Staff) Act 1984***

**Section 32—**

Repeal the section.

***Merit Protection (Australian Government Employees) Act 1984***

**Section 3 (paragraphs (a), (b) and (d) of the definition of “Commonwealth authority”)—**

Omit “on its behalf” (wherever occurring), substitute “otherwise than under the *Public Service Act 1922*”.

**After section 37—**

Insert the following section in Division 2 of Part II:

**Enactments to be laid before Parliament**

“37A. Where, in pursuance of sub-section 15 (1), section 21, or sub-section 39 (1) or 47 (1), an enactment (other than an Act) provides that—

- (a) certain appeals may be made to a Review Committee; or
- (b) applications may be made to the Agency for the review of certain decisions or the investigation of certain actions,

and the enactment is not otherwise required to be laid before either House of the Parliament, the Minister shall cause the enactment to be laid before each House of the Parliament as soon as practicable after the enactment is made.”.

**Sub-section 56 (2)—**

After “, as the case requires,” , insert “and, in a case where the matter is a matter referred to in paragraph (a), to the Commonwealth employee concerned,”.

**Sub-section 83 (3)—**

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

“(3) Without limiting the generality of sub-section (1), a report by the Agency of its operation during a year shall include—

- (a) lists of those Commonwealth authorities in relation to which, as at 30 June of that year, the Agency has responsibilities by reason of the respective operation of section 15, 21, 39 or 47; and
- (b) particulars of the kinds of decision that, as at 30 June in that year, were decisions in relation to which applications could be made to the Agency under Division 3 of Part II.”.

**Section 85—**

Renumber the second sub-section (2) as sub-section (3).

**Sub-section 85 (3)—**

Omit “sub-section (1)”, substitute “sub-section (2)”.

**SCHEDULE 1—continued**

***Narcotic Drugs Act 1967***

**Sub-section 4 (1) (definition of “Director-General”)—**

Omit the definition.

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

Insert the following definition:

“ ‘Secretary’ means the Secretary to the Department of Health;”.

**Sections 6 and 11, sub-section 13 (1), paragraph 14A (1) (e), section 19, sub-section 23 (1) and section 25—**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

***National Crime Authority Act 1984***

**Before paragraph 9 (1) (a)—**

Insert the following paragraph:

“(aa) where the Commonwealth Minister proposes to refer under section 13 a matter relating to a relevant criminal activity to the Authority for investigation—to consult with the Commonwealth Minister in relation to the proposed reference;”.

**Paragraph 9 (1) (a)—**

Omit “by a Minister or Ministers”, substitute “in accordance with section 14 by a Minister of the Crown of a State, or by Ministers of the Crown of 2 or more States,”.

**Sub-sections 9 (3), (4) and (5)—**

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

“(3) A resolution of the Committee purporting to give approval for a matter to be referred by a Minister of the Crown of a State, or by Ministers of the Crown of 2 or more States, to the Authority for investigation does not have any effect for the purposes of this Act unless the member of the Committee representing that State, or the members of the Committee representing those States, as the case may be, voted in favour of the resolution.

“(4) Where by virtue of sub-section (3) a resolution of the Committee purporting to approve a reference or references to the Authority of a matter for investigation does not have any effect for the purposes of this Act, nothing in that sub-section prevents the Committee from passing a further resolution approving a reference or references to the Authority of the matter for investigation, but that sub-section applies in relation to such a further resolution.”.

**After sub-section 10 (4)—**

Insert the following sub-sections:

“(4A) The Authority, if it considers it appropriate to do so, may request the Commonwealth Minister to refer under section 13 a matter relating to a relevant criminal activity to the Authority for investigation.

“(4B) Where—

- (a) the Authority has made a request under sub-section (1) in relation to a matter relating to a relevant criminal activity and the Committee has not yet considered the request; and
- (b) the Authority has made a request under sub-section (4A) in relation to the matter,

**SCHEDULE 1—continued**

the Commonwealth Minister may request the Committee—

- (c) to consider the request referred to in paragraph (b) when it considers the request referred to in paragraph (a); and
- (d) to recommend to the Commonwealth Minister whether or not the matter should be referred under section 13 to the Authority for investigation.

“(4C) A request by the Authority under sub-section (4A) shall be in writing and may be accompanied by such written submissions as the Authority thinks fit, and if the Commonwealth Minister makes a request under sub-section (4B) in relation to the request under sub-section (4A), the Commonwealth Minister shall send to each member of the Committee a copy of the request under sub-section (4A), together with a copy of any submissions under this sub-section that relate to the request under sub-section (4A).

“(4D) Where the Authority has made a request under sub-section (4A), the Authority—

- (a) shall, if requested to do so by the Commonwealth Minister, consult with the Commonwealth Minister concerning the request under sub-section (4A); and
- (b) if the Commonwealth Minister makes a request under sub-section (4B) in relation to the request under sub-section (4A)—
  - (i) may, with the consent of the members of the Committee present at the meeting of the Committee at which the matter is considered, make at the meeting such oral submissions to the Committee concerning the request under sub-section (4A) as the Authority thinks fit; and
  - (ii) shall, if requested to do so by the Committee, or by a member of the Committee, consult with the Committee, or with that member, as the case may be, concerning the request under sub-section (4A).”.

**Sub-section 10 (5)—**

Omit “or (4)”, substitute “, (4), (4C) or (4D)”.

**Sub-section 10 (6)—**

Omit “the Commonwealth Minister or”.

**Paragraph 12 (4) (a)—**

Omit “power”, substitute “a power”.

**Sub-section 22 (4)—**

Omit “in accordance with sub-section (3)”, substitute “as mentioned in paragraph (3) (a)”.

**Sub-section 22 (7)—**

After “loss”, insert “, mutilation”.

**Sub-section 22 (12)—**

Omit “section”, substitute “section,”.

**Paragraph 23 (3) (a)—**

Omit “that”, substitute “the”.

**Sub-section 24 (1)—**

Before “the Authority” (first occurring), insert “a member of”.

**SCHEDULE 1—continued**

**Paragraph 24 (2) (a)—**

After “sub-section (1)”, insert “or a corresponding provision of a law of a State”.

**Paragraph 24 (2) (c)—**

Omit “under sub-section (1)”, substitute “referred to in paragraph (a)”.

**Sub-section 25 (7)—**

Omit “virtue” (twice occurring), substitute “reason”.

**Paragraph 27 (2) (a)—**

Omit “or”.

**After paragraph 27 (2) (a)—**

Insert the following paragraph:

“(aa) under sub-section 32 (8) in relation to a document; or”.

**Sub-section 28 (2)—**

Omit “by which the matter to which the hearing relates was”, substitute “, or of each of the notices, by which the matter or matters to which the hearing relates was or were”.

**Sub-section 28 (3)—**

- (a) Omit “of the” (first occurring), substitute “of a”.
- (b) Omit “the” (last occurring), substitute “a”.

**Sub-section 31 (2)—**

Omit “place, building or vessel”, substitute “premises, vessel, aircraft or vehicle”.

**Section 31—**

Add at the end thereof the following sub-section:

“(5) In this section, ‘Australia’ includes the external Territories.”.

**Sub-sections 32 (1) and (6)—**

Omit “or thing” (wherever occurring).

**Paragraph 32 (6) (a)—**

Omit “day on which the Authority so decides”, substitute “relevant day in relation to the decision”.

**After sub-section 32 (8)—**

Insert the following sub-section:

“(8A) A person is not entitled to make an application under sub-section (8) in relation to a document unless the person has, on the day on which the document was to be produced to the Authority or on such later day as the Authority (whether on or after the first-mentioned day) allows, given to the Authority a notice in writing stating that the person proposes to make an application for an excision or concealment order in relation to the document.”.

**Sub-section 32 (9)—**

Omit “that” (first occurring), substitute “the”.

**SCHEDULE 1—continued**

**Paragraph 32 (11) (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) if the person has given to the Authority in accordance with sub-section (8A) a notice relating to the document—until the expiration of the period of 5 days (excluding days on which the Registry of the Federal Court is closed) immediately after the relevant day in relation to the notice; or”.

**Paragraph 32 (12) (c)—**

Omit “the day on which”.

**Sub-paragraphs 32 (12) (c) (i) and (ii)—**

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

- “(i) in the case of an application under sub-section (2)—the relevant day in relation to the decision to which the application relates; or
- (ii) in the case of an application under sub-section (8)—the relevant day in relation to the notice given in accordance with sub-section (8A) in relation to the application.”.

**Section 32—**

Add at the end thereof the following sub-sections:

“(13) In this section, unless the contrary intention appears—

‘document’ includes any thing;

‘prescribed notice’ means a notice stating as mentioned in paragraph 32A (2) (c);

‘relevant day’ means—

- (a) in relation to a decision of the Authority under sub-section (1) in respect of a claim by a person to be entitled to refuse to furnish information, or to produce a document, that the person is required to furnish or produce pursuant to a notice under section 20—the day on which the Authority notifies the person of the decision;
- (b) in relation to a decision of the Authority under sub-section (1) other than a decision of the kind referred to in paragraph (a) of this definition—the day on which the Authority gives to the person to whom the decision relates a prescribed notice relating to the decision; or
- (c) in relation to a notice given by a person in accordance with sub-section (8A)—the day on which the Authority gives to the person a prescribed notice relating to the notice so given by the person.

“(14) Where a decision of the Authority under sub-section (1) relates to 2 or more questions, or to 2 or more documents, the decision shall, to the extent to which it relates to a particular question or document, be deemed, for the purposes of this Act, to constitute a separate decision relating to that question or document only.

