



Statute Law (Miscellaneous Provisions) Act (No. 1) 1985

No. 65 of 1985

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

[Assented to 5 June 1985]

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

Short title

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*.

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, 2 and 13 shall come into operation on the day on which this Act receives the Royal Assent.

(3) The amendment of the *Administrative Decisions (Judicial Review) Act 1977* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, immediately after the commencement of the *Defence Force (Miscellaneous Provisions) Act 1982*.

(4) The amendments of the *Antarctic Treaty (Environment Protection) Act 1980* made by this Act shall come into operation on a day to be fixed by Proclamation.

(5) The amendment of sub-section 71 (2) of the *Australian Broadcasting Corporation Act 1983* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, on the commencement of the *Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1983*.

(6) The amendment of the *Australian Citizenship Amendment Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of section 38 of that first-mentioned Act.

(7) The amendment of the *Australian Tourist Commission Act 1967* made by this Act shall come into operation on a day to be fixed by Proclamation.

(8) The amendment of the *Bank Account Debits Tax Administration Act 1982* made by this Act shall be deemed to have come into operation immediately after the commencement of section 3 of the *Taxation Laws Amendment Act 1984*.

(9) The amendments of the *Bounty (Computers) Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of that first-mentioned Act.

(10) The amendments of the *Bounty (Electric Motors) Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of that first-mentioned Act.

(11) The amendment of the *Canned Fruits Marketing Amendment Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of that first-mentioned Act.

(12) The amendments of the *Cocos (Keeling) Islands Self-Determination (Consequential Amendments) Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of section 1 of that first-mentioned Act.

(13) The amendment of sub-section 133AB (2) of the *Conciliation and Arbitration Act 1904* and paragraph 6 (1) (c) of the *Conciliation and Arbitration Amendment Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of section 1 of the *Conciliation and Arbitration Amendment Act 1984*.

(14) The amendments of Part VIII A of the *Conciliation and Arbitration Act 1904* made by this Act shall come into operation on a day to be fixed by Proclamation.

(15) The amendments of section 58B of the *Defence Act 1903*, the amendment inserting proposed section 120B in that Act, and the amendment of section 124 of that Act, made by this Act shall come into operation on a day to

be fixed by Proclamation or on such respective days as are fixed by Proclamation.

(16) Section 7 and the amendments of the *Defence Force Discipline Act 1982* made by this Act shall come into operation on the day on which this Act receives the Royal Assent or, if Part II of that first-mentioned Act is not in force on the day immediately before the day on which this Act receives the Royal Assent, immediately after that Part comes into operation.

(17) The amendment of the heading to Part II of the *Defence Force Discipline Appeals Act 1955* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, immediately after the commencement of the *Defence Force (Miscellaneous Provisions) Act 1982*.

(18) The amendment of Schedule 2 to the *Defence Legislation Amendment Act 1984* made by this Act shall be deemed to have come into operation immediately before the commencement of section 89 of that Act.

(19) The amendment of Schedule 3 to the *Defence Legislation Amendment Act 1984* made by this Act shall be deemed to have come into operation immediately before the commencement of section 95 of that first-mentioned Act.

(20) The amendment of the *Federal Court of Australia Act 1976* made by this Act shall come into operation on a day to be fixed by Proclamation.

(21) The amendments of sections 3 (other than of the definition of "Secretary" in sub-section (1)) and 23G of the *Health Insurance Act 1973* made by this Act shall be deemed to have come into operation on 19 February 1985.

(22) The amendment of section 16C of the *Health Insurance Act 1973* made by this Act shall be deemed to have come into operation on 1 July 1984.

(23) Section 9 and the amendment of section 130A of the *Health Insurance Act 1973* made by this Act shall be deemed to have come into operation on 13 December 1984.

(24) The amendments of the *Immigration (Guardianship of Children) Act 1946* made by this Act shall come into operation on a day to be fixed by Proclamation.

(25) The amendments of the *Industries Assistance Commission Act 1973* made by this Act shall be deemed to have come into operation immediately after the commencement of the *Industries Assistance Commission Amendment Act 1984*.

(26) The amendment of the *Judiciary Act 1903* made by this Act shall come into operation on the day on which the amendment of the *Federal Court of Australia Act 1976* made by this Act comes into operation.

(27) The amendments of the definition of "judicial office" in section 3 of the *Law Reform Commission Act 1973* made by this Act shall be deemed to have come into operation on 18 April 1985.

(28) The repeal of section 20 of the *Life Insurance Act 1945* effected by this Act shall come into operation, or be deemed to have come into operation, as the case requires, immediately before the commencement of section 8 of the *Life Insurance Amendment Act 1983*.

(29) The amendments of the *National Gallery Act 1973* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(30) The amendment of sub-section 3 (3) of the *National Measurement Act 1960* made by this Act shall be deemed to have come into operation immediately after the commencement of the *Weights and Measures (National Standards) Amendment Act 1984*.

(31) The amendments of section 6 of the *Navigation Act 1912* made by this Act shall come into operation on a day to be fixed by Proclamation.

(32) The amendments of sub-sections 267 (2) and 267A (1) of the *Navigation Act 1912* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, immediately after the commencement of section 6 of the *Navigation (Protection of the Sea) Amendment Act 1983*.

(33) The amendment of the *Passports Act 1938* made by this Act shall be deemed to have come into operation immediately after the commencement of the *Passports Amendment Act 1984*.

(34) The amendment of the *Passports Amendment Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of that first-mentioned Act.

(35) The amendments of sections 54B and 55 of the *Patents Act 1952* 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 (11) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*.

(36) The amendment of the *Petroleum Retail Marketing Franchise Act 1980* made by this Act shall be deemed to have come into operation immediately after the commencement of section 16 of the *Petroleum Retail Marketing Franchise Amendment Act 1984*.

(37) The amendment of sub-section 4B (1) of the *Procurement of Goods, Works and Services Act 1981* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, immediately after the commencement of Part II of that Act and the amendment of sub-section 5 (9) of that Act made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, immediately after the commencement of Part III of that Act.

(38) The amendments of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (other than the amendments of sub-section

34 (3) and Schedule 1) made by this Act shall come into operation on a day to be fixed by Proclamation.

(39) The amendment of the *Public Service Reform Act 1984* made by this Act shall be deemed to have come into operation immediately before the commencement of sub-section 151 (1) of that first-mentioned Act.

(40) The amendment 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, immediately after the commencement of section 1 of that first-mentioned Act.

(41) The amendments of the *Removal of Prisoners (Australian Capital Territory) Act 1968* made by this Act shall come into operation on a day to be fixed by Proclamation.

(42) Section 15 and the amendment of item 123A in the First Schedule to the *Sales Tax (Exemptions and Classifications) Act 1935* made by this Act shall be deemed to have come into operation on 13 December 1984.

(43) The amendments of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of section 1 of that first-mentioned Act.

(44) The amendment of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of section 1 of that first-mentioned Act.

(45) The amendments of sections 8J and 8Z of the *Taxation Administration Act 1953* made by this Act shall be deemed to have come into operation immediately after the commencement of section 3 of the *Taxation Laws Amendment Act 1984*.

(46) The amendments of the *Taxation Laws Amendment Act 1984* made by this Act shall be deemed to have come into operation immediately after the commencement of section 1 of that first-mentioned Act.

(47) The amendments of the *Tobacco Charges Assessment Act 1955* made by this Act shall be deemed to have come into operation immediately after the commencement of section 3 of the *Taxation Laws Amendment Act 1984*.

(48) The amendments of the *Trade Commissioners Act 1933* made by this Act shall come into operation on a day to be fixed by Proclamation.

(49) The amendments of the *Trade Union Training Authority Act 1975* shall come into operation on a day to be fixed by Proclamation.

(50) The amendment of the *Wool Tax (Administration) Act 1964* made by this Act shall be deemed to have come into operation immediately after the commencement of section 3 of the *Taxation Laws Amendment Act 1984*.

Amendments of Acts

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

Repeal

4. The Acts specified in Schedule 2 are repealed.

Operation of *Australian Citizenship Act 1948*

5. An approval or permission in force for the purposes of sub-section 15 (2) of the *Australian Citizenship Act 1948* immediately before the commencement of this section has effect, after that commencement, as if it were an approval made for the purposes of sub-paragraph 15 (2) (a) (iv) of that Act as amended by this Act or a permission given for the purposes of paragraph 15 (2) (b) of that Act as amended by this Act, as the case requires.

Operation of amendments of *Australian Institute of Marine Science Act 1972*

6. (1) Where, immediately before the commencement of this section, a person was acting as the Director of the Australian Institute of Marine Science by virtue of an appointment under section 30 of the Principal Act, then, notwithstanding the repeal of that section effected by this Act, that section continues to apply to and in relation to the person as if that repeal had not been effected.

(2) Notwithstanding the amendment of section 33 of the Principal Act made by this Act, that section of the Principal Act continues to apply to a person appointed under that section before the commencement of this section as if that amendment had not been made.

(3) In this section, "Principal Act" means the *Australian Institute of Marine Science Act 1972* as amended and in force immediately before the commencement of this section.

Operation of amendments of *Defence Force Discipline Act 1982*

7. (1) Sub-section 154 (1) of the *Defence Force Discipline Act 1982* as amended by this Act applies in relation to a review commenced after the commencement of this section.

(2) An appointment of a legal officer in force under sub-section 154 (1) of the *Defence Force Discipline Act 1982* immediately before the commencement of this section has effect, after that commencement, as if it had been made under that sub-section of that Act as amended by this Act.

Operation of *Federal Court of Australia Act 1976*

8. (1) Subject to sub-section (2), the amendment of the *Federal Court of Australia Act 1976* made by this Act applies to judgments given or pronounced before or after the commencement of that amendment.

(2) The amendment of the *Federal Court of Australia Act 1976* made by this Act does not affect—

(a) the hearing and determination of an appeal instituted before the commencement of that amendment;

- (b) the institution of an appeal pursuant to leave or special leave granted before that commencement or the hearing and determination of an appeal so instituted; or
- (c) the hearing and determination of a case stated, or a question reserved, before that commencement.

(3) Until the commencement of the amendment of the *Federal Court of Australia Act 1976* made by this Act, section 26 of that Act has effect as if the following sub-sections were added at the end:

“(4) Nothing in sub-section (3) shall be taken to prevent a Judge of the Supreme Court of the Northern Territory from stating a case, or reserving or referring a question concerning a matter referred to in sub-section (1), to the Full Court of that Court.

“(5) In sub-section (4), ‘Judge’ has the same meaning as in the *Supreme Court Act 1979* of the Northern Territory.”

Operation of amendment of *Health Insurance Act 1973*

9. The amendment of section 130A of the *Health Insurance Act 1973* made by this Act shall, for the purposes of sub-section 9 (5) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, be deemed to have been made by that last-mentioned Act.

Operation of amendment of *Judiciary Act 1903*

10. The amendment of the *Judiciary Act 1903* made by this Act applies to judgments given or pronounced before or after the commencement of that amendment.

Operation of amendments of *Law Reform Commission Act 1973*

11. (1) Any act or thing done before the commencement of this section under section 31, 33, 34 or 35 of the *Law Reform Commission Act 1973* has effect after that commencement as if it had been done under the corresponding provision of Division 3 of Part XI of the *Audit Act 1901*.

(2) A person who held office as the Chairman or as the Deputy Chairman of the Law Reform Commission immediately before the commencement of this section shall, subject to the *Law Reform Commission Act 1973*, continue to hold office after that commencement as the President or as the Deputy President, as the case may be, of the Law Reform Commission.

Operation of certain amendments of *Management and Investment Companies Act 1983*

12. (1) Notwithstanding the amendments of the Principal Act made by this Act, section 21 of the Principal Act continues to apply to a licence granted under that section before the commencement of this section as if those amendments had not been made.

(2) In sub-section (1), “Principal Act” means the *Management and Investment Companies Act 1983* as amended and in force immediately before the commencement of this section.

Operation of *National Gallery Act 1975*

13. (1) A delegation in force under section 22 of the Principal Act or regulation 17 of the National Gallery Regulations immediately before the commencement of this section has effect, after that commencement, as if it had been made under section 22 of the Principal Act as amended by this Act.

(2) Where, immediately before the commencement of this section, a person was acting as the Director of the Australian National Gallery by virtue of an appointment under section 31 of the Principal Act, then, notwithstanding the repeal of that section effected by this Act, that section continues to apply to and in relation to the person as if that repeal had not been effected.

(3) Any act or thing done before the commencement of this section under section 36, 39, 40 or 42 of the Principal Act has effect after that commencement as if it had been done under the corresponding provision of Division 3 of Part XI of the *Audit Act 1901*.

(4) In this section, “Principal Act” means the *National Gallery Act 1975* as in force immediately before the commencement of this section.

Operation of amendment of *Patents Act 1952*

14. Notwithstanding the amendment of sub-section 133 (3) of the *Patents Act 1952* made by this Act, that sub-section as in force immediately before the commencement of that amendment continues to apply, after that commencement, to a person who—

- (a) was registered as a patent attorney immediately before that commencement; or
- (b) was not registered as a patent attorney immediately before that commencement, but had, before that commencement, passed in one or more subjects of the prescribed examination,

as if that amendment had not been made.

Operation of amendment of *Sales Tax (Exemptions and Classifications) Act 1935*

15. The amendment of item 123A in the First Schedule to the *Sales Tax (Exemptions and Classifications) Act 1935* made by this Act shall, for the purposes of sub-section 9 (1) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, be deemed to have been made by that last-mentioned Act.

Operation of *Sex Discrimination Act 1984*

16. An exemption in force under sub-section 44 (1) of the *Sex Discrimination Act 1984* immediately before the commencement of this section has effect, after that commencement, as if it were an exemption granted under sub-section 44 (1) of that Act as amended by this Act.

SCHEDULE 1

Section 3

AMENDMENTS OF ACTS

Aboriginal Development Commission Act 1980

Section 48—

Repeal the section.

Aboriginal Land Rights (Northern Territory) Act 1976

Section 39—

Repeal the section.

Administrative Appeals Tribunal Act 1975

Sub-section 16 (2)—

Insert “or in respect of” after “does not apply to”.

Sub-section 16 (4)—

Omit “sub-section 80 (1) of”.

Paragraph 49 (1) (c)—

Omit “Chairman”, substitute “President”.

Administrative Decisions (Judicial Review) Act 1977

Schedule 1, paragraph (o)—

Omit all the words after “*Defence Force Discipline Act 1982*”.

Airports (Surface Traffic) Act 1960

Sub-section 3 (1) (paragraph (b) of the definition of “authorized person”)—

Omit the paragraph, substitute the following paragraph:

“(b) a member or special member of the Australian Federal Police or a member of the police force of a State or Territory;”.

After the definition of “authorized person” in sub-section 3 (1)—

Insert the following definition:

“ ‘owner’, in relation to a vehicle—

- (a) in the case of a vehicle that is registered in the name of a person under the law of a State or Territory relating to the registration of motor vehicles—means that person;
- (b) in the case of a vehicle that is registered in a business name under such a law—means the person who carries on business under the business name; or
- (c) in the case of any other vehicle—includes every joint or part owner of the vehicle and any person who has possession and use of the vehicle under or subject to a hire-purchase agreement or bill of sale;”.

Sub-section 3 (1) (definition of “parking infringement”)—

Omit “(a) or (b) of sub-section (1) of section 8”, substitute “8 (1) (a) or (b)”.

SCHEDULE 1—continued

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

Insert the following definition:

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

Sub-section 3 (1) (definitions of “the owner” and “the Secretary”)—

Omit the definitions.

Sub-section 6 (2)—

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

Sub-section 6 (3)—

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

Sub-section 8 (2)—

Omit “(5) of section 6”, substitute “6 (5)”.

Sub-section 8 (3)—

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

Sub-section 8 (4)—

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

Sub-section 8 (5)—

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

Sub-section 9 (2)—

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

Paragraph 9A (a)—

Omit “(3) of section 9”, substitute “9 (3)”.

Sub-section 11 (2)—

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

Sub-section 12 (1)—

Insert “or in a specified business name” after “specified person”.

Sub-section 12 (2)—

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

Sub-section 14 (2)—

(a) Omit “the next succeeding sub-section”, substitute “sub-section (3)”.

(b) Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 16 (2)—

(a) Omit “or of the Crown Law Office of a Territory”.

(b) Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 17 (1B)—

Omit “(b) of sub-section (1A)”, substitute “(1A) (b)”.

SCHEDULE 1—continued

Sub-section 22 (2)—

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

Albury-Wodonga Development Act 1973

Section 23—

Repeal the section.

Anglo-Australian Telescope Agreement Act 1970

Section 17—

Repeal the section.

Antarctic Treaty (Environment Protection) Act 1980

Preamble—

Add at the end the following paragraphs:

“AND WHEREAS Australia is a Party to the Convention for the Conservation of Antarctic Seals:

“AND WHEREAS it is desirable to make provision for giving effect to that Convention:”.

Sub-section 3 (1) (definition of “animal”)—

Omit the definition, substitute the following definition:

“ ‘animal’ includes a native mammal, a native bird and a seal (whether indigenous to the Antarctic or not);”.

Sub-section 3 (1) (definition of “native mammal”)—

Insert “and seals” after “whales”.

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

Insert the following definition:

“ ‘Seals Convention’ means the Convention for the Conservation of Antarctic Seals (a copy of the English text of which is set out in the Schedule);”.

Sub-section 7 (1)—

Insert “but subject to the regulations,” after “law,”.

Sub-section 19 (2)—

Omit “or seals” (wherever occurring).

Paragraphs 19 (3) (b), (c) and (d)—

Omit “that”.

Sub-section 19 (4) (definition of “concentration”)—

Omit the definition, substitute the following definition:

“ ‘concentration’, in relation to birds, means a group of more than 20 birds;”.

SCHEDULE 1—continued

Sub-section 29 (1)—

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

“(1) The Governor-General may make regulations—

(a) not inconsistent with this Act, prescribing matters—

(i) required or permitted by this Act to be prescribed; or

(ii) necessary or convenient to be prescribed for carrying out or giving effect to this Act or the Agreed Measures; or

(b) for and in relation to giving effect to the Seals Convention.”.

After paragraph 29 (2) (b)—

Insert the following paragraph:

“(ba) prohibiting the killing, taking, injuring or other interference with a seal that is indigenous to the Antarctic.”.

Sub-section 29 (5)—

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

“(5) The regulations may prescribe penalties for offences against the regulations not exceeding—

(a) in a case where the offence is an offence against regulations made for or in relation to giving effect to the Seals Convention—a fine of \$2,000 or imprisonment for 12 months, or both; and

(b) in any other case—a fine of \$2,000 or \$200 for each day during which the offence continues.”.

After section 29—

Insert the Schedule set out in Schedule 4 to this Act.

Atomic Energy Act 1953

Sections 11 and 22—

Repeal the sections.

Audit Act 1901

Sub-section 6 (1)—

Omit the sub-section.

Sub-sections 34A (2) and 70C (4)—

Insert “Local Government and” before “Administrative Services”.

Australia Council Act 1975

Section 42—

Repeal the section.

Australian Bicentennial Authority Act 1980

Section 20—

Repeal the section.

SCHEDULE 1—continued

Australian Broadcasting Corporation Act 1983

Sub-section 71 (2)—

Omit the sub-section.

Section 72—

Add at the end the following sub-section:

“(2) For the purposes of the application to the Corporation of Division 3 of Part XI of the *Audit Act 1901* by virtue of sub-section (1), a reference in that Division to the appropriate Minister is a reference to the Minister of State administering this Act.”.

Sub-section 83 (6)—

- (a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.
- (b) Omit “of State” (last occurring).

Australian Bureau of Statistics Act 1975

Section 13—

Repeal the section.

Australian Capital Territory Electricity Supply Act 1962

Sub-sections 6 (4) and (9) and 10 (4)—

Omit “of the Capital Territory”.

Section 21—

Repeal the section.

Australian Capital Territory Supreme Court Act 1933

Heading to Schedules—

Omit the heading.

Australian Citizenship Act 1948

Paragraphs 15 (1) (a) and (b)—

Omit the paragraphs, substitute the following paragraphs:

“(a) in the case of a person—

- (i) who, at any time after lodging an application for a certificate of Australian citizenship (including a time after the grant of the certificate), takes an oath of allegiance or makes an affirmation of allegiance in the manner provided by this section and in accordance with the appropriate form set out in Schedule 2; and

(ii) to whom paragraph (b) does not apply—

on and after the day on which the certificate is granted or on which the person takes such an oath or makes such an affirmation, whichever last occurs; or

SCHEDULE 1—continued

- (b) in the case of a person—
 - (i) who has not attained the age of 16 years; or
 - (ii) to whom sub-section 13 (2) applies—
on and after the day on which the certificate is granted.”.

Sub-sections 15 (2) and (3)—

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

“(2) The oath or affirmation of allegiance shall—

(a) be taken or made before any of the following persons:

- (i) the Minister;
- (ii) a Judge of a federal court who is an Australian citizen;
- (iii) a Judge or Magistrate holding office under a law of a State or Territory, being a Judge or Magistrate who is an Australian citizen;
- (iv) a person, or a person included in a class of persons, approved in writing by the Minister for the purposes of this sub-paragraph, being a person who is an Australian citizen; and

(b) if the Minister has made arrangements under section 41 for it to be taken or made in public, be taken or made in accordance with those arrangements unless the Minister otherwise permits in writing.

“(3) A person who has been granted a certificate of Australian citizenship under sub-section 13 (9) by virtue of being the spouse of a person referred to in sub-paragraph 13 (9) (d) (ii) shall not take the oath of allegiance, or make the affirmation of allegiance, before the last-mentioned person has taken such an oath or made such an affirmation.”.

After sub-section 15 (4)—

Insert the following sub-section:

“(4A) The validity of an acquisition of Australian citizenship is not affected by reason only that the oath of allegiance was not taken, or the affirmation of allegiance was not made, before an Australian citizen.”.

Australian Citizenship Amendment Act 1984

The Schedule—

Omit “Paragraph 24 (3) (c)” from the column headed “Provision amended”, substitute “Paragraph 25 (3) (c)”.

Australian Film and Television School Act 1973

Section 45—

Repeal the section.

Australian Film Commission Act 1975

Section 27—

Repeal the section.

SCHEDULE 1—continued

Australian Industry Development Corporation Act 1970

Paragraphs 11 (1) (c) and (5) (a)—

Omit “Industry and Commerce”, substitute “Industry, Technology and Commerce”.

Section 21A—

Omit “Industry and Commerce” (wherever occurring), substitute “Industry, Technology and Commerce”.

Australian Institute of Aboriginal Studies Act 1964

Sub-section 21 (5)—

Omit the sub-section.

Australian Institute of Marine Science Act 1972

Section 30—

Repeal the section, substitute the following section:

Acting Director

“30. (1) The Minister may appoint a person who has not attained the age of 65 years to act in the office of Director—

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

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

“(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(3) Where a person is acting in the office of Director in accordance with paragraph (1) (b) and the office becomes vacant while the person is so acting, then, subject to sub-section (2), the 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.

“(4) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting in the office of Director; and
- (b) terminate such an appointment at any time.

“(5) An appointment of a person under sub-section (1) ceases to have effect if the person attains the age of 65 years or resigns the appointment by writing signed by the person and delivered to the Minister.

“(6) While a person is acting in the office of Director, the person has and may exercise all the powers, and shall perform all the functions, of the Director.

“(7) The validity of anything done by or in relation to a person purporting to act in the office of Director shall not be called in question on the ground that the occasion for the 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 the person to act had not arisen or had ceased.”.

SCHEDULE 1—continued

Paragraph 33 (2) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) the person is an Australian citizen;”.

Section 47—

Repeal the section.

Australian Meat and Live-stock Industry Selection Committee Act 1984

Sub-section 21 (1)—

Omit “majority”, substitute “number”.

Australian National Airlines Act 1945

Section 18A—

Repeal the section.

Australian National Railways Commission Act 1983

Sub-section 79 (4)—

(a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

(b) Omit “of State” (last occurring).

Australian National University Act 1946

Section 34—

Repeal the section.

Australian Overseas Projects Corporation Act 1978

Sections 30 and 32—

Repeal the sections.

Australian Science and Technology Council Act 1979

Section 23—

Repeal the section.

Australian Security Intelligence Organization Act 1979

Section 16—

Repeal the section.

Sub-section 60 (2)—

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

“(2) Subject to this section, the Tribunal shall cause copies of its findings to be given to the applicant, the Director-General, the Commonwealth agency to which the assessment was furnished and the Attorney-General.”.

SCHEDULE 1—continued

Section 88—

Repeal the section.

Australian Shipping Commission Act 1956

Sub-section 47 (4)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Australian Tourist Commission Act 1967

Section 25—

Omit “Division 3”, substitute “Division 2”.

Australian War Memorial Act 1980

Section 38—

Repeal the section.

Australian Wine and Brandy Corporation Act 1980

Section 31—

Repeal the section.

Bank Account Debits Tax Administration Act 1982

Sub-section 32 (2)—

Omit “tax” (first occurring), substitute “‘tax’ ”.

Bass Strait Freight Adjustment Levy Collection Act 1984

Section 6—

- (a) Omit “and 160B”, substitute “, 160B and 161”.
- (b) Omit “and” from paragraph (b).
- (c) Add at the end the following word and paragraph:
 - “; and (d) a reference in section 160B to the Minister were a reference to the Minister administering the *Bass Strait Freight Adjustment Levy Act 1984*.”.

Biological Control Act 1984

Sub-section 2 (1) (definitions of “agent recommendation” and “agent organisms”)—

Reverse the order of the definitions.

Sub-section 2 (1) (definitions of “target recommendation” and “target organisms”)—

Reverse the order of the definitions.

Sub-section 20 (2)—

Omit “sub-section (1)”, substitute “sub-section 4 (1)”.

SCHEDULE 1—continued

Sub-section 26 (4)—

Add at the end “or kinds”.

Sub-section 39 (1)—

Omit “he”, substitute “a Commissioner”.

Bounty (Berry Fruits) Act 1982

Sub-section 16 (2)—

Omit “of Industry and Commerce”.

Bounty (Computers) Act 1984

Sub-section 5 (6)—

Omit “a reference”, substitute “references”.

Paragraph 6 (5) (b)—

Insert “or (6)” after “sub-section 21 (4)”.

Sub-sections 17 (1) and (3)—

Omit “during” (wherever occurring), substitute “in respect of”.

Bounty (Electric Motors) Act 1984

Section 6—

Omit all the words after “service” (first occurring), substitute the following:

“provided, in relation to the motor by—

(a) the manufacturer, or a person employed by the manufacturer, otherwise than at premises registered under section 22 in the name of the manufacturer; or

(b) a person other than—

(i) the manufacturer; or

(ii) a person employed by the manufacturer,

not being a process or service consisting of design, research or development carried out in Australia by or on behalf of the manufacturer”.

Sub-section 19 (1)—

(a) Omit “section 16”, substitute “section 18”.

(b) Omit “during”, substitute “in respect of”.

Sub-section 19 (3)—

Omit “during” (wherever occurring), substitute “in respect of”.

Bounty (Paper) Act 1979

Sub-section 3 (1) (paragraph (e) of the definition of “bountiable uncoated paper”)—

Omit “the one-minute Cobb method”, substitute “the APPITA P411S-80 test as in force from time to time”.

SCHEDULE 1—continued

Canberra College of Advanced Education Act 1967

Sub-section 20 (2)—

Omit the sub-section.

Canned Fruits Levy Act 1979

Paragraphs 5 (2) (a) and (b)—

Omit “his”, substitute “the person’s”.

Paragraph 5 (2) (c)—

- (a) Omit “him”, substitute “the person”.
- (b) Omit “his”, substitute “the person’s”.

Sub-section 5 (2)—

Omit “he” (wherever occurring), substitute “the authorized person”.

Section 9—

Omit “him”, substitute “the Minister”.

Canned Fruits Levy Collection Act 1979

Sub-sections 5 (1) and (2)—

Omit “him”, substitute “the person”.

Sub-section 5 (4)—

Omit “he” (wherever occurring), substitute “the person”.

Sub-sections 8 (3) and (5)—

Omit “he”, substitute “the authorized person”.

Section 9—

Omit “him”, substitute “the Minister”.

Section 10—

Omit “him”, substitute “the authorized person”.

Sub-section 11 (1)—

Omit “he”, substitute “the person”.

Sub-section 11 (2)—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “him” (wherever occurring), substitute “the person”.

Canned Fruits Marketing Act 1979

Sub-section 15 (1)—

Omit “him”, substitute “the canner”.

SCHEDULE 1—continued

Sub-section 19 (3)—

Omit “him”, substitute “the person”.

Paragraph 27 (2) (b)—

Omit “his”, substitute “the member’s”.

Sub-section 29 (9)—

Omit “member”, substitute “person”.

Section 33—

Repeal the section.

Sub-section 40 (4)—

Omit “he”, substitute “the Chairperson”.

Sub-section 50 (1)—

Omit “he”, substitute “the person”.

Section 52—

Omit “his” (wherever occurring), substitute “the person’s”.

Sub-section 53 (5)—

Omit “he”, substitute “the authorized person”.

Section 58—

- (a) Omit “of Primary Industry”.
- (b) Omit “that”, substitute “the”.
- (c) Omit “him”, substitute “the Secretary”.

Section 62—

Repeal the section.

Section 68—

- (a) Omit “of Primary Industry”.
- (b) Omit “that”, substitute “the”.
- (c) Omit “him”, substitute “the Secretary”.

Section 69—

Repeal the section.

Canned Fruits Marketing Amendment Act 1984

Schedule 2—

Omit “him” from the amendment of sub-section 13 (3) set out in the column headed “Omit—”, substitute “him (wherever occurring)”.

Christmas Island Act 1958

Section 15—

Repeal the section.

SCHEDULE 1—continued

Section 16—

Omit “sections 15 and 15A”, substitute “section 15A”.

Sub-section 17 (2)—

Omit the sub-section.

Cocos (Keeling) Islands Act 1955

Sub-section 6 (3)—

Omit “The preceding provisions of this section”, substitute “Sub-sections (1) and (2)”.

Section 14—

Repeal the section.

Section 15—

Omit “sections 14 and 14A”, substitute “section 14A”.

Sub-section 15A (1)—

Omit “*Public Service Act 1922-1958*”, substitute “*Public Service Act 1922*”.

Sub-section 15A (2)—

Omit the sub-section.

Sub-section 15A (3)—

Omit “*Public Service Act 1922-1958*”, substitute “*Public Service Act 1922*”.

Section 16—

Repeal the section, substitute the following section:

Sittings of courts, &c.

“16. (1) Provision may be made by Ordinance for and in relation to—

- (a) sittings in Australia outside the Territory of a Territory court for the purpose of hearing and determining a matter, otherwise than in the exercise of its criminal jurisdiction, if the court is satisfied that the hearing of the matter outside the Territory is not contrary to the interests of justice;
- (b) the establishment and operation at places in Australia outside the Territory of registries of Territory courts; and
- (c) where a power or duty is conferred or imposed by law on a person who holds an office in relation to a Territory court—the exercise of the power, or the performance of the duty, at places in Australia outside the Territory.

“(2) A reference in sub-section (1) to a Territory court is a reference to a court having jurisdiction in the Territory.”.

Cocos (Keeling) Islands Self-Determination (Consequential Amendments) Act 1984

Section 10—

Omit “‘16A’”, substitute “‘16B’”.

SCHEDULE 1—continued

Commonwealth Employees (Redeployment and Retirement) Act 1979

Sub-paragraph 29 (1) (d) (iii)—

Omit the sub-paragraph, substitute the following paragraph:

“(iii) persons who are employed under section 42 of the *Naval Defence Act 1910*;”.

Commonwealth Grants Commission Act 1973

Sub-section 8 (7)—

Omit the sub-section.

Commonwealth Schools Commission Act 1973

Section 11—

Repeal the section.

Commonwealth Serum Laboratories Act 1961

Sub-section 26 (4)—

Omit the sub-section.

Commonwealth Tertiary Education Commission Act 1977

Section 17—

Repeal the section.

Conciliation and Arbitration Act 1904

Sub-section 133AB (2)—

Omit “organisation”, substitute “organization”.

Sub-section 158AHA (6) (definition of “relevant branch”)—

Add at the end “not being, in relation to a particular financial year, a part of the organization in relation to which a certificate has been issued under sub-section 158AN (1) in relation to that year”.

After section 158AM—

Insert the following section in Part VIII A A:

Accounts and audit where income of organization less than specified amount

“158AN. (1) If, upon the application of an organization made after the end of a financial year, the Registrar is satisfied that the income of the organization for that year did not exceed \$10,000 or, in the case of a financial year that, in pursuance of sub-section 158AA (2), is a period other than 12 months, did not exceed such amount as the Registrar considers appropriate in the circumstances, the Registrar shall issue to the organization a certificate to that effect, and, where such a certificate is issued in respect of an organization in relation to a financial year—

- (a) the following provisions of this section apply in relation to the organization in relation to that financial year;
- (b) except as provided in paragraph (c), the provisions of this Part continue to apply in relation to the organization in relation to that financial year; and

SCHEDULE 1—continued

- (c) the provisions of sections 158AD and 158AG (other than sub-sections (5), (6) and (7) of section 158AG) and sub-section 158AH (1) do not apply in relation to the organization in relation to that financial year.

