



# Statute Law (Miscellaneous Provisions) Act (No. 2) 1985

No. 193 of 1985

---

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

*[Assented to 16 December 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. 2) 1985*.

## **Commencement**

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

(2) Section 7 of this Act and the amendment of section 41 of the *Bankruptcy Act 1966* made by this Act shall come into operation on a day to be fixed by Proclamation.

(3) The amendment of the *Banks (Shareholdings) Amendment Act 1985* made by this Act shall be deemed to have come into operation on 22 May 1985.

*Statute Law (Miscellaneous Provisions) (No. 2) No. 193, 1985*

(4) The amendment of the *Building Industry Act 1985* made by this Act shall be deemed to have come into operation on 26 August 1985.

(5) The amendments of the *Commonwealth Electoral Act 1918* made by this Act shall come into operation on the day fixed by Proclamation for the purposes of sub-section 2 (2) of the *Australian Citizenship Amendment Act 1984*.

(6) Section 8 of this Act and the amendments of section 18A, and of sub-section 20AB (1), of the *Crimes Act 1914* made by this Act shall come into operation immediately after the amendment of section 2 of the *Crimes Amendment Act 1982* made by this Act comes into operation.

(7) The amendments of the *Crimes (Currency) Act 1981* made by this Act (other than the amendment of section 2 of that Act) shall come into operation immediately after the amendment of section 2 of that Act made by this Act comes into operation.

(8) Notwithstanding sub-section 2 (1) of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, the amendments of the *Insurance Contracts Act 1984* made by the first-mentioned Act and the amendment of the *Insurance Contracts Act 1984* made by this Act shall come into operation on the day on which the *Insurance Contracts Act 1984* comes into operation.

(9) The following amendments of the *Patents Act 1952* made by this Act:

- (a) the amendments of sections 35, 41 and 177;
- (b) the amendment inserting sub-section (1B) in section 54A,

shall come into operation on—

- (c) the twenty-eighth day after the day on which this Act receives the Royal Assent; or
- (d) the day fixed by Proclamation for the purposes of sub-section 2 (11) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*,

whichever is the later.

(10) The following amendments of the *Patents Act 1952* made by this Act:

- (a) the amendments of sections 40, 45, 45A, 54B, 55, 58C and 58E;
- (b) the amendment inserting sub-section (1A) in section 54A;
- (c) the amendment inserting section 87,

shall come into operation on—

- (d) the twenty-eighth day after the day on which this Act receives the Royal Assent; or
- (e) the date of commencement of the *Patents Amendment Act 1984*,

whichever is the later.

(11) The amendment of Schedule 4 to the *Public Service Reform Act 1984* made by this Act shall be deemed to have come into operation on 1 July 1984.

(12) The amendment of section 41 of the *Shipping Registration Act 1981* made by this Act shall come into operation, or shall be deemed to have come into operation, as the case may be, immediately after the commencement of section 15 of the *Shipping Registration Amendment Act 1984*.

(13) The amendments of paragraphs 47C (a) and (b) of the *Shipping Registration Act 1981* made by this Act shall come into operation, or shall be deemed to have come into operation, as the case may be, immediately after the commencement of section 18 of the *Shipping Registration Amendment Act 1984*.

(14) The amendments of sub-sections 74 (1) and (2) of the *Shipping Registration Act 1981* made by this Act shall come into operation, or shall be deemed to have come into operation, as the case may be, immediately after the commencement of section 23 of the *Shipping Registration Amendment Act 1984*.

(15) The amendments of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985* made by this Act shall be deemed to have come into operation—

- (a) in the case of the amendment made to sub-section 2 (29)—on the day on which that Act received the Royal Assent; and
- (b) in the case of the other amendments—on the twenty-eighth day after the day on which that Act received the Royal Assent.

#### **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 amendment of section 22 of the *Acts Interpretation Act 1901***

5. It is declared for the avoidance of doubt that the amendment of section 22 of the *Acts Interpretation Act 1901* made by this Act does not affect any judgment given, or decision, order or award made, in a legal or other proceeding before the coming into operation of that amendment.

#### **Savings provision relating to *Australian Tourist Commission Act 1967***

6. The person who, immediately before the commencement of the amendments of the *Australian Tourist Commission Act 1967* made by this Act, held office as the General Manager of the Australian Tourist Commission shall, subject to that Act as amended by this Act, hold office after that commencement as the Managing Director of the Australian Tourist Commission on the same terms and conditions as those on which the person held office as General Manager.

**Operation of amendment of section 41 of the *Bankruptcy Act 1966***

7. The amendment of section 41 of the *Bankruptcy Act 1966* made by this Act applies to bankruptcy notices issued after the coming into operation of the amendment in relation to final judgments given, and final orders made, before or after the coming into operation of the amendment.

**Operation of sections 18A, 20AB and 20AC of the *Crimes Act 1914***

8. (1) Section 18A of the *Crimes Act 1914* as in force at the commencement of this section applies—

- (a) subject to paragraph (b), to and in relation to a person who—
  - (i) is convicted of an offence after the commencement of this section; or
  - (ii) was convicted of an offence before the commencement of this section but had not, before that commencement, been sentenced for the offence; and
- (b) in so far as that section makes provision that is applicable only in relation to a person who is convicted of an offence by a court in a participating State or participating Territory, to and in relation to a person who—
  - (i) is convicted of an offence after the commencement of this section or the time when the State or Territory concerned became a participating State or participating Territory, whichever is the later time; or
  - (ii) was convicted of an offence before the time applicable under sub-paragraph (i) but had not, before that time, been sentenced for the offence.

(2) Notwithstanding sub-section 8 (2) of the *Crimes Amendment Act 1982*, sections 20AB and 20AC of the *Crimes Act 1914* as in force at the commencement of this section apply to and in relation to a person who—

- (a) is convicted of an offence after the commencement of this section or the time when the State or Territory in which the person is convicted became a participating State or participating Territory, whichever is the later time; or
- (b) was convicted of an offence before the time applicable under paragraph (a) but had not, before that time, been sentenced for the offence.