“(15) Where a person gives to the Authority in accordance with sub-section (8A) a notice relating to 2 or more documents, the notice shall, to the extent to which it relates to a particular document, be deemed, for the purposes of this Act, to constitute a separate notice relating to that document only.”.

**SCHEDULE 1—continued**

**After section 32—**

Insert the following section:

**Applications to Supreme Court of State**

“32A. (1) Where—

- (a) a person is required—
  - (i) to answer a question, or to produce a document, at a hearing before the Authority; or
  - (ii) to produce a document pursuant to a notice under section 29;
- (b) the Authority, at a particular time (in this sub-section referred to as the ‘relevant time’)—
  - (i) decides under sub-section 32 (1) that a claim by the person to be entitled to refuse to answer the question, or to produce the document, as the case may be, is not justified; or
  - (ii) in a case where the person is required to produce a document—receives from the person a notice given in accordance with sub-section 32 (8A) relating to the document; and
- (c) the Authority, at the relevant time—
  - (i) in a case where sub-paragraph (a) (i) applies—is holding the hearing for the purposes of a special investigation, or of 2 or more special investigations; or
  - (ii) in a case where sub-paragraph (a) (ii) applies—considers the document to be relevant to a special investigation, or to 2 or more special investigations,

then, for the purposes of this section—

- (d) if a reference to the Authority made by the Commonwealth Minister is at the relevant time in force in respect of a matter to which the special investigation, or any of the special investigations, relates—prescribed circumstances shall be taken not to apply;
- (e) if a reference to the Authority made by a Minister of the Crown of a State is at the relevant time in force in respect of a matter to which the special investigation, or any of the special investigations, relates and a reference to the Authority made by a Minister of the Crown of another State is at the relevant time in force in respect of such a matter—prescribed circumstances shall be taken not to apply; or
- (f) if a reference to the Authority made by a Minister of the Crown of a State is at the relevant time in force in respect of a matter to which the special investigation, or any of the special investigations, relates and neither paragraph (d) nor (e) applies—prescribed circumstances shall be taken to apply, in relation to the last-mentioned State,

in relation to the decision of the Authority, or in relation to the notice given by the person in accordance with sub-section 32 (8A), as the case may be.

“(2) Where the Authority—

- (a) decides under sub-section 32 (1) that a claim by a person to be entitled to refuse to answer a question, or to produce a document (other than a document that the person is required to produce pursuant to a notice under section 20), is not justified; or
- (b) receives from a person a notice given in accordance with sub-section 32 (8A),  
the Authority shall give to the person a notice—
- (c) stating that prescribed circumstances—
  - (i) do not apply; or
  - (ii) apply in relation to a specified State,

SCHEDULE 1—continued

as the case requires, in relation to the decision of the Authority, or in relation to the notice given by the person in accordance with sub-section 32 (8A), as the case may be; and

(d) stating—

- (i) in a case where sub-paragraph (c) (i) applies—that the effect of prescribed circumstances not so applying is that the Federal Court has jurisdiction; or
- (ii) in a case where sub-paragraph (c) (ii) applies—that the effect of prescribed circumstances so applying in relation to that State is that the Supreme Court of that State has jurisdiction,

with respect to—

- (iii) an application under sub-section 32 (2) for an order of review in respect of the decision of the Authority; or
- (iv) an application under sub-section 32 (8) in relation to the claim to which the notice given by the person in accordance with sub-section 32 (8A) relates,

as the case may be,

but failure of a notice to state as mentioned in paragraph (d) does not affect the validity of the notice.

“(3) A notice that is given by the Authority to a person and that states as mentioned in paragraph (2) (c) is *prima facie* evidence of the matter so stated.

“(4) Subject to sub-section (5), where prescribed circumstances apply, in relation to a particular State, in relation to—

- (a) a decision of the Authority under sub-section 32 (1); or
- (b) a notice given in accordance with sub-section 32 (8A),

section 32 has effect in relation to the decision, or in relation to the claim to which the notice relates, as the case may be, subject to the following modifications:

- (c) a reference in section 32 to the Federal Court shall be taken to be a reference to the Supreme Court of that State;
- (d) a reference in section 32 to the Registrar of the Federal Court shall be taken to be a reference to the proper officer of the Supreme Court of that State;
- (e) a reference in section 32 to a Registry of the Federal Court shall be taken to be a reference to a Registry of the Supreme Court of that State; and
- (f) the words ‘made under the *Federal Court of Australia Act 1976*’ shall be deemed to be omitted from paragraph 32 (12) (a).

“(5) Where an application is made to the Supreme Court of a State under section 32 as that section has effect by virtue of sub-section (4) of this section and it appears to that Court that it would be more appropriate for the application to be heard and determined by the Federal Court, the Supreme Court may transfer the application to the Federal Court and, upon an application being so transferred—

- (a) the modifications of section 32 mentioned in sub-section (4) of this section cease to have effect in relation to the application;
- (b) the Federal Court may hear and determine the application as if the application had been duly made to the Federal Court under section 32; and
- (c) if a document has been placed in the custody of the Registrar of the Supreme Court for the purposes of the application—
  - (i) the Registrar of the Supreme Court shall send the document to the Registrar of the Federal Court; and
  - (ii) paragraph 32 (5) (c) or sub-section 32 (10), as the case requires, applies in relation to the application as if the reference in that paragraph or sub-section to the placing of the document in the custody of the Registrar of

**SCHEDULE 1—continued**

the Federal Court were a reference to the placing of the document in the custody of the Registrar of the Supreme Court.

“(6) The Supreme Court of a State has jurisdiction with respect to matters arising under section 32 in respect of which an application has been duly made to that Court under that section as it has effect by virtue of sub-section (4) of this section.

“(7) The Federal Court has jurisdiction with respect to matters arising under section 32 in respect of which an application has been duly transferred to that Court under this section.

“(8) In this section, unless the contrary intention appears, ‘document’ includes any thing.”.

**After section 35—**

Insert the following section:

**Double jeopardy**

“35A. Where an act or omission by a person is an offence against this Act and is also an offence against a law of a State, the person may be prosecuted and convicted under this Act or under that law of that State in respect of that act or omission, but nothing in this Act renders a person liable to be punished twice in respect of the same act or omission.”.

**Before section 56—**

Insert the following section in Part IV:

**Operation of State laws**

“55A. (1) It is hereby declared to be the intention of the Parliament that the operation of a provision of a law of a State that—

- (a) confers a power or function, or imposes a duty, on the Authority or on a Judge of the Federal Court, being a power, function or duty that is also conferred or imposed by this Act; or
- (b) vests jurisdiction in the Federal Court in a matter in which jurisdiction is also vested in that Court by this Act,

is not prevented or limited by reason of the provisions made by this Act.

“(2) It is also declared to be the intention of the Parliament that, except as otherwise declared by the regulations, the Authority and the Judges of the Federal Court may, in addition to the powers, functions and duties conferred or imposed on it or them by this Act, have similar powers, functions and duties conferred or imposed on it or them by a law of a State.

“(3) It is also declared to be the intention of the Parliament that, except as otherwise declared by the regulations, the Federal Court may, in addition to the jurisdiction vested in it by this Act, have similar jurisdiction vested in it by a law of a State.”.

***National Health Act 1953***

**Sub-sections 105AAA (1), (2), (4), (5) and (6) and paragraphs 105AC (1AA) (a) and (b) and (1B) (a)—**

Omit “Permanent Head” (wherever occurring), substitute “Secretary”.

**Paragraphs 135A (6) (d), (7) (g) and (9) (a)—**

Omit “Director-General of Social Security” (wherever occurring), substitute “Secretary to the Department of Social Security”.



**SCHEDULE 1—continued**

***National Library Act 1960***

**Section 11—**

Repeal the section, substitute the following section:

**Acting members**

“11. (1) The Minister may appoint a person to act as a member appointed by the Governor-General—

- (a) during a vacancy in the office of such a member; or
- (b) during any period, or during all periods, when such a member is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his or her office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) An appointment under this section may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(3) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed under this section; and
- (b) terminate such an appointment at any time.

“(4) Where a person is acting as a member appointed by the Governor-General in accordance with paragraph (1) (b) and the office of that member becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the day on which the vacancy occurred expires, whichever first happens.

“(5) A person appointed to act under this section may resign his or her appointment by writing signed by the person and delivered to the Minister.

“(6) Where a person is acting as a member appointed by the Governor-General, that person has and may exercise all the powers, and shall perform all the functions, of that member.

“(7) The validity of anything done by a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his or her appointment had not arisen, or that there is a defect or irregularity in, or in connection with, the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.”.

**Section 13—**

Repeal the section, substitute the following section:

**Remuneration and allowances**

“13. (1) The members of the Council shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) The members of the Council shall be paid such allowances as are prescribed.

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

**Sub-section 17A (3)—**

Omit the sub-section.

**SCHEDULE 1—continued**

**Section 17J—**

Repeal the section, substitute the following section:

**Acting Director-General**

“17J. (1) The Minister may appoint a person to act as Director-General—

- (a) during a vacancy in the office;
- (b) during any period, or during all periods, when the Director-General is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Director-General,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) An appointment under this section may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(3) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed under this section; and
- (b) terminate such an appointment at any time.

“(4) Where a person is acting as Director-General in accordance with paragraph (1) (b) and the office of Director-General becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the day on which the vacancy occurred expires, whichever first happens.