“(2) The provisions of this Part (other than this section) apply to the organization in relation to the financial year as if—

- (a) a reference to accounts and statements prepared or to be prepared in accordance with section 158AD were a reference to accounts and statements prepared in accordance with sub-section (3) of this section;
- (b) the reference in sub-section 158ADA (3) to accounts prepared in accordance with section 158AD were a reference to accounts prepared in accordance with sub-section (3) of this section;
- (c) the reference in sub-section 158AG (5) to sub-section 158AG (4A) or (4B) were a reference to sub-section (5) of this section;
- (d) the reference in sub-section 158AG (6) to sub-section 158AG (1) were a reference to sub-section (5) of this section; and
- (e) the reference in sub-sections 158AH (2), (3) and (4) to sub-section 158AH (1) were a reference to sub-section (8) of this section.

“(3) As soon as practicable after the issue of the certificate under sub-section (1), the organization shall cause to be prepared from the accounting records kept by the organization in accordance with sub-section 158AC (1), in respect of the financial year, such accounts and other statements in respect of the financial year as are prescribed, and shall include in the accounts so prepared the relevant figures from the accounts prepared by the organization, in accordance with this sub-section or sub-section 158AD (1), whichever is applicable, in respect of the preceding financial year.

Penalty: \$1,000.

“(4) The regulations may make provision for and in relation to the giving of certificates in, or in relation to, accounts or other statements prepared in accordance with sub-section (3).

“(5) After the making to the organization of the report of the auditor under section 158AF with respect to the auditor’s inspection and audit of the accounting records kept by the organization in respect of the financial year and before the end of the financial year immediately following that financial year, the organization shall cause a copy of that report, together with copies of the accounts and statements prepared in accordance with sub-section (3) to which that report relates, to be presented to a meeting of the members of the organization.

“(6) An organization shall supply free of charge a copy of the report, accounts and statements referred to in sub-section (5) to any member of the organization who so requests.

“(7) An organization that has not supplied the report, accounts and statements referred to in sub-section (5) to a member of the organization within 14 days after the receipt by the organization of a request by the member made in pursuance of sub-section (6) (in this sub-section referred to as the ‘relevant period’) is guilty of an offence against that sub-section punishable, upon conviction, by a fine not exceeding \$500 plus \$50 for each completed week of the period commencing on the expiration of the relevant period and ending on—

- (a) if the organization supplied the documents to which the offence relates before the day on which the organization is convicted—the day on which the documents were so supplied; or
- (b) in any other case—the day on which the organization is convicted.

“(8) The organization shall, within 90 days (or such longer period as the Registrar allows) after the making to the organization of the report under section 158AF, file with the Registrar copies of the report and the accounts and statements referred to in sub-section (5)

SCHEDULE 1—continued

of this section together with a certificate by the Secretary, or other prescribed officer, of the organization that the information contained in the accounts and statements is correct.”.

Conciliation and Arbitration Amendment Act 1984

Paragraph 6 (1) (c)—

Omit “ ‘organisation’ ”, substitute “ ‘organization’ ”.

Consular Privileges and Immunities Act 1972

Sub-section 3 (1) (definition of “Australian citizen”)—

Omit “*Citizenship Act 1948-1969*”, substitute “*Australian Citizenship Act 1948*”.

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

Insert the following definition:

“ ‘Convention’ means the Vienna Convention on Consular Relations, a copy of the English text of which is set out in the Schedule;”.

Sub-section 3 (1) (definition of “the Convention”)—

Omit the definition.

Paragraph 5 (2) (c)—

Omit “Police Force”, substitute “police force”.

Paragraph 5 (2) (d)—

Omit “five”, substitute “5”.

Paragraph 5 (2) (f)—

Omit “1963-1966”, substitute “1963”.

Paragraph 5 (2) (g)—

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

Paragraph 5 (2) (m)—

Omit “1967-1972”, substitute “1967”.

Sub-section 5 (3)—

Omit “of this section” (wherever occurring).

Sub-section 5 (4)—

(a) Omit “1936-1972”, substitute “1936”.

(b) Omit “and of the *Income Tax Ordinance 1959* of Papua New Guinea as amended and in force at any time”.

(c) Omit “the first day of July, One thousand nine hundred and seventy-two”, substitute “1 July 1972”.

Sub-section 5 (5)—

Omit “1903-1969”, substitute “1903”.

Sub-section 6 (1)—

Omit “the last preceding section”, substitute “section 5”.

SCHEDULE 1—continued

Paragraph 6 (1) (a) and sub-paragraph 6 (1) (b) (i)—

Omit “1901-1971”, substitute “1901”.

Paragraph 6 (2) (a)—

(a) Omit “1901-1971”, substitute “1901”.

(b) Omit “the last preceding section”, substitute “section 5”.

Sub-section 7 (1)—

(a) Omit “of this section”.

(b) Omit “1921-1972”, substitute “*Act 1921*”.

Paragraph 7 (1) (c)—

Omit “the last preceding paragraph”, substitute “paragraph (b)”.

Sub-section 7 (2)—

Omit “1921-1972”, substitute “*Act 1921*”.

Paragraph 7 (2) (a)—

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

Sub-sections 7 (3) and (4)—

Omit “of this section”.

Paragraph 7 (4) (a)—

Omit “two”, substitute “2”.

Sub-section 8 (1)—

(a) Omit “1930-1970” (wherever occurring), substitute “1930”.

(b) Omit “the last preceding section”, substitute “section 7”.

(c) Omit “1921-1972”, substitute “*Act 1921*”.

Sub-section 8 (2)—

(a) Omit “The last preceding sub-section”, substitute “Sub-section (1)”.

(b) Omit “(1) of the last preceding section”, substitute “7 (1)”.

Sub-section 8 (3)—

Omit “of this section”.

Paragraph 8 (3) (a)—

Omit “two”, substitute “2”.

Paragraph 9 (1) (a)—

Omit “1967-1972”, substitute “1967”.

Sub-paragraph 9 (1) (b) (i)—

(a) Omit “the last preceding paragraph”, substitute “paragraph (a)”.

(b) Omit “1967-1972”, substitute “1967”.

Sub-paragraph 9 (1) (b) (ii)—

Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (i)”.

SCHEDULE 1—continued

Sub-paragraph 9 (1) (b) (iii)—

Omit “either of the last two preceding sub-paragraphs”, substitute “sub-paragraph (i) or (ii)”.

Sub-paragraph 9 (1) (c) (i)—

Omit “(i) of the last preceding paragraph”, substitute “(b) (i)”.

Sub-paragraph 9 (1) (c) (ii)—

Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (i)”.

Sub-paragraph 9 (1) (d) (i)—

Omit “(i) of paragraph (b) of this sub-section”, substitute “(b) (i)”.

Sub-paragraph 9 (1) (d) (ii)—

Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (i)”.

Sub-paragraph 9 (1) (e) (i)—

Omit “(i) of paragraph (b) of this sub-section”, substitute “(b) (i)”.

Sub-section 9 (2)—

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

Paragraph 9 (2) (c)—

Omit “the last preceding paragraph”, substitute “paragraph (b)”.

Paragraph 9 (2) (d)—

Omit “either of the last two preceding paragraphs”, substitute “paragraph (b) or (c)”.

Paragraph 9 (2) (e)—

Omit “or paragraph (c) of this sub-section”, substitute “or (c)”.

After section 12—

Insert the following section:

Delegation

“12A. (1) The Minister for Industry, Technology and Commerce may, either generally or as otherwise provided by the instrument of delegation, by writing signed by that Minister, delegate to a person all or any of that Minister’s 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 Minister for Industry, Technology and Commerce.

“(3) A delegation under this section does not prevent the exercise of a power by the Minister for Industry, Technology and Commerce.”.

Heading to Schedule—

Omit “THE SCHEDULE”, substitute “SCHEDULE”.

Copyright Act 1968

Sub-sections 135 (6), (10) and (11)—

Omit “Industry and Commerce”, substitute “Industry, Technology and Commerce”.

SCHEDULE 1—continued

Coral Sea Islands Act 1969

Section 3—

Omit “to this Act.”.

Sub-sections 7 (1), (2) and (3)—

Omit “fifteen” (wherever occurring), substitute “15”.

Sub-section 7 (4)—

(a) Omit “fifteen”, substitute “15”.

(b) Omit “the last two preceding sub-sections”, substitute “sub-sections (2) and (3)”.

Sub-section 7 (6)—

Omit “six”, substitute “6”.

Crimes (Overseas) Act 1964

After the definition of “Commonwealth officer” in section 3—

Insert the following definition:

“ ‘non-citizen’ means a person who is not an Australian citizen;”.

Section 3 (definition of “person to whom this Act applies”)—

Omit “British subject”, substitute “non-citizen”.

Criminology Research Act 1971

Section 24—

Repeal the section.

Dairy Produce Act 1924

Section 29A—

Repeal the section.

Defence Act 1903

Section 12—

Repeal the section.

After paragraph 58B (1) (c)—

Insert the following paragraph:

“(ca) the making of allotments of remuneration by members and the suspension, variation and cancellation of allotments of remuneration made by members;”.

Sub-section 58B (3)—

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

“(3) A determination shall not be made providing for or in relation to the forfeiture or assignment of the whole or part of—

(a) the remuneration of a member or cadet; or

SCHEDULE 1—continued

(b) allowances or other pecuniary benefits referred to in paragraph (1) (b) or (c).”.

Section 116ZA—

Omit “The Governor-General may make arrangements with the Governor of a State or the Administrator of a Territory”, substitute “The Minister may make arrangements with a Minister of a State or Territory”.

Before section 118—

Insert the following section in Part X:

Members and former members may bring actions for money due in respect of service

“117B. A person who is or has been a member of the Defence Force may recover from the Commonwealth, by action in a court of competent jurisdiction, money due to the person by the Commonwealth in respect of the person’s service as a member of the Defence Force.”.

Sub-section 120A (4)—

Omit “48, 48A, 50 and 50B”, substitute “46, 48, 48A, 50, 50B and 123A”.

Sub-sections 120A (4A) and (4B)—

Omit “section 50B”, substitute “sections 50B and 123A”.

After section 120A—

Insert the following section:

Attachment of salaries of members

“120B. (1) Where judgment has been given by a court against a member for the payment of a sum of money, the person in whose favour judgment was given (in this section referred to as the ‘judgment creditor’) may serve on a paying officer—

- (a) a copy of the judgment, certified under the hand of the Registrar or other appropriate officer of the court; and
- (b) a statutory declaration that—
 - (i) states that the judgment has not been satisfied by the member; and
 - (ii) sets out the amount then due by the member under the judgment.

“(2) The paying officer shall, as soon as practicable after service of the copy of the judgment and the statutory declaration, by notice in writing given to the member—

- (a) inform the member of the service on the paying officer of the copy of the judgment and the statutory declaration; and
- (b) require the member—
 - (i) to inform the paying officer, in writing, within the time specified for the purpose in the notice, whether the judgment has been satisfied; and
 - (ii) if—
 - (A) the member claims the judgment has been satisfied, to furnish evidence in support of the claim; or
 - (B) the member admits that the judgment has not been satisfied, to state the amount then due under the judgment.

“(3) If the member—

- (a) fails, within the time specified for the purpose in the notice, to satisfy the paying officer that the judgment has been satisfied; or
- (b) admits that the judgment has not been satisfied,

SCHEDULE 1—continued

the paying officer shall, subject to sub-section (13), in relation to each pay-day of the member, cause to be deducted from the salary payable to the member on the pay-day an amount equal to the normal deduction in relation to the member in relation to the pay-day or such lesser amount as is, in the opinion of the paying officer, sufficient to satisfy the amount then due under the judgment.

“(4) There is payable to the Commonwealth, by the judgment creditor, an administration fee, at the prescribed rate, in respect of each amount deducted pursuant to sub-section (3).

“(5) The paying officer shall, subject to sub-section (6), cause an amount equal to each amount deducted pursuant to sub-section (3) to be paid to the judgment creditor.

“(6) Where an amount is deducted pursuant to sub-section (3) and the whole or part of the administration fee payable in respect of the amount has not been paid by the judgment creditor, the paying officer shall—

- (a) apply, in or towards payment of the administration fee, the amount of the deduction or so much of the amount of the deduction as is equal to the administration 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.

“(7) Upon the application under sub-section (6) of an amount (in this sub-section referred to as the ‘relevant amount’) in or towards payment of the administration fee payable in respect of an amount deducted pursuant to sub-section (3) from the salary payable to the member on a pay-day—

- (a) the judgment creditor shall be deemed to have paid the relevant amount to the Commonwealth in satisfaction or partial satisfaction, as the case requires, of the administration fee;
- (b) an amount equal to the relevant amount shall be deemed to have been paid by the Commonwealth to the member on account of the salary payable to the member on the pay-day; and
- (c) an amount equal to the relevant amount shall also be deemed to have been paid by the member to the judgment creditor in relation to the judgment.

“(8) Upon payment being made to the judgment creditor pursuant to sub-section (5) or (6) of an amount (in this sub-section referred to as the ‘relevant amount’) in relation to an amount deducted pursuant to sub-section (3) from the salary payable to the member on a pay-day—

- (a) an amount equal to the relevant amount shall be deemed to have been paid by the Commonwealth to the member on account of the salary payable to the member on the pay-day; and
- (b) an amount equal to the relevant amount shall also be deemed to have been paid by the member to the judgment creditor in relation to the judgment.

“(9) When the judgment has been satisfied, the judgment creditor shall forthwith notify the paying officer accordingly.

Penalty: \$500 or imprisonment for 3 months.

“(10) If the amounts deemed, by virtue of paragraphs (7) (c) and (8) (b), to have been paid by the member to the judgment creditor exceed, in the aggregate, the amount due under the judgment, the excess is repayable by the judgment creditor to the member, and, in default of repayment, may be recovered, by action in a court of competent jurisdiction, as a debt due by the judgment creditor to the member.

“(11) Where, in relation to an amount deducted pursuant to sub-section (3) from the salary payable to the member on a pay-day, an amount is, by virtue of paragraph (7) (c), deemed to have been paid by the member to the judgment creditor and an amount is, by virtue of paragraph (8) (b), deemed to have been paid by the member to the judgment

SCHEDULE 1—continued

creditor, then, for the purposes of sub-section (10), the last-mentioned amount shall be deemed to have been paid after the second-mentioned amount.

“(12) If the member ceases to be a member before the paying officer is notified that the judgment has been satisfied, the paying officer shall forthwith inform the judgment creditor, in writing, of the fact that the member has ceased to be a member and the date on which the member ceased to be a member.

“(13) If the paying officer is satisfied that the deduction of the amount that the paying officer would, but for this sub-section, be required to deduct from the salary payable to the member on a pay-day would cause severe hardship to the member, the paying officer may deduct a lesser amount in relation to the pay-day.

“(14) Where copies of more than one judgment, and statutory declarations in relation to those judgments, are served under sub-section (1) in relation to a member, the judgments shall be dealt with under this section in the order in which copies of the judgments are served under that sub-section.

“(15) Sub-sections (1) to (14) (inclusive) do not apply to a member—

- (a) who is a bankrupt; or
- (b) in relation to whom a deed of assignment, a deed of arrangement or a composition is in force under the *Bankruptcy Act 1966*.

“(16) In this section—

‘net salary’, in relation to a member in relation to a pay-day, means the amount of salary payable by the Commonwealth to the member on the pay-day after deductions have been made—

- (a) pursuant to Division 2 of Part VI of the *Income Tax Assessment Act 1936*;
- (b) pursuant to Part III of the *Defence Force Retirement and Death Benefits Act 1973*; and
- (c) for purposes prescribed for the purpose of this paragraph;

‘member’ means a member of the Defence Force rendering continuous full-time service;

‘normal deduction’, in relation to a member in relation to a pay-day, means an amount equal to 20% of the net salary of the member in relation to the pay-day or such greater amount as the member notifies a paying officer, in writing, should be the normal deduction for the purposes of this section in relation to the pay-day;

‘pay-day’, in relation to a member, means a day on which salary is payable to the member;

‘paying officer’ means an officer of the Australian Public Service performing duties in the Department who is appointed by the Secretary, in writing, to be a paying officer for the purposes of this section;

‘salary’, in relation to a member, means any money payable by the Commonwealth to the member by way of salary, and includes any money payable by the Commonwealth to the member by way of an allowance prescribed for the purposes of this definition, but does not include any money payable to the member by way of a weekly payment of compensation under the *Compensation (Commonwealth Government Employees) Act 1971*.”.

Section 123A—

Omit “or by an officer authorized by that chief of staff” (wherever occurring).

Paragraphs 123A (e) and (f)—

Re-letter paragraphs (e) and (f) as paragraphs (d) and (e) respectively.

SCHEDULE 1—continued

Paragraph 124 (1) (d)—

Omit the paragraph.

Paragraph 147A (1) (a)—

Omit “British subjects”, substitute “Australian citizens”.

Section 148A—

Repeal the section.

Defence Force Discipline Act 1982

After section 86—

Insert the following section:

Oaths, affirmations and affidavits

“86A. (1) An authorized officer may administer oaths and affirmations for the purposes of this Part.

“(2) The forms of oaths and affirmations administered by an authorized officer for the purposes of this Part shall be as prescribed.

“(3) An affidavit to be used for the purposes of this Part may be sworn before an authorized officer.

“(4) This section shall not be taken to limit by implication the persons who may administer oaths and affidavits for the purposes of this Part or before whom affidavits to be used for the purposes of this Part may be sworn.”.

After section 101—

Insert the following section in Division 1 of Part VI:

Oaths, affirmations and affidavits

“101AA. (1) An authorized officer may administer oaths and affirmations for the purposes of this Part.

“(2) The forms of oaths and affirmations administered by an authorized officer for the purposes of this Part shall be as prescribed.

“(3) An affidavit to be used for the purposes of this Part may be sworn before an authorized officer.

“(4) This section shall not be taken to limit by implication the persons who may administer oaths and affidavits for the purposes of this Part or before whom affidavits to be used for the purposes of this Part may be sworn.”.

Sub-section 111 (1)—

Insert “or in relation to a class of cases in which the particular case is included” after “particular case”.

Sub-section 151 (4)—

Omit “an appropriate legal officer”, substitute “a legal officer”.

Sub-section 151 (6)—

Omit the sub-section.

SCHEDULE 1—continued

Sub-section 154 (1)—

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

“(1) A reviewing authority shall not commence a review without first obtaining a report on the proceedings from—

- (a) in the case of a conviction, or a direction given under sub-section 145 (2) or (5), by a court martial or Defence Force magistrate—a legal officer appointed, by instrument in writing, for the purposes of this section by a chief of staff on the recommendation of the Judge Advocate General; or
- (b) in any other case—a legal officer.”.

Section 175—

Insert “, or an officer of the Australian Public Service performing duties in the Department,” after “an authorized officer” (wherever occurring).

Sub-section 185 (3)—

Omit “This section has”, substitute “Sub-sections (1) and (2) have”.

Defence Force Discipline Appeals Act 1955

Heading to Part II—

Omit the heading, substitute the following heading:

“PART II—DEFENCE FORCE DISCIPLINE APPEAL TRIBUNAL”.

Section 13—

Repeal the section.

Defence Legislation Amendment Act 1984

Schedule 2, proposed amendment of sub-section 92 (1) of the *Defence Force Retirement and Death Benefits Act 1973*—

Omit “pay on” from the column headed “Omit (wherever occurring)”.

Schedule 3, proposed amendment of sub-section 4 (4) of the *Defence Forces Retirement Benefits Act 1948*—

Opposite the reference to “(b) ‘thirty-six of this Act’”, insert “36” in the column headed “Substitute”.

Defence (Re-establishment) Act 1965

Section 46A (definition of “Secretary”) and section 49A (definition of “Secretary”)—

Omit “Social Security”, substitute “Community Services”.

Defence (Special Undertakings) Act 1952

Section 4 (definition of “constable”)—

Omit “Police Force”, substitute “police force”.

Sub-section 7 (2)—

Omit “The last preceding sub-section”, substitute “Sub-section (1)”.

SCHEDULE 1—continued

Sub-section 9 (1)—

Omit “eleven of this Act”, substitute “11”.

Section 9—

Omit “seven”, substitute “7”.

Sub-section 11 (4)—

Omit “seven”, substitute “7”.

Sub-section 11 (5)—

Omit “two”, substitute “2”.

Section 12—

(a) Omit “the last preceding section”, substitute “11”.

(b) Omit “two”, substitute “2”.

Section 13—

Omit “seven”, substitute “7”.

Section 14—

Omit “Penalty: Imprisonment for two years.”, substitute “Penalty for contravention of this sub-section: Imprisonment for 2 years.”.

Sub-section 15 (1)—

(a) Omit “the last preceding section”, substitute “section 14”.

(b) Omit “not”.

(c) Insert “not” after “deemed”.

(d) Omit “*Rules Publication Act 1903-1939*”, substitute “*Statutory Rules Publication Act 1903*”.

Sub-section 15 (2)—

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

“(2) The provisions of sections 48 (other than paragraphs (1) (a) and (b) and sub-section (2)), 49, 49A and 50 of the *Acts Interpretation Act 1901* apply in relation to orders made under section 14 as if in those provisions references to regulations were references to such orders, references to a regulation were references to such an order and references to a repeal were references to a revocation.”.

Sub-section 15 (3)—

(a) Omit “1901-1950”, substitute “1901”.

(b) Omit “the last preceding section”, substitute “section 14 of this Act”.

(c) Omit “forty-six”, substitute “46”.

Sub-section 15 (4)—

Omit “the last preceding section”, substitute “section 14”.

Sections 16 and 17—

Omit “two”, substitute “2”.

Section 18—

(a) Omit “eleven of this Act”, substitute “11”.

SCHEDULE 1—continued

(b) Omit “nine of this Act”, substitute “9”.

Section 19—

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

Sub-section 20 (2)—

Omit “in pursuance of the last preceding sub-section”, substitute “pursuant to sub-section (1)”.

Section 21—

Omit “fourteen of this Act”, substitute “14”.

Section 23—

Omit “Penalty: Imprisonment for two years.”, substitute “Penalty for contravention of this sub-section: Imprisonment for 2 years.”.

Section 24—

Omit “two”, substitute “2”.

Section 27—

Omit “1947”, substitute “1947”.

Section 29—

Repeal the section, substitute the following section:

Punishment of offences

“29. (1) An offence against this Act is an indictable offence and, subject to sub-sections (2) and (3), is punishable on conviction by a penalty not exceeding the penalty provided by this Act in respect of the offence.

“(2) Notwithstanding that an offence against this Act is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and prosecutor consent.

“(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against this Act, the penalty that the court may impose is a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.”.

Section 31—

Omit “Penalty: Imprisonment for five years.”, substitute “Penalty for contravention of this sub-section: Imprisonment for 5 years.”.

Section 32—

Omit “six”, substitute “6”.

Designs Act 1906

Section 36—

Omit “Three years’ imprisonment”, substitute “\$5,000 or imprisonment for 2 years, or both”.

SCHEDULE 1—continued

Sub-section 40F (2)—

Omit all the words after “sub-section (1).”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$5,000 or imprisonment for 2 years, or both; or
- (b) in the case of a body corporate—\$25,000.”.

Sub-section 42B (1)—

Add at the foot the following:

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

Sub-section 42B (2)—

Omit “Penalty: \$100.”, substitute the following:

“Penalty for contravention of this sub-section:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; or
- (b) in the case of a body corporate—\$5,000.”.

Section 42C—

Omit “\$100”, substitute “\$1,000 or imprisonment for 6 months, or both”.

Sub-section 45 (1)—

Omit “Penalty: \$200.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.”.

After section 45—

Insert the following section:

Certain offences indictable

“45A. (1) An offence against section 36 or sub-section 40F (2) is an indictable offence.

“(2) Notwithstanding that an offence against section 36 or sub-section 40F (2) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against section 36, the penalty that the court may impose is a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both.

“(4) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against sub-section 40F (2), the penalty that the court may impose is—

- (a) if the person is a natural person, a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both; or
- (b) if the person is a body corporate, a fine not exceeding \$5,000.”.

SCHEDULE 1—continued

Diplomatic Privileges and Immunities Act 1967

After the definition of “Australian citizen” in sub-section 4 (1)—

Insert the following definition:

“ ‘Convention’ means the Vienna Convention on Diplomatic Relations, a copy of the English text of which is set out in the Schedule;”.

Sub-section 4 (1) (definition of “the Convention”)—

Omit the definition.

Sub-section 7 (4)—

Omit “as amended and in force at any time”.

Sub-sections 9 (1) and 10 (1)—

Omit “1921”, substitute “*Act 1921*”.

After section 14—

Insert the following section:

Delegation

“14A. (1) The Minister for Industry, Technology and Commerce may, either generally or as otherwise provided by the instrument of delegation, by writing signed by that Minister, delegate to a person all or any of that Minister’s 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 Minister for Industry, Technology and Commerce.

“(3) A delegation under this section does not prevent the exercise of a power by the Minister for Industry, Technology and Commerce.”.

Heading to Schedule—

Omit “THE SCHEDULE”, substitute “SCHEDULE”.

Environment Protection (Alligator Rivers Region) Act 1978

Section 15—

Repeal the section.

Estate Duty Assessment Act 1914

Sub-section 3 (1) (definition of “Administrator”)—

Omit “ ‘Administrator’ ”, substitute “ ‘administrator’ ”.

Sub-section 3 (1) (definition of “Adopted Child”)—

Omit “ ‘Adopted Child’ ”, substitute “ ‘adopted child’ ”.

Sub-section 3 (1) (definition of “Board of Review”)—

Omit “or under that Act as amended”.

Sub-section 3 (1) (definition of “ ‘Child’ or ‘Children’ ”)—

Omit “ ‘Child’ or ‘Children’ ”, substitute “ ‘child’ ”.

SCHEDULE 1—continued

After the definition of “ ‘Child’ or ‘Children’ ” in sub-section 3 (1)—

Insert the following definition:

“ ‘Commissioner’ means the Commissioner of Taxation;”.

Sub-section 3 (1) (definition of “Debts”)—

Omit “ ‘Debts’ ”, substitute “ ‘debts’ ”.

Sub-section 3 (1) (definition of “Duty”)—

Omit “ ‘Duty’ ”, substitute “ ‘duty’ ”.

Sub-section 3 (1) (definition of “Estate”)—

Omit “ ‘Estate’ ”, substitute “ ‘estate’ ”.

Sub-section 3 (1) (definition of “Gift *inter vivos*”)—

Omit “ ‘Gift *inter vivos*’ ”, substitute “ ‘gift *inter vivos*’ ”.

Sub-section 3 (1) (definition of “Member of the family”)—

Omit “ ‘Member of the family’ ”, substitute “ ‘member of the family’ ”.

Sub-section 3 (1) (definition of “Settlement”)—

Omit “ ‘Settlement’ ”, substitute “ ‘settlement’ ”.

Sub-section 3 (1) (definition of “Supreme Court”)—

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

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

Omit the definition.

Sub-section 3 (2)—

Omit “ ‘Member of the family’ ”, substitute “ ‘member of the family’ ”.

Section 4—

Omit “, subject to the control of the Minister,”.

Paragraph 8 (4) (a)—

Omit “three years” (wherever occurring), substitute “3 years”.

Paragraph 8 (4) (b)—

Omit “three”, substitute “3”.

Paragraph 8 (4) (c)—

Omit “three”, substitute “3”.

Sub-section 8 (4A)—

(a) Omit “paragraph (f) of the last preceding sub-section”, substitute “paragraph (4) (f)”.

(b) Omit “three per centum”, substitute “3%”.

Sub-paragraph 8 (5) (c) (i)—

Omit “the last preceding paragraph”, substitute “paragraph (b)”.

SCHEDULE 1—continued

Paragraph 8 (6) (a)—

Omit “, or of that Act as amended and in force at any time”.

Sub-section 8AA (1) (paragraph (b) of the definition of “civilian accompanying the United States Forces”)—

Omit “Government of the Commonwealth”, substitute “Australian Government”.

After the definition of “foreign employee” in sub-section 8AA (1)—

Insert the following definitions:

“ ‘Joint Defence Space Research Facility’ means the undertaking the establishment of which is provided for by an agreement dated 9 December 1966 between the Government of Australia and the Government of the United States of America;

‘North West Cape naval communication station’ means the naval communication station the establishment of which is provided for by the agreement approved by the *United States Naval Communication Station Agreement Act 1963*.”.

Sub-section 8AA (1) (paragraph (b) of the definition of “prescribed contract”)—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

Sub-section 8AA (1) (paragraph (b) of the definition of “prescribed purposes”)—

Omit “Government of the Commonwealth”, substitute “Australian Government”.

Sub-section 8AA (1) (definitions of “the Joint Defence Space Research Facility”, “the North West Cape naval communication station” and “the United States Forces”)—

Omit the definitions.

Sub-section 8AA (1)—

Add at the end the following definition:

“ ‘United States Forces’ means the armed forces of the Government of the United States of America.”.

Sub-section 8AA (2)—

Omit “Government of the Commonwealth”, substitute “Australian Government”.

Sub-section 8AA (4)—

Omit “The last preceding sub-section”, substitute “Sub-section (3)”.

Paragraph 8A (1) (b)—

Omit “five”, substitute “5”.

Paragraph 8A (3) (a)—

(a) Omit “one”, substitute “1”.

(b) Omit “fifty per centum”, substitute “50%”.

Paragraph 8A (3) (b)—

(a) Omit “one”, substitute “1”.

(b) Omit “two”, substitute “2”.

(c) Omit “forty per centum”, substitute “40%”.

Paragraph 8A (3) (c)—

(a) Omit “two”, substitute “2”.

SCHEDULE 1—continued

- (b) Omit “three”, substitute “3”.
- (c) Omit “thirty per centum”, substitute “30%”.

Paragraph 8A (3) (d)—

- (a) Omit “three”, substitute “3”.
- (b) Omit “four”, substitute “4”.
- (c) Omit “twenty per centum”, substitute “20%”.

Paragraph 8A (3) (e)—

- (a) Omit “four”, substitute “4”.
- (b) Omit “five”, substitute “5”.
- (c) Omit “ten per centum”, substitute “10%”.

Sub-paragraph 8A (4) (a) (ii)—

Omit “(4) of section 8”, substitute “8 (4)”.

Paragraph 8A (4) (b)—

Omit “(f) of sub-section (4) of section 8”, substitute “8 (4) (f)”.

Paragraph 8A (5) (c)—

Omit “(6) or sub-section (7) of section 8”, substitute “8 (6) or (7)”.

Paragraph 8A (5) (d)—

Omit “(6) or sub-section (7) of section 8”, substitute “8 (6) or (7)”.

Sub-section 9 (1)—

- (a) Omit “three”, substitute “3”.
- (b) Omit “Five thousand pounds” (wherever occurring), substitute “\$10,000”.

Sub-section 9 (1A)—

Omit “three”, substitute “3”.

Sub-section 9 (1B)—

- (a) Omit “1956-1962”, substitute “1956”.
- (b) Omit “three”, substitute “3”.

Sub-section 9 (2)—

Omit “any of the preceding provisions of this section”, substitute “sub-section (1), (1A) or (1B)”.

Sub-section 9 (3)—

- (a) Omit “1920-1962” (wherever occurring), substitute “1920”.
- (b) Omit “1956-1962”, substitute “1956”.

Paragraph 9 (4) (a)—

Omit “1920-1962”, substitute “1920”.

Paragraph 9 (4) (b)—

Omit “1956-1962”, substitute “1956”.

SCHEDULE 1—continued

Sub-section 9A (1) (sub-paragraph (b) (ii) of the definition of “family company”)—
Omit “five per centum”, substitute “5%”.

Sub-section 9A (1) (paragraph (b) of the definition of “gross farm income”)—
(a) Omit “the last preceding paragraph”, substitute “paragraph (a)”.
(b) Omit “that paragraph”, substitute “paragraph (a)”.

Sub-section 9A (1) (definition of “gross income”)—
(a) Omit “the last preceding paragraph”, substitute “paragraph (a)”.
(b) Omit “that paragraph”, substitute “paragraph (a)”.

Sub-section 9A (1) (definition of “income”)—
Omit “1936-1969”, substitute “1936”.

Sub-section 9A (1) (paragraph (e) of the definition of “relative”)—
Omit “the last preceding paragraph”, substitute “paragraph (d)”.

Sub-section 9A (1) (paragraph (f) of the definition of “relative”)—
Omit “any of the last three preceding paragraphs”, substitute “paragraph (c), (d) or (e)”.

Sub-section 9A (1) (paragraph (a) of the definition of “year of income”)—
(a) Omit “the next succeeding paragraph”, substitute “paragraph (b)”.
(b) Omit “twelve”, substitute “12”.