**Operation of Proclamations under the *Designs Act 1906***

9. Notwithstanding the amendments of section 48 of the *Designs Act 1906* made by this Act, any Proclamation in force for the purposes of that section immediately before the commencement of those amendments—

- (a) continues in force after the commencement of those amendments as if it were a regulation made for the purposes of that section as amended by this Act; and
- (b) may be revoked by regulations made for the purposes of that section as amended by this Act.

**Validation of purported exercise of powers under section 37A of *Family Law Act 1975***

**10. (1)** This section does not have effect in a case in which, after the purported making or giving of a decree, judgment, order or direction by a Registrar, the Family Court of Australia or a Judge has, whether upon an appeal or otherwise, made or given a decree, judgment, order or direction setting aside, or in substitution for, the purported decree, judgment, order or direction.

**(2)** Where, on or after 2 January 1985 and before the commencement of this section, a Registrar purported, under section 37A of the *Family Law Act 1975*, to exercise a power of the Family Court of Australia—

- (a)** the rights, liabilities, obligations and status of all persons in relation to whom the Registrar purported to exercise the power, or who were otherwise affected by the purported exercise of the power, are, by force of this section, deemed to be, and always to have been, the same as if the power had been exercised by a Judge; and
- (b)** all proceedings, matters, decrees, judgments, orders, directions, acts and things taken, made or done, or purporting to have been taken, made or done, under the *Family Law Act 1975* in relation to a person in relation to whom the Registrar purported to exercise the power, or who was otherwise affected by the purported exercise of the power, are, by force of this section, declared to have the same effect after the commencement of this section, and to have had the same effect before the commencement of this section, as they would have, or would have had, if the power had been exercised by a Judge.

**(3)** The *Family Law Act 1975* and the regulations and Rules of Court in force under that Act have effect as if—

- (a)** a document embodying a decree, judgment, order or direction that a Registrar purported to make or give under section 37A of that Act before the commencement of this section were a document embodying a decree, judgment, order or direction, as the case may be, made or given by a Judge; and
- (b)** a copy of a document embodying such a purported decree, judgment, order or direction were a copy of a document embodying a decree, judgment, order or direction, as the case may be, made or given by a Judge.

**(4)** In this section—

“Judge” has the same meaning as in Part IV of the *Family Law Act 1975*;

“Registrar” means the Principal Registrar, a Registrar or a Deputy Registrar of the Family Court of Australia.

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

**11. (1)** For the purposes of Part III of the *Members of Parliament (Staff) Act 1984* as in force at any time before the commencement of the amendments of that Part made by this Act, where—

- (a) a person was, immediately before the dissolution of the House of Representatives that occurred after the commencement of that Part and before the commencement of those amendments, a Member of the House of Representatives;
- (b) a determination by the Prime Minister under section 12 of that Act in respect of that person was in force in respect of the period from that dissolution until the commencement of those amendments; and
- (c) that person was elected as a Member of that House at the first general election of Members of that House that followed that dissolution,

that person shall be deemed to have continued to be a Member of that House from that dissolution until that person became a member of that House by election at that general election.

**(2)** For the purposes of Part IV of the *Members of Parliament (Staff) Act 1984* as in force at any time before the commencement of the amendments of that Part made by this Act, where—

- (a) a person was, on the day (in this sub-section referred to as the “relevant day”) immediately before the polling day for the general election of Members of the House of Representatives that was held after the commencement of that Part and before the commencement of those amendments, a Senator for a Territory; and
- (b) that person was elected as a Senator at an election held at the same time as that general election,

that person shall be deemed to have continued to be a Senator from the end of the relevant day until that person became a Senator as mentioned in paragraph (b).

**(3)** For the purposes of Part IV of the *Members of Parliament (Staff) Act 1984* as in force at any time before the commencement of the amendments of that Part made by this Act, where—

- (a) a person was, immediately before the dissolution of the House of Representatives that occurred after the commencement of that Part and before the commencement of those amendments, a Member of the House of Representatives; and
- (b) that person was a candidate for election as a Member of the House of Representatives at the first general election of Members of that House that followed that dissolution,

that person shall be deemed to have continued to be a Member of that House from that dissolution until—

- (c) if that person was elected as a Member of that House at that general election—that person became a Member of that House by being so elected; or

- (d) if that person failed to be elected as a member of that House at that general election—the end of the day immediately before polling day for that general election.

(4) A reference in this section to the commencement of an amendment made by this Act is a reference to the time at which the amendment came into operation.

#### **Operation of regulations under *Navigation Act 1912***

12. Regulations made for the purposes of paragraph 217 (1) (a) of the *Navigation Act 1912* as in force immediately before the coming into operation of the repeal of section 217 of that Act effected by this Act shall, after that repeal comes into operation, continue in force as if made for the purposes of section 217 inserted in that Act by this Act.

#### **Operation of Proclamations under the *Patents Act 1952***

13. Notwithstanding the amendments of section 123 or 140 of the *Patents Act 1952* made by this Act, any Proclamation in force for the purposes of that section immediately before the commencement of those amendments—

- (a) continues in force after the commencement of those amendments as if it were a regulation made for the purposes of that section as amended by this Act; and
- (b) may be revoked by regulations made for the purposes of that section as amended by this Act.

#### **Operation of Proclamations under the *Trade Marks Act 1955***

14. Notwithstanding the amendments of section 108 of the *Trade Marks Act 1955* made by this Act, any Proclamation in force for the purposes of that section immediately before the commencement of those amendments—

- (a) continues in force after the commencement of those amendments as if it were a regulation made for the purposes of that section as amended by this Act; and
- (b) may be revoked by regulations made for the purposes of that section as amended by this Act.