“(5) A person appointed to act under this section may resign his or her appointment by writing signed by the person and delivered to the Minister.

“(6) While a person is acting as Director-General, that person has and may exercise all the powers, and shall perform all the functions, of the Director-General.

“(7) The validity of anything done by a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his or her appointment had not arisen, that there is a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

“(8) Section 17B applies in relation to a person appointed under this section in like manner as it applies in relation to the Director-General.”.

***Naval Defence Act 1910***

**Section 44D—**

Omit the section.

**Paragraph 45 (1) (e)—**

- (a) Omit “\$500”, substitute “\$2,000”.
- (b) Omit “3 months”, substitute “12 months, or both”.

***Off-shore Installations (Miscellaneous Amendments) Act 1982***

**Paragraph 47 (d)—**

Omit “ ‘for a deportee, if ’ ”, substitute “ ‘for a deportee if ’ ”.

**SCHEDULE 1—continued**  
***Overseas Students Charge Act 1979***

**After section 6—**

Insert the following section:

**Charge not payable in certain cases**

“6A. Where—

- (a) an overseas student is enrolled in a prescribed course for a year; and
- (b) the student is not required to attend, at any time during that year, the prescribed educational institution that offers the course in connection with the study undertaken in the course,

the charge is not payable in respect of the student’s enrolment in the prescribed course for that year.”.

***Overseas Students Charge Collection Act 1979***

**After sub-section 6 (1)—**

Insert the following sub-section:

“(1A) Where a person proposes to undertake or continue a prescribed course in a year, sub-section (1) does not prohibit the grant of a temporary entry permit to the person in respect of that part of that year that occurs before the day on which the charge in respect of the enrolment of the person in that course for that year becomes due for payment.”.

***Overseas Telecommunications Act 1946***

**Section 5 (definition of “Chairman”)—**

Omit the definition, substitute the following definition:

“ ‘Chief Commissioner’ means the Chief Commissioner of the Commission;”.

**After the definition of “Commissioner” in section 5—**

Insert the following definition:

“ ‘Deputy Chief Commissioner’ means the Deputy Chief Commissioner of the Commission;”.

**After the definition of “financial year” in section 5—**

Insert the following definition:

“ ‘Managing Director’ means the Managing Director of the Commission;”.

**After the definition of “overseas telecommunications services” in section 5—**

Insert the following definition:

“ ‘part-time Commissioner’ means a Commissioner other than the Managing Director;”.

**Sections 9 to 17 (inclusive)—**

Repeal the sections, substitute the following sections:

**Composition of Commission**

“9. (1) The Commission shall consist of 7 Commissioners, namely—

- (a) the Managing Director;
- (b) one Commissioner, who shall be an officer of the Department;
- (c) one Commissioner to represent officers and employees of the Commission; and
- (d) 4 other Commissioners.

**SCHEDULE 1—continued**

“(2) The Commissioners shall be appointed by the Governor-General, the Managing Director being appointed as a full-time Commissioner and the other Commissioners being appointed as part-time Commissioners.

“(3) The power of the Governor-General to appoint a Commissioner referred to in paragraph (1) (c) shall be exercised only on advice of the Executive Council, being advice that has taken into consideration any advice with respect to the person to be appointed that is furnished to the Minister by representatives of appropriate organisations representing officers and employees during consultations by the Minister with those representatives.

“(4) The performance of the functions and the exercise of the powers of the Commission are not affected by reason of a vacancy or vacancies in the membership of the Commission.

“(5) The regulations may make provision for and in relation to the preservation of such rights as are specified in the regulations by an officer who is appointed to be the Managing Director and for and in relation to the appointment of such an officer to a position in the Service of the Commission upon the termination of his or her appointment under this section otherwise than upon the ground of misconduct or of having attained the age for retirement from the Service of the Commission.

**Period of appointment**

“10. (1) Subject to sub-section (2), a Commissioner shall be appointed for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

“(2) The Commissioner referred to in paragraph 9 (1) (b) holds office during the pleasure of the Governor-General.

“(3) A person who has attained the age of 65 years shall not be appointed or re-appointed as a Commissioner and a person shall not be appointed or re-appointed as a Commissioner for a period that extends beyond the date at which he or she will attain the age of 65 years.

**Remuneration and allowances**

“11. (1) A Commissioner, other than the Commissioner referred to in paragraph 9 (1) (b), shall be paid such remuneration as is determined by the Remuneration Tribunal, but if no determination of that remuneration by the Tribunal is in operation, the Commissioner shall be paid such remuneration as is prescribed by the regulations.

“(2) A Commissioner shall be paid such allowances as are prescribed by the regulations.

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

**Chief Commissioner and Deputy Chief Commissioner of Commission**

“12. (1) The Governor-General shall appoint a Commissioner to be the Chief Commissioner of the Commission and another Commissioner to be the Deputy Chief Commissioner of the Commission.

“(2) The Commissioner appointed to be Chief Commissioner or Deputy Chief Commissioner holds office as Chief Commissioner or Deputy Chief Commissioner until the expiration of his or her term of office as a Commissioner that is current or commences at the time of his or her appointment, but ceases to be Chief Commissioner or Deputy Chief Commissioner upon ceasing to be a Commissioner or resigning from the office of Chief Commissioner or Deputy Chief Commissioner in accordance with sub-section (3).

**SCHEDULE 1—continued**

“(3) The Commissioner appointed to be Chief Commissioner or Deputy Chief Commissioner may resign from that office by writing signed by the Commissioner and delivered to the Governor-General.

“(4) A Commissioner is eligible to be re-appointed as the Chief Commissioner or Deputy Chief Commissioner.

**Leave of absence**

“13. The Minister may grant leave of absence to a Commissioner upon such terms and conditions as to remuneration or otherwise as the Minister determines.

**Resignation of Commissioner**

“14. A Commissioner may resign his or her office by writing signed by the Commissioner and delivered to the Governor-General.

**Termination of appointments**

“15. (1) The Governor-General may terminate the appointment of a Commissioner, other than the Commissioner referred to in paragraph 9 (1) (b), by reason of the misbehaviour, or the physical or mental incapacity, of the Commissioner.

“(2) If a Commissioner other than the Commissioner referred to in paragraph 9 (1) (b)—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (b) fails to comply with his or her obligations under sub-section (3);
- (c) being the Managing Director—
  - (i) engages in paid employment outside the duties of his or her office without the approval of the Minister; or
  - (ii) is absent from duty, except on leave of absence granted by the Minister, for 14 consecutive days, or for 28 days in any 12 months; or
- (d) being a part-time Commissioner—is absent, except on leave of absence granted by the Minister, from 3 consecutive meetings of the Commission,

the Governor-General shall terminate the appointment of the Commissioner.

“(3) A Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of that interest at a meeting of the Commission.

“(4) A disclosure under sub-section (3) shall be recorded in the minutes of the Commission, and the Commissioner shall not, unless the Minister otherwise determines—

- (a) be present during any deliberation of the Commission with respect to that matter; and
- (b) take part in any decision of the Commission with respect to that matter.

“(5) Sub-section (3) does not apply in relation to a matter relating to the provision of a telecommunications service provided by the Commission to a Commissioner.

**Acting appointments**

“16. (1) The Minister may appoint a person to act as Managing Director—

- (a) during a vacancy in the office of Managing Director; or

**SCHEDULE 1—continued**

(b) during any period, or during all periods, when the Managing Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Managing Director,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) Where a part-time Commissioner is appointed to act as the Managing Director, the office of the part-time Commissioner shall, for the purposes of sub-section (3), be deemed to be vacant.

“(3) The Minister may appoint a person to act as a part-time Commissioner—

(a) during a vacancy in the office of such a Commissioner; or

(b) during any period, or during all periods, when such a Commissioner is unable (whether on account of illness or otherwise) to attend meetings of the Commission,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(4) The Minister shall not appoint a person to be an acting Commissioner in place of a Commissioner referred to in paragraph 9 (1) (b) or (c), or to fill a vacancy in the office of such a Commissioner, unless the person would be eligible to be appointed to the office held or formerly held by that Commissioner.

“(5) An appointment under this section may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(6) The Minister may—

(a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed under this section; and

(b) at any time terminate such an appointment.

“(7) Where a person is acting as Managing Director in the circumstances described in paragraph (1) (b), or as a part-time Commissioner in the circumstances described in paragraph (3) (b), and the office of Managing Director or of that part-time Commissioner, as the case may be, becomes vacant while that person is so acting, then, subject to sub-section (5), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the day on which the vacancy occurred expires, whichever first happens.

“(8) The appointment of a person under this section ceases to have effect if the person resigns his or her appointment by writing signed by the person and delivered to the Minister.

“(9) While a person is acting as Managing Director or as a part-time Commissioner under this section, that person has and may exercise all the powers, and shall perform all the functions, of the Managing Director or that part-time Commissioner, as the case may be.

“(10) The validity of anything done by a person purporting to act under this section shall not be called in question on the ground that the occasion for that person's appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for that person to act had not arisen or had ceased.

**Acting Chief Commissioner and Deputy Chief Commissioner**

“17. (1) Where the Chief Commissioner is absent from duty or from Australia or there is a vacancy in the office of Chief Commissioner, the Deputy Chief Commissioner shall act as the Chief Commissioner during the absence or until the filling of the vacancy.

“(2) Where the Deputy Chief Commissioner is, or is expected to be, absent from duty or from Australia or there is, or is expected to be, a vacancy in the office of Deputy Chief

**SCHEDULE 1—continued**

Commissioner, the Minister may appoint another Commissioner to act as the Deputy Chief Commissioner during the period of the absence or until the filling of the vacancy.