Sub-section 9A (1) (paragraph (b) of the definition of “year of income”)—
(a) Omit “1936-1969”, substitute “1936”.
(b) Omit “twelve” (wherever occurring), substitute “12”.

Sub-section 9A (2)—
Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 9A (5)—
Omit “(4) of section 8”, substitute “8 (4)”.

Sub-section 9A (7)—
Omit “(5) of section 8”, substitute “8 (5)”.

Sub-section 9A (8)—
Omit “(4) of section 8”, substitute “8 (4)”.

Paragraph 9B (1) (a)—
Omit “twelve”, substitute “12”.

Paragraph 9B (1) (b)—
Omit “four”, substitute “4”.

Paragraph 9B (2) (a)—
Omit “twelve”, substitute “12”.

SCHEDULE 1—continued

Paragraph 9B (2) (b)—

Omit “three”, substitute “3”.

Paragraph 9C (1) (a)—

Omit “(a), (b), (c), (e) or (f) of sub-section (4) of section 8”, substitute “8 (4) (a), (b), (c), (e) or (f)”.

Sub-section 9C (2)—

- (a) Omit “The last preceding sub-section”, substitute “Sub-section (1)”.
- (b) Omit “(d) of sub-section (2) of the next succeeding section”, substitute “9D (2) (d)”.

Sub-section 9D (2)—

Omit “the next succeeding section”, substitute “section 9E”.

Sub-section 9D (3)—

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

Paragraph 9D (4) (a)—

Omit “the next succeeding paragraph”, substitute “paragraph (b)”.

Paragraph 9D (4) (b)—

Omit “(a) of sub-section (4) of section 8”, substitute “8 (4) (a)”.

Sub-section 9D (5)—

Omit “(a) or paragraph (b) of the last preceding sub-section”, substitute “(4) (a) or (b)”.

Sub-section 9D (6)—

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

Sub-section 9D (7)—

- (a) Omit “the next succeeding sub-section”, substitute “sub-section (8)”.
- (b) Omit “(d) of sub-section (2)”, substitute “(2) (d)”.

Paragraph 9D (8) (a)—

Omit “thirty”, substitute “30”.

Sub-paragraph 9D (8) (b) (i)—

- (a) Omit “sub-section (4) of section 24”, substitute “sub-section 24 (4)”.
- (b) Omit “thirty”, substitute “30”.

Sub-paragraph 9D (8) (b) (ii)—

- (a) Omit “thirty”, substitute “30”.
- (b) Omit “Court”, substitute “court”.

Sub-paragraph 9E (3) (a) (i)—

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

Sub-paragraph 9E (3) (a) (ii)—

- (a) Omit “fifty per centum”, substitute “50%”.

SCHEDULE 1—continued

(b) Omit “one-tenth of one per centum”, substitute “0.1%”.

Paragraph 9E (3) (b)—

- (a) Omit “(d) of sub-section (2) of the last preceding section”, substitute “9D (2) (d)”.
- (b) Omit “(4) of that section”, substitute “9D (4)”.

Paragraph 9E (3) (d)—

- (a) Omit “(6) or sub-section (7) of section 8”, substitute “8 (6) or (7)”.
- (b) Omit “(d) of sub-section (2) of the last preceding section”, substitute “9D (2) (d)”.
- (c) Omit “(4) of that section”, substitute “9D (4)”.

Sub-section 16A (1)—

Omit “the next succeeding section”, substitute “section 16B”.

Paragraph 16A (1) (c)—

Omit “the last two preceding paragraphs”, substitute “paragraphs (a) and (b)”.

Sub-section 16A (2)—

- (a) Omit “Court”, substitute “court”.
- (b) Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Paragraph 16B (a)—

Omit “(d) of sub-section (2) of section 9D”, substitute “9D (2) (d)”.

Section 16B—

Omit “(4) of section 9D”, substitute “9D (4)”.

Paragraph 17 (1) (c)—

- (a) Omit “Federal” (wherever occurring), substitute “Commonwealth”.
- (b) Omit “1936-1941”, substitute “1936”.
- (c) Omit “, or of that Act as amended at any time,”.

Paragraph 17 (1) (d)

Omit “Federal”, substitute “Commonwealth”.

Sub-section 17 (1A)—

- (a) Omit “the last preceding sub-section”, substitute “sub-section (1)”.
- (b) Omit “(5) of section 8AA”, substitute “8AA (5)”.

Paragraph 17 (2) (a)—

- (a) Omit “1936-1944,”, substitute “1936”.
- (b) Omit “, or of either of those Acts as amended at any time”.

Paragraph 20 (2) (a)—

Omit “twelve”, substitute “12”.

Paragraph 20 (2) (b)—

Omit “three”, substitute “3”.

SCHEDULE 1—continued

Sub-section 20 (3)—

Omit “three”, substitute “3”.

Sub-section 20 (4)—

Omit “three”, substitute “3”.

Sub-section 20 (5)—

Omit “three”, substitute “3”.

Sub-section 20 (6)—

Omit “three”, substitute “3”.

Sub-section 20 (7A)—

Omit “(4) of section 9D”, substitute “9D (4)”.

Paragraph 20 (7A) (b)—

Omit “(d) of sub-section (2) of section 9D”, substitute “9D (2) (d)”.

Sub-section 24 (1)—

Omit “thirty”, substitute “30”.

Sub-section 24 (1A)—

(a) Omit “(d) of sub-section (2) of section 9D”, substitute “9D (2) (d)”.

(b) Omit “(4) of that section”, substitute “9D (4)”.

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

Sub-section 24 (4)—

Omit “thirty”, substitute “30”.

Sub-section 24 (4A)—

Omit “(a) of sub-section (4)”, substitute “(4) (a)”.

Sub-section 26 (3)—

Omit “the next succeeding sub-section”, substitute “sub-section (4)”.

Sub-section 26 (4)—

Omit “the next succeeding sub-section”, substitute “sub-section (5)”.

Sub-section 28D (1)—

Omit “the date of commencement of this section”, substitute “15 May 1979”.

Sub-section 29 (1)—

(a) Omit “(b), (c) or (d) of sub-section (3) of section 34”, substitute “34 (3) (b), (c) or (d)”.

(b) Omit “(a) of section 35A”, substitute “35A (a)”.

(c) Omit “thirty”, substitute “30”.

Section 30—

Omit “the last preceding section”, substitute “section 29”.

SCHEDULE 1—continued

Sub-section 32 (1)—

Omit “the King on behalf of”.

Sub-section 34 (4)—

Omit “the last preceding sub-section,” substitute “sub-section (3)”.

Paragraph 35 (1) (a)—

Omit “The duty”, substitute “the duty”.

Paragraph 35 (1) (b)—

Omit “Where”, substitute “where”.

Paragraph 35A (1) (b)—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

Sub-section 37 (1)—

Omit “part of the Commonwealth” (wherever occurring), substitute “Territory”.

Sub-section 38 (1)—

Omit “the last two preceding sections”, substitute “sections 36 and 37”.

Sub-sections 45 (1) and (2)—

Omit “, a Second Commissioner or a Deputy Commissioner”.

Export Control Act 1982

Section 3 (definition of “animal”)—

Omit “man”, substitute “a human being”.

Sub-section 6 (1)—

Omit “his”, substitute “the person’s”.

Paragraphs 8 (1) (b), (2) (b), (3) (b) and (4) (b)—

Insert “or her” after “his” (wherever occurring).

Sub-section 8 (6)—

Omit “he”, substitute “the person”.

Section 9—

Omit “he” (wherever occurring), substitute “the person”.

Sub-sections 10 (3), (6) and (8) and 11 (1)—

Omit “he” (wherever occurring), substitute “the authorized officer”.

Section 12—

Omit “his”, substitute “the authorized officer’s”.

Section 13—

Omit “his” (wherever occurring), substitute “the authorized officer’s”.

SCHEDULE 1—continued

Paragraphs 14 (a), (b) and (c)—

Insert “or her” after “his”.

Sub-section 19 (1)—

- (a) Omit “him”, substitute “the Secretary”.
- (b) Omit “his”, substitute “the Secretary’s”.

Section 20—

Omit “him”, substitute “the Secretary”.

Sub-section 21 (2)—

- (a) Omit “him”, substitute “the person”.
- (b) Omit “he” (wherever occurring), substitute “the person”.

Section 22—

Omit “him” (wherever occurring), substitute “the authorized officer”.

Section 23—

Omit “he”, substitute “the Secretary”.

Sub-section 24 (1)—

- (a) Omit “him”, substitute “the Secretary”.
- (b) Omit “he”, substitute “the registered owner”.

Sub-section 25 (7)—

- (a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.
- (b) Omit “of State for Primary Industry”, substitute “administering this Act”.

Export Finance and Insurance Corporation Act 1974

Section 65—

Repeal the section.

Export Market Development Grants Act 1974

Section 35—

Repeal the section.

Family Law Act 1975

Sub-section 114M (3)—

Omit the sub-section.

Federal Court of Australia Act 1976

Section 24—

Add at the end the following sub-section:

“(6) In sub-sections (1) and (2), ‘Supreme Court of a Territory’ does not include the Supreme Court of the Northern Territory.”.

SCHEDULE 1—continued
Federal Proceedings (Costs) Act 1981

Sub-section 3 (1) (definition of “costs certificate”)—

Insert “7A (1),” after “7 (1),”.

After section 7—

Insert the following section:

Costs certificates for appellants where no respondent

“7A. (1) Subject to this Act, where a Federal appeal succeeds on a question of law and there is no respondent to the appeal, the court that heard the appeal may, on the application of the appellant, grant to the appellant a costs certificate in respect of the appeal.

“(2) The certificate that may be granted under sub-section (1) by a court to an appellant is a certificate stating that, in the opinion of the court, it would be appropriate for the Attorney-General to authorize a payment under this Act to the appellant in respect of the costs incurred by the appellant in relation to the appeal.”

Sub-section 8 (2)—

Omit “on indictment” (wherever occurring), substitute “(whether on indictment or otherwise)”.

Section 11—

Omit “7 or”, substitute “7, 7A or”.

Section 21—

Add at the end the following sub-section:

“(4) A court is not empowered to grant a costs certificate under sub-section 7A (1) in respect of a Federal appeal instituted, or leave for which was granted, before the commencement of this sub-section.”

Gift Duty Assessment Act 1941

Section 2—

Omit “the twenty-ninth day of October, One thousand nine hundred and forty-one”, substitute “29 October 1941”.

Sub-section 4 (1) (definition of “Board of Review”)—

Omit “*Income Tax and Social Services Contribution Assessment Act 1936-1957*”, substitute “*Income Tax Assessment Act 1936*”.

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

Insert the following definition:

“ ‘Commissioner’ means the Commissioner of Taxation;”.

Sub-section 4 (1) (definition of “the Commissioner”)—

Omit the definition.

Sub-section 4 (2)—

Insert “in sub-section (1)” after “the definition of ‘disposition of property’ ”.

Sub-section 10 (3)—

Omit “Court” (wherever occurring), substitute “court”.

SCHEDULE 1—continued

Paragraph 10 (4) (c)—

- (a) Omit “Authority” (wherever occurring), substitute “authority”.
- (b) Omit “Stamp Duties or Succession Duties”, substitute “stamp duties or succession duties”.

Paragraph 10 (4) (ca)—

- (a) Omit “Authority”, substitute “authority”.
- (b) Omit “Gift Duty”, substitute “gift duty”.

Paragraph 10 (4) (d)—

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

Sub-section 10 (5)—

- (a) Omit “the last preceding sub-section”, substitute “sub-section (4)”.
- (b) Omit “of this section”.

Section 11—

Omit “the date of commencement of this Act”, substitute “29 October 1941”.

Paragraph 13 (f)—

Omit “the foregoing provisions of this section”, substitute “paragraphs (a), (b), (c), (d) and (e)”.

Paragraph 14 (1) (i)—

Omit “(i) any”, substitute “(j) any”.

Sub-paragraph 14 (1) (i) (i)—

- (a) Omit “eighteen” (wherever occurring), substitute “18”.
- (b) Omit “One hundred dollars”, substitute “\$100”.

Sub-section 15 (1) (paragraph (b) of the definition of “civilian accompanying the United States Forces”)—

Omit “Government of the Commonwealth”, substitute “Australian Government”.

After the definition of “foreign employee” in sub-section 15 (1)—

Insert the following definitions:

“ ‘Joint Defence Space Research Facility’ means the undertaking the establishment of which is provided for by an agreement dated 9 December 1966 between the Government of Australia and the Government of the United States of America;

‘North West Cape naval communication station’ means the naval communication station the establishment of which is provided for by the agreement approved by the *United States Naval Communication Station Agreement Act 1963*;”.

Sub-section 15 (1) (paragraph (b) of the definition of “prescribed contract”)—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

Sub-section 15 (1) (paragraph (b) of the definition of “prescribed purposes”)—

Omit “Government of the Commonwealth”, substitute “Australian Government”.

SCHEDULE 1—continued

Sub-section 15 (1) (definitions of “the Joint Defence Space Research Facility”, “the Northwest Cape Naval communication station” and “the United States Forces”)—

Omit the definitions.

Sub-section 15 (1)—

Add at the end the following definition:

“‘United States Forces’ means the armed forces of the Government of the United States of America.”.

Sub-section 15 (2)—

Omit “Government of the Commonwealth”, substitute “Australian Government”.

Sub-section 15 (4)—

Omit “The last preceding sub-section”, substitute “Sub-section (3)”.

Section 16—

Omit “either of the last two preceding sections”, substitute “section 14 or 15”.

Paragraph 18 (2) (a)—

Omit “The value”, substitute “the value”.

Paragraph 18 (2) (b)—

Omit “No regard”, substitute “no regard”.

Paragraph 18 (2) (c)—

(a) Omit “Where”, substitute “where”.

(b) Omit “the last two preceding paragraphs”, substitute “paragraphs (a) and (b)”.

Sub-section 18 (3)—

(a) Omit “Court”, substitute “court”.

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

Sub-section 19 (1)—

(a) Omit “eighteen”, substitute “18”.

(b) Omit “Seven thousand five hundred dollars”, substitute “\$7,500”.

Paragraph 19 (1) (a)—

Omit “one”, substitute “1”.

Paragraph 19 (1) (b)—

Omit “three”, substitute “3”.

Sub-section 19 (4)—

Omit “fourteen or section fifteen of this Act”, substitute “14 or 15”.

Sub-section 25 (2)—

Omit “the King on behalf of”.

Sub-section 29 (1)—

Omit “part of the Commonwealth” (wherever occurring), substitute “Territory”.

SCHEDULE 1—continued

Sub-section 31 (1)—

Omit “thirty”, substitute “30”.

Sub-section 31 (4)—

Omit “thirty”, substitute “30”.

Sub-section 31 (4A)—

Omit “(a) of sub-section (4)”, substitute “(4) (a)”.

Sub-section 33 (3)—

Omit “the next succeeding sub-section”, substitute “sub-section (4)”.

Sub-section 33 (4)—

Omit “the next succeeding sub-section”, substitute “sub-section (5)”.

Section 35—

Omit “the date of commencement of this section”, substitute “15 May 1979”.

Sub-section 38A (1)—

Omit “the date of commencement of this section”, substitute “15 May 1979”.

Sub-section 39 (3)—

Omit “Regulations”, substitute “regulations”.

Section 40—

- (a) Omit “fifty-two A”, substitute “52A”.
- (b) Omit “1911-1940”, substitute “1911”.

Great Barrier Reef Marine Park Act 1975

Section 3—

Add at the end the following sub-section:

“(4) A reference in this Act (other than in this sub-section) to an offence against this Act includes a reference to an offence against—

- (a) section 6, 7 or 7A of the *Crimes Act 1914*; or
- (b) sub-section 86 (1) of that Act by virtue of paragraph (a) of that sub-section,

being an offence that relates to an offence against this Act.”.

After paragraph 7 (1) (cc)—

Insert the following paragraph:

“(cd) to provide, and arrange for the provision of, educational, advisory and informational services relating to the Marine Park;”.

Sub-section 7 (1A)—

Omit “or (cb)”, substitute “,(cb) or (cd)”.

After sub-section 7 (1A)—

Insert the following sub-section:

“(1B) The Authority is responsible for the management of the Marine Park.”.

SCHEDULE 1—continued

Sections 18 and 19—

Repeal the sections.

Sub-section 38 (4)—

Omit “\$1,000 for each day during which the offence continues”, substitute “\$50,000”.

Section 38—

Add at the end the following sub-sections:

“(5) An offence against sub-section (4) is an indictable offence.

“(6) Notwithstanding that an offence against sub-section (4) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(7) Where, in accordance with sub-section (6), a court of summary jurisdiction convicts a person of an offence against sub-section (4), the penalty that the court may impose is a fine not exceeding \$10,000.”.

Section 47—

Add at the end the following sub-section:

“(10) A reference in sub-section (1) to a conviction of a person of an offence against this Act includes a reference to the making of an order under section 19B of the *Crimes Act 1914* in relation to the person in respect of an offence against this Act.”.

Sub-section 48 (5)—

Omit “(1) or”.

Paragraph 49 (a)—

(a) Omit “\$1,000”, substitute “\$2,000”.

(b) Omit “6”, substitute “12”.

Paragraph 49 (b)—

Omit “\$2,000”, substitute “\$5,000”.

Paragraph 50 (a)—

(a) Omit “\$1,000”, substitute “\$2,000”.

(b) Omit “6”, substitute “12”.

Paragraph 50 (b)—

Omit “\$2,000”, substitute “\$5,000”.

Sub-section 58 (7)—

Omit “\$200”, substitute “\$500”.

Sub-section 66 (5)—

Omit “2”, substitute “3”.

SCHEDULE 1—continued

Health Insurance Act 1973

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

Insert the following definition:

“ ‘Australian Capital Territory Health Authority’ means the Australian Capital Territory Health Authority established under the *Health Services Ordinance 1975* of the Australian Capital Territory;”.

Sub-section 3 (1) (definition of “Secretary”)—

Omit “of”, substitute “to”.

Sub-section 3 (3A)—

Omit “Capital Territory Health Commission”, substitute “Australian Capital Territory Health Authority”.

Sub-section 6 (8)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Sub-section 16C (1) (sub-paragraph (d) (i) of definition of “eligible applicant”)—

Omit “Permanent Head of the Department of Health”, substitute “Secretary to the Department”.

Sub-section 17 (7)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Sub-section 23G (1) (definition of “prescribed hospital authority”)—

Omit the definition, substitute the following definition:

“ ‘prescribed hospital authority’ means the Australian Capital Territory Health Authority;”.

Sub-section 23H (5)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Sub-section 130A (1)—

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

Health Insurance Commission Act 1973

Section 30—

Repeal the section.

High Court of Australia Act 1979

Section 29—

Repeal the section.

Historic Shipwrecks Act 1976

Sub-section 2 (7)—

(a) Omit “he”, substitute “the Governor-General”.

SCHEDULE 1—continued

- (b) Omit “for him”.

Sub-section 2 (9B)—

- (a) Omit “he”, substitute “the Governor-General”.
(b) Omit “for him”.

Sub-section 3 (1) (definition of “Australian waters”)—

Omit “(not being waters within the limits of a State)”, substitute “(not being State waters)”.

Sub-section 3 (1) (definition of “historic relic”)—

Insert before paragraph (a) of the definition:

“(aa) an article in respect of which a declaration under sub-section 4A (6) or (7) is applicable;”.

Sub-section 3 (1) (definition of “historic shipwreck”)—

Insert before paragraph (a) of the definition:

“(aa) the remains of a ship in respect of which a declaration under sub-section 4A (1) or (2) is applicable;”.

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

Insert the following definition:

“‘State waters’ means waters of the sea that are within the limits of a State.”.

Sub-section 3 (2)—

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

“(2) A reference in this Act to the remains of a ship, to part of the remains of a ship, to an article or articles, or to part of an article, being situated in waters, includes a reference to the remains of a ship, to part of the remains of a ship, to an article or articles, or to part of an article, as the case may be—

- (a) being situated in, or forming part of, the seabed or the subsoil of the seabed, beneath those waters; or
(b) being situated on, or forming part of, a reef in those waters.

“(2A) A reference in this Act to the remains of a ship, to part of the remains of a ship, to an article or articles or to part of an article, having been removed from waters includes a reference to the remains of a ship, to part of the remains of a ship, to an article or articles, or to part of an article, as the case may be—

- (a) having been washed away from those waters;
(b) having been removed, or washed away, from the seabed, or the subsoil of the seabed, beneath those waters; or
(c) having been removed, or washed away, from a reef in those waters.”.

Section 4—

Repeal the section, substitute the following sections:

Wrecks, &c., partly in Australian waters and partly in State waters

“3A. (1) Where—

- (a) part of a ship is situated in, or has been removed from, Australian waters;
(b) another part of that ship is situated in, or has been removed from, waters of the sea that are within the limits of a State; and

SCHEDULE 1—continued

(c) a Minister of the Crown of the State has informed the Minister, in writing, that the Government of the State has no objection to the making of a declaration under this section in respect of the part referred to in paragraph (b),
the Minister may declare, in writing, that the part referred to in paragraph (b) shall, for the purposes of this Act (other than this section and sections 7 and 13) be deemed to be a part that is situated in, or has been removed from, Australian waters, as the case requires, and, where such a declaration is made, that declaration has effect accordingly.

Application and extension of Act

“3B. Subject to section 2, this Act applies both within and outside Australia and extends to every external Territory.

Act to bind Crown

“4. This Act binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island, but nothing in this Act renders the Crown liable to be prosecuted for an offence.”.

Before section 5 in Part II—

Insert the following section:

Shipwrecks and relics associated with State or Territory may be declared to be historic

“4A. (1) If a Minister of a State informs the Minister, in writing, that the Government of the State recommends that a declaration be made under this sub-section in relation to the State, the Minister may, by notice in writing published in the *Gazette*, declare all remains of ships (whether or not the existence and location of the remains are known) that are—

- (a) situated in Australian waters, or waters above the continental shelf of Australia, adjacent to the coast of the State; and
- (b) at least 75 years old,

to be historic shipwrecks, and, where such a declaration is made, the declaration extends to remains (including remains that come into existence, because of a shipwreck or otherwise, after the making of the declaration) that, after the making of the declaration, become remains to which paragraphs (a) and (b) apply.

“(2) The Minister may, by notice in writing published in the *Gazette*, declare all remains of ships (whether or not the existence and location of the remains are known) that are—

- (a) situated in Australian waters, or waters above the continental shelf of Australia, adjacent to the coast of a Territory; and
- (b) at least 75 years old,

to be historic shipwrecks, and, where such a declaration is made, the declaration extends to remains (including remains that come into existence, because of a shipwreck or otherwise, after the making of the declaration) that, after the making of the declaration, become remains to which paragraphs (a) and (b) apply.

“(3) Subject to sub-section (10) where—

- (a) the whole of the remains of a ship have been removed from waters; and
- (b) if the remains had not been so removed, a declaration under sub-section (1) or (2) would have applied in relation to those remains,

the declaration applies in relation to those remains.

“(4) Subject to sub-section (10), where—

- (a) part of the remains of a ship has been removed from waters; and
- (b) a declaration made under sub-section (1) or (2) applies in relation to the part of the remains remaining in those waters,

SCHEDULE 1—continued

the declaration applies also in relation to the part of the remains that has been removed from those waters.

“(5) Subject to sub-section (10), where—

- (a) a declaration under sub-section (1) or (2) applies in relation to the remains of a ship situated in waters; and
- (b) part of the remains of the ship is, or the whole of the remains of the ship are, removed from those waters,

the declaration continues to apply in relation to the part, or to the whole, of those remains.

“(6) If a Minister of a State informs the Minister, in writing, that the Government of the State recommends that a declaration be made under this sub-section in relation to the State, the Minister may, by notice in writing published in the *Gazette*, declare every article (whether or not the existence and location of the article is known) that—

- (a) was associated with a ship;
- (b) is situated in Australian waters, or waters above the continental shelf of Australia, adjacent to the coast of the State; and
- (c) either—
 - (i) was associated with the remains of a ship that are at least 75 years old; or
 - (ii) entered waters referred to in paragraph (b) at least 75 years ago,

to be a historic relic, and, where such a declaration is made, the declaration extends to every article that, after making of the declaration, becomes (whether by reason of a shipwreck or otherwise) an article to which paragraphs (a), (b) and (c) apply.

“(7) The Minister may, by notice in writing published in the *Gazette*, declare every article (whether or not the existence and location of the article is known) that—

- (a) was associated with a ship;
- (b) is situated in Australian waters, or waters above the continental shelf of Australia, adjacent to the coast of a Territory; and
- (c) either—
 - (i) was associated with the remains of a ship that is at least 75 years old; or
 - (ii) entered waters referred to in paragraph (b) at least 75 years ago,

to be a historic relic, and, where such a declaration is made, the declaration extends to every article that, after the making of the declaration, becomes (whether by reason of a shipwreck or otherwise) an article to which paragraphs (a), (b) and (c) apply.

“(8) Subject to sub-section (10), where—

- (a) an article has been removed from waters; and
- (b) if the article had not been so removed, a declaration under sub-section (4) or (5) would have applied in relation to that article,

the declaration applies in relation to that article.

“(9) Subject to sub-section (10), where—

- (a) a declaration under sub-section (6) or (7) applies in relation to an article situated in waters; and
- (b) that article is removed from those waters,

the declaration continues to apply in relation to that article.

“(10) Where a declaration under this section applies in relation to the remains of a ship or to an article, the Minister may, by notice in writing, published in the *Gazette*, revoke that declaration to the extent that it applies in relation to those remains, to a specified part of those remains or to that article, as the case requires.

SCHEDULE 1—continued

“(11) In this section—

‘State’ includes the Northern Territory and Norfolk Island;

‘Territory’ does not include the Northern Territory or Norfolk Island.

“(12) In this section—

(a) a reference to a Minister of a State shall, except in relation to the Northern Territory or Norfolk Island, be read as a reference to a Minister of the Crown of the State;

(b) a reference to a Minister of a State shall, in relation to the Northern Territory, be read as a reference to a person holding an office referred to in section 34 of the *Northern Territory (Self-Government Act) 1978*; and

(c) a reference to a Minister of a State shall, in relation to Norfolk Island, be read as a reference to a person holding office under section 13 of the *Norfolk Island Act 1979*.”.

Section 5—

Omit “he” (wherever occurring), substitute “the Minister”.

Sub-sections 6 (1), (2) and (3)—

Omit “he”, substitute “the Minister”.

Sub-section 6 (5)—

Omit “12 months”, substitute “5 years”.

Sub-section 7 (1)—

(a) Omit “The Minister”, substitute “Subject to sub-section (1A), the Minister”.

(b) Omit “100”, substitute “200”.

(c) Omit “(not including sea or land within the limits of a State)”.

After sub-section 7 (1)—

Insert the following sub-section:

“(1A) A declaration under sub-section (1) shall not apply to an area consisting of sea or land within the limits of a State unless there is situated within the area a historic shipwreck or a historic relic to which a declaration under section 3A applies.”.

Sub-section 7 (2)—

(a) Omit “he”, substitute “the Minister”.

(b) Omit “100”, substitute “200”.

After sub-section 7 (3)—

Insert the following sub-section:

“(3A) Where a declaration under section 4A is revoked in relation to the remains of a ship or to an article, any notice under this section in relation to the remains or to the article ceases to be in force, but this sub-section does not prevent the publication in the *Gazette* of a further notice under this section in relation to the remains or to the article if a notice is published in the *Gazette* under section 5 or 6 in relation to the remains or to the article.”.

Section 8—

(a) Insert “4A,” after “section”.

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

SCHEDULE 1—continued

Paragraph 9 (1) (b)—

Insert “4A,” after “section”.

After sub-section 9 (1)—

Insert the following sub-section:

“(1A) Where—

- (a) a person has possession, custody or control of an article; and
- (b) the article becomes an article to which a notice under section 4A applies otherwise than on the publication of the notice,

the person shall, within 30 days after the day on which the article became an article to which the notice applies, give the prescribed notice to the Minister in relation to the article.”.

Sub-section 9 (2)—

- (a) Insert “4A,” after “section”.
- (b) Insert “or her” after “his”.

Sub-section 9 (4)—

Insert “or her” after “his”.

Paragraph 9 (5) (a)—

- (a) Insert “, (1A)” after “(1)”.
- (b) Insert “4A,” after “section”.

Section 9—

Omit “Penalty: \$1,000.”, substitute the following:

“Penalty—

- (a) if the offender is a natural person—\$2,000; or
- (b) if the offender is a body corporate—\$10,000.”.

Sub-section 10 (2)—

Omit “Penalty: \$1,000.”, substitute the following:

“Penalty—

- (a) for a contravention of this sub-section by virtue of paragraph (a)—
 - (i) if the offender is a natural person—\$2,000; or
 - (ii) if the offender is a body corporate—\$10,000; or
- (b) for a contravention of this sub-section by virtue of paragraph (b)—
 - (i) if the offender is a natural person—\$5,000; or
 - (ii) if the offender is a body corporate—\$25,000.”.

Sub-section 11 (1)—

Omit paragraphs (1) (a) and (b), substitute the following paragraphs:

- “(a) the preservation of the article;
- (b) the placement of the article with a collection of articles that has been, or is to be, established; or
- (c) the exhibition of, or the provision of access to, the article, whether or not the article forms part of a collection of articles.”.

SCHEDULE 1—continued

Sub-section 11 (3)—

Omit “he”, substitute “the Minister”.

Sub-section 11 (4)—

Omit “Penalty: \$2,000 or imprisonment for 2 years, or both.”, substitute the following:

“Penalty—

- (a) if the offender is a natural person—\$5,000 or imprisonment for a period of 2 years, or both; or
- (b) if the offender is a body corporate—\$25,000.”.

Sub-section 11 (5)—

Omit “him” (wherever occurring), substitute “the person”.

Sub-section 12 (2)—

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

“(2) The Minister shall cause to be entered in the Register particulars of—

- (a) known remains of ships, and known articles, in relation to which a declaration under section 4A applies;
- (b) notices in force under section 5, 6 or 7; and
- (c) known Dutch shipwrecks and Dutch relics.”.

Paragraph 13 (1) (d)—

Insert “(including State waters)” after “Australia” (first occurring).

Sub-section 13 (2)—

Omit “Australian waters or from waters above the continental shelf of Australia”, substitute “waters”.

Sub-section 13 (3)—

Omit “punishable, on conviction, by a fine not exceeding \$5,000, or imprisonment for a period not exceeding 5 years, or both”, substitute the following words and paragraphs:

“punishable, on conviction—

- (a) if the offender is a natural person—by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 5 years, or both; or
- (b) if the offender is a body corporate—by a fine not exceeding \$50,000”.

Sub-section 15 (1)—

Insert “or her” after “his”.

Sub-section 15 (5)—

Omit “him” (wherever occurring), substitute “the person”.

Sub-section 17 (2)—

Insert “or she” after “he”.

Sub-section 17 (3)—

Insert “or her” after “his”.

SCHEDULE 1—continued

Section 17—

Omit “Penalty: \$1,000.”, substitute the following:

“Penalty—

- (a) if the offender is a natural person—\$5,000; or
- (b) if the offender is a body corporate—\$25,000.”.

Paragraph 18 (1) (a)—

Omit “pay a reward not exceeding the prescribed amount to”, substitute “reward”.

Sub-paragraph 18 (1) (a) (ii)—

Insert “or which is a historic shipwreck or a historic relic” after “Dutch relic”.

Paragraph 18 (1) (b)—

Omit “offer and pay a reward not exceeding the prescribed amount to”, substitute “offer to reward, and reward,”.

Paragraph 18 (1) (c)—

Omit “pay a reward not exceeding the prescribed amount to”, substitute “reward”.

Sub-section 18 (2)—

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

“(2) The reward of a person under sub-section (1) shall be by way of—

- (a) the payment to the person of an amount not exceeding the prescribed amount; or
 - (b) the giving to the person of a historic relic, plaque, model, replica or medallion,
- or both.

“(3) Payments by way of reward under this section shall be made out of money appropriated by the Parliament for the purpose of the control of historic shipwrecks.

“(4) Articles referred to in paragraph (2) (b) that are required to be purchased by the Commonwealth shall be purchased out of money appropriated by the Parliament for the purpose of the control of historic shipwrecks.”.

Section 20—

Omit “he” (wherever occurring), substitute “the Minister”.

Sub-section 22 (1)—

Omit “him”, substitute “the Minister”.

Sub-section 22 (3)—

Insert “or her” after “his”.

Sub-section 23 (1)—

Insert “or her” after “him”.

Paragraph 23 (1) (d)—

Omit “his possession”, substitute “the possession of the person”.

Sub-section 23 (2)—

Insert “or her” after “him”.

SCHEDULE 1—continued

Paragraph 23 (5) (a)—

Omit “him”, substitute “the person”.

Paragraph 23 (5) (b)—

Omit “he”, substitute “the person”.

Sub-section 23 (5)—

Omit “Penalty: \$1,000.”, substitute the following:

“Penalty—

- (a) if the offender is a natural person—\$2,000; or
- (b) if the offender is a body corporate—\$10,000.”