#### **Saving provisions relating to Australian Institute of Anatomy**

15. (1) Notwithstanding the repeal by this Act of the *Zoological Museum Agreement Act 1924* and the *Australian Institute of Anatomy Agreement Act 1931*, the agreement approved by the first-mentioned Act and the agreement approved by the second-mentioned Act continue in force.

(2) Compliance by the Minister administering the *National Museum of Australia Act 1980* with sub-section 8 (3) of that Act shall be taken to be compliance by the Commonwealth with the undertaking given by the Commonwealth in clause 4 of the agreement first referred to in sub-section (1) of this section as varied by the agreement second referred to in that sub-section.

**General transitional provision**

**16.** Except where it is expressly provided to the contrary, where this Act—

(a) amends a provision of an Act; or

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

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

---



**SCHEDULE 1**

Section 3

**AMENDMENTS OF ACTS**

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

**Sub-section 64 (5)—**

Omit the sub-section.

***Acts Interpretation Act 1901***

**Section 22—**

Add at the end the following sub-section:

“(3) In any Act, unless the contrary intention appears, a reference to the law of the Commonwealth or to a law of the Commonwealth does not include, and shall be deemed never to have included, a reference to a law in force in a Territory in so far as the law is so in force by virtue of an Act providing for the acceptance, administration or government of that Territory.”.

**Paragraph 27 (a)—**

Insert “and presentment” after “information”.

***Administrative Appeals Tribunal Act 1975***

**Paragraph 66 (1) (c)—**

Before “paragraph 36 (1) (a)”, insert “in”.

***Amendments Incorporation Act 1905***

**Sub-section 2 (1)—**

Add at the end “by all such amendments (in this section referred to as the ‘relevant amendments’) as were made before a day specified in the reprint”.

**Sub-section 2 (2)—**

Before “amendment” insert “relevant”.

**Section 3—**

Add at the end “before a day specified in the reprint”.

***Australian Institute of Multicultural Affairs Act 1979***

**Paragraph 22 (2) (a)—**

Omit “less than 6”, substitute “fewer than 9”.

***Australian Tourist Commission Act 1967***

**Section 4 (definition of “member”)—**

Insert “, and includes the Managing Director” after “Commission”.

**SCHEDULE 1—continued**

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

Omit the definition, substitute the following definition:

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

**Sub-sections 6 (1) and (2)—**

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

“(1) The Commission shall consist of—

- (a) 12 members appointed by the Governor-General; and
- (b) the Managing Director.”.

**Sub-section 6 (3)—**

Insert “referred to in paragraph (1) (a)” after “members”.

**Sub-section 6 (4)—**

(a) Insert “referred to in paragraph (1) (a)” after “members”.

(b) Omit “the Capital Territory”, substitute “Territories”.

**Sub-section 6 (7)—**

Insert “referred to in paragraph (1) (a)” after “member”.

**Sub-section 6 (8)—**

Insert “referred to in paragraph (1) (a)” after “member” (first occurring).

**Sub-section 6 (9)—**

Insert “referred to in paragraph (1) (a)” after “member”.

**Sub-section 6 (10)—**

Insert “referred to in paragraph (1) (a)” after “member”.

**Sub-section 7 (1)—**

Insert “referred to in paragraph 6 (1) (a)” after “members”.

**Sub-section 8 (1)—**

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

“(1) The Minister shall appoint one of the members referred to in paragraph 6 (1) (a) to be the Deputy Chairman of the Commission.”.

**Sub-section 8 (2)—**

Omit “re-election”, substitute “re-appointment”.

**Sub-section 8 (3)—**

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

**Sub-section 10 (1)—**

(a) Insert “referred to in paragraph 6 (1) (a)” after “member” (first occurring).

(b) Omit “the membership of the Commission”, substitute “the office of a member referred to in paragraph 6 (1) (a)”.

**SCHEDULE 1—continued**

**Section 11—**

Insert “referred to in paragraph 6 (1) (a)” after “member”.

**Sub-section 12 (1)—**

Insert “referred to in paragraph 6 (1) (a)” after “member”.

**Sub-section 12 (2)—**

Insert “referred to in paragraph 6 (1) (a)” after “member” (first occurring).

**Sub-section 12A (2)—**

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

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Commission and the member shall not—

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

**Sub-sections 13 (1) and (1A)—**

Insert “referred to in paragraph 6 (1) (a)” after “member”.

**Section 18—**

Omit “General Manager” (wherever occurring), substitute “Managing Director”.

***Bankruptcy Act 1966***

**After section 17A—**

Insert the following section:

**Functions of Registrar may be exercised by certain officials**

“17AA. (1) The Registrar of the Federal Court of Australia may exercise all the powers, and shall perform all the functions, of a Registrar under this Act or any other law of the Commonwealth.

“(2) A Deputy Registrar of the Federal Court of Australia may exercise all the powers, and may perform all the functions, of a Registrar under this Act or any other law of the Commonwealth.

“(3) A power or function conferred or imposed on a Registrar by this Act, when exercised or performed by the Registrar of the Federal Court of Australia or by a Deputy Registrar of the Federal Court of Australia, shall, for all purposes, be deemed to have been exercised or performed by the Registrar.”.

**Section 41—**

After sub-section (2), insert the following sub-sections:

“(2A) Where the judgment debt or sum ordered to be paid in accordance with the judgment or order is expressed by the judgment or order as an amount in the currency of a foreign country (in this sub-section referred to as the ‘amount of foreign currency’), the bankruptcy notice shall state that payment is to be made in either—

- (a) the amount of foreign currency; or

**SCHEDULE 1—continued**

- (b) a specified amount of Australian dollars, being an amount that is the equivalent in Australian dollars of the amount of foreign currency on the second business day before the day on which application was made for the issue of the bankruptcy notice.