“(3) If the Deputy Chief Commissioner is at any time acting as the Chief Commissioner, the office of Deputy Chief Commissioner shall, during the period of his or her so acting, be deemed, for the purposes of sub-section (2), to be vacant.

“(4) A reference in sub-section (1) to the Deputy Chief Commissioner includes a reference to a Commissioner acting as the Deputy Chief Commissioner in pursuance of an appointment under sub-section (2).

**Meetings of the Commission**

“17A. (1) The Chief Commissioner shall convene such meetings of the Commission as he or she considers necessary for the performance of the functions of the Commission.

“(2) The Chief Commissioner shall, when requested by 4 or more Commissioners to do so, convene a meeting of the Commission.

“(3) The Chief Commissioner shall preside at all meetings of the Commission at which he or she is present.

“(4) If, at a meeting of the Commission, the Chief Commissioner is not present but the Deputy Chief Commissioner is present, the Deputy Chief Commissioner shall preside at the meeting.

“(5) If, at a meeting of the Commission, neither the Chief Commissioner nor Deputy Chief Commissioner is present, the Commissioners present shall appoint one of their number to preside at the meeting.

“(6) A quorum at a meeting of the Commission is 4 Commissioners.

“(7) Questions arising at a meeting of the Commission shall be determined by a majority of the votes of the Commissioners present and voting.

“(8) The Commissioner presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(9) A reference in this section to the Chief Commissioner or the Deputy Chief Commissioner includes a reference to a person acting as the Chief Commissioner or as the Deputy Chief Commissioner, as the case may be.

**Duties of the Managing Director**

“17B. (1) The affairs of the Commission, to the extent determined by the Commission, shall be managed by the Managing Director.

“(2) The Managing Director shall, in managing any of the affairs of the Commission, act in accordance with the policy of, and any directions given by, the Commission.

**Delegation**

“17C. (1) The Commission may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to a person all or any of its powers under this Act, other than this power of delegation.

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

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

**SCHEDULE 1—continued**

**Sub-section 18 (1)**

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

“(1) The Commission may appoint such officers as it thinks necessary.”

**Sub-section 18 (6)—**

Omit the sub-section.

**Section 32—**

Repeal the section.

***Patents Act 1952***

**After sub-section 41 (1)—**

Insert the following sub-sections:

“(1A) Where, after the lodgment of an application, a complete specification in respect of that application is lodged pursuant to sub-section (1), that complete specification shall, unless sub-section (1C) applies, be accompanied by an abstract, prepared in accordance with the regulations, of the specification.

“(1B) The Commissioner may amend, or require the applicant to amend, an abstract lodged in accordance with sub-section (1A).

“(1C) Where, after the lodgment of an application, a complete specification in respect of that application is lodged pursuant to sub-section (1) and, on lodgment of the complete specification, the applicant pays the fee prescribed for the purposes of this sub-section, an officer in the Patent Office shall prepare an abstract of the specification.

“(1D) An abstract prepared under sub-section (1A) or (1C) shall not be taken into account in construing the specification to which it relates.”

**Sub-section 58A (1) (definition of “Treaty”)—**

(a) Before “together with the Regulations” insert “as affected by any amendments of that Treaty made under Article 47, 60 or 61 of that Treaty,”.

(b) Omit from paragraph (b) of the definition all the words after “that Treaty”.

**Paragraph 58A (2) (a)—**

Omit “Treaty; and”, substitute “Treaty, as modified by any amendments to the description, or to the drawing or drawings, made pursuant to Article 34 of the Treaty or Rule 91 of the Regulations referred to in the definition of ‘Treaty’ in sub-section (1); and”.

**Paragraph 58A (2) (b)—**

Omit “made pursuant to Article 19 of the Treaty”, substitute “to the claim or claims made pursuant to Article 19 or 34 of the Treaty, or Rule 91 of the Regulations referred to in the definition of ‘Treaty’ in sub-section (1)”.

**Sub-sections 58A (3), (4) and (5)—**

Omit the sub-sections.

**Sub-section 58C (1)—**

Omit “and (f) and with the requirements of sub-section 35 (2)”, substitute “, (f) and (g) and with the requirements of sub-sections 35 (1B) and (2)”.



**SCHEDULE 1—continued**  
***Postal Services Act 1975***

**Section 43—**

Add at the end thereof the following sub-section:

“(7) The regulations shall make provision for and in relation to the review of a decision of the Commission under paragraph (4) (b).”.

**Sub-section 109 (3)—**

- (a) After “from time to time,”, insert “subject to sub-section (4),”.
- (b) Omit all the words after “sums” (second occurring).

**After sub-section 109 (3)—**

Insert the following sub-sections:

“(3A) There is payable to the Commission, by a judgment creditor who causes a copy of a judgment to be served on the Commission under this section, an administration fee, at the prescribed rate, in respect of the making of such deduction as is, or such deductions as are, made under this section in relation to the judgment debt.

“(3B) Where an amount is deducted in respect of a judgment debt under sub-section (3), the Commission shall, subject to sub-section (3C), cause the amount so deducted to be paid to the judgment creditor.

“(3C) Where an amount is deducted in respect of a judgment debt under sub-section (3) and the whole or part of the administration fee payable in relation to the debt has not been paid, the Commission shall—

- (a) apply, in or towards payment of that fee, the amount of the deduction or so much of the amount of the deduction as is equal to the amount payable by way of, or in respect of, that fee; and
- (b) if the whole of the amount of the deduction is not applied in accordance with paragraph (a)—pay an amount equal to the balance to the judgement creditor.

“(3D) Upon the application, in or towards payment of the administration fee payable in relation to that judgment debt, of an amount deducted in respect of a judgment debt under sub-section (3)—

- (a) the judgment creditor shall be deemed to have paid the amount so applied to the Commission in satisfaction, or partial satisfaction, as the case requires, of the administration fee;
- (b) an amount equal to the amount so applied shall be deemed to have been paid by the Commission to the judgment debtor on account of moneys due to the judgment debtor; and
- (c) an amount equal to the amount so applied shall also be deemed to have been paid by the judgment debtor to the judgment creditor in respect of the judgment debt.

“(3E) Upon payment being made, in relation to a deduction from moneys due to a judgment debtor, of an amount to a judgment creditor under sub-section (3B) or (3C)—

- (a) an amount equal to the amount so paid shall be deemed to have been paid by the Commission to the judgment debtor on account of moneys due to the judgment debtor; and
- (b) an amount equal to the amount so paid shall also be deemed to have been paid by the judgment debtor to the judgment creditor in respect of the judgment debt.”.

**Sub-section 109 (6)—**

Omit the sub-section.

**SCHEDULE 1—continued**

**Sub-section 109 (8)—**

Omit “made in pursuance of this section”, substitute “deemed to have been made to a judgment creditor under paragraph (3D) (c) or (3E) (b) by a judgment debtor”.

**After sub-section 109 (8)—**

Insert the following sub-section:

“(8A) Where an amount is deemed to have been paid by a judgment debtor to a judgment creditor in respect of a judgment debt under paragraph (3D) (c) in relation to a deduction made from moneys due to the judgment debtor and an amount is also deemed to have been paid by the judgment debtor to the judgment creditor in respect of the judgment debt under paragraph (3E) (b) in relation to that deduction, then, for the purposes of sub-section (8), the second-mentioned payment shall be deemed to have been made after the first-mentioned payment.”.

***Poultry Industry Assistance Act 1965***

**Section 3 (definition of “the Council”)—**

Omit the definition, substitute the following definition:

“ ‘the Council’ means the Australian Egg Marketing Council;”.

***Poultry Industry Levy Act 1965***

**Section 4 (definition of “the Council”)—**

Omit the definition, substitute the following definition:

“ ‘the Council’ means the Australian Egg Marketing Council.”.

***Poultry Industry Levy Collection Act 1965***

**Section 3 (definition of “the Council”)—**

Omit the definition, substitute the following definition:

“ ‘the Council’ means the Australian Egg Marketing Council;”.

***Public Order (Protection of Persons and Property) Act 1971***

**Sub-section 11 (3)—**

After “Director of Public Prosecutions”, insert “, or of a person, or of a person included in a class of persons, authorized by the Director of Public Prosecutions for the purposes of sub-section (2) of that section,”.

**Sub-section 23 (2)—**

After “Director of Public Prosecutions”, insert “, or of a person, or of a person included in a class of persons, authorized by the Director of Public Prosecutions, by writing, to give such consents”.

***Public Service Act 1922***

**Sub-section 7 (1) (definition of “Chief Officer”)—**

(a) Omit “sub-section 26 (2)”, substitute “section 26A”.

(b) Omit “powers, authorities and duties”, substitute “powers and functions”.

**SCHEDULE 1—continued**

**Sub-sections 12A (1), (3) and (7) and 39 (5)—**

Omit “6” (wherever occurring), substitute “12”.

**Paragraph 51A (1) (a)—**

Omit “of a classification higher than the classification of the office occupied by him”.

**Sub-section 51A (2)—**

Omit the sub-section.

**Sub-section 87 (1) (paragraph (b) of the definition of “Commonwealth authority”)—**

(a) After “law”, insert “of the Commonwealth or”.

(b) Omit “or of a Territory”, substitute “or Territory”.

**Section 95—**

Repeal the section.

**Section 96—**

After “12 months”, insert “, or both”.