Sub-section 23 (6)—

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

Sub-section 23 (7)—

Omit “punishable, on conviction, by a fine not exceeding \$2,000, or imprisonment for a period not exceeding 2 years, or both”, substitute the following words and paragraphs:

“punishable, on conviction—

- (a) if the offender is a natural person—by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both; or
- (b) if the offender is a body corporate—by a fine not exceeding \$25,000”.

Paragraph 24 (2) (b)—

Insert “or her” after “his”.

Sub-section 24 (3)—

Omit “him”, substitute “the person”.

Sub-section 25 (1)—

Omit “he”, substitute “the inspector”.

Section 26—

Repeal the section, substitute the following section:

Certain offences indictable

“26. (1) An offence against sub-section 11 (4), 13 (3) or 23 (7) is an indictable offence.

“(2) Notwithstanding that an offence referred to in sub-section (1) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against sub-section 11 (4), 13 (3) or 23 (7), the penalty that the court may impose is—

- (a) if the offender is a natural person—a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months; or
- (b) if the offender is a body corporate—a fine not exceeding \$10,000.

SCHEDULE 1—continued

“(4) Where the law of a State or Territory makes provision for a person who pleads guilty to a charge in proceedings for the commitment of the person for trial on indictment to be committed to a higher court and dealt with otherwise than on indictment, a person charged in that State or Territory with an offence against this Act may be dealt with in accordance with that law.”.

Paragraph 29 (b)—

Omit “or” (last occurring).

After paragraph 29 (b)—

Insert the following paragraph:

“(ba) in State waters; or”.

Sub-section 30 (1)—

(a) Omit “him”, substitute “the Minister”.

(b) Omit “his powers”, substitute “the powers of the Minister”.

Home Deposit Assistance Act 1982

Section 63—

Repeal the section, substitute the following section:

Evidence

“63. (1) The Secretary may by instrument in writing—

(a) create offices for the purposes of this section; and

(b) appoint persons to those offices.

“(2) All courts shall take judicial notice of the signature of any person—

(a) who holds or has held the office of Secretary; or

(b) who holds or has held an office under sub-section (1),

and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to an official document, and any such document purporting to be so signed is *prima facie* evidence in all courts of the facts and statements contained in the document.

“(3) A certificate in writing signed by a person who holds or has held an office referred to in sub-section (2) certifying—

(a) that assistance of a specified amount was paid to a specified person or to specified persons on a specified date; or

(b) that a specified amount is the amount of assistance paid to a specified person or to specified persons in consequence of a specified act, failure or omission,

is *prima facie* evidence in all courts of the matters certified.”.

Home Nursing Subsidy Act 1956

Sub-section 4 (1)—

(a) Omit “of Health” (first occurring).

(b) Omit “Commonwealth Department of Health”, substitute “Department”.

SCHEDULE 1—continued
Homes Savings Grant Act 1964

Section 31—

Repeal the section, substitute the following section:

Evidence

“31. (1) The Secretary may by instrument in writing—

- (a) create offices for the purposes of this section; and
- (b) appoint persons to those offices.

“(2) All courts shall take judicial notice of the signature of any person—

- (a) who holds or has held the office of Secretary; or
- (b) who holds or has held an office under sub-section (1),

and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to an official document, and any such document purporting to be so signed is *prima facie* evidence in all courts of the facts and statements contained in the document.

“(3) A certificate in writing signed by a person who holds or has held an office referred to in sub-section (2) certifying—

- (a) that assistance of a specified amount was paid to a specified person or to specified persons on a specified date; or
- (b) that a specified amount is the amount of assistance paid to a specified person or to specified persons in consequence of a specified act, failure or omission,

is *prima facie* evidence in all courts of the matters certified.”.

Homes Savings Grant Act 1976

Section 52—

Repeal the section, substitute the following section:

Evidence

“52. (1) The Secretary may by instrument in writing—

- (a) create offices for the purposes of this section; and
- (b) appoint persons to those offices.

“(2) All courts shall take judicial notice of the signature of any person—

- (a) who holds or has held the office of Secretary; or
- (b) who holds or has held an office under sub-section (1),

and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to an official document, and any such document purporting to be so signed is *prima facie* evidence in all courts of the facts and statements contained in the document.

“(3) A certificate in writing signed by a person who holds or has held an office referred to in sub-section (2) certifying—

- (a) that assistance of a specified amount was paid to a specified person or to specified persons on a specified date; or
- (b) that a specified amount is the amount of assistance paid to a specified person or to specified persons in consequence of a specified act, failure or omission,

is *prima facie* evidence in all courts of the matters certified.”.

SCHEDULE 1—continued

Honey Industry Act 1962

Sub-section 20 (3)—

Omit the sub-section.

Housing Loans Insurance Act 1965

Section 45—

Repeal the section.

Immigration (Guardianship of Children) Act 1946

Section 4 (definition of “non-citizen child”)—

Omit the definition, substitute the following definition:

“ ‘non-citizen child’ means—

- (a) a person under the age of 18 years who enters Australia as a non-citizen and who intends to become, or is intended to become, a permanent resident of Australia, not being a person who enters Australia in the charge of, or for the purpose of living in Australia under the care of, a parent of the person, or a relative of the person not less than 21 years of age; or
- (b) a person under the age of 18 years in relation to whom a direction under section 4AA is in force.”

After section 4—

Insert the following section:

Orders for guardianship of certain children

“4AA. (1) Subject to sub-section (2), where—

- (a) a person under the age of 18 years enters Australia as a non-citizen in the charge of, or for the purpose of living in Australia under the care of, a relative of the person (other than a parent) not less than 21 years of age; and
- (b) the person intends to become, or is intended to become, a permanent resident of Australia,

the Minister may, if the Minister is satisfied that it is necessary in the interests of the person to do so, direct, in writing, that the person shall be the Minister’s ward.

“(2) The Minister shall not give a direction under sub-section (1) unless the relative consents to the Minister doing so.”

After section 11—

Insert the following sections:

Reconsideration and review of certain decisions

“11A. (1) In this section, unless the contrary intention appears—

‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*;

‘relevant decision’ means a decision of a delegate of the Minister under section 4AA or 11;

‘reviewable decision’ means—

- (a) a decision of the Minister under section 4AA or 11; or
- (b) a decision of the Minister under sub-paragraph (3) (a) (ii) or sub-section (4).

SCHEDULE 1—continued

“(2) Subject to sub-section (3), a person affected by a relevant decision may request the Minister to reconsider the decision.

“(3) The request shall—

- (a) be made by notice in writing given to the Minister within—
 - (i) the period of 28 days after the decision first comes to the notice of the person; or
 - (ii) such further period as the Minister (whether before or after the expiration of that period of 28 days), by notice in writing served on the person, allows; and
- (b) shall set out the reasons for making the request.

“(4) The Minister shall, within 45 days after receipt of the request, reconsider the relevant decision and may—

- (a) confirm the decision;
- (b) vary the decision; or
- (c) set the decision aside and make a new decision in substitution for the decision set aside.

“(5) Where, pursuant to a request under sub-section (2), the Minister reconsiders a relevant decision, the Minister shall, by notice in writing served on the person who made the request, inform the person of the result of the reconsideration.

“(6) Applications may be made to the Administrative Appeals Tribunal for review of reviewable decisions.

Statements to accompany notification of certain decisions

“11B. (1) In this section, ‘decision’, ‘relevant decision’ and ‘reviewable decision’ have the same respective meanings as in section 11A.

“(2) Where a delegate of the Minister makes a relevant decision and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, the notice shall include a statement to the effect that a person affected by the decision—

- (a) may, if the person is dissatisfied with the decision, seek a reconsideration of the decision by the Minister in accordance with sub-section 11A (3); and
- (b) may, subject to the *Administrative Appeals Tribunal Act 1975*, if the person is dissatisfied with the decision of the Minister on the reconsideration, apply to the Administrative Appeals Tribunal for review of the last-mentioned decision.

“(3) Where the Minister makes a reviewable decision and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, the notice shall include a statement to the effect that subject to the *Administrative Appeals Tribunal Act 1975*, a person affected by the decision may, if the person is dissatisfied with the decision, apply to the Administrative Appeals Tribunal for review of the decision.

“(4) Any failure to comply with the requirements of sub-section (2) or (3) in relation to a decision does not affect the validity of the decision.”

Before paragraph 12 (a)—

Insert the following paragraph:

- “(aa) prescribing principles to be observed in considering whether or not to give a direction under section 4AA;”.

SCHEDULE 1—continued

Independent Schools (Loans Guarantee) Act 1969

Section 8—

Repeal the section, substitute the following section:

Annual report by Minister

“8. (1) Subject to sub-section (2), the Minister shall, as soon as practicable after 31 December in each year, cause a report containing particulars of the guarantees that have been given under this Act during that year, and of any payment made during that year under any guarantee given under this Act, to be laid before each House of the Parliament.

“(2) The first report by the Minister after the commencement of this section shall relate to the period commencing on 1 July 1984 and ending on 31 December 1985.”

Industrial Research and Development Incentives Act 1976

Sub-section 39 (1)—

Insert “, industrial development or industrial research and industrial development” after “industrial research”.

Industries Assistance Commission Act 1973

Sub-section 30 (3)—

- (a) Omit “sub-section 30A (1)”, substitute “section 30A”.
- (b) Omit “that sub-section”, substitute “that section”.
- (c) Omit “date” (wherever occurring), substitute “day”.

Insurance Contracts Act 1984

Sub-section 9 (2)—

Omit “Nothern”, substitute “Northern”.

Paragraph 11 (3) (a)—

Insert “specified” before “sickness”.

Paragraph 11 (4) (b)—

Omit “there is”, substitute “there can be”.

Section 15—

Repeal the section, substitute the following section:

Certain other laws not to apply

“15. (1) A contract of insurance is not capable of being made the subject of relief under—

- (a) any other Act;
- (b) a State Act; or
- (c) an Act or Ordinance of a Territory,

being an Act or Ordinance that provides for relief—

- (d) in respect of harsh, oppressive, unconscionable, unjust, unfair or inequitable contracts; or
- (e) from the consequences in law of making a misrepresentation.

SCHEDULE 1—continued

“(2) Without limiting the generality of paragraph (1) (d), the nature of the relief to which that paragraph applies includes relief by way of variation, avoidance or termination of a contract.”.

Sub-section 35 (2)—

Insert “(whether by providing the insured with a policy document in relation to the contract or otherwise)” after “in writing”.

Section 37—

Omit “loss occurred”, substitute “contract was entered into”.

Paragraph 41 (2) (a)—

Omit “liability in respect of the claim”, substitute “that the contract applies to the claim”.

Paragraph 41 (2) (b)—

Omit “admits liability”, substitute “so admits”.

Sub-section 41 (3)—

Omit “he admits liability in respect of the claim and”, substitute “the insurer admits that the contract of liability insurance applies to the claim and that the insurer”.

Paragraph 54 (5) (b)—

Insert “not” after “person”.

Paragraph 69 (1) (a)—

Omit “or before a loss occurred”.

Paragraph 69 (1) (d)—

Omit “or the loss occurred, as the case may be”.

Paragraph 69 (2) (a)—

Omit “or before a loss occurred”.

Sub-sections 69 (2) and (3)—

Omit “or the loss occurred, as the case may be” (wherever occurring).

Paragraph 73 (1) (b)—

Insert “or rate” after “amount”.

Inter-State Commission Act 1975

Sub-section 24 (2)—

Insert “or in respect of” after “does not apply to”.

Sub-section 24 (4)—

Omit “sub-section 80 (1) of”.

Judicial and Statutory Officers (Remuneration and Allowances) Act 1984

Paragraph 3 (6) (c)—

Omit “Chairman”, substitute “President”.

SCHEDULE 1—continued

Sub-section 6 (8)—

Omit the sub-section.

Judiciary Act 1903

After section 35—

Insert the following section:

Appeals from Supreme Court of the Northern Territory

“35AA. (1) Subject to sub-sections (2) and (3), the High Court has jurisdiction to hear and determine appeals from judgments of the Supreme Court of the Northern Territory.

“(2) An appeal shall not be brought from a judgment, whether final or interlocutory, referred to in sub-section (1) unless the High Court gives special leave to appeal.

“(3) Sub-section (1) has effect subject to any special provision made by an Act other than this Act, whether passed before or after the commencement of this section, preventing or permitting appeals from the Supreme Court of the Northern Territory.”.

Law Officers Act 1964

Section 7—

Repeal the section, substitute the following section:

Remuneration and allowances of Solicitor-General

“7. (1) The Solicitor-General shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) The Solicitor-General shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act 1973* and section 7 of the *Judicial and Statutory Officers (Remuneration and Allowances) Act 1984*.”.

Section 14—

Repeal the section, substitute the following section:

Commonwealth officer appointed as Solicitor-General

“14. (1) Subject to sub-section (2), section 16 does not apply to or in respect of the Solicitor-General if, immediately before being appointed as Solicitor-General, the Solicitor-General was an eligible employee for the purposes of the *Superannuation Act 1976*.

“(2) If a person was, immediately before being appointed as Solicitor-General, an eligible employee for the purposes of the *Superannuation Act 1976*, and the person elects, within 3 months after being appointed as Solicitor-General, by notice in writing to the Attorney-General, to cease to be an eligible employee for the purposes of that Act, sub-section (1) does not apply, and shall be deemed not to have applied, to the person, and the person shall be deemed to have ceased to be such an eligible employee immediately before the person was appointed as Solicitor-General.

“(3) Where—

(a) a person makes an election in accordance with sub-section (2); and

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

that Act applies in relation to the person as if the person were not entitled to the benefit.”.

SCHEDULE 1—continued

Sub-section 16 (8)—

Omit sub-section.

After section 18—

Insert the following section:

Regulations

“19. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.

Law Reform Commission Act 1973

Section 3 (definitions of “Australian Public Service” and “Chairman”)—

Omit the definitions.

Section 3 (definition of “Deputy Chairman”)—

Omit the definition, substitute the following definition:

“ ‘Deputy President’ means the Deputy President of the Commission;”.

Section 3 (definition of “judicial office”)—

- (a) Omit “or” (last occurring) from paragraph (a) of the definition.
- (b) Add at the end of the definition the following word and paragraph:
“or (c) the office of President of the Courts-Martial Appeal Tribunal;”.

Section 3 (definition of “member”)—

Omit the definition, substitute the following definitions:

“ ‘member’ means the President or another member of the Commission;
‘President’ means the President of the Commission;”.

Section 3 (definition of “Territory”)—

Omit the definition.

Section 4—

Omit “except Papua New Guinea”.

Sub-section 11 (3)—

- (a) Insert “imprint of the” after “judicial notice of the”.
- (b) Omit “affixed to”, substitute “appearing on”.
- (c) Omit “duly affixed”, substitute “duly sealed”.

Paragraph 12 (1) (a)—

Omit “Chairman”, substitute “President”.

Paragraph 12 (1) (b)—

Omit “four”, substitute “4”.

SCHEDULE 1—continued

Paragraph 12 (1) (d)—

Omit “five”, substitute “5”.

Paragraph 12 (1) (f)—

Omit “his”, substitute “the person’s”.

Sub-sections 12 (3), (4), (5) and (8)—

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

Sub-section 12 (3)—

Omit “he”, substitute “the President”.

Sub-section 12 (6)—

Omit “seven”, substitute “7”.

Sub-section 12 (7)—

Omit “his”, substitute “the member’s”.

Sub-section 12 (8)—

Omit “him”, substitute “the member”.

Section 13—

- (a) Insert “a person who is” after “appointment of”.
- (b) Insert “a person who is” after “or service by”.
- (c) Omit “his” (wherever occurring), substitute “the person’s”.

Sub-section 14 (2)—

Omit “Australia”, substitute “the Commonwealth”.

Section 15—

Omit “Deputy Chairman” (wherever occurring), substitute “Deputy President”.

Sub-section 15 (3)—

Omit “the Chairman” (wherever occurring), substitute “the President”.

Paragraph 15 (3) (a)—

Omit “Chairman”, substitute “President”.

Paragraph 15 (3) (b)—

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

Sub-section 16 (3)—

Omit “1973”, substitute “1973”.

Paragraphs 17 (2) (a) and (b) and sub-section 17 (3)—

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

Section 18—

Omit “his office by writing under his hand”, substitute “the office of member by writing signed by the member and”.

SCHEDULE 1—continued

Sub-section 20 (1)—

- (a) Omit “The Chairman”, substitute “The President”.
- (b) Omit “his”, substitute “the President’s”.

Sub-section 20 (2)—

Omit “three”, substitute “3”.

Sub-section 20 (4)—

- (a) Omit “The Chairman”, substitute “The President”.
- (b) Omit “he”, substitute “the President”.

Sub-sections 20 (5), (6) and (7)—

Omit “the Chairman”, substitute “the President”.

Sub-sections 20 (5) and (6)—

Omit “Deputy Chairman”, substitute “Deputy President”.

Paragraphs 21 (1) (a), (b) and (c)—

Omit “the Chairman” (wherever occurring), substitute “the President”.

Paragraph 21 (1) (b)—

Omit “Deputy Chairman” (wherever occurring), substitute “Deputy President”.

Sub-sections 21 (3), (6) and (7)—

Omit “two”, substitute “2”.

Section 22—

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

Sub-section 22 (1)—

Omit “he”, substitute “the President”.

Section 23—

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

Sections 24 and 25—

Repeal the sections.

Section 26—

Omit “1922-1973”, substitute “1922”.

Sub-section 27 (1)—

- (a) Omit “Chairman” (wherever occurring), substitute “President”.
- (b) Omit “three”, substitute “3”.
- (c) Omit “himself”, substitute “himself or herself”.

Paragraph 30 (d)—

Omit “ten”, substitute “10”.

Section 31—

Repeal the section.

SCHEDULE 1—continued

Sections 33, 34 and 35—

Repeal the sections, substitute the following section:

Application of Division 3 of Part XI of Audit Act

“33. It is hereby declared that the Commission is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.”.

Section 36—

Omit “law, including a law of a State”, substitute “law of the Commonwealth, a State or a Territory”.

Section 37—

- (a) Omit “he”, substitute “the Attorney-General”.
- (b) Omit “fifteen”, substitute “15”.

Life Insurance Act 1945

Paragraph 4 (4) (a)—

- (a) Insert “, or any part of any class of life insurance business,” before “carried on”.
- (b) Insert “or part of another class of life insurance business, as the case requires,” after “life insurance business” (last occurring).

Paragraph 4 (4) (b)—

Insert “part of” after “were”.

Sub-section 4 (4)—

Omit “or a class of life insurance business”, substitute “part of that other class of life insurance business or part of that class of life insurance business”.

Section 20—

Repeal the section.

Life Insurance Amendment Act 1977

Sub-section 7 (1)—

Omit “, 20”.

Liquefied Petroleum Gas (Grants) Act 1980

Section 3 (definition of “officer”)—

Omit “of Industry and Commerce”.

Sub-section 6A (7)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Liquid Fuel Emergency Act 1984

Sub-section 3 (1) (paragraph (c) of the definition of “Energy Minister”)—

Omit “and Local Government”.

SCHEDULE 1—continued

Sub-section 3 (1) (paragraph (d) of the definition of “Energy Minister”)—
Omit “and Technology”.

Sub-section 43 (3)—

- (a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.
- (b) Omit “for the time being”.

Live-stock Slaughter (Export Inspection Charge) Collection Act 1979

Sub-section 6 (5)—

Omit “him”, substitute “that person”.

Sub-section 6 (7)—

Omit “of his”, substitute “that person’s”.

Sub-section 6 (8)—

- (a) Omit “him”, substitute “that proprietor”.
- (b) Omit “his”, substitute “that proprietor’s”.

Sub-section 8 (1)—

Omit “his”, substitute “the”.

Sub-section 8 (2)—

- (a) Omit “him” (wherever occurring), substitute “the proprietor”.
- (b) Omit “he”, substitute “the proprietor”.

Sub-section 8 (3)—

Insert “or her” after “his”.

Sub-section 8 (4)—

Omit “\$100”, substitute “\$1,000”.

Section 9—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “\$300”, substitute “\$1,000”.

Sub-section 10 (4)—

Omit “he”, substitute “the authorized person”.

Sub-section 10 (5)—

Omit “\$200”, substitute “\$1,000 or imprisonment for 6 months, or both”.

After section 10—

Insert the following sections:

Reconsideration and review of certain decisions

“10A. (1) In this section, unless the contrary intention appears—
‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*;

SCHEDULE 1—continued

‘relevant decision’ means a decision of an authorized officer under sub-section 8 (3);

‘reviewable decision’ means—

- (a) a decision of the Minister under sub-section 8 (3); or
- (b) a decision of the Minister under sub-paragraph (3) (a) (ii) or sub-section (4).

“(2) Subject to sub-section (3), a person affected by a relevant decision may request the Minister to reconsider the decision.

“(3) The request shall—

- (a) be made by notice in writing given to the Minister within—
 - (i) the period of 28 days after the decision first comes to the notice of the person; or
 - (ii) such further period as the Minister (whether before or after the expiration of that period of 28 days), by notice in writing served on the person, allows; and
- (b) shall set out the reasons for making the request.

“(4) The Minister shall, within 45 days after receipt of the request, reconsider the relevant decision and may—

- (a) confirm the decision;
- (b) vary the decision; or
- (c) set the decision aside and make a new decision in substitution for the decision set aside.

“(5) Where, pursuant to a request under sub-section (2), the Minister reconsiders a relevant decision, the Minister shall, by notice in writing served on the person who made the request, inform the person of the result of the reconsideration.

“(6) Applications may be made to the Administrative Appeals Tribunal for review of reviewable decisions.

Statements to accompany notification of certain decisions

“10B. (1) In this section, ‘decision’, ‘relevant decision’ and ‘reviewable decision’ have the same respective meanings as in section 10A.

“(2) Where an authorized officer makes a relevant decision and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, the notice shall include a statement to the effect that a person affected by the decision—

- (a) may, if the person is dissatisfied with the decision, seek a reconsideration of the decision by the Minister in accordance with sub-section 10A (3); and
- (b) may, subject to the *Administrative Appeals Tribunal Act 1975*, if the person is dissatisfied with the decision on the reconsideration, apply to the Administrative Appeals Tribunal for review of the last-mentioned decision.

“(3) Where the Minister makes a reviewable decision and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, the notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, a person affected by the decision may, if the person is dissatisfied with the decision, apply to the Administrative Appeals Tribunal for review of the decision.

“(4) Any failure to comply with the requirements of sub-section (2) or (3) in relation to a decision does not affect the validity of the decision.”

Paragraph 11 (f)—

Omit “\$200”, substitute “\$500”.

SCHEDULE 1—continued

Management and Investment Companies Act 1983

Sub-section 3 (1) (definition of “business day”)—

Omit the definition, substitute the following definition:

“ ‘business day’, in relation to an act or thing, means a day that is not—

- (a) a Saturday or a Sunday; or
- (b) a public holiday or bank holiday in the place in which the act or thing is to be, or may be, done;”.

Paragraph 21 (4) (a)—

Omit “October in any year—31 October”, substitute “December in any year—31 December”.

Paragraph 21 (4) (b)—

Omit “31 October”, substitute “31 December”.

Sub-section 29 (3)—

Omit “10 days after the date”, substitute “10 business days after the day”.

Sub-section 29 (5)—

Omit “10 days after the date on”, substitute “10 business days after the day of”.

Section 41—

Omit “2 months”, substitute “4 months”.

Maritime College Act 1978

Section 30—

Repeal the section.

Meat Export Charge Collection Act 1984

After section 12—

Insert the following sections:

Reconsideration and review of certain decisions

“12A. (1) In this section, unless the contrary intention appears—
‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*;
‘relevant decision’ means a decision of an authorized officer under sub-section 9 (2);
‘reviewable decision’ means—

- (a) a decision of the Minister under sub-section 9 (2); or
- (b) a decision of the Minister under sub-paragraph (3) (a) (ii) or sub-section (4).

“(2) Subject to sub-section (3), a person affected by a relevant decision may request the Minister to reconsider the decision.

“(3) The request shall—

- (a) be made by notice in writing given to the Minister within—
 - (i) the period of 28 days after the decision first comes to the notice of the person; or

SCHEDULE 1—continued

(ii) such further period as the Minister (whether before or after the expiration of that period of 28 days), by notice in writing served on the person, allows; and

(b) shall set out the reasons for making the request.

“(4) The Minister shall, within 45 days after receipt of the request, reconsider the relevant decision and may—

(a) confirm the decision;

(b) vary the decision; or

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

“(5) Where, pursuant to a request under sub-section (2), the Minister reconsiders a relevant decision, the Minister shall, by notice in writing served on the person who made the request, inform the person of the result of the reconsideration.

“(6) Applications may be made to the Administrative Appeals Tribunal for review of reviewable decisions.

Statements to accompany notification of certain decisions

“12B. (1) In this section, ‘decision’, ‘relevant decision’ and ‘reviewable decision’ have the same respective meanings as in section 12A.

“(2) Where an authorized officer makes a relevant decision and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, the notice shall include a statement to the effect that a person affected by the decision—

(a) may, if the person is dissatisfied with the decision, seek a reconsideration of the decision by the Minister in accordance with sub-section 12A (3); and

(b) may, subject to the *Administrative Appeals Tribunal Act 1975*, if the person is dissatisfied with the decision on the reconsideration, apply to the Administrative Appeals Tribunal for review of that decision.

“(3) Where the Minister makes a reviewable decision and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, the notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, a person affected by the decision may, if the person is dissatisfied with the decision, apply to the Administrative Appeals Tribunal for review of the decision.

“(4) Any failure to comply with the requirements of sub-section (2) or (3) in relation to a decision does not affect the validity of the decision.”.

Meat Inspection Act 1983

Sub-sections 22 (1) and (2)—

Omit “he”, substitute “the person”.

Sub-section 23 (1)—

Insert “or her” after “his” (wherever occurring).

Sub-sections 25 (3), (6) and (8)—

Omit “he” (wherever occurring), substitute “the authorized officer”.

Sub-section 25 (8)—

Insert “or her” after “his”.

SCHEDULE 1—continued

Sub-section 26 (1)—

Omit “he” (wherever occurring), substitute “the authorized officer”.

Section 27—

Omit “his” (wherever occurring), substitute “the authorized officer’s”.

Sub-section 28 (1)—

Omit “his”, substitute “the authorized officer’s”.

Sub-section 28 (2)—

Insert “or her” after “his”.

Sub-section 30 (3)—

Omit “him”, substitute “the Secretary”.

Sub-section 31 (1)—

- (a) Omit “him”, substitute “the Secretary”.
- (b) Omit “his”, substitute “the Secretary’s”.

Section 32—

Omit “him”, substitute “the Secretary”.

Sub-section 33 (1)—

Omit “him”, substitute “the Secretary”.

Sub-section 33 (2)—

- (a) Omit “him” (first occurring), substitute “the person”.
- (b) Omit “he” (wherever occurring), substitute “the person”.
- (c) Omit “him” (last occurring), substitute “the Secretary”.

Sub-section 33 (3)—

Omit “him” (wherever occurring), substitute “the person”.

Section 34—

Omit “him” (wherever occurring), substitute “the authorized officer”.

Sub-section 35 (1)—

- (a) Omit “him”, substitute “the Secretary”.
- (b) Omit “he”, substitute “the owner, employee or agent, as the case may be,”.

Sub-section 37 (6)—

- (a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.
- (b) Omit “of State for Primary Industry”, substitute “administering this Act”.

Merit Protection (Australian Government Employees) Act 1984

Sub-paragraph 85 (1) (k) (iii)—

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

“(iii) persons who are employed under section 42 of the *Naval Defence Act 1910*”.

SCHEDULE 1—continued
Mount Stromlo Observatory Act 1956

Section 7—

Repeal the section.

Museum of Australia Act 1980

Section 40—

Repeal the section.

Narcotic Drugs Act 1967

Section 6, sub-sections 22 (3), 24 (2) and 25 (1), (2) and (3)—

Omit “Industry and Commerce”, substitute “Industry, Technology and Commerce”.

National Gallery Act 1975

After the definition of “Director” in section 3—

Insert the following definition:

“‘Fund’ means the Australian National Gallery Fund established by sub-section 36 (1);”.

Section 3 (definition of “national collection”)—

Add at the end of the definition “other than a work of art that is acquired, commissioned or produced by the Gallery for the purposes of sale”.

Section 3 (definition of “Secretary and Manager”)—

Omit the definition.

Section 3—

Add at the end the following sub-section:

“(2) A reference in this Act to any land or building owned by, or under the control of, the Gallery includes a reference to a part of any such land or a part of any such building, as the case may be.”.

Sub-section 4 (4)—

Insert “imprint of the” after “notice of the”.

Paragraph 7 (2) (a)—

Insert “to commission or produce,” after “hire,”.

Paragraph 7 (2) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) to make available (whether by hire, loan, sale or otherwise) works of art;”.

Paragraph 7 (2) (d)—

Insert “hire, loan,” after “by”.

SCHEDULE 1—continued

After paragraph 7 (2) (d)—

Insert the following paragraph:

“(da) to make available (whether for reward or otherwise) services in relation to the visual arts (whether with or without the supply of goods), including the carrying out of investigations and the giving of advice;”.

Paragraph 7 (2) (e)—

Insert “hire, loan,” after “by”.

After paragraph 7 (2) (g)—

Insert the following paragraphs:

“(ga) to grant (whether for reward or otherwise) rights to use any land or building owned by, or under the control of, the Gallery;

(gb) to fix charges for entry onto any land, or into any building, owned by, or under the control of the Gallery, being charges that—

(i) are in addition to the charges fixed by the regulations; and

(ii) relate to special exhibitions or other special events;”.

Paragraph 7 (2) (j)—

Omit “Australia” (wherever occurring), substitute “the Commonwealth”.

Sub-section 7 (3)—

Insert “in the national collection” after “art”.

Sub-section 7 (4)—

Insert “but subject to sections 36 and 39,” after “Act,”.

Section 8—

Omit “Australia” (wherever occurring), substitute “the Commonwealth”.

Sub-section 9 (2)—

Omit the sub-section.

Section 10—

Repeal the section, substitute the following section:

Exchange of works of art

“10. (1) Where the Council is satisfied that the exchange of a work of art in the national collection for another work of art would be advantageous to the collection, the Gallery may make that exchange.

“(2) An agreement for an exchange under sub-section (1) may include an undertaking by one party to pay an amount to the other party in recognition of the difference in value between the works of art to be exchanged.”.

Sub-sections 11 (8), (9) and (13)—

Omit “Australia” (wherever occurring), substitute “the Commonwealth”.

Sub-section 11 (14)—

Omit “1955-1974”, substitute “1955”.

SCHEDULE 1—continued

Sub-section 11 (16)—

Omit “1955-1974”, substitute “1955”.

Sub-section 13 (5)—

Omit the sub-section.

Sub-section 16 (3)—

Omit “1973-1974”, substitute “1973”.

Paragraph 17 (2) (c)—

Insert “,without reasonable excuse,” after “fails”.

Section 19—

Repeal the section, substitute the following section:

Disclosure of interests

“19. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Council.

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Council and the member shall not—

- (a) be present during any deliberation of the Council with respect to the matter; or
- (b) take part in a decision of the Council with respect to the matter.”

Section 22—

Repeal the section, substitute the following section:

Delegation

“22. (1) The Council may, by resolution, either generally or as otherwise provided by the resolution, delegate to the Chairman, the Director or any other member of the Council or to a member of the staff of the Gallery, all or any of its powers under this Act or the regulations, other than this power of delegation.

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

“(3) A delegation of a power under this section—

- (a) may be revoked by resolution of the Council (whether or not constituted by the persons constituting the Council at the time the power was delegated);
- (b) does not prevent the exercise of the power by the Council; and
- (c) continues in force notwithstanding a change in the membership of the Council.

“(4) Section 34A of the *Acts Interpretation Act 1901* applies in relation to a delegation under this section as if the Council were a person.

“(5) A certificate signed by the Chairman stating any matter with respect to a delegation of a power under this section is *prima facie* evidence of that matter.

SCHEDULE 1—continued

“(6) A document purporting to be a certificate mentioned in sub-section (5) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.”.

Heading to Part IV—

Omit the heading, substitute the following heading:

“PART IV—THE DIRECTOR”.

Section 23—

Repeal the section.

Section 25—

Repeal the section.

Sub-sections 26 (1) and (2)—

Omit “A prescribed officer”, substitute “The Director”.

Sub-section 26 (3)—

Omit “a prescribed officer” (wherever occurring), substitute “the Director”.

Sub-sections 27 (1) and (2)—

Omit “A prescribed officer”, substitute “The Director”.

Sub-section 27 (3)—

Omit “1973-1974”, substitute “1973”.

Section 28—

Omit “a prescribed officer”, substitute “the Director”.

Sub-sections 29 (1) and (2)—

Omit “a prescribed officer”, substitute “the Director”.

After paragraph 29 (2) (a)—

Insert the following paragraphs:

“(aa) fails, without reasonable excuse, to comply with section 19 or sub-section (3) of this section;

(ab) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council;”.