“(2B) The rate for ascertaining on a particular day for the purposes of paragraph (2A) (b) the equivalent in Australian dollars of an amount of foreign currency is the average of the rates at which Australian dollars may be bought in that foreign currency at—

- (a) 11 o'clock in the morning; or  
(b) if another time is prescribed for the purposes of this sub-section—that other time,

on that day from 3 authorised foreign exchange dealers selected by the creditor who applied for the issue of the bankruptcy notice.

“(2C) In this section—

‘authorised foreign exchange dealer’ means a person authorised by a general authority issued by the Reserve Bank of Australia under regulation 38A of the Banking (Foreign Exchange) Regulations to buy and sell foreign currency;

‘business day’, in relation to an application for the issue of a bankruptcy notice, means a day that is not a Saturday, a Sunday or a public holiday or bank holiday in the place where the application is made.”.

**Sub-section 231 (4)—**

Omit “(other than paragraph (1) (b))”.

**Sub-section 237 (4)—**

Omit “(other than paragraph (1) (b))”.

**Sub-section 243 (3)—**

Omit “(other than paragraph (1) (b))”.

***Banks (Shareholdings) Amendment Act 1985***

**Schedule—**

Insert “to” after “himself or” in the amendment to paragraph 8 (6) (b).

***Building Industry Act 1985***

**Sub-section 5 (4)—**

Omit “Builders’ Labourers”, substitute “Builders Labourers”.

***Commonwealth Electoral Act 1918***

**Sub-paragraph 93 (1) (b) (ii)—**

Omit “British subjects (other than Australian citizens) whose names were, immediately before the date fixed under sub-section 2(5) of the *Statute Law (Miscellaneous Amendments) Act 1981*”, substitute “persons (other than Australian citizens) who would, if the relevant citizenship law had continued in force, be British subjects within the meaning of that relevant citizenship law and whose names were, immediately before 26 January 1984”.

**SCHEDULE 1—continued**

**After sub-section 93 (8)—**

Insert the following sub-section:

“(8A) In sub-section (1), ‘relevant citizenship law’ means the *Australian Citizenship Act 1948* as amended and in force immediately before the day fixed by Proclamation for the purposes of sub-section 2(2) of the *Australian Citizenship Amendment Act 1984* and the regulations in force immediately before that day under the *Australian Citizenship Act 1948* as so amended and in force.”.

***Companies Act 1981***

**After sub-section 3 (1)—**

Insert the following sub-section:

“(1A) Notwithstanding sub-section (1) of this section, this Act shall not be taken for the purposes of sub-section 22 (3) of the *Acts Interpretation Act 1901* to be an Act providing for the administration or government of the Australian Capital Territory.”.

***Conciliation and Arbitration Act 1904***

**Sub-sections 12 (1), (2), (3), (3A) and (4)—**

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

“(1) Where a person appointed as a Commissioner was, immediately before the person’s appointment, an officer of the Public Service of a State, the person retains all the person’s existing and accruing rights other than rights in respect of superannuation.”.

**Sub-section 12 (6)—**

Omit the sub-section.

**After section 12—**

Insert the following section:

**Application of Judges’ Pensions Act**

“12A. (1) Subject to sub-section (2), the *Judges’ Pensions Act 1968* does not apply to or in respect of a Deputy President if—

- (a) the Deputy President was appointed after the commencement of this section and was, immediately before being appointed as a Deputy President, an eligible employee for the purposes of the *Superannuation Act 1976*; or
- (b) the Deputy President was appointed before that commencement and, immediately before that commencement, the first-mentioned Act did not, by virtue of the relevant provision, apply to the Deputy President.

“(2) If a person was, immediately before being appointed as a Deputy President (whether before or after the commencement of this section), an eligible employee for the purposes of the *Superannuation Act 1976*, and the person elects, within 3 months after being appointed as a Deputy President, by notice in writing to the Minister, 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 a Deputy President.

“(3) Where—

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

**SCHEDULE 1—continued**

- (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.

“(4) In sub-section (1), ‘relevant provision’ means sub-section 12 (4) of this Act as in force immediately before the commencement of this section.”.

***Crimes Act 1914***

**Section 3B—**

Add at the end the following sub-section:

“(2) In sections 18A and 20AB—

- (a) a reference to a participating State is a reference to a State in relation to which an arrangement is in force under sub-section (1) of this section; and
- (b) a reference to a participating Territory—
- (i) is a reference to a Territory other than Norfolk Island; and
  - (ii) if an arrangement is in force under sub-section (1) of this section in relation to Norfolk Island—includes a reference to Norfolk Island.”.

**Paragraph 18A (1) (a)—**

Before “the passing” insert “, in the case of a participating State or a participating Territory,”.

**Section 18A—**

After sub-section (1), insert the following sub-section:

“(1A) Where there is a law of a State or Territory with respect to the enforcement or recovery of fines ordered to be paid by offenders (including a law making provision for or in relation to a matter mentioned in paragraph (1) (a), (b), (c) or (d)) that applies in relation to fines ordered to be paid by offenders convicted by courts of summary jurisdiction—

- (a) sub-section (1) operates to require that law to apply and be applied to persons who are convicted of offences against laws of the Commonwealth by the Federal Court of Australia in the same manner as that law would apply and be applied if that Court were a court of summary jurisdiction; and
- (b) that sub-section does not operate in relation to any law of that State or Territory that applies in relation to fines ordered to be paid by offenders convicted by superior courts.”.

**Sub-section 20AB (1)—**

Omit “a State or Territory”, substitute “a participating State or a participating Territory”.

***Crimes Amendment Act 1982***

**Section 2—**

After sub-section (1), insert the following sub-section:

“(1A) Sections 6, 8 and 9 shall come into operation on the day on which the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985* receives the Royal Assent.”.

**Sub-section 6 (2)—**

Omit the sub-section.