**Schedules 2 and 3—**

Omit the schedules, substitute the following schedules:

**“SCHEDULE 2**

**Sections 7 and 10**

**DEPARTMENTS**

The Department of the Senate  
The Department of the House of Representatives  
The Department of the Parliamentary Library  
The Department of the Parliamentary Reporting Staff  
The Joint House Department  
The Department of Aboriginal Affairs  
The Department of Administrative Services  
The Attorney-General’s Department  
The Department of Aviation  
The Department of Communications  
The Department of Defence  
The Department of Defence Support  
The Department of Education and Youth Affairs  
The Department of Employment and Industrial Relations  
The Department of Finance  
The Department of Foreign Affairs  
The Department of Health  
The Department of Home Affairs and Environment  
The Department of Housing and Construction  
The Department of Immigration and Ethnic Affairs  
The Department of Industry and Commerce  
The Department of Primary Industry  
The Department of the Prime Minister and Cabinet  
The Department of Resources and Energy

**SCHEDULE 1—continued**

The Department of Science and Technology  
The Department of Social Security  
The Department of the Special Minister of State  
The Department of Sport, Recreation and Tourism  
The Department of Territories and Local Government  
The Department of Trade  
The Department of Transport  
The Department of the Treasury  
The Department of Veterans' Affairs

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**“SCHEDULE 3**

Section 25

**SECRETARIES OF DEPARTMENTS**

The Clerk of the Senate  
The Clerk of the House of Representatives  
The Parliamentary Librarian  
The Principal Parliamentary Reporter  
The Secretary to the Joint House Department  
The Secretary to the Department of Aboriginal Affairs  
The Secretary to the Department of Administrative Services  
The Secretary to the Attorney-General's Department  
The Secretary to the Department of Aviation  
The Secretary to the Department of Communications  
The Secretary to the Department of Defence  
The Secretary to the Department of Defence Support  
The Secretary to the Department of Education and Youth Affairs  
The Secretary to the Department of Employment and Industrial Relations  
The Secretary to the Department of Finance  
The Secretary to the Department of Foreign Affairs  
The Secretary to the Department of Health  
The Secretary to the Department of Home Affairs and Environment  
The Secretary to the Department of Housing and Construction  
The Secretary to the Department of Immigration and Ethnic Affairs  
The Secretary to the Department of Industry and Commerce  
The Secretary to the Department of Primary Industry  
The Secretary to the Department of the Prime Minister and Cabinet  
The Secretary to the Department of Resources and Energy  
The Secretary to the Department of Science and Technology  
The Secretary to the Department of Social Security  
The Secretary to the Department of the Special Minister of State  
The Secretary to the Department of Sport, Recreation and Tourism  
The Secretary to the Department of Territories and Local Government  
The Secretary to the Department of Trade  
The Secretary to the Department of Transport  
The Secretary to the Department of the Treasury  
The Secretary to the Department of Veterans' Affairs”.

**SCHEDULE 1—continued**

***Public Service Reform Act 1984***

**Paragraph 5 (5) (a)—**

Omit “ ‘employee’ ”, substitute “ ‘Employee’ ”.

**Sub-section 5 (8) (paragraphs (a), (b) and (d) of the proposed definition of “Commonwealth authority”)—**

Omit “on its own behalf” (wherever occurring), substitute “otherwise than under this Act”.

**Sub-section 11 (1), proposed paragraph 22B (1) (d)—**

Before “conditions”, insert “terms or”.

**Sub-section 11 (1), proposed paragraph 22B (2) (d)—**

Omit “the collection and recording of information”, substitute “collect and record information”.

**Sub-section 11 (1), proposed paragraph 22B (14) (c)—**

Omit “or” (last occurring).

**Sub-section 11 (1), proposed paragraph 22B (14) (d)—**

Omit “1939.”, substitute “1939;”.

**Sub-section 12 (1)—**

Omit “After section 22B”, substitute “Before section 25”.

**Sub-section 12 (1), proposed section 22C—**

After proposed sub-section 22C (10), insert the following proposed sub-section:

“(10A) The Secretary of each Department shall include in the Annual Report of the Department to be laid before each House of the Parliament information on the implementation and operation of industrial democracy plans in that Department.”.

**Sub-section 12 (4)—**

Omit the sub-section.

**Paragraph 18 (b)—**

Omit “ ‘subject to sub-section 76F (1A), an’ ”, substitute “ ‘Subject to sub-section 76F (1A), an’ ”.

**Section 19, proposed sub-sections 29B (1) and (2)—**

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

“(1) An office in a Department (other than the office of Secretary) may, with the consent of the officer (if any) holding the office, be declared by the relevant Secretary, in writing, to be a part-time office.

“(2) A declaration under sub-section (1) in relation to an office shall not be varied, amended or revoked without the consent of the officer holding the office.”.

**Section 19, proposed sub-section 29C (5)—**

Omit the proposed sub-section.

**SCHEDULE 1—continued**

**Section 19, proposed paragraph 29D (1) (a)—**

Omit “(whether by virtue of sub-section 29B (2) or otherwise)”.

**Section 19, proposed paragraph 29D (3) (a)—**

Omit “40”, substitute “42”.

**Section 21, proposed sub-section 33AAA (1) (definition of “promotion”)—**

Omit the definition, substitute the following definition:

“ ‘promotion’, in relation to an officer, means a movement of the officer within the Service for the purpose of his or her holding an office in respect of which either the rate of salary payable, or the maximum rate of salary applicable, is higher than either the rate of salary that was payable, or the maximum rate of salary that was applicable, in respect of the office held by the officer, or, in the case of an unattached officer, to or in respect of the officer, immediately before the movement took place;”.

**Paragraph 67 (j)—**

After “omitting”, insert “from”.

**Sub-section 130 (3)—**

Omit the sub-section.

**Section 141, proposed section 18—**

Omit the proposed section.

**Sub-section 151 (5)—**

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

“(5) Section 30AC of the *Student Assistance Act 1973* is amended—

- (a) by omitting “Permanent Head” (wherever occurring) and substituting “Secretary”; and
- (b) by omitting “Permanent Head’s” (wherever occurring) and substituting “Secretary’s”.

**Sub-sections 152 (2), (3), (4) and (5)—**

Omit the sub-sections.

**Item 1 of Schedule 4—**

- (a) Omit from Column 1 of that Item “*Aboriginal Land Rights (Northern Territory) Act 1978*”, substitute “*Aboriginal Land Rights (Northern Territory) Act 1976*”.
- (b) Omit from Column 1 of that Item “*Acts Interpretation Act 1909*”, substitute “*Acts Interpretation Act 1901*”.
- (c) Omit from Column 1 of that Item “*Industries Assistance Commission Act 1957*”, substitute “*Industries Assistance Commission Act 1973*”.
- (d) Omit from Column 1 of that Item “*National Capital Development Commission Act 1979*”, substitute “*National Capital Development Commission Act 1957*”.
- (e) Omit from the list of provisions in Column 2 of that Item, opposite the reference to “*Nursing Homes Assistance Act 1974*” in Column 1, “sub-sections 4 (3A) and (3B),”.

**Item 3 of Schedule 4—**

Omit from the amendment of the *Nursing Homes Assistance Act 1974* set out in Column 2 of that Item “4 (1)”, substitute “3 (1)”.

**SCHEDULE 1—continued**  
***Quarantine Amendment Act 1984***

**Schedule 1—**

Omit from the amendment of sub-section 75 (1) set out in that Schedule “‘1,000’”, substitute “‘\$1,000’”.

***Radiocommunications Act 1983***

**Paragraph 93 (2) (d)—**

Omit all the words after “amount”, substitute “calculated in accordance with sub-section (2A)”.

**After sub-section 93 (2)—**

Insert the following sub-section:

“(2A) The amount of the penalty payable to the Commonwealth pursuant to regulations made for the purposes of paragraph 93 (2) (d) concerning an offence referred to in that paragraph is the greater of \$50 and—

- (a) in the case of an offence alleged to have been committed against section 15, sub-section 26 (8), section 30, sub-section 65 (17), section 68 or the regulations (other than an offence against the regulations to which paragraph (b) refers)—an amount equal to one-fifth of the maximum fine that a court could impose on the person alleged to have committed the offence as a penalty for that offence;
- (b) in the case of an offence alleged to have been committed against sub-section 10 (8), section 27, sub-section 35 (8), or 38 (8) or the regulations (being an offence against the regulations that relates to a test permit, transmitter licence, temporary permit or receiver licence)—an amount equal to the lesser of—
  - (i) one-fifth of the maximum fine that a court could impose on the person alleged to have committed the offence as a penalty for that offence; or
  - (ii) twice the amount of the tax that was paid or that is payable in respect of the grant of the test permit, transmitter licence, temporary permit or receiver licence to which the offence alleged to have been committed relates; or
- (c) in the case of an offence alleged to have been committed against section 23 or 37, being an offence that would not have been committed if the person alleged to have committed the offence had been the holder of a transmitter licence, temporary permit or receiver licence at the time the offence was alleged to have been committed—an amount equal to the lesser of—
  - (i) one-fifth of the maximum fine that a court could impose on the person alleged to have committed the offence as a penalty for that offence; or
  - (ii) twice the amount of tax that the person would have been liable to pay if the person had been granted such a transmitter licence, temporary permit or receiver licence at the time at which the alleged offence is said to have been committed.”.

***Re-establishment and Employment Act 1945***

**Sub-section 150 (3)—**

Omit “Director-General”, substitute “Secretary to the Department of Social Security”.