Sub-section 29 (3)—

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

“(3) The Director shall give written notice to the Minister of all direct or indirect pecuniary interests that the Director has or acquires in any business or in any body corporate carrying on any business.”.

Section 30—

Omit “A prescribed officer”, substitute “The Director”.

SCHEDULE 1—continued

Sections 31 and 32—

Repeal the sections, substitute the following section:

Acting Director

“31. (1) The Minister may appoint a person to act in the office of Director—

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

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

“(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

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

“(4) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting in the office of Director; and
- (b) terminate such an appointment at any time.

“(5) While a person is acting in the office of Director, the person has and may exercise all the powers, and shall perform all the functions, of the Director under this Act and the regulations.

“(6) A person appointed under sub-section (1) may resign the appointment by writing signed by the person and delivered to the Minister.

“(7) The validity of anything done by or in relation to a person purporting to act in the office of Director shall not be called in question on the ground that the occasion for the 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 the person to act had not arisen or had ceased.”.

Section 36—

Repeal the section, substitute the following section:

Australian National Gallery Fund

“36. (1) There is established by this sub-section a fund, to be known as the Australian National Gallery Fund.

“(2) Income received from the investment of money standing to the credit of the Fund forms part of the Fund.

“(3) There shall be paid into the Fund—

- (a) gifts and bequests of money accepted by the Gallery after the commencement of this section otherwise than on trust;
- (b) money received by the Gallery after that commencement from the disposal of gifts, devises, bequests and assignments of property accepted by the Gallery, whether before or after that commencement, otherwise than on trust; and

SCHEDULE 1—continued

- (c) so much of the money held by the Gallery in bank accounts otherwise than on trust immediately before that commencement as the Minister, by notice in writing given to the Gallery within 21 days after that commencement, determines.”.

Section 37—

Insert “(including money standing to the credit of the Fund)” after “Gallery” (first occurring).

Paragraph 38 (a)—

Omit “\$100,000”, substitute “\$450,000”.

Paragraphs 38 (b) and (d)—

Omit “\$50,000”, substitute “\$100,000”.

Sections 39 and 40—

Repeal the sections, substitute the following sections:

Investment

“39. Money (including money standing to the credit of the Fund) held by the Gallery otherwise than on trust that is not immediately required for the purposes of the Gallery may be invested—

- (a) on deposit with a bank that is an approved bank for the purposes of section 63J of the *Audit Act 1901*;
- (b) in Commonwealth securities; or
- (c) in any other manner approved in writing by the Treasurer.

Application of Division 3 of Part XI of Audit Act

“40. It is hereby declared that the Gallery is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.”.

Section 41—

Omit “Australia”, substitute “the Commonwealth”.

Sections 42, 43 and 44—

Repeal the sections.

Paragraph 46 (c)—

Omit “\$100”, substitute “\$500”.

National Health Act 1953

Sub-section 4 (1) (definition of “Secretary”)—

Omit the definition, substitute the following definition:

“ ‘Secretary’—

- (a) where the expression is used in a provision that is administered solely by the Minister for Health—means the Secretary to the Department of Health;
- (b) where the expression is used in a provision that is administered solely by the Minister for Community Services—means the Secretary to the Department of Community Services; and

SCHEDULE 1—continued

- (c) where the expression is used in a provision that is administered in part by the Minister for Health and in part by the Minister for Community Services, then—
- (i) in the application of the provision in so far as it is administered by the Minister for Health—means the Secretary to the Department of Health; and
 - (ii) in the application of the provision in so far as it is administered by the Minister for Community Services—means the Secretary to the Department of Community Services;”.

Sub-section 40AD (4)—

Omit “\$40”, substitute “\$200”.

Sub-section 41 (3)—

Add at the foot the following:
“Penalty: \$200.”.

Sub-section 41 (5)—

Omit “Penalty: \$40.”, substitute “Penalty for contravention of this sub-section: \$200.”.

Section 42—

Omit “Penalty: \$1,000.”, substitute “Penalty for contravention of this sub-section: \$1,000.”.

Section 43—

Omit “\$40”, substitute “\$200”.

Sub-section 45C (4)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Sub-section 50 (1)—

Omit “\$100”, substitute “\$1,000”.

Section 58H—

Omit “Forty dollars”, substitute “\$1,000”.

Section 60B—

Omit “\$100”, substitute “\$1,000”.

Sub-section 62 (1)—

Omit “5 years”, substitute “5 years, or both”.

Sub-section 62 (2)—

Omit “5 years”, substitute “5 years, or both”.

Sub-section 74 (1)—

Omit “Two hundred dollars”, substitute “\$1,000”.

Sub-section 74 (5)—

Omit “\$2,000”, substitute “\$5,000”.

SCHEDULE 1—continued

Sub-section 74 (6)—

Omit “Two hundred dollars”, substitute “\$1,000”.

Sub-section 74 (7)—

Omit “Two hundred dollars”, substitute “\$1,000”.

Sub-section 74 (9)—

Omit “\$200”, substitute “\$1,000”.

Sub-section 75 (5)—

Omit “Two hundred dollars or imprisonment for six months”, substitute “\$1,000 or imprisonment for 6 months, or both”.

Section 76—

Omit “Two hundred dollars”, substitute “\$1,000”.

Sub-section 82 (1)—

Omit “Penalty: Two hundred dollars or imprisonment for six months.”.

Sub-section 82 (2)—

Omit “Penalty: Two hundred dollars or imprisonment for six months.”.

Sub-section 82 (3)—

Omit “Penalty: \$200 or imprisonment for 6 months.”.

Section 82—

Omit “Penalty: Two hundred dollars or imprisonment for six months.” (last occurring), substitute “Penalty: \$10,000 or imprisonment for 5 years, or both.”.

Sub-section 82U (1)—

Omit “3 months”, substitute “6 months, or both”.

Sub-section 82V (5)—

Omit “3 months”, substitute “6 months, or both”.

Sub-section 82Y (1)—

Omit “3 months”, substitute “6 months, or both”.

Section 92B—

Omit “Ten dollars”, substitute “\$2,000”.

Sub-section 98 (2)—

Omit “Twenty dollars”, substitute “\$1,000”.

Sub-section 98AA (2)—

Omit “\$20”, substitute “\$1,000”.

Sub-section 103 (1)—

Add at the foot the following:
“Penalty: \$1,000.”.

SCHEDULE 1—continued

Sub-section 103 (2)—

Add at the foot the following:

“Penalty: \$2,000 or imprisonment for 12 months, or both.”.

Sub-section 103 (3)—

Add at the foot the following:

“Penalty: \$2,000 or imprisonment for 12 months, or both.”.

Sub-section 103 (4)—

Add at the foot the following:

“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

Sub-section 103 (4A)—

Add at the foot the following:

“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

Sub-section 103 (4B)—

Add at the foot the following:

“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

Section 103—

Omit “Penalty: \$1,000 or imprisonment for 6 months, or both.”, substitute “Penalty for contravention of this sub-section: \$5,000 or imprisonment for 2 years, or both.”.

Section 104—

Omit “Penalty: Two hundred dollars or imprisonment for six months.” (last occurring), substitute “Penalty for contravention of this sub-section: \$2,000 or imprisonment for 12 months, or both.”.

Sub-section 128 (1)—

Omit “Two hundred dollars or imprisonment for six months”, substitute “\$1,000 or imprisonment for 6 months, or both”.

Sub-section 129 (1)—

Omit “Two hundred dollars or imprisonment for six months”, substitute “\$1,000 or imprisonment for 6 months, or both”.

Section 134—

Omit “Two hundred dollars or imprisonment for six months”, substitute “\$5,000 or imprisonment for 2 years, or both”.

Sub-section 135A (1)—

Omit “\$2,000 or imprisonment for 12 months”, substitute “\$5,000 or imprisonment for 2 years, or both”.

Sub-section 135A (9)—

Omit “\$2,000 or imprisonment for 12 months”, substitute “\$5,000 or imprisonment for 2 years, or both”.

Sub-section 135B (1)—

Omit “or 135A”, substitute “, 82, 103, 134 or 135A”.

SCHEDULE 1—continued

Paragraph 135B (3) (a)—

Insert “or 82” after “section 62”.

Paragraph 135B (3) (b)—

Omit “section 135A”, substitute “section 103, 134 or 135A”.

Paragraph 140 (b)—

Omit “One hundred dollars or imprisonment for a period not exceeding three months, or both,”, substitute “\$2,000”.

National Library Act 1960

Section 17F—

Repeal the section.

National Measurement Act 1960

Sub-section 3 (3)—

Insert “of” after “standard” (last occurring).

Sub-section 18A (9)—

Omit the sub-section.

Naval Defence Act 1910

Section 42B—

Repeal the section.

Navigation Act 1912

After the definition of “Government ship” in sub-section 6 (1)—

Insert the following definition:

“ ‘Great Barrier Reef Region’ has the same meaning as in the *Great Barrier Reef Marine Park Act 1975*.”

Section 6—

Add at the end the following sub-section:

“(7) For the purposes of this Act, a port in the Great Barrier Reef Region shall be taken to be a port in Australia.”

Sub-section 267 (2)—

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

(b) Insert “and 22 to 25 (inclusive)” after “(inclusive)”.

Sub-section 267A (1)—

Insert “and 22 to 25 (inclusive)” after “(inclusive)”.

SCHEDULE 1—continued

Sub-section 426 (3)—

- (a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.
- (b) Omit “for the time being”.

Norfolk Island Act 1979

Paragraphs 38 (a) and 39 (2) (b)—

Omit the paragraphs.

Northern Territory (Self-Government) Act 1978

Paragraph 20 (a)—

Omit all the words after “citizen”.

Paragraph 21 (2) (b)—

Omit all the words after “be”, substitute “an Australian citizen”.

Section 39—

Repeal the section.

Nursing Homes Assistance Act 1974

Sub-section 3 (1) (definition of “Secretary”)—

Omit “of”, substitute “to”.

Sub-section 31A (4)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Office of National Assessments Act 1977

Section 18—

Repeal the section.

Ombudsman Act 1976

Section 32—

Repeal the section.

Overseas Telecommunications Act 1946

Sub-section 18 (10)—

Omit the sub-section.

Passports Act 1938

Sub-section 9 (1)—

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

SCHEDULE 1—continued
Passports Amendment Act 1984

Schedule 2—

Omit “Paragraph 7 (1) (a)”, substitute “Paragraph 7C (1) (a)”.

Patents Act 1952

Sub-section 16 (1)—

Add at the foot the following:

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

Sub-section 16 (2)—

Omit “Penalty: \$100.”, substitute the following:

“Penalty for contravention of this sub-section:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; or
- (b) in the case of a body corporate—\$5,000.”.

Section 17—

Omit “\$100”, substitute “\$1,000 or imprisonment for 6 months, or both”.

Sub-section 18 (1)—

Omit “\$200”, substitute “\$2,000”.

Section 19—

Repeal the section, substitute the following section:

Officers not to furnish information, &c.

“19. (1) An officer or person employed in the Patent Office who, except when required or authorized by this Act, or under a direction in writing of the Commissioner or by order of a court, furnishes information on a matter that is being, or has been, dealt with under this Act or under the repealed Acts, is guilty of an offence punishable, on conviction, by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both.

“(2) An officer or person employed in the Patent Office who, except when required or authorized by this Act, or under a direction in writing of the Commissioner or by order of a court—

- (a) prepares, or assists in the preparation of, a document required or permitted by or under this Act to be lodged in the Patent Office; or
 - (b) conducts a search in the records of the Patent Office,
- is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.”.

Section 33—

Omit “Penalty: Imprisonment for 3 years.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$5,000 or imprisonment for 2 years, or both; or
- (b) in the case of a body corporate—\$25,000.”.

Sub-section 34 (1)—

Omit “a British subject”, substitute “an Australian citizen”.

SCHEDULE 1—continued

After paragraph 54B (1) (e)—

Insert the following paragraph:

“(ea) the abstract of the complete specification;”.

After paragraph 54B (2) (b)—

Insert the following paragraph:

“(ba) the abstract of the petty patent specification;”.

Paragraphs 55 (1) (c) and (cb)—

Insert “or an abstract of such a specification” after “inspection”.

Sub-section 131 (2)—

Omit all the words after “sub-section (1).”, substitute the following:

“Penalty:

(a) in the case of a natural person—\$5,000 or imprisonment for 2 years, or both; or

(b) in the case of a body corporate—\$25,000.”.

Paragraph 133 (3) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) is an Australian citizen;”.

Sub-sections 136 (1) and (2)—

Omit “\$200”, substitute “\$1,000”.

Sub-section 136 (3)—

Omit “\$200”, substitute “\$5,000”.

Sub-section 136 (4) and section 137—

Omit “\$200”, substitute “\$1,000”.

Section 139—

Omit “\$100”, substitute “\$500”.

Sub-section 173 (1)—

Omit “Penalty: \$40.”, substitute the following:

“Penalty:

(a) in the case of a natural person—\$500; or

(b) in the case of a body corporate—\$2,500.”.

Sub-section 173 (2)—

Omit “Penalty: \$40.”, substitute the following:

“Penalty:

(a) in the case of a natural person—\$500; or

(b) in the case of a body corporate—\$2,500.”.

Sub-section 174 (1)—

Omit “Penalty: \$200.”, substitute the following:

“Penalty:

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

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

SCHEDULE 1—continued

Sub-section 174 (2)—

Omit “Penalty: \$200.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.”.

After section 174—

Insert the following section:

Certain offences indictable

“174A. (1) An offence against section 33 or sub-section 131 (2) is an indictable offence.

“(2) Notwithstanding that an offence against section 33 or sub-section 131 (2) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against section 33, the penalty that the court may impose is—

- (a) if the person is a natural person, a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both; or
- (b) if the person is a body corporate, a fine not exceeding \$10,000.

“(4) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against sub-section 131 (2), the penalty that the court may impose is—

- (a) if the person is a natural person, a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both; or
- (b) if the person is a body corporate, a fine not exceeding \$5,000.”.

Paragraph 177 (1) (c)—

Omit the paragraph, substitute the following paragraph:

“(c) prescribing penalties for offences against the regulations not exceeding—

- (i) in a case where the offence is an offence against regulations made for the purposes of section 135A, being regulations making provision for or in relation to a matter specified in sub-section 135A (3)—a fine of \$1,000 or imprisonment for 6 months, or both; and
- (ii) in any other case—a fine of \$500.”.

Pay-roll Tax (Territories) Assessment Act 1971

Sub-section 70 (1A)—

Omit “and Local Government”.

Petroleum Retail Marketing Franchise Act 1980

Paragraph 17 (5) (a)—

Omit “to enter into negotiations for an agreement”, substitute “to enter into an agreement, or negotiations for an agreement,”.

Pipeline Authority Act 1973

Section 24—

Repeal the section.

SCHEDULE 1—continued

Pork Promotion Act 1975

Sub-section 14A (3)—

Omit the sub-section.

Port Statistics Act 1977

Section 3 (definition of “Secretary”)—

Omit “of”, substitute “to”.

Postal Services Act 1975

Sub-section 115 (4)—

- (a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.
- (b) Omit “of State” (last occurring).

Procurement of Goods, Works and Services Act 1981

Sub-section 4B (1) and sub-section 5 (9) (definition of “Secretary”)—

Omit “of Administrative Services”.

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

Sub-section 3 (1) (definition of “the 1973 Convention”)—

Omit “(a copy of the English text of which, apart from Annexes III, IV and V to it, is set out in Schedule 1)”, substitute “as corrected by the Procès-Verbal of Rectification dated 13 June 1978 (a copy of the English text of which, apart from Annexes III, IV and V, as so corrected is set out in Schedule 1), as affected by any amendment, other than an amendment not accepted by Australia, made under Article 16 of the Convention”.

Sub-section 3 (1) (definition of “the 1978 Protocol”)—

Add at the end of the definition “as affected by—

- (a) the amendments to the Annex of the Protocol adopted on 7 September 1984 (a copy of the English text of which amendments is set out in Schedule 3); and
- (b) any other amendment to the Protocol, other than an amendment not accepted by Australia, made under Article VI of the Protocol”.

Sub-section 3 (1)—

Add at the end the following definition:

“‘Tonnage Measurement Convention’ has the same meaning as in Part XA of the *Navigation Act 1912*.”

Section 3—

Add at the end the following sub-section:

“(4) Where, at any time, the gross tonnage applicable to a ship has been determined otherwise than in accordance with the Tonnage Measurement Convention, then, in the application of this Act to the ship at that time, a reference in this Act to the gross tonnage of a ship not expressed in tons shall be taken to be a reference to the gross tonnage of the ship expressed in tons.”

SCHEDULE 1—continued

Sub-section 9 (4)—

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

“(4) Without limiting the generality of sub-section (2) but subject to sub-section (5), sub-section (1) does not apply to—

- (a) the discharge from an oil tanker of oil or an oily mixture, not being oil or an oily mixture of the kind referred to in paragraph (c), if the following conditions are satisfied:
 - (i) the oil tanker is not within a special area and is more than 50 nautical miles from the nearest land;
 - (ii) the oil tanker is proceeding *en route*;
 - (iii) the instantaneous rate of discharge of oil content does not exceed 60 litres per nautical mile;
 - (iv) the total quantity of oil discharged into the sea does not exceed—
 - (A) in the case of an oil tanker that is an existing tanker—one part in 15,000 parts of the total quantity of the cargo of oil of which oil discharged formed a part; or
 - (B) in the case of an oil tanker that is a new tanker—one part in 30,000 parts of the total quantity of the cargo of oil of which oil discharged formed a part;
 - (v) the oil tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulations made by virtue of section 267A of the *Navigation Act 1912*;
- (b) the discharge from a ship that has a gross tonnage of 400 or more and is not an oil tanker of oil or an oily mixture if the following conditions are satisfied:
 - (i) the ship is not within a special area and is more than 12 nautical miles from the nearest land;
 - (ii) the ship is proceeding *en route*;
 - (iii) the oil content of the effluent is less than 100 parts in 1,000,000 parts;
 - (iv) the ship has in operation an oil discharge monitoring and control system, oily-water separating equipment, oil filtering equipment or other installation as required by regulations made by virtue of section 267A of the *Navigation Act 1912*;
- (c) the discharge from an oil tanker of oil or an oily mixture, being oil or an oily mixture that is from the machinery space bilges (other than the cargo pump room bilges) of the oil tanker and does not include oil cargo residue, if the conditions specified in paragraph (b) are satisfied in relation to the discharge;
- (d) the discharge from an oil tanker, or another ship that has a gross tonnage of 400 or more, of an unprocessed oily mixture, not being an oily mixture that originated from the cargo pump room bilges of the ship or includes oil cargo residue, if the following conditions are satisfied:
 - (i) the ship is not within a special area;
 - (ii) the oil content of the unprocessed oily mixture without dilution is not more than 15 parts in 1,000,000 parts;
- (e) the discharge from a ship that has a gross tonnage of 400 or more and is not an oil tanker of a processed oily mixture, not being an oily mixture that originated from the cargo pump room bilges of the ship or includes oil cargo residue, if the following conditions are satisfied:
 - (i) the ship is not within a special area;
 - (ii) the oil content of the effluent without dilution is not more than 15 parts in 1,000,000 parts;

SCHEDULE 1—continued

- (iii) the ship has in operation oil filtering equipment as required by regulations made by virtue of section 267A of the *Navigation Act 1912*;
- (f) the discharge from an oil tanker of a processed oily mixture, being a processed oily mixture that originates from the machinery space bilges (other than the cargo pump room bilges) of the oil tanker and does not include oil cargo residue, if the conditions specified in paragraph (e) are satisfied in relation to the discharge;
- (g) the discharge within a special area from an oil tanker, or another ship that has a gross tonnage of 400 or more, of processed bilge water from machinery spaces, not being bilge water that originated from the cargo pump room bilges of the ship or includes oil cargo residue, if the following conditions are satisfied:
 - (i) the ship is proceeding *en route*;
 - (ii) the oil content of the effluent without dilution is not more than 15 parts in 1,000,000 parts;
 - (iii) the ship has in operation oil filtering equipment as required by regulations made by virtue of section 267A of the *Navigation Act 1912*;
 - (iv) the oil filtering equipment is equipped with a stopping device that automatically prevents any discharge of effluent when the oil content of the effluent without dilution is more than 15 parts in 1,000,000 parts;
- (h) the discharge within a special area from a ship that has a gross tonnage of less than 400 and is not an oil tanker of oil or an oily mixture if—
 - (i) the oil content of the effluent without dilution is less than 15 parts in 1,000,000 parts; or
 - (ii) the following conditions are satisfied:
 - (A) the ship is proceeding *en route*;
 - (B) the oil content of the effluent is less than 100 parts in 1,000,000 parts;
 - (C) the discharge is made as far as practicable from land and is not less than 12 nautical miles from the nearest land;
- (j) the discharge, not being a discharge within a special area, from a ship that has a gross tonnage of less than 400 and is not an oil tanker of oil or an oily mixture; or
- (k) the discharge from a ship of clean or segregated ballast.”.

Section 11—

Repeal the section, substitute the following section:

Duty to report certain incidents involving oil or an oily mixture

“11. (1) Where a prescribed incident occurs in relation to an Australian ship, the master of the ship shall, without delay, notify, in the prescribed manner, a prescribed officer of the incident.

Penalty: \$5,000.

“(2) In a prosecution of a person for an offence against sub-section (1) in relation to a prescribed incident, it is a defence if the person proves that the person was unable to comply with the sub-section in relation to the incident.

“(3) Where a prescribed incident occurs in relation to an Australian ship and—

- (a) the master of the ship is unable to comply with sub-section (1) in relation to the incident; or
- (b) the incident occurs in circumstances in which the ship is abandoned,

the owner, charterer, manager or operator of the ship or an agent of the owner, charterer, manager or operator of the ship shall, without delay, notify, in the prescribed manner, a prescribed officer of the incident and, if a prescribed officer is not so notified, each of those persons is guilty of an offence punishable, upon conviction, by a fine not exceeding \$5,000.

SCHEDULE 1—continued

“(4) In a prosecution of a person for an offence against sub-section (3) in relation to a prescribed incident in relation to a ship, it is a defence if the person proves—

- (a) that the person was not aware of the incident; or
- (b) in the case of a prescribed incident to which paragraph (3) (a) applies—that the person neither knew nor suspected that the master of the ship was unable to comply with sub-section (1) in relation to the incident.

“(5) Sub-section (4) shall not be taken to limit by implication any defence that would, but for that sub-section, be available to a person charged with an offence against sub-section (3).

“(6) A master of a ship who, pursuant to sub-section (1), has notified a prescribed officer of the occurrence of a prescribed incident shall, if so requested by a prescribed officer, furnish, within the prescribed time, a report to a prescribed officer in relation to the incident in accordance with the prescribed form.

Penalty: \$5,000.

“(7) Where sub-section (3) applies in relation to a prescribed incident in relation to a ship, a person who, pursuant to that sub-section, has notified a prescribed officer of the occurrence of the prescribed incident shall, if so requested by a prescribed officer, furnish, within the prescribed time, a report to a prescribed officer in relation to the incident in accordance with the prescribed form.

Penalty: \$5,000.

“(8) A person shall not, in a notice given to a prescribed officer pursuant to sub-section (1) or (3) or in a report furnished to a prescribed officer pursuant to sub-section (6) or (7), make a statement that is false or misleading in a material particular.

Penalty: \$5,000.

“(9) A notice given to a prescribed officer pursuant to sub-section (1) or (3), and a report furnished to a prescribed officer pursuant to sub-section (6) or (7), shall not, without the consent of the person charged, be admitted in evidence in a prosecution for an offence against sub-section 9 (1).

“(10) In this section, ‘prescribed incident’, in relation to a ship, means—

- (a) a discharge from the ship of oil or an oily mixture, not being a discharge to which sub-section 9 (4) applies; or
- (b) an incident involving the probability of a discharge from the ship of oil or an oily mixture, not being a discharge to which sub-section 9 (4) would apply,

but does not include a discharge or other incident that occurs in—

- (c) the territorial sea of Australia; or
- (d) the sea on the landward side of the territorial sea of Australia.”.

Sub-sections 12 (1), (2) and (3)—

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

“(1) This section applies to an Australian ship that—

- (a) is an oil tanker; or
- (b) has a gross tonnage of 400 or more and is not an oil tanker.

“(2) Every ship to which this section applies shall carry such oil record books as are required by the regulations to be carried on the ship.

“(3) An oil record book shall be in accordance with the appropriate prescribed form with provision made for a signature, in accordance with sub-section (6), in relation to each

SCHEDULE 1—continued

entry made in it and for a signature, in accordance with sub-section (7), in relation to each page of it.”.

Sub-sections 12 (4) and (5)—

Omit “an Australian ship”, substitute “a ship”.

Section 12—

Add at the end the following sub-section:

“(7) Where a page of a ship’s oil record book is completed, the master of the ship shall, without delay, sign the page.

Penalty: \$5,000.”.

Section 13—

Omit “an Australian ship”, substitute “a ship”.

Sub-sections 14 (1), (3), (5) and (6)—

Omit “an Australian ship”, substitute “a ship”.

Section 22—

Repeal the section, substitute the following section:

Duty to report certain incidents involving certain substances

“22. (1) Where a prescribed incident occurs in relation to an Australian ship, the master of the ship shall, without delay, notify, in the prescribed manner, a prescribed officer of the incident.

Penalty: \$5,000.

“(2) In a prosecution of a person for an offence against sub-section (1) in relation to a prescribed incident, it is a defence if the person proves that the person was unable to comply with the sub-section in relation to the incident.

“(3) Where a prescribed incident occurs in relation to an Australian ship and—

(a) the master of the ship is unable to comply with sub-section (1) in relation to the incident; or

(b) the incident occurs in circumstances in which the ship is abandoned,

the owner, charterer, manager or operator of the ship or an agent of the owner, charterer, manager or operator of the ship shall, without delay, notify, in the prescribed manner, a prescribed officer of the incident and, if a prescribed officer is not so notified, each of those persons is guilty of an offence punishable, upon conviction, by a fine not exceeding \$5,000.

“(4) In a prosecution of a person for an offence against sub-section (3) in relation to a prescribed incident in relation to a ship, it is a defence if the person proves—

(a) that the person was not aware of the incident; or

(b) in the case of a prescribed incident to which paragraph (3) (a) applies—that the person neither knew nor suspected that the master of the ship was unable to comply with sub-section (1) in relation to the incident.

“(5) Sub-section (4) shall not be taken to limit by implication any defence that would, but for that sub-section, be available to a person charged with an offence against sub-section (3).

“(6) A master of a ship who, pursuant to sub-section (1), has notified a prescribed officer of the occurrence of a prescribed incident shall, if so requested by a prescribed officer,

SCHEDULE 1—continued

furnish, within the prescribed time, a report to a prescribed officer in relation to the incident in accordance with the prescribed form.

Penalty: \$5,000.

“(7) Where sub-section (3) applies in relation to a prescribed incident in relation to a ship, a person who, pursuant to that sub-section, has notified a prescribed officer of the occurrence of the prescribed incident shall, if so requested by a prescribed officer, furnish, within the prescribed time, a report to a prescribed officer in relation to the incident in accordance with the prescribed form.

Penalty: \$5,000.

“(8) A person shall not, in a notice given to a prescribed officer pursuant to sub-section (1) or (3) or in a report furnished to a prescribed officer pursuant to sub-section (6) or (7), make a statement that is false or misleading in a material particular.

Penalty: \$5,000.

“(9) A notice given to a prescribed officer pursuant to sub-section (1) or (3), and a report furnished to a prescribed officer pursuant to sub-section (6) or (7), shall not, without the consent of the person charged, be admitted in evidence in a prosecution for an offence against sub-section 21 (1).

“(10) In this section—

‘liquid substance’ does not include a substance listed in Appendix III to Annex II;

‘prescribed incident’, in relation to a ship, means—

- (a) a discharge from the ship of a liquid substance, or a mixture containing a liquid substance, carried as cargo or part cargo in bulk, not being a discharge to which sub-section 21 (4), (5), (6), (7), (8), (9), (10), (11) or (12) applies; or
- (b) an incident involving the probability of a discharge from the ship of a liquid substance, or a mixture containing a liquid substance, carried as cargo or part cargo in bulk, not being a discharge to which sub-section 21 (4), (5), (6), (7), (8), (9), (10), (11) or (12) would apply,

but does not include a discharge or other incident that occurs in—

- (c) the territorial sea of Australia; or
- (d) the sea on the landward side of the territorial sea of Australia.”.

Sub-section 23 (2)—

Omit “Australian”.

Sub-sections 23 (4) and (5)—

Omit “an Australian ship”, substitute “a ship”.

Sub-section 23 (8)—

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

“(8) Where a page of a ship’s cargo record book is completed, the master of the ship shall, without delay, sign the page.

Penalty: \$5,000.”.

Section 24—

Omit “an Australian ship”, substitute “a ship”.

Sub-sections 25 (1), (3), (5) and (6)—

Omit “an Australian ship” (wherever occurring), substitute “a ship”.

SCHEDULE 1—continued

Sub-section 34 (3)—

- (a) Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.
- (b) Omit “of State for Transport”, substitute “administering this Act”.

Schedule 1 (Annex I, Regulations for the Prevention of Pollution by Oil)—

- (a) Omit “parrallel” from sub-paragraph 10 (1) (c), substitute “parallel”.
- (b) Omit “the Aqaba” from sub-paragraph 10 (1) (d), substitute “Aqaba”.
- (c) Omit “preceding” from sub-sub-paragraph 10 (3) (a) (i), substitute “proceeding”.

After Schedule 2—

Insert the Schedule set out in Schedule 3 to this Act.

Public Service Act 1922

Sub-sections 11 (6) and (7)—

Omit the sub-sections.

Paragraph 22B (14) (c)—

Omit the paragraph, substitute the following paragraph:

“(c) persons who are employed under section 42 of the *Naval Defence Act 1910*”.

Paragraph 22C (13) (c)—

Omit the paragraph, substitute the following paragraph:

“(c) persons who are employed under section 42 of the *Naval Defence Act 1910*”.

Sub-section 51A (1)—

Omit “who occupies another office in that Department or an office in”, substitute “performing duties in that Department or”.

Section 56A (paragraph (a) of the definition of “Minister”)—

Omit “Permanent Head”, substitute “Secretary”.

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 Arts, Heritage and Environment
The Attorney-General’s Department
The Department of Aviation
The Department of Communications

SCHEDULE 1—continued

The Department of Community Services
The Department of Defence
The Department of Education
The Department of Employment and Industrial Relations
The Department of Finance
The Department of Foreign Affairs
The Department of Health
The Department of Housing and Construction
The Department of Immigration and Ethnic Affairs
The Department of Industry, Technology and Commerce
The Department of Local Government and Administrative Services
The Department of Primary Industry
The Department of the Prime Minister and Cabinet
The Department of Resources and Energy
The Department of Science
The Department of Social Security
The Department of the Special Minister of State
The Department of Sport, Recreation and Tourism
The Department of Territories
The Department of Trade
The Department of Transport
The Department of the Treasury
The Department of Veterans' Affairs

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 Arts, Heritage and Environment
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 Community Services
The Secretary to the Department of Defence
The Secretary to the Department of Education
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 Housing and Construction
The Secretary to the Department of Immigration and Ethnic Affairs

SCHEDULE 1—continued

The Secretary to the Department of Industry, Technology and Commerce
The Secretary to the Department of Local Government and Administrative Services
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
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
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".

Public Service Reform Act 1984

Schedule 4, Item 3, proposed amendments of the *Health Insurance Act 1973*—

Omit " 'registered person' ", substitute " 'registered nurse' ".

Schedule 4, Item 3, proposed amendments of *Nursing Homes Assistance Act 1974*—

Omit "sub-section 4 (1)", substitute "sub-section 3 (1)".

Public Works Committee Act 1969

Sub-section 18 (8)—

Omit "Two million dollars", substitute "\$6,000,000".

Radiocommunications Act 1983

Sub-section 3 (1) (definition of "physical quantity")—

Omit "*Weights and Measures (National Standards) Act 1960*", substitute "*National Measurement Act 1960*".

Re-establishment and Employment Act 1945

Sub-section 150 (3)—

Omit "Social Security", substitute "Community Services".

Removal of Prisoners (Australian Capital Territory) Act 1968

Sub-section 3 (1) (definition of "authorized person")—

(a) Omit "Court of Petty Sessions", substitute "Magistrates Court".

(b) Omit "Federal Court", substitute "federal court".

Sub-section 3 (1) (definition of "constable")—

Omit "a member of the Police Force of the Territory or".

SCHEDULE 1—continued

Sub-section 3 (1) (paragraph (a) of the definition of “court”)—

Omit “Federal Court”, substitute “federal court”.

Sub-section 3 (1) (paragraph (c) of the definition of “court”)—

Omit “Court of Petty Sessions”, substitute “Magistrates Court”.

Sub-section 3 (1) (definition of “magistrate”)—

(a) Omit “Stipendiary”.