**SCHEDULE 1—continued**  
**Crimes (Currency) Act 1981**

**Sub-section 2 (2)—**

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

“(2) The remaining provisions of this Act shall come into operation on the day on which the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985* receives the Royal Assent.”.

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

Insert the following definitions:

“ ‘excepted counterfeit coin’ means—

- (a) any article, not being a genuine coin, that resembles, or is apparently intended to resemble, or pass for, an excepted coin; or
- (b) any article, being an excepted coin, that has been altered in a material respect and in such manner as to conceal, or to be apparently intended to conceal, the alteration,

and includes any such article whether or not it is in a fit state to be uttered and whether the process of manufacture or alteration is or is not complete;

‘excepted coin’ means—

- (a) a coin that was a current coin in Australia at any time before 14 February 1966; or
- (b) a coin, other than a coin referred to in paragraph (a), that has been a current coin in a country other than Australia (whether or not the country concerned is still in existence) but is no longer a current coin in any country;

‘non-excepted counterfeit money’ means counterfeit money other than an excepted counterfeit coin;”.

**Section 8—**

Before “counterfeit money”, insert “non-excepted”.

**Section 8—**

Before the penalty, insert the following sub-section:

“(2) A person shall not, with intent to defraud—

- (a) buy, sell, receive or dispose of; or
- (b) offer to buy, sell, procure or dispose of,

an excepted counterfeit coin.”.

**Paragraph 9 (1) (a)—**

After “counterfeit money” (first occurring), insert “(not being an excepted counterfeit coin)”.

**Sub-section 9 (1)—**

Omit the penalty.

**Section 9—**

Add at the end the following sub-section and penalty:

“(3) A person shall not, with intent to defraud, have in the possession of the person an excepted counterfeit coin, knowing it to be counterfeit money.

**SCHEDULE 1—continued**

Penalty—

- (a) in the case of a person, not being a body corporate—imprisonment for 10 years;  
or
- (b) in the case of a person, being a body corporate—\$50,000.”

**Sub-section 28 (1)—**

Insert “non-excepted” before “counterfeit money” (first occurring).

**Sub-section 28 (2)—**

Insert “(not being an excepted counterfeit coin)” after “counterfeit coin”.

**Sub-section 29 (1)—**

Omit “The following”, substitute “Subject to section 29A, the following”.

**After section 29—**

Insert the following section:

**Excepted counterfeit coins not to be forfeited**

“29A. A law of the Commonwealth or of a Territory (including such a law that is no longer in force) that makes or made provision for the forfeiture to the Commonwealth of counterfeit coins by reason that they are counterfeit coins does not apply, or shall be deemed not to have applied, as the case requires, in relation to excepted counterfeit coins made before the commencement of this section that—

- (a) have not been seized or condemned pursuant to that law before the commencement of this section; and
- (b) have not been used in connection with the commission of an offence against section 57 of the *Crimes Act 1914* as in force any time before the commencement of this section.”

***Defence Act 1903***

**Sub-sections 124(2A) and (2B)—**

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

“(2A) Subject to sub-section (2B), the power to make regulations by virtue of paragraph (1) (gc) includes the power to make regulations requiring a person appearing as a witness before a court of inquiry or a board of inquiry to answer a question notwithstanding that the answer to the question may tend to incriminate the person.

“(2B) Sub-section (2A) does not authorise the making of a regulation containing a requirement referred to in that sub-section where the answer to the question may tend to incriminate the person in respect of an offence with which the person has been charged and in respect of which the charge has not been finally dealt with by a court or otherwise disposed of.

“(2C) A statement or disclosure made by a witness in the course of giving evidence before a court of inquiry or a board of inquiry is not admissible in evidence against that witness in—

- (a) any civil or criminal proceedings in any federal court or court of a State or Territory; or
- (b) proceedings before a service tribunal,  
otherwise than in proceedings by way of a prosecution for giving false testimony at the hearing before the court of inquiry or the board of inquiry.”



**SCHEDULE 1—continued**

***Defence Force Discipline Act 1982***

**Section 68B—**

Add at the end the following sub-section:

“(2) Rules made under sub-section 68 (2) or 68A (2) shall be deemed to be rules within the meaning of the *Statutory Rules Publication Act 1903* and, for the purposes of the application of sub-section 5 (3B) of that Act to those rules, the reference in that sub-section of that Act to the Minister of State for Administrative Services shall be read as a reference to the Minister for the time being administering this Act.”.

***Designs Act 1906***

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

Omit “Proclamation”, substitute “regulation”.

**Sub-section 48 (1)—**

Omit “by Proclamation, declare that a country specified in the Proclamation”, substitute “make regulations declaring that a country specified in the regulations”.

**Sub-section 48 (2)—**

Omit “, by Proclamation, declare”, substitute “make regulations declaring”.

**Sub-section 48 (3)—**

Omit “, by Proclamation, declares”, substitute “makes regulations declaring”.

**Sub-section 48 (4)—**

Omit “, by Proclamation, declares”, substitute “makes regulations declaring”.

***Export Control (Miscellaneous Amendments) Act 1982***

**Part X—**

Repeal the Part.

**Part XI—**

Repeal the Part.

**Part XV—**

Repeal the Part.

**Part XVIII—**

Repeal the Part.

**Part XX—**

Repeal the Part.

***Extradition (Commonwealth Countries) Act 1966***

**Paragraph 4 (1A) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) had a relevant act or omission by the person taken place, at the time when

**SCHEDULE 1—continued**

the requisition was made, in, or within the jurisdiction of, the part of Australia where the person was found, that act or omission would have constituted an offence against the law in force in that part of Australia, being an offence which—

- (i) is described in the Schedule; or
- (ii) would be so described if the description concerned contained a reference to any intent or state of mind on the part of the person committing the offence, or to any circumstance of aggravation, necessary to constitute the offence,

and the maximum penalty for which is death or imprisonment for not less than 12 months.”.