**SCHEDULE 1—continued**

***Sales Tax (Exemptions and Classifications) Act 1935***

**Paragraph (b) of Item 38A in Division VII of the First Schedule—**

Omit “Director-General of Health”, substitute “Secretary to the Department of Health”.

**Item 135A in Division XV of the First Schedule—**

Omit “Director-General of Social Services” substitute “Secretary to the Department of Social Security”.

***Shipping Registration Amendment Act 1984***

**Paragraph 20 (e)—**

Omit “ ‘or one of the managing owners’ ”, substitute “ ‘or one of the managing owners,’ ”.

**Paragraph 20 (h)—**

Omit “ ‘, in the prescribed form’ ”, substitute “ ‘in the prescribed form’ ”.

***Social Security Act 1947***

**Sub-section 6 (1) (definition of “Director-General”)—**

Omit the definition.

**Sub-section 6 (1) (paragraph (f) of the definition of “Reserve Forces”)—**

Omit the paragraph, substitute the following paragraph:

“(f) the Regular Army Emergency Reserve;”.

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

Insert the following definition:

“ ‘Secretary’ means the Secretary of the Department.”.

**Section 7—**

Omit “There shall be a Director-General of Social Security, who”, substitute “The Secretary”.

**Sub-section 143 (1)—**

Omit “Director-General”, substitute “Secretary, Director-General of Social Security or Director-General of Social Services”.

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

**Schedule—**

Omit from the amendments of the *Navigation Act 1912* “After sub-section 425 (6)—”, substitute “After sub-section 425 (6A)—”.

***Superannuation Act 1976***

**Paragraph 58 (3) (d)—**

Omit “or” (last occurring).



**SCHEDULE 1—continued**

**Paragraph 58 (3) (e)—**

- (a) Omit “18 of the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”, substitute “76D of the Public Service Act”.
- (b) Omit “that section,”, substitute “that section;”.

**Sub-section 58 (3)—**

Add at the end thereof the following paragraphs:

- “(f) the person is retired under sub-section 76F (1B) of the Public Service Act; or
- (g) the person is retired under section 76L of the Public Service Act or the person’s employment is terminated, otherwise than under that Act, on a ground similar to a ground that is specified in that section,”.

***Telecommunications Act 1975***

**Paragraph 10 (1) (d)—**

Omit all the words after “Commission” (first occurring).

**Paragraph 10 (1) (e)—**

Omit all the words after “Commission” (first occurring).

**Section 40—**

Add at the end thereof the following sub-section:

“(7) The regulations shall make provision for and in relation to the review of a decision of the Commission under paragraph (4) (b).”.

**Paragraph 94 (2) (fa)—**

Omit “14”, substitute “15”.

**Sub-section 104 (3)—**

- (a) After “from time to time,”, insert “subject to sub-section (4),”.
- (b) Omit all the words after “sums” (second occurring).

**After sub-section 104 (3)—**

Insert the following sub-sections:

“(3A) There is payable to the Commission, by a judgment creditor who causes a copy of a judgment to be served on the Commission under this section, an administration fee, at the prescribed rate, in respect of the making of such deduction as is, or such deductions as are, made under this section in relation to the judgment debt.

“(3B) Where an amount is deducted in respect of a judgment debt under sub-section (3), the Commission shall, subject to sub-section (3C), cause the amount so deducted to be paid to the judgment creditor.

“(3C) Where an amount is deducted in respect of a judgment debt under sub-section (3) and the whole or part of the administration fee payable in relation to the debt has not been paid, the Commission shall—

- (a) apply, in or towards payment of that fee, the amount of the deduction or so much of the amount of the deduction as is equal to the amount payable by way of, or in respect of, that fee; and
- (b) if the whole of the amount of the deduction is not applied in accordance with paragraph (a)—pay an amount equal to the balance to the judgment creditor.

**SCHEDULE 1—continued**

“(3D) Upon the application, in or towards payment of the administration fee payable in relation to that judgment debt, of an amount deducted in respect of a judgment debt under sub-section (3)—

- (a) the judgment creditor shall be deemed to have paid the amount so applied to the Commission in satisfaction, or partial satisfaction, as the case requires, of the administration fee;
- (b) an amount equal to the amount so applied shall be deemed to have been paid by the Commission to the judgment debtor on account of moneys due to the judgment debtor; and
- (c) an amount equal to the amount so applied shall also be deemed to have been paid by the judgment debtor to the judgment creditor in respect of the judgment debt.

“(3E) Upon payment being made, in relation to a deduction from moneys due to a judgment debtor, of an amount to a judgment creditor under sub-section (3B) or (3C)—

- (a) an amount equal to the amount so paid shall be deemed to have been paid by the Commission to the judgment debtor on account of moneys due to the judgment debtor; and
- (b) an amount equal to the amount so paid shall also be deemed to have been paid by the judgment debtor to the judgment creditor in respect of the judgment debt.”.

**Sub-section 104 (6)—**

Omit the sub-section.

**Sub-section 104 (8)—**

Omit “made in pursuance of this section”, substitute “deemed to have been made to a judgment creditor under paragraph (3D) (c) or (3E) (b) by a judgment debtor”.

**After sub-section 104 (8)—**

Insert the following sub-section:

“(8A) Where an amount is deemed to have been paid by a judgment debtor to a judgment creditor in respect of a judgment debt under paragraph (3D) (c) in relation to a deduction made from moneys due to the judgment debtor and an amount is also deemed to have been paid by the judgment debtor to the judgment creditor in respect of the judgment debt under paragraph (3E) (b) in relation to that deduction, then, for the purposes of sub-section (8), the second-mentioned payment shall be deemed to have been made after the first-mentioned payment.”.

***Therapeutic Goods Act 1966***

**Sub-section 5 (1) (definition of “Director-General”)—**

Omit the definition.

**After the definition of “relevant date” in sub-section 5 (1)—**

Insert the following definition:

“ ‘Secretary’ means the Secretary to the Department of Health;”.

**Sections 23D and 23E, paragraph 23F (2) (b), sections 23G and 23L, sub-sections 23M (1), (4), (5) and (6), section 27 and sub-section 29A (4)—**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**SCHEDULE 1—continued**  
**Trade Practices Act 1974**

**After section 65—**

Insert the following section in Division 1 of Part V:

**Application of provisions of Division to prescribed information providers**

“65A. (1) Nothing in section 52, 53, 53A, 55, 55A or 59 applies to a prescribed publication of matter by a prescribed information provider, other than—

- (a) a publication of matter in connection with—
  - (i) the supply or possible supply of goods or services;
  - (ii) the sale or grant, or possible sale or grant, of interests in land;
  - (iii) the promotion by any means of the supply or use of goods or services; or
  - (iv) the promotion by any means of the sale or grant of interests in land, where—
    - (v) the goods or services were relevant goods or services, or the interests in land were relevant interests in land, as the case may be, in relation to the prescribed information provider; or
    - (vi) the publication was made on behalf of, or pursuant to a contract, arrangement or understanding with—
      - (A) a person who supplies goods or services of that kind, or who sells or grants interests in land, being interests of that kind; or
      - (B) a body corporate that is related to a body corporate that supplies goods or services of that kind, or that sells or grants interests in land, being interests of that kind; or
- (b) a publication of an advertisement.

“(2) For the purposes of this section, a publication by a prescribed information provider is a prescribed publication if—

- (a) in any case—the publication was made by the prescribed information provider in the course of carrying on a business of providing information; or
- (b) in the case of a person who is a prescribed information provider by virtue of paragraph (a), (b) or (c) of the definition of ‘prescribed information provider’ in sub-section (3) (whether or not the person is also a prescribed information provider by virtue of another operation of that definition)—the publication was by way of a radio or television broadcast by the prescribed information provider.

“(3) In this section—

‘consortium’ has the same meaning as that expression has in Part IIIB of the *Broadcasting and Television Act 1942*;

‘prescribed information provider’ means a person who carries on a business of providing information and, without limiting the generality of the foregoing, includes—

- (a) a person to whom, or each of the members of a consortium to which, a licence has been granted under Part IIIB of the *Broadcasting and Television Act 1942*;
- (b) the Australian Broadcasting Corporation; and
- (c) the Special Broadcasting Service;

‘relevant goods or services’, in relation to a prescribed information provider, means goods or services of a kind supplied by the prescribed information provider or, where the prescribed information provider is a body corporate, by a body corporate that is related to the prescribed information provider;

‘relevant interests in land’, in relation to a prescribed information provider, means interests in land, being interests of a kind sold or granted by the prescribed

**SCHEDULE 1—continued**

information provider or, where the prescribed information provider is a body corporate, by a body corporate that is related to the prescribed information provider.”.

**After section 79—**

Insert the following section:

**Enforcement and recovery of certain fines**

“79A. (1) Where a person on whom a fine has been imposed for an offence against section 79 or 155 defaults in payment of the fine, the Court may—

- (a) in respect of the fine—
  - (i) make an order imposing a sentence of imprisonment on the person; or
  - (ii) where the law of the State or Territory in which the person was convicted permits the making or passing of any other order or sentence (including an order or sentence known as a community service order, a work order or a sentence of weekend detention or a similar order or sentence) in default of payment of fines—make such an order against, or an order imposing such a sentence on, the person;
- (b) exercise any power that the Court has apart from this section with respect to the enforcement and recovery of fines imposed by the Court; or
- (c) make an order, on the application of the Minister or the Commission, declaring that the fine is to have effect, and may be enforced, as if it were a judgment debt under a judgment of the Court.