(b) Omit “1922-1968”, substitute “1922”.

Sub-section 3 (1) (definition of “the State”)—

Omit “ ‘the State’ ”, substitute “ ‘State’ ”.

Sub-section 3 (1) (definition of “the Territory”)—

Omit “ ‘the Territory’ ”, substitute “ ‘Territory’ ”.

Sub-section 3 (2)—

Omit the sub-section.

Sub-section 5 (2)—

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

Sub-section 6 (2)—

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

Sub-section 7 (1)—

Omit “1923-1968”, substitute “1923”.

Sub-section 7 (2)—

(a) Omit “(3) of section 8,”, substitute “8 (3)”.

(b) Omit “1923-1968”, substitute “1923”.

Section 9—

Repeal the section.

Section 10—

Omit “Federal”, substitute “federal”.

Paragraph 11 (b)—

(a) Omit “1914-1916”, substitute “1914”.

(b) Omit “1937-1967”, substitute “1937”.

Paragraph 11 (d)—

(a) Omit “1941-1962”, substitute “1941”.

(b) Omit “1962-1966”, substitute “1962”.

(c) Omit “1936-1937”, substitute “1936”.

SCHEDULE 1—continued
Remuneration Tribunals Act 1973

Paragraph 3 (4) (p)—

Omit the paragraph, substitute the following paragraph:

“(p) persons who are employed under section 42 of the *Naval Defence Act 1910*.”

Reserve Bank Act 1959

Section 22—

Repeal the section, substitute the following section:

Deputy Secretary may attend meetings of Board

“22. A Deputy Secretary in the Department nominated in writing for the purpose by the Secretary to the Department may attend a meeting of the Board at which the Secretary is not present and, where the Deputy Secretary attends a meeting pursuant to this section, the Deputy Secretary shall, for the purposes of this Part, be deemed to be a member of the Board.”

Section 88—

Repeal the section.

Sales Tax (Exemptions and Classifications) Act 1935

Item 123A in First Schedule—

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

Item 135A in First Schedule—

Omit “Social Security”, substitute “Community Services”.

Science and Industry Research Act 1949

Section 55—

Repeal the section.

Seat of Government (Administration) Act 1910

Sub-section 12 (2C)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Sex Discrimination Act 1984

Sub-section 44 (1)—

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

“(1) The Commission may, on application by—

- (a) a person, on that person’s own behalf or on behalf of that person and another person or other persons;
- (b) 2 or more persons, on their own behalf or on behalf of themselves and another person or other persons; or

SCHEDULE 1—continued

(c) a person or persons included in a class of persons on behalf of the persons included in that class of persons,
by instrument in writing, grant to the person, persons or class of persons, as the case may be, an exemption from the operation of a specified provision of Division 1 or 2.”

Sub-section 44 (2)—

- (a) Omit “to whom”, substitute “to, or in respect of, whom”.
- (b) Omit “to the person”.

Snowy Mountains Hydro-electric Power Act 1949

Section 34—

Repeal the section.

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

Schedule—

- (a) Omit from the words proposed to be omitted from section 21 of the *Commonwealth Employment Service Act 1978* “Public Service”, substitute “Australian Public Service”.
- (b) Omit from the amendments of the *Excise Tariff Act 1921* “Schedule, definition of ‘Departmental By-laws’”, substitute “Schedule, definition of ‘Departmental By-law’”.

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

Schedule 1—

Omit the words proposed to be omitted from section 3 (paragraphs (a), (b) and (d) of the definition of “Commonwealth authority”) of the *Merit Protection (Australian Government Employees) Act 1984*, substitute “on its own behalf”.

Statutory Rules Publication Act 1903

Sub-section 5 (3B)—

Omit “of State for Administrative Services”, substitute “for Sport, Recreation and Tourism”.

Supply and Development Act 1939

Before the definition of “goods” in section 4—

Insert the following definitions:

- “ ‘Australia’ includes the external Territories;
- ‘Defence Act’ means the *Defence Act 1903*;”.

After the definition of “long range weapons” in section 4—

Insert the following definition:

- “ ‘officer’ means an officer as defined in sub-section 7 (1) of the *Public Service Act 1922*;”.

Section 4 (definition of “the Defence Act”)—

Omit the definition.

SCHEDULE 1—continued

Section 4 (definition of “undertaking”)—

Omit “Australia”, substitute “the Commonwealth”.

Section 4 (definition of “war”)—

Omit “or any Territory”.

Sub-section 5 (1)—

(a) Insert “, in writing,” after “directions”.

(b) Omit “the next succeeding sub-section”, substitute “sub-section (2)”.

Paragraph 5 (1) (b)—

Omit “Australia” (wherever occurring), substitute “the Commonwealth”.

Paragraph 5 (1) (f)—

Omit “a preceding paragraph of this sub-section”, substitute “paragraph (a), (b), (c) or (e)”.

Sub-section 5 (2)—

Omit “from time to time”, substitute “, by instrument signed by the Governor-General”.

Sub-section 6 (1)—

Omit “Australia”, substitute “the Commonwealth”.

Sub-sections 6 (4) and (5)—

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

“(4) An offence against this section is an indictable offence and, subject to sub-sections (5) and (6), is punishable on conviction by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both.

“(5) Notwithstanding that an offence against this section is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(6) Where, in accordance with sub-section (5), a court of summary jurisdiction convicts a person of an offence against this section, the penalty that the court may impose is a fine not exceeding \$500 or imprisonment for a period not exceeding 3 months, or both.”.

Section 7—

(a) Omit “The Governor-General may enter into any arrangement with the Governor of any State providing for”, substitute “The Minister may make an arrangement with a Minister of a State for and in relation to”.

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

“(3) In this section, ‘State’ includes the Northern Territory.”.

Sub-section 10 (1)—

(a) Omit “in that behalf”, substitute “in writing”.

(b) Omit “, or deemed to have been established,”.

(c) Omit “, constituted under the *Commonwealth Public Service Act 1922-1947*,”.

(d) Omit “that Act”, substitute “the *Public Service Act 1922*”.

SCHEDULE 1—continued

Sub-section 10 (2)—

Omit “*Commonwealth Public Service Act 1922-1937*”, substitute “*Public Service Act 1922*”.

Sub-section 11 (1)—

Omit “of State” (wherever occurring).

Sub-section 12 (2)—

- (a) Omit “or deemed to have been established”.
- (b) Omit “Regulations” (last occurring), substitute “regulations”.

Section 13—

Repeal the section.

Section 14—

- (a) Omit “(d) and (da) of sub-section (1) of section 63”, substitute “63 (1) (d) and (da)”.
- (b) Omit “(db) and (f) of that sub-section”, substitute “63 (1) (db) and (f) of that Act”.
- (c) Insert “in writing” after “directs”.

Section 25—

- (a) Omit “, or deemed to have been constituted,”.
- (b) Omit “Australia”, substitute “the Commonwealth”.
- (c) Omit “One hundred dollars”, substitute “\$500”.
- (d) Omit “three”, substitute “3”.

Sub-section 25A (1)—

Omit “or deemed to be constituted”.

Sub-section 25A (2)—

Omit all the words after “against”, substitute “the Commonwealth”.

Paragraph 27 (1) (ba)—

Omit “or deemed to be established”.

Paragraph 27 (1) (bc)—

Omit “Australia”, substitute “the Commonwealth”.

Paragraphs 27 (1) (bd) and (be)—

Omit “Australia or of a State”, substitute “the Commonwealth or of a State or a Territory”.

Paragraph 27 (1) (c)—

Omit the paragraph.

Paragraph 27 (1) (e)—

- (a) Omit “One hundred dollars”, substitute “\$500”.
- (b) Omit “three”, substitute “3”.

SCHEDULE 1—continued

Sub-section 27 (1A)—

Omit the sub-section.

Paragraph 27 (2) (a)—

Omit “Australia or of a State”, substitute “the Commonwealth or of a State or Territory”.

Sub-section 27 (3) (definition of “employee”)—

Omit the definition, substitute the following definition:

“ ‘employee’ does not include a person who is an officer;”.

Sub-section 27 (3) (definition of “trade union”)—

Omit “the law of Australia or of a State”, substitute “a law of the Commonwealth or of a State or Territory”.

Taxation Administration Act 1953

Section 4—

Omit “two”, substitute “2”.

Sub-section 5 (3)—

Omit “1922-1953”, substitute “1922”.

Sub-section 5A (3)—

Omit “1973-1974”, substitute “1973”.

Sub-section 8J (2)—

Omit “incudes”, substitute “includes”.

Paragraph 8Z (1) (e)—

Omit “or (c)”, substitute “, (c) or (d)”.

Section 14A (definition of “Australian tax”)—

Omit “Australia”, substitute “the Commonwealth”.

Section 14A (definition of “Board of Review”)—

Omit “1936-1974”, substitute “1936”.

Section 14A (definition of “taxation law”)—

Omit “Australia”, substitute “the Commonwealth”.

Paragraph 14B (1) (a)—

Omit “1959-1974”, substitute “1959”.

Paragraph 14B (1) (b)—

(a) Omit “(a) of sub-section (1) of section 39B”, substitute “39B (1) (a)”.

(b) Omit “(b) of sub-section (1) of section 39B of the *Banking Act 1959-1974*”, substitute “39B (1) (b) of the *Banking Act 1959*”.

Sub-sections 14C (2), (3) and (5)—

Omit “Australia” (wherever occurring), substitute “the Commonwealth”.

SCHEDULE 1—continued

Sub-section 14H (1)—

Omit “(4) of section 14G”, substitute “14G (4)”.

Sub-section 14H (3)—

Omit “(2) of section 14C”, substitute “14C (2)”.

Sub-section 14I (2)—

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

Sub-section 14I (3)—

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

Section 14M—

Repeal the section.

Sub-section 14P (1)—

Omit “the date of commencement of this section”, substitute “15 May 1979”.

Sub-section 17 (1) (definition of “the previous currency”)—

Omit “1909-1947”, substitute “1909”.

Sub-section 17 (3)—

- (a) Omit “(a), (b) and (c) of the last preceding sub-section”, substitute “(2) (a), (b) and (c)”.
- (b) Omit “(4) of section 8 of the *Currency Act 1965*”, substitute “8 (4) of the *Currency Act 1965*”.

Taxation Laws Amendment Act 1984

Paragraph 190 (b)—

Insert “(wherever occurring)” after “against”.

Section 339—

Insert “(wherever occurring)” after “charge”.

Paragraph 378 (b)—

Insert “the” after “sub-section (1)”.

Sub-section 382 (6)—

Insert “made” after “Principal Act”.

Schedule 6, amendment of paragraph 251K (2A) (b) of the *Income Tax Assessment Act 1936*—

Omit the amendment.

Schedule 7, amendment of paragraph 16 (4) (i) of the *Income Tax Assessment Act 1936*—

Re-letter proposed paragraph (ha) as paragraph (hb).

SCHEDULE 1—continued

Tobacco Charges Assessment Act 1955

Paragraph 27 (3C) (c)—

Add at the end thereof “or”.

Paragraph 27 (3C) (d)—

Insert “of” after “sub-section 47 (2)”.

Tobacco Marketing Act 1965

Sub-section 17 (3)—

Omit the sub-section.

Trade Commissioners Act 1933

Before the definition of “Assistant Trade Commissioner” in section 2—

Insert the following definition:

“ ‘appoint’ includes re-appoint;”.

Section 2 (definition of “the Public Service Board”)—

Omit the definition, substitute the following definition:

“ ‘determination’ means a determination under section 11;”.

Section 3—

(a) Omit all the words after “Commissioners” (last occurring), substitute “of the Commonwealth”.

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

“(2) Subject to this Act, a Trade Commissioner or Assistant Trade Commissioner holds office for such period as is specified in the instrument of his or her appointment, but is eligible for re-appointment.”.

Sub-section 4 (1)—

(a) Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”.

(b) Omit “*Commonwealth Public Service Act 1922-1932*”, substitute “*Public Service Act 1922*”.

Sub-section 4 (2)—

Omit the sub-section.

After section 4—

Insert the following section:

Resignation

“4A. A Trade Commissioner or Assistant Trade Commissioner may resign his or her office by writing signed by the Trade Commissioner or Assistant Trade Commissioner, as the case may be, and delivered to the Governor-General.”.

Sub-section 5 (1)—

(a) Omit “the last preceding section”, substitute “section 4”.

SCHEDULE 1—continued

(b) Insert “physical or mental” after “misbehaviour or”.

Sub-section 5 (2)—

- (a) Omit “or compounds”, substitute “applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds”.
- (b) Omit “salary”, substitute “remuneration”.

Sections 6 and 7—

Repeal the sections, substitute the following section:

Duties of Trade Commissioners and Assistant Trade Commissioners

“6. A Trade Commissioner or Assistant Trade Commissioner shall carry out such instructions relating to the commercial, trading and general interests of Australia as the Trade Commissioner or Assistant Trade Commissioner, as the case may be, receives from time to time from the Minister.”.

Section 8—

- (a) Insert “in writing” after “direction”.
- (b) Omit “directs”, substitute “specifies in the direction”.

Section 9—

Omit “A Trade”, substitute “Except with the express permission in writing of the Minister, a Trade”.

Sub-section 10 (1)—

Omit “from time to time”, substitute “, in writing,”.

Sub-section 10 (2)—

Omit all the words after “the” (second occurring), substitute “*Public Service Act 1922*”.

Section 11—

Repeal the section, substitute the following sections:

Determination of conditions of service

“11. (1) The Minister may make determinations in writing, not inconsistent with this Act, providing for and in relation to the terms and conditions of appointment of relevant persons.

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

- (a) the remuneration of relevant persons;
- (b) the payment of allowances and other pecuniary benefits, not being allowances or benefits by way of remuneration, to and in respect of relevant persons;
- (c) the payment of allowances and other pecuniary benefits to and in respect of members of the families of relevant persons;
- (d) leave of absence and long service leave of relevant persons; and
- (e) the provision of other benefits to and in respect of relevant persons and to and in respect of members of the families of relevant persons.

“(3) Determinations may be made either generally or with respect to a particular case or a particular class of cases.

SCHEDULE 1—continued

“(4) A determination may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification—

- (a) a provision of any Act or any regulation made under an Act, or of any determination made under this section or section 82D of the *Public Service Act 1922*, as in force at a particular time or as in force from time to time; or
- (b) any matter contained in any other instrument or writing as in force or existing at the time when the determination takes effect.

“(5) A determination takes effect—

- (a) on the day on which it is made; or
- (b) in a case where another day (which may be a day earlier than the day on which it is made) is specified for the purpose in the determination—on the day so specified.

“(6) A determination shall not be expressed to take effect on a day earlier than the day on which it is made in any case where, if the determination so took effect—

- (a) the rights of a person (other than the Commonwealth) existing immediately before the last-mentioned day would be affected in a manner prejudicial to the person; or
- (b) liabilities would be imposed on a person (other than the Commonwealth) in respect of anything done or omitted to be done before that last-mentioned day,

and where, in a determination, any provision is made in contravention of this sub-section, the provision is void and of no effect.

“(7) The determinations made in each calendar year (including determinations amending or revoking other determinations) shall be numbered in regular arithmetic series, beginning with the number 1, as nearly as possible in the order in which they are made.

“(8) A determination may, without prejudice to any other manner of citation, be cited by reference to its number and the calendar year in which it was made.

“(9) The Minister shall cause to be published in the *Gazette*, in respect of each determination, notice of—

- (a) the fact that the determination has been made; and
- (b) the place or places where copies of the determination can be obtained.

“(10) A reference in this section to a member of the family of a relevant person includes a reference to a member of the household, and a dependant of, a relevant person.

“(11) In this section, ‘relevant person’ means—

- (a) a Trade Commissioner or Assistant Trade Commissioner; or
- (b) an officer appointed under section 10.

Tabling, disallowance, &c., of determinations

“11A. (1) Subject to sub-section (2), sections 48 (other than paragraphs (1) (a) and (b) and sub-section (2)), 49 and 50 of the *Acts Interpretation Act 1901* apply in relation to determinations as if, in those sections, references to regulations were references to determinations and references to a regulation were references to a provision of a determination.

“(2) Determinations are not statutory rules within the meaning of the *Statutory Rules Publication Act 1903*.

Evidence

“11B. For the purposes of section 5 of the *Evidence Act 1905*, a determination shall be deemed to be an order made by a Minister.

SCHEDULE 1—continued

Delegation

“11C. (1) The Governor-General may, by writing signed by the Governor-General, delegate to the Minister or an officer of the Australian Public Service performing duties in the Department all or any of the Governor-General’s powers under this Act, other than this power of delegation.

“(2) The Minister may, by writing signed by the Minister, delegate to an officer of the Australian Public Service performing duties in the Department all or any of the Minister’s powers under this Act, other than this power of delegation.

“(3) A delegation under this section may be made generally or as otherwise provided by the instrument of delegation.

“(4) A power delegated under this section shall, when exercised by the delegate, be deemed, for the purposes of this Act, to have been exercised by the person who made the delegation.

“(5) A delegation under this section does not prevent the exercise of a power by the person who made the delegation.

“(6) A delegation under this section continues in force notwithstanding a change in the occupancy of, or a vacancy in, the office of the person who made the delegation, but, for the purposes of the application of sub-section 33 (3) of the *Acts Interpretation Act 1901* to a delegation under this section, nothing in this Act shall be taken to preclude the revocation or variation of the delegation by the same or a subsequent holder of the office.”

Trade Marks Act 1955

Section 18 and sub-section 98 (1)—

Omit “Penalty: Imprisonment for 3 years.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$5,000 or imprisonment for 2 years, or both; or
- (b) in the case of a body corporate—\$25,000.”

Sub-section 99 (1)—

Omit “Penalty: \$200.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.”

Section 100

Omit “Penalty: \$200.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.”

Section 102—

Repeal the section, substitute the following section:

Aiding and abetting offences

“102. (1) A person who aids, abets, counsels or procures, or is in any way, directly or indirectly, knowingly concerned in, or party to, the doing of an act outside Australia which, if it were done in Australia, would be an offence against this Act, shall be deemed to have committed that offence and is punishable accordingly.

SCHEDULE 1—continued

“(2) Sub-section (1) does not affect the operation of section 5 of the *Crimes Act 1914*.”.

Sub-section 104 (2)—

Omit “Penalty: \$200.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; or
- (b) in the case of a body corporate—\$5,000.”.

After section 118—

Insert the following section:

Certain offences indictable

“118A. (1) An offence against section 18 or sub-section 98 (1) is an indictable offence.

“(2) Notwithstanding that an offence against section 18 or sub-section 98 (1) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against section 18 or sub-section 98 (1), the penalty that the court may impose is—

- (a) if the person is a natural person, a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both; or
- (b) if the person is a body corporate, a fine not exceeding \$10,000.”.

Sub-section 120 (1)—

Add at the foot the following:

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

Sub-section 120 (2)—

Omit “Penalty: \$100.”, substitute the following:

“Penalty for contravention of this sub-section:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; or
- (b) in the case of a body corporate—\$5,000.”.

Section 121—

Omit “\$100”, substitute “\$1,000 or imprisonment for 6 months, or both”.

Sub-sections 135 (1) and 137 (1)—

Omit “\$200”, substitute “\$1,000”.

Sub-section 137 (2)—

Omit “\$200”, substitute “\$5,000”.

Sub-sections 137 (3)—

Omit “\$200”, substitute “\$1,000”.

Sub-section 145 (1)—

Omit “Penalty: \$40.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$500; or
- (b) in the case of a body corporate—\$2,500.”.

SCHEDULE 1—continued

Sub-section 146 (1)—

Omit “Penalty: \$100.”, substitute the following:

“Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.”.

Paragraph 147 (b)—

Omit “\$100 or imprisonment for 6 months”, substitute “\$500”.

Trade Practices Act 1974

Section 26—

Repeal the section.

Trade Union Training Authority Act 1975

Section 3 (definition of “council”)—

Omit the definition, substitute the following definition:

“ ‘council’ means—

- (a) the Australian Council; or
- (b) a Regional Council;”.

Section 3 (definition of “Executive Board”)—

Omit the definition, substitute the following definition:

“ ‘Executive Committee’ means the Executive Committee of the Australian Council;”.

After the definition of “National Director” in section 3—

Insert the following definition:

“ ‘Regional Council’ means—

- (a) a council established for a State by sub-section 9 (3); or
- (b) a council established for the Australian Capital Territory or the Northern Territory by the regulations;”.

Section 3 (definition of “State Council”)—

Omit the definition.

Sub-section 6 (2)—

- (a) Insert “imprint of the” after “judicial notice of the”.
- (b) Omit “affixed to”, substitute “appearing on”.
- (c) Omit “duly affixed”, substitute “duly sealed”.

Section 7A—

Omit “Executive Board”, substitute “Australian Council”.

Section 8—

Omit “Executive Board” (wherever occurring), substitute “Australian Council”.

Sub-section 8A (2)—

Omit “Executive Board”, substitute “Australian Council”.

Section 8J—

Repeal the section, substitute the following section:

SCHEDULE 1—continued

Disclosure of interests

“8J. The National Director shall give written notice to the Minister of all direct or indirect pecuniary interests that the National Director has or acquires in any business or in any body corporate carrying on a business.”.

Paragraph 8K (6) (a)—

Omit the paragraph.

Part IIB—

Repeal the Part.

Sections 9, 10, 11 and 12—

Repeal the sections, substitute the following sections:

Establishment of Councils

“9. (1) Upon the commencement of this section, the councils established by sub-sections 9 (2) and (3) of the *Trade Union Training Authority Act 1975* as in force immediately before that commencement cease to exist.

“(2) There is established by this sub-section a council by the name of the Australian Council for Union Training.

“(3) There is established by this sub-section a council for each State by the name specified in the following table opposite to the name of the State:

<i>State</i>	<i>Name of Council</i>
New South Wales	New South Wales Council for Union Training
Victoria	Victorian Council for Union Training
Queensland	Queensland Council for Union Training
Western Australia	Western Australian Council for Union Training
South Australia	South Australian Council for Union Training
Tasmania	Tasmanian Council for Union Training

“(4) The regulations may establish a Council for Union Training for the Australian Capital Territory and a Council for Union Training for the Northern Territory.

Function of Australian Council

“10. The Australian Council is responsible for the formulation of the policy of the Authority.

Functions of Regional Councils

“11. (1) The functions of a Regional Council for a State or Territory are to advise, and to make recommendations to, the Australian Council in relation to matters relating to trade union training in the State or Territory.

“(2) A Regional Council for a State or Territory shall ensure that the training provided by the Trade Union Training Centre for the State or Territory is in accordance with the policy formulated by the Australian Council.”.

Paragraph 14 (1) (d)—

Omit “7”, substitute “10”.

Paragraphs 14 (1) (j) and (k)—

Omit the paragraphs, substitute the following word and paragraph:

“and (j) one person, being an officer or employee of the Authority, to represent the officers and employees of the Authority, elected in accordance with the regulations by the officers and employees of the Authority and appointed by the Minister”.

SCHEDULE 1—continued

Section 15—

Repeal the section, substitute the following section:

Remuneration and allowances of members of Australian Council

“15. (1) A member of the Australian Council shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration is in operation, a member shall be paid such remuneration as is prescribed.

“(2) A member of the Australian Council shall be paid such allowances as are prescribed.

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

Sub-sections 17 (3) and (4)—

Omit the sub-sections.

Sub-section 18 (2)—

Omit “or (h)”, substitute “, (h) or (j)”.

Sub-section 18 (3)—

Omit the sub-section.

Heading to Division 2 of Part IV—

Omit “*State Councils*”, substitute “*Regional Councils for States*”.

Paragraph 20 (1) (b)—

Insert “on the nomination of the Secretary to the Department” after “Minister”.

Paragraph 20 (1) (c)—

Omit “5”, substitute “6”.

After paragraph 20 (1) (c)—

Insert the following paragraphs—

“(d) one person, being an officer or employee of the Authority, appointed by the Minister on the nomination of the National Director;

(e) one person, being an officer or employee of the Authority, to represent the officers and employees of the Authority, elected in accordance with the regulations by the officers and employees of the Authority employed in the State and appointed by the Minister;”.

Paragraph 20 (1) (g)—

Omit “promote”, substitute “represent”.

Sub-section 20 (3)—

(a) Omit “A State Council”, substitute “A Regional Council for a State”.

(b) Omit “the State Council”, substitute “the Regional Council”.

Sub-sections 20A (1) and (2)—

Omit “State Council”, substitute “Regional Council for a State”.

Sub-sections 21 (2) and (3)—

(a) Omit “a State Council” (wherever occurring), substitute “a Regional Council for a State”.

(b) Omit “the State Council” (wherever occurring), substitute “the Regional Council”.

SCHEDULE 1—continued

Sub-sections 22 (1) and (2)—

- (a) Omit “a State Council”, substitute “a Regional Council for a State”.
- (b) Omit “that State Council”, substitute “that Regional Council”.

Sub-section 22 (3)—

- (a) Omit “a State Council”, substitute “a Regional Council for a State”.
- (b) Omit “the State Council” (wherever occurring), substitute “the Regional Council”.

Section 23—

Omit “State Council” (wherever occurring), substitute “Regional Council for a State”.

Sub-sections 23A (1), (2), (3) and (4)—

- (a) Omit “a State Council”, substitute “a Regional Council for the State”.
- (b) Omit “the State Council” (wherever occurring), substitute “the Regional Council”.

Sub-section 23A (5)—

Omit “A State Council”, substitute “A Regional Council for a State”.

Sub-section 23A (6)—

- (a) Omit “a State Council”, substitute “a Regional Council for a State”.
- (b) Omit “the State Council”, substitute “the Regional Council”.

Heading to Division 3 of Part IV—

Omit “*Other Councils*”, substitute “*Regional Councils for Territories*”.

Sub-section 25 (2)—

- (a) Insert “a member of the Australian Council or” after “include”.
- (b) Omit “State”, substitute “Regional”.

Section 25A—

Repeal the section.

Paragraph 28 (1) (a)—

Omit “, (j) or (k)”, substitute “or (j)”.

Paragraph 28 (1) (b)—

Omit “(3)”, substitute “(2)”.

Paragraphs 28 (1) (c) and (d)—

Omit “State Council”, substitute “Regional Council for a State”.

Sub-section 28 (2)—

Omit “Executive Board” (wherever occurring), substitute “Executive Committee”.

Paragraph 28 (3) (b)—

Omit the paragraph, substitute the following paragraphs:

- “(b) the member of the Australian Council referred to in paragraph 14 (1) (j) ceases to be an officer or employee of the Authority;

SCHEDULE 1—continued

- (ba) a member of a Regional Council for a State, being the member referred to in paragraph 20 (1) (d) or (e), ceases to be an officer or employee of the Authority; or”.

Paragraph 28 (3) (c)—

- (a) Omit “who is a member of the Executive Board”.
(b) Omit “section 8R”, substitute “section 29 or 29D”.

Sub-section 28 (4)—

Omit the sub-section.

After section 28—

Insert the following section:

Disclosure of interests

“29. (1) A member of the Australian Council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Australian Council shall, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Australian Council.

“(2) The disclosure shall be recorded in the minutes of the meeting of the Australian Council and the member shall not, unless the Minister or the Australian Council otherwise determines—

- (a) be present during any deliberation of the Australian Council with respect to the matter; or
(b) take part in any decision of the Australian Council with respect to the matter.

“(3) For the purpose of the making of a determination by the Australian Council under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Australian Council for the purpose of the making of the determination; or
(b) take part in the making by the Australian Council of the determination.”.

After Part IV—

Insert the following Part:

PART IVA—EXECUTIVE COMMITTEE

Executive Committee

“29A. (1) There shall be an Executive Committee of the Australian Council.

“(2) The Executive Committee has such functions as the Australian Council determines from time to time and shall comply with directions given to it by the Australian Council from time to time.

Constitution of Executive Committee

“29B. (1) The Executive Committee shall consist of—

- (a) the member of the Australian Council referred to in paragraph 14 (1) (a);
(b) the National Director;
(c) 3 persons appointed by the Minister from the members of the Australian Council referred to in paragraph 14 (1) (d); and

SCHEDULE 1—continued

(d) the member of the Australian Council referred to in paragraph 14 (1) (g).

“(2) A member of the Executive Committee referred to in paragraph (1) (c) ceases to hold office if the member ceases to be a member of the Australian Council or resigns his or her office as a member of the Executive Committee by writing signed by the member delivered to the Minister.

Meetings of Executive Committee

“29C. The Australian Council may, from time to time, make determinations with respect to the holding of meetings by the Executive Committee.

Disclosure of interests

“29D. (1) A member of the Executive Committee who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Executive Committee shall, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Executive Committee.

“(2) The disclosure shall be recorded in the minutes of the meeting of the Executive Committee and the member shall not, unless the Minister, the Australian Council or the Executive Committee otherwise determines—

- (a) be present during any deliberation of the Executive Committee with respect to the matter; or
- (b) take part in any decision of the Executive Committee with respect to the matter.

“(3) For the purpose of the making of a determination by the Australian Council or the Executive Committee under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Australian Council or the Executive Committee, as the case may be, for the purpose of making the determination; or
- (b) take part in the making by the Australian Council or the Executive Committee, as the case may be, of the determination.”.

Sub-section 33 (2)—

Omit “management of, and the provision of training by,” substitute “planning, development and implementation of training by”.

Sub-section 33 (3)—

Omit the sub-section.

Sub-section 34 (1)—

Omit “Executive Board”, substitute “Australian Council”.

Section 57—

Repeal the section.

Sub-sections 58 (1) and (3)—

Omit “Executive Board”, substitute “Authority”.

War Graves Act 1980

Section 11—

Repeal the section.

SCHEDULE 1—continued

War Precautions Act Repeal Act 1920

Paragraphs 22 (a) to (d) (inclusive)—

Omit the paragraphs.

Paragraph 22 (e)—

Add at the end “and”.

Paragraph 22 (f)—

Omit the paragraph.

Paragraph 22 (g)—

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

(b) Omit “six”, substitute “6”.

Wool Tax (Administration) Act 1964

Sub-section 54 (4) (sub-paragraph (c) (i) of the definition of “tax”)—

Omit “of”, substitute “or”.

SCHEDULE 2

Section 4

REPEAL OF ACTS

PART I—APPROPRIATION ACTS

Appropriation Act (No. 1) 1980-81
Appropriation Act (No. 2) 1980-81
Appropriation Act (No. 3) 1980-81
Appropriation Act (No. 4) 1980-81
Appropriation Act (No. 1) 1981-82
Appropriation Act (No. 2) 1981-82
Appropriation Act (No. 3) 1981-82
Appropriation Act (No. 4) 1981-82
Appropriation Act (No. 1) 1982-83
Appropriation Act (No. 2) 1982-83
Appropriation Act (No. 3) 1982-83
Appropriation Act (No. 4) 1982-83
Appropriation Act (No. 5) 1982-83
Appropriation Act (No. 6) 1982-83
Appropriation (Parliamentary Departments) Act 1982-83
Appropriation (Parliamentary Departments) Act (No. 2) 1982-83
Appropriation Act (No. 1) 1983-84
Appropriation Act (No. 2) 1983-84
Appropriation Act (No. 3) 1983-84
Appropriation Act (No. 4) 1983-84
Appropriation (Parliamentary Departments) Act 1983-84
Appropriation (Parliamentary Departments) Act (No. 2) 1983-84

PART II—LOAN ACTS

Loan Act 1982
Loan Act (No. 2) 1982
Loan Act 1983

PART III—SUPPLY ACTS

Supply Act (No. 1) 1980-81
Supply Act (No. 2) 1980-81
Supply Act (No. 1) 1981-82
Supply Act (No. 2) 1981-82
Supply Act (No. 1) 1982-83
Supply Act (No. 2) 1982-83
Supply Act (No. 1) 1983-84
Supply Act (No. 2) 1983-84
Supply (Parliamentary Departments) Act 1983-84

PART IV—MISCELLANEOUS

Tasman Bridge Restoration Act 1975

SCHEDULE 2—continued

Tasman Bridge Restoration Act (No. 2) 1975

Taxation Administration Act 1960

Wheat Products Export Adjustment Amendment Act 1976

Wheat Products Export Adjustment Amendment Act 1979

SCHEDULE 3

**SCHEDULE TO BE INSERTED IN THE PROTECTION OF THE SEA
(PREVENTION OF POLLUTION FROM SHIPS) ACT 1983**

“SCHEDULE 3

Section 3

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978
RELATING TO THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

NOTING the functions which Article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the “1973 Convention”) and resolution A.297(VIII) confer on the Marine Environment Protection Committee for the consideration and adoption of amendments to the 1973 Convention,

NOTING FURTHER article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the “1978 Protocol”),

HAVING CONSIDERED at its twentieth session amendments to the 1978 Protocol proposed and circulated in accordance with article 16 (2) (a) of the 1973 Convention,

1. **ADOPTS** in accordance with article 16 (2) (d) of the 1973 Convention amendments to the Annex of the 1978 Protocol, the text of which is set out in the Annex to the present resolution;
2. **DETERMINES** in accordance with article 16 (2) (f) (iii) of the 1973 Convention that the amendments shall be deemed to have been accepted on 7 July 1985 unless prior to this date one third or more of the Parties or the Parties, the combined merchant fleets of which constitute fifty per cent or more of the gross tonnage of the world’s merchant fleet, have communicated to the Organization their objections to the amendments;
3. **INVITES** the Parties to note that in accordance with article 16 (2) (g) (ii) of the 1973 Convention the amendments shall enter into force on 7 January 1986 upon their acceptance in accordance with paragraph 2 above;
4. **REQUESTS** the Secretary-General in conformity with article 16 (2) (e) of the 1973 Convention to transmit to all Parties to the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the Annex;
5. **FURTHER REQUESTS** the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1978 Protocol copies of the resolution and its Annex.