**After sub-section 4 (1A)—**

Insert the following sub-section:

“(1B) the reference in paragraph (1A) (b) to a relevant act or omission by a person is a reference to—

- (a) an act or omission by the person—
  - (i) which is, in or in connection with the relevant requisition, alleged to have taken place; or
  - (ii) of which evidence is produced in connection with the relevant requisition; or
- (b) any act or omission that is equivalent to an act or omission referred to in paragraph (a).”.

**Sub-section 10 (3)—**

Omit the sub-section.

**Section 11—**

Omit “17 (2) or (2B)” (wherever occurring), substitute “17A (1) or (3)”.

**Sub-paragraph 15 (5B) (a) (ii)—**

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

“(ii) the person will be committed to prison and will not be entitled to apply under section 17 for a review of the validity of the decision to commit the person to prison; and”.

**Sub-section 15 (6)—**

Omit all the words after paragraph (c), substitute—

“, the Magistrate shall either—

- (d) by warrant in accordance with the form prescribed for the purposes of this sub-section, commit the person to prison to await the warrant of the Attorney-General for the surrender of the person; or
- (e) in the case of a person—
  - (i) who has been charged with an offence that is alleged to have been committed in Australia, being a charge that has not been disposed of; or
  - (ii) who has been convicted in Australia of an offence and is not in custody in respect of that offence,

on the person’s entering into such recognizances as the Magistrate thinks appropriate, grant bail to the person pending the signing of a warrant by the Attorney-General for the surrender of the person, but otherwise the Magistrate shall order that the person be released.”.

**SCHEDULE 1—continued**

**Sub-section 15 (8)—**

After “custody”, insert “or grants bail to a person”.

**Section 16—**

Omit “a writ of *habeas corpus*”, substitute “a review of the validity of the decision of the Magistrate”.

**Sub-sections 16A (5) and (6)—**

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

“(5) Upon a review of the order, the Court shall have regard only to the evidence that was before the Magistrate.”.

**Section 17—**

Repeal the section, substitute the following sections:

**Application by fugitive for review of Magistrate’s decision**

“17. (1) Where a person (in this section referred to as a ‘fugitive’) is committed to prison or otherwise ordered to be held in custody, or is granted bail, by a Magistrate pursuant to section 15, the fugitive may, within the period of 15 days after the date of the decision of the Magistrate, apply to the Federal Court, or to the Supreme Court of the State or Territory in which the Magistrate was sitting, for a review of the validity of the decision of the Magistrate.

“(2) The fugitive is not entitled to make an application under sub-section (1) after the expiration of the period referred to in that sub-section.

“(3) Upon a review under sub-section (1), the Court shall have regard only to the evidence given in the proceedings before the Magistrate and shall—

- (a) if satisfied that the decision of the Magistrate was valid—make an order confirming the decision; or
- (b) if not so satisfied—order that the fugitive be released.

“(4) An appeal lies to the Full Court of the Federal Court from an order made on an application by the fugitive under sub-section (1) if the appeal is instituted within 15 days after the date of the decision of the Federal Court or the Supreme Court in relation to the application.

“(5) In an appeal under sub-section (4), the Full Court shall have regard only to the evidence to which regard could be had by the Court that made the order from which the appeal was instituted.

“(6) Except as provided by sub-section (4), an appeal does not lie from an order referred to in that sub-section.

“(7) A Magistrate shall, when committing a fugitive to prison or otherwise ordering that a fugitive be held in custody, or when granting bail to a fugitive, pursuant to this Part, inform the fugitive that the fugitive will not be surrendered until after the expiration of the period referred to in sub-section (1) and that the fugitive may make an application to a Court as provided by that sub-section.

“(8) This section does not apply in relation to a person committed to prison under paragraph 15 (5B) (b).

**SCHEDULE 1—continued**

**Surrender of fugitive**

“17A. (1) Where the period applicable under sub-section 17(1) in relation to a person (in this section referred to as a ‘fugitive’) has expired and—

- (a) the fugitive did not make an application under that sub-section within that period; or
- (b) the fugitive made an application under that sub-section within that period and the Court to which the application was made, or, where an appeal was brought from the decision of that Court to the Full Court of the Federal Court, the Full Court, has refused to order that the fugitive be released, and the period of 15 days after the date of the decision of the first-mentioned Court or the Full Court of the Federal Court, as the case may be, has expired,

the Attorney-General may—

- (c) if satisfied that the fugitive is liable to be surrendered to the declared Commonwealth country that made the requisition for the surrender of the fugitive; and
- (d) unless of the opinion that—
  - (i) the offence to which the requisition for the surrender relates is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character; or
  - (ii) the requisition for the surrender has in fact been made with a view to try or punish the fugitive for an offence of a political character,

by warrant in accordance with the appropriate form prescribed for the purposes of this sub-section, order that a person specified in the warrant take the fugitive into custody and convey the fugitive to a place in that country or within the jurisdiction of, or of a part of, that country and there surrender the fugitive to a person appointed by that country to receive the fugitive.

“(2) Sub-section (1) does not apply in relation to a person committed to prison under paragraph 15 (5B) (b).

“(3) Where a Magistrate—

- (a) pursuant to paragraph 15 (5B) (b), commits a person (in this section referred to as a ‘volunteer prisoner’) to prison; or
- (b) pursuant to sub-section 15 (7), orders that a person (in this section also referred to as a ‘volunteer prisoner’) who could be committed to prison under paragraph 15 (5B) (b) be held in custody,

to await the warrant of the Attorney-General for the surrender of the volunteer prisoner to a declared Commonwealth country, the Attorney-General may—

- (c) if satisfied that the volunteer prisoner is liable to be surrendered to the declared Commonwealth country; and
- (d) unless of the opinion that—
  - (i) the offence to which the requisition for the surrender relates is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character; or
  - (ii) the requisition for the surrender has in fact been made with a view to try or punish the volunteer prisoner for an offence of a political character,

by warrant in accordance with the appropriate form prescribed for the purposes of this sub-section, order that a person specified in the warrant take the volunteer prisoner into custody and convey the volunteer prisoner to a place in that country or within the jurisdiction of, or of a part of, that country and there surrender the volunteer prisoner to a person appointed by that country to receive the volunteer prisoner.