“(2) Where a person fails to comply with an order referred to in sub-paragraph (1) (a) (ii) made in relation to the person in respect of a fine, the Court may, having regard to the extent (if any) of the person’s compliance with the order, make an order—

- (a) reducing the fine;
- (b) imposing a sentence of imprisonment on the person in respect of the fine; or
- (c) reducing the fine and imposing a sentence of imprisonment on the person in respect of the fine as so reduced.

“(3) Where the Court makes an order referred to in paragraph (1) (a) or sub-section (2) in relation to a person in respect of a fine, the Court may, at any time before the order is executed in respect of the fine, allow the person a specified time in which to pay the fine or allow the person to pay the fine by specified instalments, and, in that case—

- (a) the order shall not be executed unless the person fails to pay the fine within that time or fails to pay an instalment at or before the time when it becomes payable, as the case may be; and
- (b) if the person pays the fine within that time or pays all the instalments, as the case may be, the order shall be deemed to have been discharged in respect of the fine.

“(4) Where a person in relation to whom an order is made under sub-section (1) or (2) in respect of a fine gives security for the payment of the fine, the Court shall cancel the order in respect of the fine.

“(5) Subject to sub-section (8), an order under sub-section (1) or (2) in respect of a fine ceases to have effect in respect of the fine—

- (a) on payment of the fine; or
- (b) if the fine is not paid—on full compliance with the order.

“(6) The term of a sentence of imprisonment imposed by an order under sub-section (1) or (2) in respect of a fine shall be calculated at the rate of one day’s imprisonment for each \$25 of the amount of the fine that is from time to time unpaid.

**SCHEDULE 1—continued**

“(7) Subject to sub-section (8), where a person is required to serve periods of imprisonment by virtue of an order or orders under sub-section (1) or (2) in respect of 2 or more fines, those periods of imprisonment shall be served consecutively.

“(8) Subject to sub-section (9), where—

- (a) a person would, but for this sub-section, be required by virtue of an order or orders under sub-section (1) or (2) in respect of 3 or more fines to serve periods of imprisonment in respect of those fines exceeding in the aggregate 3 years; and
- (b) those fines were imposed (whether or not in the same proceedings) for offences constituted by contraventions that occurred within a period of 2 years, being contraventions that appear to the Court to have been of the same nature or a substantially similar nature,

the Court shall, by order, declare that the order or orders shall cease to have effect in respect of those fines after the person has served an aggregate of 3 years' imprisonment in respect of those fines.

“(9) Where sub-section (8) would, but for this sub-section, apply to a person with respect to offences committed by the person within 2 or more overlapping periods of 2 years, the Court shall make an order under that sub-section with respect to one only of those periods, being whichever period would give the person the maximum benefit from the application of that sub-section.

“(10) For the purposes of sub-section (9), the Court may vary or revoke an order made under sub-section (8).

“(11) The Governor-General may make arrangements with the Governor of a State or the Administrator of the Northern Territory for the exercise of powers and the performance of functions by officers of the State or Territory, and for the making available of facilities of the State or Territory, for and in relation to the carrying out of orders made under this section.

“(12) Section 18A of the *Crimes Act 1914* does not apply with respect to fines referred to in sub-section (1).

“(13) This section applies only in relation to fines imposed for offences committed after the commencement of this section.”.

***Tuberculosis Act 1948***

**Before the definition of “the Council” in section 4—**

Insert the following definition:

“ ‘Secretary’ means the Secretary to the Department of Health;”.

**Section 4 (definition of “the Director-General”)—**

Omit the definition.

**Section 6, sub-sections 8 (2), (3), (4) and (5) and 9 (2) and section 10—**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**SCHEDULE 2**

Section 4

**AMENDMENTS OF ACTS CONSEQUENTIAL UPON ALTERATION OF  
CERTAIN DESIGNATIONS UNDER PUBLIC SERVICE ACT 1922**

***Aged or Disabled Persons Homes Act 1954***

The following provisions of the *Aged or Disabled Persons Homes Act 1954* are amended by omitting "Director-General" (wherever occurring) and substituting "Secretary":

Sub-section 2 (1) (sub-paragraph (a) (ii) and paragraph (b) of the definition of "the capital cost"), sub-section 3 (2), section 4 and sub-sections 5 (1), (2) and (3), 6 (1), 7 (1) and (2), 8 (1), (2) and (3), 9 (1A) and (2), 10B (1), 10C (1) and (2) and 10D (1) and (2).

***Aged or Disabled Persons Hostels Act 1972***

The following provisions of the *Aged or Disabled Persons Hostels Act 1972* are amended by omitting "Director-General" (wherever occurring) and substituting "Secretary":

Sub-section 3 (1) (definitions of "qualifying subsidized home" and "qualifying unsubsidized home" and sub-paragraph (a) (ii) and paragraph (b) of the definition of "the capital cost"), section 4, sub-sections 5 (1) and (3) and 6 (1) and (2), section 8 and sub-sections 8A (1), (2), (3), (4) and (5), 9 (1), (2), (3) and (4), 10 (2), 12 (2) and 13 (1), (2) and (3).

***Delivered Meals Subsidy Act 1970***

The following provisions of the *Delivered Meals Subsidy Act 1970* are amended by omitting "Director-General" (wherever occurring) and substituting "Secretary":

Sub-section 5 (1), sections 6, 7 and 8 and sub-sections 9 (1) and (2) and 11 (1) and (3).

***Health Insurance Act 1973***

The following provisions of the *Health Insurance Act 1973* are amended by omitting "Director-General of Social Security" (wherever occurring) and substituting "Secretary to the Department of Social Security":

Paragraph 5 (1) (a), sub-sections 5 (2), (3) and (4) and 5A (1), paragraph 5B (1) (a), sub-sections 5B (2) and (3), paragraph 5B (4) (b), sub-section 5B (5), paragraph 5B (6) (b), sub-section 5B (7), sub-section 5B (12) (paragraph (c) of the definition of "income"), sub-section 5C (1), paragraphs 5D (1) (b) and (1A) (c), sub-sections 5D (3) and (5), paragraph 5E (1) (b) and (3) (c), sub-sections 5E (5), (7) and (9) and 5F (1) and (2), paragraphs 130 (6) (c), (7) (e) and (9) (a), sub-sections 130A (1) and (2), 130B (1) and 130F (1), (2), (3) and (4), section 130H and sub-sections 130J (1), (2) and (3).

The following provisions of the *Health Insurance Act 1973* are amended by omitting "Director-General shall" (wherever occurring) and substituting "Secretary shall":

Sub-sections 5 (2), 5A (1) and 5B (2), 5C (1), 5D (1), (1A) and (5) and 5E (1), (3), (5) and (9).

***Home Deposit Assistance Act 1982***

The following provisions of the *Home Deposit Assistance Act 1982* are amended by omitting "Director-General" (wherever occurring) and substituting "Secretary":

**SCHEDULE 2—continued**

Sub-section 4 (1) (paragraphs (c), (d) and (e) of the definition of “approved interest” and paragraph (b) of the definition of “rural property”), sub-section 4 (4), section 5, paragraph 7 (1) (a), sub-section 7 (2), sub-paragraph 9 (1) (a) (ii), paragraph 9 (1) (b), sub-sections 11 (3) and (4), paragraph 13 (b), sub-section 14 (1), paragraphs 14 (2) (a) and (b), 15 (1) (b) and (c) and 15 (4) (b), sub-section 15 (6), paragraphs 16 (2) (a) and (c), sub-sections 16 (3) and (4), section 17, sub-sections 18 (2), 19 (2), (3) and (4), 34 (2), (3), (4) and (5), 36 (2) and 37 (1), sections 38 and 41, sub-sections 44 (1), (2) and (3), sections 45 and 46, sub-sections 47 (1) and (2), paragraphs 50 (2) (a) and (c), sub-sections 51 (1) and (3) and 52 (1), (2), (3) and (4), sections 53 and 54, sub-sections 55 (1), (2) and (4), paragraph 56 (1) (a) and sub-sections 58 (2) and (3), 59 (1), 60 (5), 63 (2) and 64 (1) and (2).

***Homes Savings Grant Act 1964***

The following provisions of the *Homes Savings Grant Act 1964* are amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”:

Sub-section 4 (1) (paragraphs (c), (d) and (e) of the definition of “approved interest”, paragraph (f) of the definition of “savings bank”, paragraphs (a), (b) and (c) of the definition of “the prescribed date” and paragraph (e) of the definition of “trading bank”), sub-sections 4 (1A) and (1B), paragraph 4 (2A) (d), sub-paragraph 4 (7) (a) (ii), paragraph 4 (7) (b), sub-sections 4A (1) and 4B (2), (3A) and (4), paragraphs 4B (5) (a), (e) and (f), sub-sections 4B (6), (6A), (7), (8), (9) and (10), paragraphs 4C (1) (b) and (3) (b), section 6, sub-sections 7 (1) and 8 (1) and (3), sections 9, 10 and 11, sub-sections 12 (1), (2) and (3) and 13 (1), paragraphs 13 (4) (a) and (c), 14 (1) (d) and (f) and 14A (d), sub-paragraphs 14A (f) (i) and (ii), sub-sections 14B (2) and (8), paragraph 14C (d), sub-paragraphs 14C (f) (i) and (ii), sub-sections 14D (2) and (7) and 17 (1), sections 17A, 17B, 17C and 17D, sub-sections 19 (4) and 20 (1) and (1A), paragraphs 20 (2) (a), (b) and (e), sub-sections 20 (3), (4A), (5) and (6) and 20A (1) and (2), paragraphs 21 (1) (a) and (b), sub-sections 21 (1B), 22 (11), 23 (1) and (2), 24 (1A) and (2), 27 (2) and 29 (1) and section 30.