SCHEDULE 3—continued

ANNEX

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING
TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973**

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Regulation 1

Definitions

The existing texts of paragraphs (26) and (27) are replaced by the following:

“(26) Notwithstanding the provisions of paragraph (6) of this Regulation, for the purposes of Regulations 13, 13B, 13E and 18 (4) of this Annex, “new oil tanker” means an oil tanker:

- (a) for which the building contract is placed after 1 June 1979; or
- (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1 January 1980; or
- (c) the delivery of which is after 1 June 1982; or
- (d) which has undergone a major conversion:
 - (i) for which the contract is placed after 1 June 1979; or
 - (ii) in the absence of a contract, the construction work of which is begun after 1 January 1980; or
 - (iii) which is completed after 1 June 1982;

except that, for oil tankers of 70,000 tons deadweight and above, the definition in paragraph (6) of this Regulation shall apply for the purposes of Regulation 13 (1) of this Annex.

(27) Notwithstanding the provisions of paragraph (7) of this Regulation, for the purposes of Regulations 13, 13A, 13B, 13C, 13D, 18 (5) and 18 (6) (c) of this Annex, “existing oil tanker” means an oil tanker which is not a new oil tanker as defined in paragraph (26) of this Regulation.”

Regulation 9

Control of Discharge of Oil

The existing text of sub-paragraph (1) (a) (vi) is replaced by the following:

“(vi) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by Regulation 15 of this Annex.”

The existing text of sub-paragraph (1) (b) (v) is replaced by the following:

“(v) the ship has in operation an oil discharge monitoring and control system, oily-water separating equipment, oil filtering equipment or other installation as required by Regulation 16 of this Annex.”

The existing text of paragraph (4) is replaced by the following:

“(4) The provisions of paragraph (1) of this Regulation shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixtures which without dilution have an oil content not exceeding 15 parts per million and which do not originate from cargo pump-room bilges and are not mixed with oil cargo residues. The provisions of sub-paragraph (1) (b) of this Regulation shall not apply to the discharge of the processed oily mixture, provided that all of the following conditions are satisfied:

- (a) the oily mixture does not originate from cargo pump-room bilges;
- (b) the oily mixture is not mixed with oil cargo residues;
- (c) the oil content of the effluent without dilution does not exceed 15 parts per million; and
- (d) the ship has in operation oil filtering equipment complying with Regulation 16 (7) of this Annex.”

SCHEDULE 3—continued

Regulation 10

Methods for the Prevention of Oil Pollution from Ships while Operating in Special Areas
The existing texts of paragraphs (2), (3) and (4) are replaced by the following:

- “(2) Subject to the provisions of Regulation 11 of this Annex:
- (a) any discharge into the sea of oil or oily mixture from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited while in a special area;
 - (b) any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:
 - (i) the ship is proceeding en route;
 - (ii) the oil content of the effluent is less than 100 parts per million; and
 - (iii) the discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.
- (3) (a) The provisions of paragraph (2) of this Regulation shall not apply to the discharge of clean or segregated ballast.
- (b) The provisions of sub-paragraph (2) (a) of this Regulation shall not apply to the discharge of processed bilge water from machinery spaces, provided that all the following conditions are satisfied:
- (i) the bilge water does not originate from cargo pump-room bilges;
 - (ii) the bilge water is not mixed with oil cargo residues;
 - (iii) the ship is proceeding en route;
 - (iv) the oil content of the effluent without dilution does not exceed 15 parts per million;
 - (v) the ship has in operation oil filtering equipment complying with Regulation 16 (7) of this Annex; and
 - (vi) the filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.
- (4) (a) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.
- (b) The oil residues which cannot be discharged into the sea in compliance with paragraph (2) or (3) of this Regulation shall be retained on board or discharged to reception facilities.”

Regulation 13

Segregated Ballast Tanks, Dedicated Clean Ballast Tanks and Crude Oil Washing

The existing text of paragraph (3) is replaced by the following:

- “(3) In no case shall ballast water be carried in cargo tanks, except:
- (a) on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship;
 - (b) in exceptional cases where the particular character of the operation of an oil tanker renders it necessary to carry ballast water in excess of the quantity required under paragraph (2) of this Regulation, provided that such operation of the oil tanker falls under the category of exceptional cases as established by the Organization.

SCHEDULE 3—continued

Such additional ballast water shall be processed and discharged in compliance with Regulation 9 of this Annex and in accordance with the requirements of Regulation 15 of this Annex and an entry shall be made in the Oil Record Book referred to in Regulation 20 of this Annex.”

Regulation 13A

Requirements for Oil Tankers with Dedicated Clean Ballast Tanks

Paragraph (4) (b) is deleted and paragraph (4) (a) is renumbered as (4).

Regulation 13B

Requirements for Crude Oil Washing

The following words are added to the end of paragraph (3):

“and as may be further amended.”

Paragraph (5) (b) is deleted and paragraph (5) (a) is renumbered as (5).

Regulation 13C

Existing Tankers Engaged in Specific Trades

The first phrase of paragraph (1) is amended to read as follows:

“(1) Subject to the provisions of paragraph (2) of this Regulation, Regulation 13 (7) to (10) of this Annex shall not apply to an existing oil tanker solely engaged in specific trades between:”

The existing text of paragraph (2) (a) is replaced by the following:

“(a) subject to the exceptions provided for in Regulation 11 of this Annex, all ballast water, including clean ballast water, and tank washing residues are retained on board and transferred to the reception facilities and the appropriate entry in the Oil Record Book referred to in Regulation 20 of this Annex is endorsed by the competent Port State Authority;”

Paragraph (3) is deleted.

Regulation 14

The title of the Regulation is replaced by the following:

“*Segregation of Oil and Water Ballast and Carriage of Oil in Forepeak Tanks*”

The following new paragraphs are added to the existing text:

“(4) In a ship of 400 tons gross tonnage and above, for which the building contract is placed after 1 January 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1 July 1982, oil shall not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(5) All ships other than those subject to paragraph (4) of this Regulation shall comply with the provisions of that paragraph, as far as is reasonable and practicable.”

Regulation 15

Retention of Oil on Board

The existing text of paragraph (2) (c) is replaced by the following:

“(c) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slop generated by tank washings, oil residues and dirty ballast residues. The total capacity of the slop tank or tanks shall not be less

SCHEDULE 3—continued

than 3 per cent of the oil carrying capacity of the ships, except that the Administration may accept:

- (i) 2 per cent for such oil tankers where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system;
- (ii) 2 per cent where segregated ballast tanks or dedicated clean ballast tanks are provided in accordance with Regulation 13 of this Annex, or where a cargo tank cleaning system using crude oil washing is fitted in accordance with Regulation 13B of this Annex. This capacity may be further reduced to 1.5 per cent for such oil tankers where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system;
- (iii) 1 per cent for combination carriers where oil cargo is only carried in tanks with smooth walls. This capacity may be further reduced to 0.8 per cent where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system.

New oil tankers of 70,000 tons deadweight and above shall be provided with at least two slop tanks.”

The last sentence of the existing text of paragraph (3) (a) is replaced by the following:

- “(a) The oil discharge monitoring and control system shall be designed and installed in compliance with the Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers developed by the Organization.* Administrations may accept such specific arrangements as detailed in the Guidelines and Specifications.”

The following footnote is added to paragraph (3) (a):

* Reference is made to the Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers adopted by the Organization by resolution A.496 (XII).”

The existing text of paragraph (5) is replaced by the following:

- “(5) (a) The Administration may waive the requirements of paragraphs (1), (2) and (3) of this Regulation for any oil tanker which engages exclusively on voyages both of 72 hours or less in duration and within 50 miles from the nearest land, provided that the oil tanker is engaged exclusively in trades between ports or terminals within a State Party to the present Convention. Any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determination by the Administration that facilities available to receive such oily mixtures are adequate.
- (b) The Administration may waive the requirements of paragraph (3) of this Regulation for oil tankers other than those referred to in sub-paragraph (a) of this paragraph in cases where:
- (i) the tanker is an existing oil tanker of 40,000 tons deadweight or above, as referred to in Regulation 13C (1) of this Annex, engaged in

SCHEDULE 3—continued

specific trades, and the conditions specified in Regulation 13C (2) are complied with; or

- (ii) the tanker is engaged exclusively in one or more of the following categories of voyages:
- (1) voyages within special areas; or
 - (2) voyages within 50 miles from the nearest land outside special areas where the tanker is engaged in:
 - (aa) trades between ports or terminals of a State Party to the present Convention; or
 - (bb) restricted voyages as determined by the Administration, and of 72 hours or less in duration;
- provided that all of the following conditions are complied with:
- (3) all oily mixtures are retained on board for subsequent discharge to reception facilities;
 - (4) for voyages specified in sub-paragraph (b) (ii) (2) of this paragraph, the Administration has determined that adequate reception facilities are available to receive such oily mixtures in those oil loading ports or terminals the tanker calls at;
 - (5) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages specified in sub-paragraphs (b) (ii) (1) and (b) (ii) (2) (bb) of this paragraph; and
 - (6) the quantity, time, and port of the discharge are recorded in the Oil Record Book.”

The existing text of paragraph (7) is replaced by the following:

“(7) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers carrying asphalt or other products subject to the provisions of this Annex, which through their physical properties inhibit effective product/water separation and monitoring, for which the control of discharge under Regulation 9 of this Annex shall be effected by the retention of residues on board with discharge of all contaminated washings to reception facilities.”

Regulation 16

The existing text of Regulation 16 is replaced by the following:

“Oil Discharge Monitoring and Control System and Oily-Water Separating and Oil Filtering Equipment

(1) Any ship of 400 tons gross tonnage and above but less than 10,000 tons gross tonnage shall be fitted with oily-water separating equipment (100 ppm equipment) complying with paragraph (6) of this Regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph (2) of this Regulation or paragraph (1) of Regulation 14.

(2) Any ship of 10,000 tons gross tonnage and above shall be fitted either:

- (a) with oily-water separating equipment (100 ppm equipment) complying with paragraph (6) of this Regulation and with an oil discharge monitoring and control system complying with paragraph (5) of this Regulation; or
- (b) with oil filtering equipment (15 ppm equipment) complying with paragraph (7) of this Regulation.

SCHEDULE 3—continued

- (3) (a) The Administration may waive the requirements of paragraphs (1) and (2) of this Regulation for any ship engaged exclusively on:
- (i) voyages within special areas; or
 - (ii) voyages within 12 miles of the nearest land outside special areas, provided the ship is in:
 - (1) trade between ports or terminals within a State Party to the present Convention; or
 - (2) restricted voyages as determined by the Administration;
- provided that all of the following conditions are complied with:
- (iii) the ship is fitted with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water;
 - (iv) all oily bilge water is retained on board for subsequent discharge to reception facilities;
 - (v) the Administration has determined that adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at;
 - (vi) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on the voyages specified in sub-paragraph (a) (i) or (a) (ii) (2) of this paragraph; and
 - (vii) the quantity, time, and port of the discharge are recorded in the Oil Record Book.
- (b) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of Regulation 9 (1) (b) of this Annex.

(4) For existing ships the requirements of paragraphs (1), (2) and (3) of this Regulation shall apply three years after the date of entry into force of the present Convention.

(5) An oil discharge monitoring and control system shall be of a design approved by the Administration. In considering the design of the oil content meter to be incorporated into the system, the Administration shall have regard to the specification recommended by the Organization.* The system shall be fitted with a recording device to provide a continuous record of the oil content in parts per million. This record shall be identifiable as to time and date and shall be kept for at least three years. The system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the oil content of effluent exceeds that permitted by Regulation 9 (1) (b) of this Annex. Any failure of the system shall stop the discharge and be noted in the Oil Record Book. The defective unit shall be made operable before the ship commences its next voyage unless it is proceeding to a repair port. Existing ships shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually.

(6) Oily-water separating equipment referred to in paragraphs (1) and (2) (a) of this Regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system has an oil content of less than 100 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.*

(7) Oil filtering equipment referred to in paragraph (2) (b) of this Regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily

SCHEDULE 3—continued

mixture discharged into the sea after passing through the system or systems has an oil content not exceeding 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.* In the case of ships less than 10,000 tons gross tonnage, other than those carrying large quantities of oil fuel or those discharging bilge water under Regulation 10 (3) (b), which are provided with oil filtering equipment in lieu of oily-water separating equipment, the requirements for the alarm arrangements shall be complied with as far as reasonable and practicable.”

The following footnote is added to paragraphs (5), (6) and (7) of Regulation 16:

“* Reference is made to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A.393(X).”

Regulation 18

Pumping, Piping and Discharge Arrangements of Oil Tankers

The existing text of Regulation 18 is replaced by the following:

“(1) In every oil tanker, a discharge manifold for connexion to reception facilities for the discharge of dirty ballast water or oil contaminated water shall be located on the open deck on both sides of the ship.

(2) In every oil tanker, pipelines for the discharge to the sea of ballast water or oil contaminated water from cargo tank areas which may be permitted under Regulation 9 or Regulation 10 of this Annex shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition. Different piping arrangements to permit operation in the manner permitted in sub-paragraphs (6) (a) to (e) of this Regulation may be accepted.

(3) In new oil tankers means shall be provided for stopping the discharge into the sea of ballast water or oil contaminated water from cargo tank areas, other than those discharges below the waterline permitted under paragraph (6) of this Regulation, from a position on the upper deck or above located so that the manifold in use referred to in paragraph (1) of this Regulation and the discharge to the sea from the pipelines referred to in paragraph (2) of this Regulation may be visually observed. Means for stopping the discharge need not be provided at the observation position if a positive communication system such as a telephone or radio system is provided between the observation position and the discharge control position.

(4) Every new oil tanker required to be provided with segregated ballast tanks or fitted with a crude oil washing system shall comply with the following requirements:

- (a) it shall be equipped with oil piping so designed and installed that oil retention in the lines is minimized; and
- (b) means shall be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary by connexion to a stripping device. The line and pump drainings shall be capable of being discharged both ashore and to a cargo tank or a slop tank. For discharge ashore a special small diameter line shall be provided and shall be connected outboard of the ship's manifold valves.

(5) Every existing crude oil tanker required to be provided with segregated ballast tanks, or to be fitted with a crude oil washing system, or to operate with dedicated clean ballast tanks, shall comply with the provisions of paragraph (4) (b) of this Regulation.

SCHEDULE 3—continued

(6) On every oil tanker the discharge of ballast water or oil contaminated water from cargo tank areas shall take place above the waterline, except as follows:

(a) Segregated ballast and clean ballast may be discharged below the waterline:

- (i) in ports or at offshore terminals, or
- (ii) at sea by gravity,

provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.

(b) Existing oil tankers which, without modification, are not capable of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline at sea, provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.

(c) Existing oil tankers operating with dedicated clean ballast tanks, which without modification are not capable of discharging ballast water from dedicated clean ballast tanks above the waterline, may discharge this ballast below the waterline provided that the discharge of the ballast water is supervised in accordance with Regulation 13A (3) of this Annex.

(d) On every oil tanker at sea, dirty ballast water or oil contaminated water from tanks in the cargo area, other than slop tanks, may be discharged by gravity below the waterline, provided that sufficient time has elapsed in order to allow oil/water separation to have taken place and the ballast water has been examined immediately before the discharge with an oil/water interface detector referred to in Regulation 15 (3) (b) of this Annex, in order to ensure that the height of the interface is such that the discharge does not involve any increased risk of harm to the marine environment.

(e) On existing oil tankers at sea, dirty ballast water or oil contaminated water from cargo tank areas may be discharged below the waterline, subsequent to or in lieu of the discharge by the method referred to in sub-paragraph (d) of this paragraph, provided that:

- (i) a part of the flow of such water is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation; and
- (ii) such part flow arrangements comply with the requirements established by the Administration, which shall contain at least all the provisions of the Specifications for the Design, Installation and Operation of a Part Flow System for Control of Overboard Discharges adopted by the Organization.”

Regulation 20

Oil Record Book

The existing texts of paragraphs (1) and (2) are replaced by the following:

“(1) Every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book Part I (Machinery Space Operations). Every oil tanker of 150 tons gross tonnage and above shall also be provided with an Oil Record Book Part II (Cargo/Ballast Operations). The Oil Record Book(s), whether as a part of the ship’s official log book or otherwise, shall be in the Form(s) specified in Appendix III to this Annex.

(2) The Oil Record Book shall be completed on each occasion, on a tank to tank basis if appropriate, whenever any of the following operations take place in the ship:

- (a) for machinery space operations (all ships):
 - (i) ballasting or cleaning of oil fuel tanks;

SCHEDULE 3—continued

- (ii) discharge of dirty ballast or cleaning water from tanks referred to under (i) of the sub-paragraph;
 - (iii) disposal of oily residues (sludge);
 - (iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces.
- (b) for cargo/ballast operations (oil tankers):
- (i) loading of oil cargo;
 - (ii) internal transfer of oil cargo during voyage;
 - (iii) unloading of oil cargo;
 - (iv) ballasting of cargo tanks and dedicated clean ballast tanks;
 - (v) cleaning of cargo tanks including crude oil washing;
 - (vi) discharge of ballast except from segregated ballast tanks;
 - (vii) discharge of water from slop tanks;
 - (viii) closing of all applicable valves or similar devices after slop tank discharge operations;
 - (ix) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;
 - (x) disposal of residues.”

The second sentence of paragraph (4) is replaced by the following:

“Each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of the ship.”

The following new paragraph is added to the existing text:

“(7) For oil tankers of less than 150 tons gross tonnage operating in accordance with Regulation 15 (4) of this Annex an appropriate Oil Record Book should be developed by the Administration.”

Regulation 21

Special Requirements for Drilling Rigs and other Platforms

The following new sub-paragraph is added to the existing text:

- “(d) Outside special areas and more than 12 nautical miles from the nearest land and subject to the provisions of Regulation 11 of this Annex, the discharge from such drilling rigs and platforms when stationary into the sea of oil or oily mixtures shall be prohibited except when the oil content of the discharges without dilution does not exceed 100 parts per million unless there are appropriate national regulations which are more stringent, in which case the appropriate national regulations shall apply.”

Regulation 25

Subdivision and Stability

The existing text of sub-paragraph (a) of paragraph (2) is replaced by the following and sub-paragraphs (b), (c) and (d) are renumbered as (d), (e) and (f):

“(a) Side damage

- (i) Longitudinal extent 1/3 ($L^{2/3}$) or 14.5 metres, whichever is less
- (ii) Transverse extent B/5 or 11.5 metres, whichever is less
(Inboard from the ship's side at right angles to the centreline at the level of the summer load line)
- (iii) Vertical extent From the moulded line of the bottom shell plating at centreline, upwards without limit

SCHEDULE 3—continued

- | | | | |
|-----|-------------------------|---|---|
| (b) | Bottom damage | For 0.3L from the forward perpendicular of the ship | Any other part of the ship |
| | (i) Longitudinal extent | 1/3 ($L^{2/3}$) or 14.5 metres, whichever is less | 1/3 ($L^{2/3}$) or 5 metres, whichever is less |
| | (ii) Transverse extent | B/6 or 10 metres, whichever is less | B/6 or 5 metres, whichever is less |
| | (iii) Vertical extent | B/15 or 6 metres, whichever is less, measured from the moulded line of the bottom shell plating at centreline | B/15 or 6 metres, whichever is less, measured from the moulded line of the bottom shell plating at centreline |
- (c) If any damage of a lesser extent than the maximum extent of damage specified in sub-paragraphs (a) and (b) of this paragraph would result in a more severe condition, such damage shall be considered."

The existing text of sub-paragraph (3) (c) is replaced by the following:

- "(c) The stability in the final stage of flooding shall be investigated and may be regarded as sufficient if the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 metre within the 20 degrees range; the area under the curve within this range shall not be less than 0.0175 metre radians. Unprotected openings shall not be immersed within this range unless the space concerned is assumed to be flooded. Within this range, the immersion of any of the openings listed in sub-paragraph (a) of this paragraph and other openings capable of being closed weathertight may be permitted."

The following new sub-paragraph is added to the existing text of paragraph (3):

- "(e) Equalization arrangements requiring mechanical aids such as valves or cross-levelling pipes, if fitted, shall not be considered for the purpose of reducing an angle of heel or attaining the minimum range of residual stability to meet the requirements of sub-paragraphs (a), (b) and (c) of this paragraph and sufficient residual stability shall be maintained during all stages where equalization is used. Spaces which are linked by ducts of a large cross-sectional area may be considered to be common."

The existing text of paragraph (4) (b) is replaced by the following:

- "(b) The permeabilities assumed for spaces flooded as a result of damage shall be as follows:

<i>Spaces</i>	<i>Permeabilities</i>
Appropriated to stores	0.60
Occupied by accommodation	0.95
Occupied by machinery	0.85
Voids	0.95
Intended for consumable liquids	0 to 0.95*
Intended for other liquids	0 to 0.95*

-
- * The permeability of partially filled compartments shall be consistent with the amount of liquid carried in the compartment. Whenever damage penetrates a tank containing liquids, it shall be assumed that the contents are completely lost from that compartment and replaced by salt water up to the level of the final plane of equilibrium."

The first phrase of paragraph (5) is amended to read:

- "(5) The Master of every new oil tanker and the person in charge of a new non-self-propelled oil tanker to which this Annex applies shall be supplied in an approved form with:"

SCHEDULE 3—continued

Appendix II

The existing form of Certificate is replaced by the following forms:

“FORMS OF CERTIFICATE AND SUPPLEMENTS

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

(Note: This Certificate shall be supplemented by a
Record of Construction and Equipment)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as “the Convention”) under the authority of the Government of:

.....
(full designation of the country)

by
(full designation of the competent person or organization authorized under the provisions of the Convention)

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage

Type of ship:

Oil tanker*

Ship other than an oil tanker with cargo tanks coming under Regulation 2 (2) of Annex I of the Convention*

Ship other than any of the above*

* Delete as appropriate.

SCHEDULE 3—continued

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with Regulation 4 of Annex I of the Convention; and
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until
subject to surveys in accordance with Regulation 4 of Annex I of the Convention.

Issued at
(Place of issue of Certificate)

.....19....
(Date of issue)

.....
(Signature of duly authorized official issuing the Certificate)

(Seal or stamp of the Authority, as appropriate)

SCHEDULE 3—continued

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by Regulation 4 of Annex I of the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed
(*Signature of duly authorized official*)
Place
Date
(*Seal or stamp of the Authority, as appropriate*)

Annual*/Intermediate* survey: Signed
(*Signature of duly authorized official*)
Place
Date
(*Seal or stamp of the Authority, as appropriate*)

Annual*/Intermediate* survey: Signed
(*Signature of duly authorized official*)
Place
Date
(*Seal or stamp of the Authority, as appropriate*)

Annual survey: Signed
(*Signature of duly authorized official*)
Place
Date
(*Seal or stamp of the Authority, as appropriate*)

*Delete as appropriate.

SCHEDULE 3—continued

FORM A

**SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION
CERTIFICATE
(IOPP CERTIFICATE)**

**RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER
THAN OIL TANKERS**

in respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as “the Convention”)

Notes:

1. This form is to be used for the third type of ships as categorized in the IOPP Certificate, i.e. “ships other than any of the above”. For oil tankers and ships other than oil tankers with cargo tanks coming under Regulation 2 (2) of Annex I of the Convention, Form B shall be used.
2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
3. If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.
4. Entries in boxes shall be made by inserting either a cross (x) for the answers “yes” and “applicable” or a dash (—) for the answers “no” and “not applicable” as appropriate.
5. Regulations mentioned in this Record refer to Regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1 PARTICULARS OF SHIP

- 1.1 Name of ship
- 1.2 Distinctive number or letters
- 1.3 Port of registry
- 1.4 Gross tonnage
- 1.5 Date of build:
 - 1.5.1 Date of building contract
 - 1.5.2 Date on which keel was laid or ship was
at a similar stage of construction
 - 1.5.3 Date of delivery

SCHEDULE 3—continued

1.6 Major conversion (if applicable):

1.6.1 Date of conversion contract

1.6.2 Date on which conversion was commenced

1.6.3 Date of completion of conversion

1.7 Status of ship:

1.7.1 New ship in accordance with Regulation 1 (6)

1.7.2 Existing ship in accordance with Regulation 1 (7)

1.7.3 The ship has been accepted by the Administration as an "existing ship" under Regulation 1 (7) due to unforeseen delay in delivery

2 EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 10 and 16)

2.1 Carriage of ballast water in oil fuel tanks:

2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks

2.1.2 The ship does not under normal conditions carry ballast water in oil fuel tanks

2.2 Type of separating/filtering equipment fitted:

2.2.1 Equipment capable of producing effluent with oil content less than 100 ppm;

2.2.2 Equipment capable of producing effluent with oil content not exceeding 15 ppm

2.3 Type of control system:

2.3.1 Discharge monitoring and control system (Regulation 16 (5))
.1 with automatic stopping device
.2 with manual stopping device

2.3.2 15 ppm alarm (Regulation 16 (7))

2.3.3 Automatic stopping device for discharges in special areas (Regulation 10 (3) (b) (vi))

2.3.4 Oil content meter (resolution A.444 (XI))
.1 with recording device
.2 without recording device

SCHEDULE 3—continued

- 2.4 Approval standards:
- 2.4.1 The separating/filtering equipment:
- .1 has been approved in accordance with resolution A.393 (X)
 - .2 has been approved in accordance with resolution A.233 (VII)
 - .3 has been approved in accordance with national standards not based upon resolution A.393 (X) or A.233 (VII)
 - .4 has not been approved
- 2.4.2 The process unit has been approved in accordance with resolution A.444 (XI)
- 2.4.3 The oil content meter has been approved in accordance with resolution A.393 (X)
- 2.5 Maximum throughput of the system is.....m³/h
- 2.6 Application:
- 2.6.1 The ship is not required to be fitted with the above equipment until.....19....* in accordance with Regulation 16 (4)
- 3 TANKS FOR OIL RESIDUES (SLUDGE) (Regulation 17)
- 3.1 The ship is provided with oil residue (sludge) tanks with the total capacity ofm³
- 3.2 Means for the disposal of oil residue in addition to the provision of sludge tanks.....
- 4 STANDARD DISCHARGE CONNECTION (Regulation 19)
- 4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with Regulation 19

* Insert the date three years after the date of entry into force of the Convention.

SCHEDULE 3—continued

5 EXEMPTION

5.1 Exemptions have been granted by the Administration from the requirements of Chapter II of Annex I of the Convention in accordance with Regulation 2 (4) (a) on those items listed under paragraph(s) of this Record.

6 EQUIVALENTS (Regulation 3)

6.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) of this Record.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at.....
(Place of issue of the Record)

..... 19.....
(Signature of duly authorized officer issuing the Record)

(Seal or stamp of the issuing Authority, as appropriate)

SCHEDULE 3—continued

FORM B

SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION
CERTIFICATE
(IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

in respect of the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as “the Convention”)

Notes:

1. This form is to be used for the first two types of ships as categorized in the IOPP Certificate, i.e. oil tankers and ships other than oil tankers with cargo tanks coming under Regulation 2 (2) of Annex I of the Convention. For the third type of ships as categorized in the IOPP Certificate, Form A shall be used.
2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
3. If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.
4. Entries in boxes shall be made by inserting either a cross (x) for the answers “yes” and “applicable” or a dash (—) for the answers “no” and “not applicable” as appropriate.
5. Regulations mentioned in this Record refer to Regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1 PARTICULARS OF SHIP

- 1.1 Name of ship
- 1.2 Distinctive number or letters
- 1.3 Port of registry
- 1.4 Gross tonnage
- 1.5 Carrying capacity of ship.....(m³)
- 1.6 Deadweight of ship.....(metric tons) (Regulation 1 (22))
- 1.7 Length of ship(m) (Regulation 1(18))

SCHEDULE 3—continued

- 1.8 Date of build:
- 1.8.1 Date of building contract
 - 1.8.2 Date on which keel was laid or ship was
at a similar stage of construction
 - 1.8.3 Date of delivery
- 1.9 Major conversion (if applicable):
- 1.9.1 Date of conversion contract
 - 1.9.2 Date on which conversion was commenced
 - 1.9.3 Date of completion of conversion
- 1.10 Status of ship:
- 1.10.1 New ship in accordance with Regulation 1 (6)
 - 1.10.2 Existing ship in accordance with Regulation 1 (7)
 - 1.10.3 New oil tanker in accordance with Regulation 1 (26)
 - 1.10.4 Existing oil tanker in accordance with Regulation 1 (27)
 - 1.10.5 The ship has been accepted by the Administration as an “existing
ship” under Regulation 1 (7) due to unforeseen delay in delivery
 - 1.10.6 The ship has been accepted by the Administration as an “existing
oil tanker” under Regulation 1 (27) due to unforeseen delay in
delivery
 - 1.10.7 The ship is not required to comply with the provisions of
Regulation 24 due to the unforeseen delay in delivery
- 1.11 Type of ship:
- 1.11.1 Crude oil tanker
 - 1.11.2 Product carrier
 - 1.11.3 Crude oil/product carrier
 - 1.11.4 Combination carrier
 - 1.11.5 Ship, other than an oil tanker, with cargo tanks coming under
Regulation 2 (2) of Annex I of the Convention
 - 1.11.6 Oil tanker dedicated to the carriage of products referred to in
Regulation 15 (7)

SCHEDULE 3—continued

- 1.11.7 The ship, being designated as a “crude oil tanker” operating with COW, is also designated as a “product carrier” operating with CBT, for which a separate IOPP Certificate has also been issued
- 1.11.8 The ship, being designated as a “product carrier” operating with CBT, is also designated as a “crude oil tanker” operating with COW, for which a separate IOPP Certificate has also been issued
- 1.11.9 Chemical tanker carrying oil
- 2 **EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 10 and 16)**
 - 2.1 **Carriage of ballast water in oil fuel tanks**
 - 2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks
 - 2.1.2 The ship does not under normal conditions carry ballast water in oil fuel tanks
 - 2.2 **Type of separating/filtering equipment fitted:**
 - 2.2.1 Equipment capable of producing effluent with oil content less than 100 ppm
 - 2.2.2 Equipment capable of producing effluent with oil content not exceeding 15 ppm
 - 2.3 **Type of control system**
 - 2.3.1 **Discharge monitoring and control system (Regulation 16 (5))**
 - .1 with automatic stopping device
 - .2 with manual stopping device
 - 2.3.2 15 ppm alarm (Regulation 16 (7))
 - 2.3.3 Automatic stopping device for discharges in special areas (Regulation 10 (3) (b) (vi))
 - 2.3.4 **Oil content meter (resolution A.444 (XI))**
 - .1 with recording device
 - .2 without recording device
 - 2.4 **Approval standards:**
 - 2.4.1 **The separating/filtering system:**
 - .1 has been approved in accordance with resolution A.393 (X)

SCHEDULE 3—continued

- .2 has been approved in accordance with resolution A.233 (VII)
 - .3 has been approved in accordance with national standards not based upon resolution A.393 (X) or A.233 (VII)
 - .4 has not been approved
- 2.4.2 The process unit has been approved in accordance with resolution A.444 (XI)
- 2.4.3 The oil content meter has been approved in accordance with resolution A.393 (X)
- 2.5 Maximum throughput of the system is.....m³/h
- 2.6 Application:
 - 2.6.1 The ship is not required to be fitted with the above equipment until 19....* in accordance with Regulation 16 (4)
- 3 TANKS FOR OIL RESIDUES (SLUDGE) (Regulation 17)
 - 3.1 The ship is provided with oil residue (sludge) tanks with the total capacity ofm³
 - 3.2 Means for the disposal of oil residue in addition to the provision of sludge tanks
- 4 STANDARD DISCHARGE CONNECTION (Regulation 19)
 - 4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in compliance with Regulation 19
- 5 CONSTRUCTION (Regulations 13, 24 and 25)
 - 5.1 In accordance with the requirements of Regulation 13, the ship is
 - 5.1.1 Required to be provided with SBT, PL and COW
 - 5.1.2 Required to be provided with SBT and PL
 - 5.1.3 Required to be provided with SBT

* Insert the date three years after the date of entry into force of the Convention.