SCHEDULE 1—continued

“(4) Where a person who is a fugitive referred to in sub-section (1) or a volunteer prisoner referred to in sub-section (3) is in custody—

- (a) in respect of an offence that is alleged to have been committed in Australia; or
- (b) by reason of a conviction in Australia for an offence,

the Attorney-General shall not make an order under the relevant sub-section in relation to the person until the person has been released from custody otherwise than by being granted bail.

“(5) Where an order has been made granting bail to a person who is a fugitive referred to in sub-section (1) or a volunteer prisoner referred to in sub-section (3), being bail granted—

- (a) in respect of an offence that is alleged to have been committed in Australia; or
  - (b) in respect of an offence of which the person has been convicted in Australia,
- the Attorney-General shall not make an order under the relevant sub-section in relation to the person until the recognizances upon which the person was so granted bail have been discharged.

“(6) Where a person referred to in sub-section (5) is in custody pursuant to this Act, the Federal Court, or the Supreme Court of the State or Territory in which the person is held in custody, may order the release on bail of the person on such terms and conditions as the Court thinks fit.

“(7) A warrant issued pursuant to sub-section (1) or (3) may be executed according to its tenor.

“(8) If a person escapes from the custody of a person executing a warrant referred to in sub-section (7) in or to a State or Territory, the person may be apprehended in the same manner as a person accused of an offence against the law in force in that State or Territory may be apprehended after an escape from lawful custody.

“(9) Any article, including a sum of money, that may be material as evidence in proving the offence to which the requisition for the surrender of a fugitive or volunteer prisoner relates or that has been acquired by him or her as a result of the offence shall, if the Attorney-General so directs, be delivered up to the declared Commonwealth country that made the requisition.

“(10) If a fugitive or volunteer prisoner cannot be surrendered by reason of his or her having died or escaped from custody, any article referred to in sub-section (9) shall, if the Attorney-General so directs, be delivered up to the declared Commonwealth country.

“(11) If, at any time after a fugitive or volunteer prisoner has been committed to prison or otherwise ordered to be held in custody, or has been released on bail, under this Part pending the signing of a warrant by the Attorney-General for the surrender of the fugitive or volunteer prisoner to a declared Commonwealth country, the Attorney-General decides not to sign such a warrant, the Attorney-General shall, by order in writing, direct that the fugitive or volunteer prisoner be released or that the recognizances upon which the fugitive or volunteer prisoner was admitted to bail be discharged, as the case may be, but any such order does not affect any order made in respect of, or recognizances entered into by, the fugitive or volunteer prisoner otherwise than pursuant to this Act.”.

**Paragraph 18 (b)—**

Omit “a writ of *habeas corpus*”, substitute “a review of the validity of the decision to commit the person to prison or otherwise hold the person in custody”.

SCHEDULE 1—continued

**Section 18—**

Add at the end the following sub-section:

“(2) A Court shall not order the release of a person under sub-section (1) if the Attorney-General is precluded by sub-section 17A (4) or (5) from making an order in respect of the person under sub-section 17 (1) or (3).”.

**Section 32—**

After “17,”, insert “17A,”.

***Extradition (Foreign States) Act 1966***

**Paragraph 4 (1A) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) had a relevant act or omission by the person taken place, at the time when the requisition was made, in, or within the jurisdiction of, the part of Australia where the person was found, that act or omission would have constituted an offence against the law in force in that part of Australia the maximum penalty for which is death or imprisonment for not less than 12 months.”.

**After sub-section 4 (1A)—**

Insert the following sub-section:

“(1B) The reference in paragraph (1A) (b) to a relevant act or omission by a person is a reference to—

- (a) an act or omission by the person—
  - (i) which is, in or in connection with the relevant requisition, alleged to have taken place; or
  - (ii) of which evidence is produced in connection with the relevant requisition; or
- (b) any act or omission that is equivalent to an act or omission referred to in paragraph (a).”.

**Sub-section 4 (8)—**

Omit “if a similar act or omission by an Australian citizen that took place outside Australia would be an offence against a law of the Commonwealth”.

**Sub-section 13 (3)—**

Omit the sub-section.

**Section 14—**

Omit “18 (2) or (2B)”, substitute “18A (1) or (3)”.

**Sub-paragraph 17 (5B) (a) (ii)—**

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

“(ii) the person will be committed to prison and will not be entitled to apply under section 18 for a review of the validity of the decision to commit the person to prison; and”.

**Sub-section 17 (6)—**

Omit all the words after paragraph (b), substitute—

“, the Magistrate shall either—

- (c) by warrant in accordance with the form prescribed for the purposes of this sub-section, commit the person to prison to await the warrant of the Attorney-General for the surrender of the person; or
- (d) in the case of a person—
  - (i) who has been charged with an offence that is alleged to have been committed in Australia, being a charge that has not been disposed of; or

**SCHEDULE 1—continued**

(ii) who has been convicted in Australia of an offence and is not in custody in respect of that offence,  
on the person's entering into such recognizances as the Magistrate thinks appropriate, grant bail to the person pending the signing of a warrant by the Attorney-General for the surrender of the person,  
but otherwise the Magistrate shall order that the person be released.”.

**Sub-section 17 (8)—**

After “custody”, insert “or grants bail to a person”.

**Sub-sections 17A (5) and (6)—**

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

“(5) Upon a review of the order, the Court shall have regard only to the material that was before the Magistrate.”.