***Homes Savings Grant Act 1976***

The following provisions of the *Homes Savings Grant Act 1976* are amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”:

Sub-section 4 (1) (paragraphs (c), (d) and (e) of the definition of “approved interest”, paragraph (b) of the definition of “rural property”, paragraph (f) of the definition of “savings bank” and paragraph (e) of the definition of “trading bank”), sub-section 4 (2), section 5, paragraph 6 (1) (a), sub-section 6 (2), sub-paragraph 9 (1) (a) (ii), paragraph 9 (1) (b), sub-sections 11 (4) and (5), paragraph 13 (1) (b), sub-section 14 (1), section 14A, paragraphs 15 (1) (b) and (c) and (3) (b), sub-section 15 (5), sub-paragraphs 15 (6) (a) (ii) and (b) (ii), paragraph 16 (2) (a), sub-sections 16 (3) and (4), paragraph 16 (5) (a), section 17, sub-sections 18 (2), 19 (1), (2), (3) and (4), 23 (1), 24 (1), 24A (1) and (2), 25 (1), 26 (1) and 27 (2) and (3), section 28, paragraph 29 (c), section 30, sub-sections 31 (12) and (13) and 33B (1) and (2), section 34, sub-sections 35 (1) and 36 (1), (2) and (3), sections 37, 38, 39 and 40, sub-section 41 (1), paragraphs 41 (4) (a) and (c), sub-sections 42 (1) and (3) and 43 (1), (2), (3) and (4), section 44, sub-sections 45 (1), (2), (3), (5) and (6), 46 (1) and (2), 48 (2) and (3), 51 (2) and 53 (1), (2) and (3) and paragraph 53A (2) (b).

SCHEDULE 2—continued

**Social Security Act 1947**

The following provisions of the *Social Security Act 1947* are amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”:

Paragraphs 4 (a) and (b), sub-section 6 (1) (paragraph (a) of the definition of “absent resident” and the definitions of “benevolent home” and “mental hospital”), sub-sections 8 (1) and (2), sections 14 and 15, sub-sections 15A (1), (2), (4) and (5), section 16, sub-section 17 (1), paragraphs 17 (4) (a) and (c), sub-section 17B (1) (paragraph (b) of the definition of “married person”), sub-section 17D (3), paragraph 17D (7) (b), sub-sections 17D (8) and 17E (1), section 18 (paragraph (cd) of the definition of “income”), sub-paragraph 18B (c) (iii), paragraphs 21A (f) and 24A (e), sub-sections 26 (2), 27 (1) and (2) and 28 (1) and (1AAA), paragraphs 28 (3D) (b) and 29 (2) (b), sub-section 30A (4), sub-paragraph 30A (7) (d) (ii), sub-sections 32 (1) and (1A), paragraph 33 (3) (b), section 39, sub-sections 47 (1) and (2), paragraph 59 (5) (b), sub-paragraph 59AA (c) (iii), paragraphs 60 (1) (c) and (d) and 61A (1) (c), section 62, sub-section 63 (1), paragraphs 63 (3) (b) and (4) (b), sub-sections 65A (3) and 68 (1), section 76, sub-section 83AAA (1) (paragraph (b) of the definition of “married person”), sub-paragraph 83AABA (c) (iii), section 83AAD, sub-paragraph 83AAE (2) (c) (i), section 83AAF, sub-sections 83AAJ (2), (3) and (4) and 83AD (2), section 83AG, sub-sections 83A (2), 83B (4) and 83C (2), paragraph 83CA (5) (b), section 83E, sub-section 84 (1) (definition of “allowance pay day”), sub-paragraphs 85 (1) (a) (iii) and (2) (b) (iii), paragraph 86 (3) (b), sub-sections 86 (4) and 88 (3), paragraph 88 (4) (b), sub-section 88 (5), paragraph 93 (2) (b), sub-sections 93 (3) and (4), sub-section 94 (1) (definition of “institution”), sub-sections 94 (1A), (1B), (1C) and (1D), paragraphs 94 (3) (a) and (b), sub-sections 95 (6) and 95B (1), paragraphs 96 (2) (a) and (5) (b) and 97 (1) (d), sub-sections 99A (2), (3) and (4), paragraph 102 (1) (a), sub-section 102 (2), paragraph 103 (3) (b), section 103B, sub-sections 104 (4) and (5), paragraphs 105A (2) (c) and 105F (5) (b), sections 105JA and 105JB, sub-sections 105KA (1) and (3), paragraph 105L (b), section 105N, sub-section 106 (1) (paragraphs (b), (c) and (d) of the definition of “friendly society” and paragraphs (ce) and (g) of the definition of “income”), sub-section 106 (3), sub-paragraphs 106A (b) (ii) and 107 (1) (b) (ii), paragraph 107 (1) (c), sub-section 107 (3), paragraphs 107 (4) (a) and (b), sub-section 107 (6), sub-paragraphs 108 (1) (b) (ii) and (c) (i) and (ii), sub-sections 108 (1B), (1C) and (2) and 112 (2) and (3), sub-paragraph 112 (4) (b) (ii), sub-sections 112 (4C), (4D) and (6), paragraph 112 (6B) (b), sub-section 112A (1) (definition of “married person”), paragraph 112A (2) (c), sub-section 112A (4), paragraph 113 (a), sub-section 114 (2), paragraphs 114 (3) (b) and 115 (1) (b), sub-paragraph 115 (2) (a) (iv), sub-sections 115A (2) and (3), 115B (1) and (3) and 115C (1), (2) and (2A), paragraphs 115C (5) (b), (c) and (e), (6) (b) and (c), (7) (b), (c) and (e) and (10) (b), sub-sections 115D (1), (2) and (3), paragraph 115D (8) (b), section 115E, paragraphs 115G (d) and (e), sub-sections 117 (1) and (2) and 119 (1A) and (1B), paragraph 119 (2A) (b), sub-section 119 (3), paragraphs 119 (3A) (b) and (5) (d), sub-section 120 (1), paragraph 120A (1) (b), sections 121 and 123, sub-section 124 (1), sections 125 and 127, sub-sections 132 (1) and (2), 133B (1) and (2) and 133C (2), section 133D, sub-section 133E (2), sections 133G, 133H and 133J, section 133RA (definition of “allowance pay day”), paragraphs 133RB (1) (a) and (b), sub-paragraph 133RB (2) (b) (iii), sub-sections 133RE (3), 135 (1), 135A (1), 135C (1) and (2), 135D (2), (3), (4), (5) and (6) and 135G (1) and (2), section 135K, sub-sections 135L (1) and (2), sections 135M and 135N, sub-sections 135Q (1), (3) and (5), sub-section 135R (1) (definitions of “compensation” and “cost”), sub-sections 135R (1A), (1B), (2), (3), (4), (5) and (7), 135S (1), (1A) and (2), 135TA (2) and (3), 135TB (1) and (2), 135TC (1), (2) and (3), 135TD (2), (3) and (5), 135TE (1) and (2), 135TF (1), 135THA (3) and (5) and 135TJ (1) and (3), section 135TK, sub-sections 138 (7), 139 (2), 140 (2) and (5), 143A (1) and 144 (2), sections 145 and 146 and sub-section 148 (1).



**SCHEDULE 3**

Sub-section 5 (1)

**REPEAL OF ACTS**

*Bounty (Drilling Bits) Act 1980*

*Bounty (Non-adjustable Wrenches) Act 1981*

*Bounty (Polyester-Cotton Yarn) Act 1978*

*Bounty (Polyester-Cotton Yarn) Amendment Act 1980*

*Bounty (Polyester-Cotton Yarn) Amendment Act 1981*

*Bounty (Refined Tin) Act 1980*

*Bounty (Rotary Cultivators) Act 1979*

*Bounty (Rotary Cultivators) Amendment Act 1980*

*Bounty (Steel Products) Act 1983*

*Remuneration Act 1974*

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**NOTES**

1. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the heading to section 7 of the *Delivered Meals Subsidy Act 1970* is altered by omitting "Director-General's" and substituting "Secretary's".
2. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the heading of section 130J of the *Health Insurance Act 1973* is altered by omitting "Director-General" and substituting "Secretary".
3. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the heading to section 47 of the *Home Deposit Assistance Act 1982* is altered by omitting "Director-General" and substituting "Secretary".
4. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the headings to sections 11, 17C and 17D of the *Homes Savings Grant Act 1964* are altered by omitting "Director-General" (wherever occurring) and substituting "Secretary".
5. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the headings to sections 28, 30 and 39 of the *Homes Savings Grant Act 1976* are altered by omitting "Director-General" (wherever occurring) and substituting "Secretary".
6. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the headings to sections 15, 16, 105JB, 105N, 115E and 143A of the *Social Security Act 1947* are altered by omitting "Director-General" (wherever occurring) and substituting "Secretary".
7. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the heading to section 7 of the *Social Security Act 1947* is altered to "Secretary to have general administration of Act".

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**NOTES—continued**

8. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the heading to section 23M of the *Therapeutic Goods Act 1966* is altered by omitting “Director-General” and substituting “Secretary”.
9. On the day proclaimed for the purposes of sub-section 2 (20) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* the heading to section 6 of the *Tuberculosis Act 1948* is altered by omitting “Director-General” and substituting “Secretary”.