SCHEDULE 3—continued

- 5.1.4 Required to be provided with SBT, CBT or COW
- 5.1.5 Required to be provided with SBT or CBT
- 5.1.6 Not required to comply with the requirements of Regulation 13
- 5.2 Segregated ballast tanks (SBT)
- 5.2.1 The ship is provided with SBT in compliance with Regulation 13
- 5.2.2 The ship is provided with SBT which are arranged in protective locations (PL) in compliance with Regulation 13E
- 5.2.3 SBT are distributed as follows:

Tank	Volume (m ³)	Tank	Volume (m ³)
		Total	

- 5.3 Dedicated clean ballast tanks (CBT)
- 5.3.1 The ship is provided with CBT in compliance with Regulation 13A, and may operate:
- .1 as a product carrier
- .2 as a crude oil tanker until19....*

5.3.2 CBT are distributed as follows:

Tank	Volume (m ³)	Tank	Volume (m ³)
		Total	

* Insert the date two years or four years after the date of entry into force of the Convention as appropriate.

SCHEDULE 3—continued

- 5.3.3 The ship has been supplied with a valid Dedicated Clean Ballast Tank Operation Manual, which is dated
- 5.3.4 The ship has common piping and pumping arrangements for ballasting the CBT and handling cargo oil
- 5.3.5 The ship has separate independent piping and pumping arrangements for ballasting the CBT
- 5.4 Crude oil washing (COW)
 - 5.4.1 The ship is equipped with a COW system in compliance with Regulation 13B
 - 5.4.2 The ship is equipped with a COW system in compliance with Regulation 13B except that the effectiveness of the system has not been confirmed in accordance with Regulation 13 (6) and paragraph 4.2.10 of the Revised COW Specifications (resolution A.446(XI))
 - 5.4.3 The ship has been supplied with a valid Crude Oil Washing Operations and Equipment Manual, which is dated.....
 - 5.4.4 The ship is not required to be but is equipped with COW in compliance with the safety aspects of Revised COW Specifications (resolution A.446(XI))
- 5.5 Exemption from Regulation 13:
 - 5.5.1 The ship is solely engaged in trade between..... in accordance with Regulation 13C and is therefore exempted from the requirements of Regulation 13
 - 5.5.2 The ship is operating with special ballast arrangements in accordance with Regulation 13D and is therefore exempted from the requirements of Regulation 13
- 5.6 Limitation of size and arrangements of cargo tanks (Regulation 24)
 - 5.6.1 The ship is required to be constructed according to, and complies with, the requirements of Regulation 24
 - 5.6.2 The ship is required to be constructed according to, and complies with, the requirements of Regulation 24 (4) (see Regulation 2 (2))

SCHEDULE 3—continued

5.7 Subdivision and stability (Regulation 25)

5.7.1 The ship is required to be constructed according to, and complies with, the requirements of Regulation 25

5.7.2 Information and data required under Regulation 25 (5) in an approved form have been supplied to the ship

6 RETENTION OF OIL ON BOARD (Regulation 15)

6.1 Oil discharge monitoring and control system

6.1.1 The ship comes under category oil tanker as defined in resolution A.496(XII)

6.1.2 The system comprises:

.1 control unit

.2 computing unit

.3 calculating unit

6.1.3 The system is:

.1 fitted with a starting interlock

.2 fitted with automatic stopping device

6.1.4 The oil content meter is approved under the terms of resolution A.393(X) suitable for:

.1 crude oil

.2 black products

.3 white products

6.1.5 The ship has been supplied with an operations manual for the oil discharge monitoring and control system

6.1.6 The ship is not required to be fitted with an oil discharge monitoring and control system, until 19* in accordance with Regulation 15 (1)

6.2 Slop tanks

6.2.1 The ship is provided with dedicated slop tank(s) with the total capacity of m³ which is % of the oil carrying capacity, in accordance with:

* Insert the date three years after the date of entry into force of the Convention.

SCHEDULE 3—continued

- .1 Regulation 15 (2) (c)
- .2 Regulation 15 (2) (c) (i)
- .3 Regulation 15 (2) (c) (ii)
- .4 Regulation 15 (2) (c) (iii)
- 6.2.2 Cargo tanks have been designated as slop tanks
- 6.2.3 The ship is not required to be provided with slop tank arrangements until 19* in accordance with Regulation 15 (1)
- 6.3 Oil/water interface detectors
 - 6.3.1 The ship is provided with oil/water interface detectors approved under the terms of resolution MEPC.5 (XIII)
- 6.4 Exemptions from Regulation 15
 - 6.4.1 The ship is exempted from the requirements of Regulation 15 (1), (2) and (3) in accordance with Regulation 15 (7)
 - 6.4.2 The ship is exempted from the requirements of Regulation 15 (1), (2) and (3) in accordance with Regulation 2 (2)
- 7 PUMPING, PIPING AND DISCHARGE ARRANGEMENTS (Regulation 18)
 - 7.1 The overboard discharge outlets for segregated ballast are located:
 - 7.1.1 above the waterline
 - 7.1.2 below the waterline
 - 7.2 The overboard discharge outlets, other than the discharge manifold, for clean ballast are located:**
 - 7.2.1 above the waterline
 - 7.2.2 below the waterline
 - 7.3 The overboard discharge outlets, other than the discharge manifold, for dirty ballast are located:**
 - 7.3.1 above the waterline

* Insert the date three years after the date of entry into force of the Convention.

** Only those outlets which can be monitored are to be indicated.

SCHEDULE 3—continued

- 7.3.2 below the waterline in conjunction with the part flow arrangements in compliance with Regulation 18 (6) (e)
- 7.3.3 below the waterline
- 7.4 Discharge of oil from cargo pumps and oil lines (Regulation 18 (4) and (5)):
 - 7.4.1 Means to drain all cargo pumps and oil lines at the completion of cargo discharge:
 - .1 drainings capable of being discharged to a cargo tank or slop tank
 - .2 for discharge ashore a special small diameter line is provided
- 8 EQUIVALENT ARRANGEMENTS FOR CHEMICAL TANKERS CARRYING OIL
 - 8.1 As equivalent arrangements for the carriage of oil by a chemical tanker, the ship is fitted with the following equipment in lieu of slop tanks (paragraph 6.2 above) and oil/water interface detectors (paragraph 6.3 above):
 - 8.1.1 oily-water separating equipment capable of producing effluent with oil content less than 100 ppm, with the capacity ofm³/h
 - 8.1.2 a holding tank with the capacity ofm³
 - 8.1.3 a tank for collecting tank washings which is:
 - .1 a dedicated tank
 - .2 a cargo tank designated as a collecting tank
 - 8.1.4 a permanently installed transfer pump for overboard discharge of effluent containing oil through the oily-water separating equipment
 - 8.2 The oily-water separating equipment has been approved under the terms of resolution A.393(X) and is suitable for the full range of Annex I products
 - 8.3 The ship holds a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk
- 9 EXEMPTION
 - 9.1 Exemptions have been granted by the Administration from the requirements of Chapters II and III of Annex I of the Convention in accordance with Regulation 2 (4) (a) on those items listed under paragraph(s)
.....
of this Record.

SCHEDULE 3—continued

10 EQUIVALENTS (Regulation 3)

10.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s)
.....
.....of this Record.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at.....
(Place of issue of the Record)

.....19....
.....
(Signature of duly authorized officer issuing the Record)

(Seal or stamp of the issuing Authority, as appropriate)"

SCHEDULE 3—continued

Appendix III

The existing Forms of Oil Record Books and Supplements are replaced by the following forms:

“FORMS OF OIL RECORD BOOKS

OIL RECORD BOOK

Part I—Machinery space operations

(All ships)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from: to:

Note: Oil Record Book Part I shall be provided to every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above, other than oil tankers, to record relevant machinery space operations. For oil tankers, Oil Record Book Part II shall also be provided to record relevant cargo/ballast operations.

SCHEDULE 3—continued

INTRODUCTION

The following pages of this section show a comprehensive list of items of machinery space operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with Regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be signed by the master of the ship.

SCHEDULE 3—continued

LIST OF ITEMS TO BE RECORDED

(A) *BALLASTING OR CLEANING OF OIL FUEL TANKS*

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Position of ship at start of cleaning.
4. Position of ship at start of ballasting.

(B) *DISCHARGE OF DIRTY BALLAST OR CLEANING WATER FROM OIL FUEL TANKS REFERRED TO UNDER SECTION (A)*

5. Identity of tank(s).
6. Position of ship at start of discharge.
7. Position of ship on completion of discharge.
8. Ship's speed(s) during discharge.
9. Method of discharge:
 - .1 Through 100 ppm equipment;
 - .2 Through 15 ppm equipment;
 - .3 To reception facilities.
10. Quantity discharged.

(C) *DISPOSAL OF OIL RESIDUES (SLUDGE)*

11. Quantity of residue retained on board for disposal.
12. Methods of disposal of residue:
 - .1 To reception facilities (identify port);
 - .2 Mixed with bunkers;
 - .3 Transferred to another (other) tank(s) (identify tank(s));
 - .4 Other method (state which).

(D) *NON-AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES*

13. Quantity discharged.
14. Time of discharge.

SCHEDULE 3—continued

15. Method of discharge or disposal:
 - .1 Through 100 ppm equipment;
 - .2 Through 15 ppm equipment;
 - .3 To reception facilities (identify port);
 - .4 To slop or collecting tank (identify tank).

(E) *AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES*

16. Time when the system has been put into automatic mode of operation for discharge overboard.
17. Time when the system has been put into automatic mode of operation for transfer of bilge water to collecting (slop) tank (identify tank).
18. Time when the system has been put to manual operation.
19. Method of discharge overboard:
 - .1 Through 100 ppm equipment;
 - .2 Through 15 ppm equipment.

(F) *CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM*

20. Time of system failure.
21. Time when system has been made operational.
22. Reasons for failure.

(G) *ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL*

23. Time of occurrence.
24. Place or position of ship at time of occurrence.
25. Approximate quantity and type of oil.
26. Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) *ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS*

SCHEDULE 3—continued

NAME OF SHIP:.....

DISTINCTIVE NUMBER OR LETTERS:.....

CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE OPERATIONS (ALL SHIPS)*

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge

Signature of Master.....

* Delete as appropriate.

SCHEDULE 3—continued

OIL RECORD BOOK

Part II—Cargo/ballast operations

(Oil tankers)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from:

to:

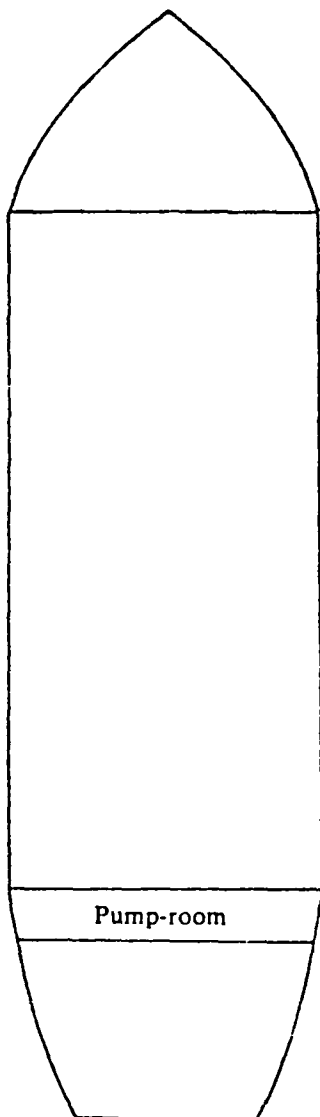
Note: Every oil tanker of 150 tons gross tonnage and above shall be provided with Oil Record Book Part II to record relevant cargo/ballast operations. Such a tanker shall also be provided with Oil Record Book Part I to record relevant machinery space operations.

SCHEDULE 3—continued

NAME OF SHIP:

DISTINCTIVE NUMBER
OR LETTERS:

PLAN VIEW OF CARGO AND SLOP TANKS
(to be completed on board)



Identification of the tanks	Capacity
Depth of slop tank(s):	

(Give the capacity of each tank and the depth of slop tank(s)).

SCHEDULE 3—continued

INTRODUCTION

The following pages of this section show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with Regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be countersigned by the master of the ship. In respect of the oil tankers engaged in specific trades in accordance with Regulation 13C of Annex I of MARPOL 73/78, appropriate entry in the Oil Record Book shall be endorsed by the competent Port State authority.*

* This sentence should only be inserted for the Oil Record Book of a tanker engaged in a specific trade.

SCHEDULE 3—continued

LIST OF ITEMS TO BE RECORDED

(A) *LOADING OF OIL CARGO*

1. Place of loading.
2. Type of oil loaded and identity of tank(s).
3. Total quantity of oil loaded.

(B) *INTERNAL TRANSFER OF OIL CARGO DURING VOYAGE*

4. Identity of tank(s):
 - .1 From:
 - .2 To:
5. Was (were) tank(s) in 4 (1) emptied?

(C) *UNLOADING OF OIL CARGO*

6. Place of unloading.
7. Identity of tank(s) unloaded.
8. Was (were) tank(s) emptied?

(D) *CRUDE OIL WASHING (COW TANKERS ONLY)*

(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out or ship's position if carried out between two discharge ports.
10. Identity of tank(s) washed.¹
11. Number of machines in use.
12. Time of start of washing.
13. Washing pattern employed.²
14. Washing line pressure.
15. Time completed or stopped washing.

¹ When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g. No. 2 centre, forward section.

² In accordance with the Operations and Equipment Manual, enter whether single-stage or multi-stage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the programme.

SCHEDULE 3—continued

16. State method of establishing that tank(s) was (were) dry.
17. Remarks.³

(E) BALLASTING OF CARGO TANKS

18. Identity of tank(s) ballasted.
19. Position of ship at start of ballasting.

(F) BALLASTING OF DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)

20. Identity of tank(s) ballasted.
21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s).
22. Position of ship when pump(s) and lines were flushed to slop tank.
23. Quantity of oily water resulting from line flushing transferred to slop tanks (identify slop tank(s)).
24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).
25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.
26. Quantity of clean ballast taken on board.

(G) CLEANING OF CARGO TANKS

27. Identity of tank(s) cleaned.
28. Port or ship's position.
29. Duration of cleaning.
30. Method of cleaning.⁴
31. Tank washings transferred to:
 - .1 Reception facilities;
 - .2 Slop tank(s) or cargo tank(s) designated as slop tank(s) (identify tank(s)).

³ If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.

⁴ Hand hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.

SCHEDULE 3—continued

(H) DISCHARGE OF DIRTY BALLAST

32. Identity of tank(s).
33. Position of ship at start of discharge into the sea.
34. Position of ship on completion of discharge into the sea.
35. Quantity discharged into the sea.
36. Ship's speed(s) during discharge.
37. Was the discharge monitoring and control system in operation during the discharge?
38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
39. Quantity of oily water transferred to slop tank(s) (identify slop tank(s)).
40. Discharged to shore reception facilities (identify port if applicable).

(I) DISCHARGE OF WATER FROM SLOP TANKS INTO THE SEA

41. Identity of slop tanks.
42. Time of settling from last entry of residues, or
43. Time of settling from last discharge.
44. Time and position of ship at start of discharge.
45. Ullage of total contents at start of discharge.
46. Ullage of oil/water interface at start of discharge.
47. Bulk quantity discharged and rate of discharge.
48. Final quantity discharged and rate of discharge.
49. Time and position of ship on completion of discharge.
50. Was the discharge monitoring and control system in operation during the discharge?
51. Ullage of oil/water interface on completion of discharge.
52. Ship's speed(s) during discharge.
53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

SCHEDULE 3—continued

(J) *DISPOSAL OF RESIDUES AND OILY MIXTURES NOT OTHERWISE DEALT WITH*

55. Identity of tank(s).
56. Quantity disposed of from each tank.
57. Method of disposal:
 - .1 To reception facilities (identify port);
 - .2 Mixed with cargo;
 - .3 Transferred to another tank(s) (identify tank(s));
 - .4 Other method (state which).

(K) *DISCHARGE OF CLEAN BALLAST CONTAINED IN CARGO TANKS*

58. Position of ship at start of discharge of clean ballast.
59. Identity of tank(s) discharged.
60. Was (were) the tank(s) empty on completion?
61. Position of ship on completion if different from 58.
62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

(L) *DISCHARGE OF BALLAST FROM DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)*

63. Identity of tank(s) discharged.
64. Time and position of ship at start of discharge of clean ballast into the sea.
65. Time and position of ship on completion of discharge into the sea.
66. Quantity discharged:
 - .1 Into the sea; or
 - .2 To reception facility (identify port).
67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?
68. Was the discharge monitored by an oil content meter?
69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

SCHEDULE 3—continued

(M) *CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM*

- 70. Time of system failure.
- 71. Time when system has been made operational.
- 72. Reasons for failure.

(N) *ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL*

- 73. Time of occurrence.
- 74. Port or ship's position at time of occurrence.
- 75. Approximate quantity and type of oil.
- 76. Circumstances of discharge or escape, the reasons therefor and general remarks.

(O) *ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS*

TANKERS ENGAGED IN SPECIFIC TRADES

(P) *LOADING OF BALLAST WATER*

- 77. Identity of tank(s) ballasted.
- 78. Position of ship when ballasted.
- 79. Total quantity of ballast loaded in cubic metres.
- 80. Remarks.

(Q) *RE-ALLOCATION OF BALLAST WATER WITHIN THE SHIP*

- 81. Reasons for re-allocation.

(R) *BALLAST WATER DISCHARGE TO RECEPTION FACILITY*

- 82. Port(s) where ballast water was discharged.
- 83. Name or designation of reception facility.
- 84. Total quantity of ballast water discharged in cubic metres.
- 85. Date, signature and stamp of port authority official.

SCHEDULE 3—continued

NAME OF SHIP:.....

DISTINCTIVE NUMBER
OR LETTERS:.....

**CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE
OPERATIONS (ALL SHIPS)***

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge

Signature of Master.....

* Delete as appropriate."

SCHEDULE 4

**SCHEDULE TO BE INSERTED IN THE ANTARCTIC TREATY
(ENVIRONMENT PROTECTION) ACT 1980**

“SCHEDULE

Sub-section 3 (1)

CONVENTION

FOR THE CONSERVATION OF ANTARCTIC SEALS

The Contracting Parties.

Recalling the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted under the Antarctic Treaty signed at Washington on 1 December 1959;

Recognizing the general concern about the vulnerability of Antarctic seals to commercial exploitation and the consequent need for effective conservation measures;

Recognizing that the stocks of Antarctic seals are an important living resource in the marine environment which requires an international agreement for its effective conservation;

Recognizing that this resource should not be depleted by over-exploitation, and hence that any harvesting should be regulated so as not to exceed the levels of the optimum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological and other research on Antarctic seal populations and to gain information from such research and from the statistics of future sealing operations, so that further suitable regulations may be formulated;

Noting that the Scientific Committee on Antarctic Research of the International Council of Scientific Unions (SCAR) is willing to carry out the tasks requested of it in this Convention;

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system,

Have agreed as follows:

ARTICLE 1

Scope

- (1) This Convention applies to the seas south of 60° South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.
- (2) This Convention may be applicable to any or all of the following species:
 - Southern elephant seal *Mirounga leonina*,
 - Leopard seal *Hydrurga leptonyx*,
 - Weddell seal *Leptonychotes weddelli*,
 - Crabeater seal *Lobodon carcinophagus*,
 - Ross seal *Ommatophoca rossi*,
 - Southern fur seals *Arctocephalus* sp.
- (3) The Annex to this Convention forms an integral part thereof.

ARTICLE 2

Implementation

- (1) The Contracting Parties agree that the species of seals enumerated in Article 1 shall not be killed or captured within the Convention area by their nationals or vessels under their respective flags except in accordance with the provisions of this Convention.

SCHEDULE 4—continued

(2) Each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention.

ARTICLE 3

Annexed Measures

(1) This Convention includes an Annex specifying measures which the Contracting Parties hereby adopt. Contracting Parties may from time to time in the future adopt other measures with respect to the conservation, scientific study and rational and humane use of seal resources, prescribing *inter alia*:

- (a) permissible catch;
- (b) protected and unprotected species;
- (c) open and closed seasons;
- (d) open and closed areas, including the designation of reserves;
- (e) the designation of special areas where there shall be no disturbance of seals;
- (f) limits relating to sex, size, or age for each species;
- (g) restrictions relating to time of day and duration, limitations of effort and methods of sealing;
- (h) types and specifications of gear and apparatus and appliances which may be used;
- (i) catch returns and other statistical and biological records;
- (j) procedures for facilitating the review and assessment of scientific information;
- (k) other regulatory measures including an effective system of inspection.

(2) The measures adopted under paragraph (1) of this Article shall be based upon the best scientific and technical evidence available.

(3) The Annex may from time to time be amended in accordance with the procedures provided for in Article 9.

ARTICLE 4

Special Permits

(1) Notwithstanding the provisions of this Convention, any Contracting Party may issue permits to kill or capture seals in limited quantities and in conformity with the objectives and principles of this Convention for the following purposes:

- (a) to provide indispensable food for men or dogs;
- (b) to provide for scientific research; or
- (c) to provide specimens for museums, educational or cultural institutions.

(2) Each Contracting Party shall, as soon as possible, inform the other Contracting Parties and SCAR of the purpose and content of all permits issued under paragraph (1) of this Article and subsequently of the numbers of seals killed or captured under these permits.

ARTICLE 5

Exchange of Information and Scientific Advice

(1) Each Contracting Party shall provide to the other Contracting Parties and to SCAR the information specified in the Annex within the period indicated therein.

(2) Each Contracting Party shall also provide to the other Contracting Parties and to SCAR before 31 October each year information on any steps it has taken in accordance with Article 2 of this Convention during the preceding period 1 July to 30 June.

(3) Contracting Parties which have no information to report under the two preceding paragraphs shall indicate this formally before 31 October each year.

SCHEDULE 4—continued

(4) SCAR is invited:

- (a) to assess information received pursuant to this Article; encourage exchange of scientific data and information among the Contracting Parties; recommend programmes for scientific research; recommend statistical and biological data to be collected by sealing expeditions within the Convention area; and suggest amendments to the Annex; and
- (b) to report on the basis of the statistical, biological and other evidence available when the harvest of any species of seal in the Convention area is having a significantly harmful effect on the total stocks of such species or on the ecological system in any particular locality.

(5) SCAR is invited to notify the Depositary which shall report to the Contracting Parties when SCAR estimates in any sealing season that the permissible catch limits for any species are likely to be exceeded and, in that case, to provide an estimate of the date upon which the permissible catch limits will be reached. Each Contracting Party shall then take appropriate measures to prevent its nationals and vessels under its flag from killing or capturing seals of that species after the estimated date until the Contracting Parties decide otherwise.

(6) SCAR may if necessary seek the technical assistance of the Food and Agriculture Organization of the United Nations in making its assessments.

(7) Notwithstanding the provisions of paragraph (1) of Article 1 the Contracting Parties shall, in accordance with their internal law, report to each other and to SCAR, for consideration, statistics relating to the Antarctic seals listed in paragraph (2) of Article 1 which have been killed or captured by their nationals and vessels under their respective flags in the area of floating sea ice north of 60° South Latitude.

ARTICLE 6

Consultations between Contracting Parties

(1) At any time after commercial sealing has begun a Contracting Party may propose through the Depositary that a meeting of Contracting Parties be convened with a view to:

- (a) establishing by a two-thirds majority of the Contracting Parties, including the concurring votes of all States signatory to this Convention present at the meeting, an effective system of control, including inspection, over the implementation of the provisions of this Convention;
- (b) establishing a commission to perform such functions under this Convention as the Contracting Parties may deem necessary; or
- (c) considering other proposals, including:
 - (i) the provision of independent scientific advice;
 - (ii) the establishment, by a two-thirds majority, of a scientific advisory committee which may be assigned some or all of the functions requested of SCAR under this Convention, if commercial sealing reaches significant proportions;
 - (iii) the carrying out of scientific programmes with the participation of the Contracting Parties; and
 - (iv) the provision of further regulatory measures, including moratoria.

(2) If one-third of the Contracting Parties indicate agreement the Depositary shall convene such a meeting, as soon as possible.

(3) A meeting shall be held at the request of any Contracting Party, if SCAR reports that the harvest of any species of Antarctic seal in the area to which this Convention applies is having a significantly harmful effect on the total stocks or the ecological system in any particular locality.

SCHEDULE 4—continued

ARTICLE 7

Review of Operations

The Contracting Parties shall meet within five years after the entry into force of this Convention and at least every five years thereafter to review the operation of the Convention.

ARTICLE 8

Amendments to the Convention

(1) This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depository, which shall transmit it to all the Contracting Parties.

(2) If one-third of the Contracting Parties request a meeting to discuss the proposed amendment the Depository shall call such a meeting.

(3) An amendment shall enter into force when the Depository has received instruments of ratification or acceptance thereof from all the Contracting Parties.

ARTICLE 9

Amendments to the Annex

(1) Any Contracting Party may propose amendments to the Annex to this Convention. The text of any such proposed amendment shall be submitted to the Depository which shall transmit it to all Contracting Parties.

(2) Each such proposed amendment shall become effective for all Contracting Parties six months after the date appearing on the notification from the Depository to the Contracting Parties, if within 120 days of the notification date, no objection has been received and two-thirds of the Contracting Parties have notified the Depository in writing of their approval.

(3) If an objection is received from any Contracting Party within 120 days of the notification date, the matter shall be considered by the Contracting Parties at their next meeting. If unanimity on the matter is not reached at the meeting, the Contracting Parties shall notify the Depository within 120 days from the date of closure of the meeting of their approval or rejection of the original amendment or of any new amendment proposed by the meeting. If, by the end of this period, two-thirds of the Contracting Parties have approved such amendment, it shall become effective six months from the date of the closure of the meeting for those Contracting Parties which have by then notified their approval.

(4) Any Contracting Party which has objected to a proposed amendment may at any time withdraw that objection, and the proposed amendment shall become effective with respect to such Party immediately if the amendment is already in effect, or at such time as it becomes effective under the terms of this Article.

(5) The Depository shall notify each Contracting Party immediately upon receipt of each approval or objection, of each withdrawal of objection, and of the entry into force of any amendment.

(6) Any State which becomes a party to this Convention after an amendment to the Annex has entered into force shall be bound by the Annex as so amended. Any State which becomes a Party to this Convention during the period when a proposed amendment is pending may approve or object to such an amendment within the time limits applicable to other Contracting Parties.

ARTICLE 10

Signature

This Convention shall be open for signature at London from 1 June to 31 December 1972 by States participating in the Conference on the Conservation of Antarctic Seals held at London from 3 to 11 February 1972.

SCHEDULE 4—continued

ARTICLE 11

Ratification

This Convention is subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, hereby designated as the Depository.

ARTICLE 12

Accession

This Convention shall be open for accession by any State which may be invited to accede to this Convention with the consent of all the Contracting Parties.

ARTICLE 13

Entry into Force

(1) This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or acceptance.

(2) Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

ARTICLE 14

Withdrawal

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depository, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depository, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

ARTICLE 15

Notifications by the Depository

The Depository shall notify all signatory and acceding States of the following:

- (a) signatures of this Convention, the deposit of instruments of ratification, acceptance or accession and notices of withdrawal;
- (b) the date of entry into force of this Convention and of any amendments to it or its Annex.

ARTICLE 16

Certified Copies and Registration

(1) This Convention, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit duly certified copies thereof to all signatory and acceding States.

(2) This Convention shall be registered by the Depository pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Convention.

DONE at London, this 1st day of June 1972.

SCHEDULE 4—continued

ANNEX

1. Permissible Catch

The Contracting Parties shall in any one year, which shall run from 1 July to 30 June inclusive, restrict the total number of seals of each species killed or captured to the numbers specified below. These numbers are subject to review in the light of scientific assessments:

- (a) in the case of crabeater seals *Lobodon carcinophagus*, 175,000;
- (b) in the case of Leopard seals *Hydrurga leptonyx*, 12,000;
- (c) in the case of Weddell seals *Leptonychotes weddelli*, 5,000.

2. Protected Species

- (a) It is forbidden to kill or capture Ross seals *Ommatophoca rossi*, Southern elephant seals *Mirounga leonina*, or fur seals of the genus *Arctocephalus*.
- (b) In order to protect the adult breeding stock during the period when it is most concentrated and vulnerable, it is forbidden to kill or capture any Weddell seal *Leptonychotes weddelli* one year old or older between 1 September and 31 January inclusive.

3. Closed Season and Sealing Season

The period between 1 March and 31 August inclusive is a Closed Season, during which the killing or capturing of seals is forbidden. The period 1 September to the last day in February constitutes a Sealing Season.

4. Sealing Zones

Each of the sealing zones listed in this paragraph shall be closed in numerical sequence to all sealing operations for the seal species listed in paragraph 1 of this Annex for the period 1 September to the last day of February inclusive. Such closures shall begin with the same zone as is closed under paragraph 2 of Annex B to Annex I of the Report of the Fifth Antarctic Treaty Consultative Meeting at the moment the Convention enters into force. Upon the expiration of each closed period, the affected zone shall reopen:

- Zone 1—between 60° and 120° West Longitude
- Zone 2—between 0° and 60° West Longitude, together with that part of the Weddell Sea lying westward of 60° West Longitude
- Zone 3—between 0° and 70° East Longitude
- Zone 4—between 70° and 130° East Longitude
- Zone 5—between 130° East Longitude and 170° West Longitude
- Zone 6—between 120° and 170° West Longitude.

5. Seal Reserves

It is forbidden to kill or capture seals in the following reserves, which are seal breeding areas or the site of long-term scientific research:

- (a) The area around the South Orkney Islands between 60° 20' and 60° 56' South Latitude and 44° 05' and 46° 25' West Longitude.
- (b) The area of the southwestern Ross Sea south of 76° South Latitude and west of 170° East Longitude.
- (c) The area of Edisto Inlet south and west of a line drawn between Cape Hallett at 72° 19' South Latitude, 170° 18' East Longitude, and Helm Point, at 72° 11' South Latitude, 170° 00' East Longitude.

6. Exchange of Information

- (a) Contracting Parties shall provide before 31 October each year to other Contracting Parties and to SCAR a summary of statistical information on all seals killed or captured by their nationals and vessels under their respective flags in the

SCHEDULE 4—continued

Convention area, in respect of the preceding period 1 July to 30 June. This information shall include by zones and months:

- (i) The gross and nett tonnage, brake horse-power, number of crew, and number of days' operation of vessels under the flag of the Contracting Party;
- (ii) The number of adult individuals and pups of each species taken.

When specially requested, this information shall be provided in respect of each ship, together with its daily position at noon each operating day and the catch on that day.

- (b) When an industry has started, reports of the number of seals of each species killed or captured in each zone shall be made to SCAR in the form and at the intervals (not shorter than one week) requested by that body.
- (c) Contracting Parties shall provide to SCAR biological information, in particular:
 - (i) Sex
 - (ii) Reproductive condition
 - (iii) Age

SCAR may request additional information or material with the approval of the Contracting Parties.

- (d) Contracting Parties shall provide to other Contracting Parties and to SCAR at least 30 days in advance of departure from their home ports, information on proposed sealing expeditions.

7. Sealing Methods

- (a) SCAR is invited to report on methods of sealing and to make recommendations with a view to ensuring that the killing or capturing of seals is quick, painless and efficient. Contracting Parties, as appropriate, shall adopt rules for their nationals and vessels under their respective flags engaged in the killing and capturing of seals, giving due consideration to the views of SCAR.
- (b) In the light of the available scientific and technical data, Contracting Parties agree to take appropriate steps to ensure that their nationals and vessels under their respective flags refrain from killing or capturing seals in the water, except in limited quantities to provide for scientific research in conformity with the objectives and principles of this Convention. Such research shall include studies as to the effectiveness of methods of sealing from the viewpoint of the management and humane and rational utilization of the Antarctic seal resources for conservation purposes. The undertaking and the results of any such scientific research programme shall be communicated to SCAR and the Depositary which shall transmit them to the Contracting Parties."

NOTES

1. Immediately after the commencement of section 6 of the *Navigation (Protection of the Sea) Amendment Act 1983*, the heading to section 267A of the *Navigation Act 1912* is altered to "Regulations to give effect to certain Regulations of Annex I".
2. On the day proclaimed for the purposes of sub-section 2 (49) of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985* the headings to sections 20, 21, 22, 23 and 23A of the *Trade Union Training Authority Act 1975* are altered by omitting "State Councils" and substituting "Regional Councils for States".
3. On the day proclaimed for the purposes of sub-section 2 (49) of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985* the heading to section 20A of the *Trade Union Training Authority Act 1975* is amended by omitting "Regional Council" and substituting "Regional Council for a State".

Statute Law (Miscellaneous Provisions) (No. 1) No. 65, 1985

NOTES—continued

4. On the day proclaimed for the purposes of sub-section 2 (49) of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985* the heading to section 24 of the *Trade Union Training Authority Act 1975* is omitted and the following heading is substituted “Regional Councils for Territories”.
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[*Minister's second reading speech made in—
House of Representatives on 9 May 1985
Senate on 22 May 1985*]