**Section 18—**

Repeal the section, substitute the following sections:

**Application by fugitive for review of Magistrate's decision**

“18. (1) Where a person (in this section referred to as a ‘fugitive’) is committed to prison or otherwise ordered to be held in custody, or is granted bail, by a Magistrate pursuant to section 17, the fugitive may, within the period of 15 days after the date of the decision of the Magistrate, apply to the Federal Court, or to the Supreme Court of the State or Territory in which the Magistrate was sitting, for a review of the validity of the decision of the Magistrate.

“(2) The fugitive is not entitled to make an application under sub-section (1) after the expiration of the period referred to in that sub-section.

“(3) Upon a review under sub-section (1), the Court shall have regard only to the material that was before the Magistrate and shall—

- (a) if satisfied that the decision of the Magistrate was valid—make an order confirming the decision; or
- (b) if not so satisfied—order that the fugitive be released.

“(4) An appeal lies to the Full Court of the Federal Court from an order made on an application by the fugitive under sub-section (1) if the appeal is instituted within 15 days after the date of the decision of the Federal Court or the Supreme Court in relation to the application.

“(5) In an appeal under sub-section (4), the Full Court shall have regard only to the material to which regard could be had by the Court that made the order from which the appeal was instituted.

“(6) Except as provided by sub-section (4), an appeal does not lie from an order referred to in that sub-section.

“(7) A Magistrate shall, when committing a fugitive to prison or otherwise ordering that a fugitive be held in custody, or when granting bail to a fugitive, pursuant to section 17, inform the fugitive that the fugitive will not be surrendered until after the expiration of the period referred to in sub-section (1) and that the fugitive may make an application to a Court as provided by that sub-section.

“(8) This section does not apply in relation to a person committed to prison under paragraph 17 (5B) (b).

**SCHEDULE 1—continued**

**Surrender of fugitive**

“18A. (1) Where the period applicable under sub-section 18 (1) in relation to a person (in this section referred to as a ‘fugitive’) has expired and—

- (a) the fugitive did not make an application under that sub-section within that period; or
- (b) the fugitive made an application under that sub-section within that period and the Court to which the application was made, or, where an appeal was brought from the decision of that Court to the Full Court of the Federal Court, the Full Court, has refused to order that the fugitive be released, and the period of 15 days after the date of the decision of the first-mentioned Court or the Full Court of the Federal Court, as the case may be, has expired,

the Attorney-General may—

- (c) if satisfied that the fugitive is liable to be surrendered to the foreign state that made the requisition for the surrender of the fugitive; and
- (d) unless of the opinion that—
  - (i) the offence to which the requisition for the surrender relates is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character; or
  - (ii) the requisition for the surrender has in fact been made with a view to try or punish the fugitive for an offence of a political character,

by warrant in accordance with the appropriate form prescribed for the purposes of this sub-section, order that a person specified in the warrant take the fugitive into custody and convey the fugitive to a place in that foreign state or within the jurisdiction of, or of a part of, that foreign state and there surrender the fugitive to a person appointed by that foreign state to receive the fugitive.

“(2) Sub-section (1) does not apply in relation to a person committed to prison under paragraph 17 (5B) (b).

“(3) Where a Magistrate—

- (a) pursuant to paragraph 17 (5B) (b), commits a person (in this section referred to as a ‘volunteer prisoner’) to prison; or
- (b) pursuant to sub-section 17 (7), orders that a person (in this section also referred to as a ‘volunteer prisoner’) who could be committed to prison under paragraph 17 (5B) (b) be held in custody,

to await the warrant of the Attorney-General for the surrender of the volunteer prisoner to a foreign state, the Attorney-General may—

- (c) if satisfied that the volunteer prisoner is liable to be surrendered to the foreign state; and
- (d) unless of the opinion that—
  - (i) the offence to which the requisition for the surrender relates is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character; or
  - (ii) the requisition for the surrender has in fact been made with a view to try or punish the volunteer prisoner for an offence of a political character,

by warrant in accordance with the appropriate form prescribed for the purposes of this sub-section, order that a person specified in the warrant take the volunteer prisoner into custody and convey the volunteer prisoner to a place in that foreign state or within the jurisdiction of, or of a part of, that foreign state and there surrender the volunteer prisoner to a person appointed by that foreign state to receive the volunteer prisoner.

“(4) Where a person who is a fugitive referred to in sub-section (1) or a volunteer prisoner referred to in sub-section (3) is in custody—

- (a) in respect of an offence that is alleged to have been committed in Australia; or



**SCHEDULE 1—continued**

(b) by reason of a conviction in Australia for an offence, the Attorney-General shall not make an order under the relevant sub-section in relation to the person until the person has been released from custody otherwise than by being granted bail.

“(5) Where an order has been made granting bail to a person who is a fugitive referred to in sub-section (1) or a volunteer prisoner referred to in sub-section (3), being bail granted—

(a) in respect of an offence that is alleged to have been committed in Australia; or

(b) in respect of an offence of which the person has been convicted in Australia, the Attorney-General shall not make an order under the relevant sub-section in relation to the person until the recognizances upon which the person was so granted bail have been discharged.

“(6) Where a person referred to in sub-section (5) is in custody pursuant to this Act, the Federal Court, or the Supreme Court of the State or Territory in which the person is held in custody, may order the release on bail of the person on such terms and conditions as the Court thinks fit.

“(7) A warrant issued pursuant to sub-section (1) or (3) may be executed according to its tenor.

“(8) If a person escapes from the custody of a person executing a warrant referred to in sub-section (7) in or to a State or Territory, the person may be apprehended in the same manner as a person accused of an offence against the law in force in that State or Territory may be apprehended after an escape from lawful custody.

“(9) Any article, including a sum of money, that may be material as evidence in proving the offence to which the requisition for the surrender of a fugitive or volunteer prisoner relates or that has been acquired by him or her as a result of the offence shall, if the Attorney-General so directs, be delivered up to the foreign state that made the requisition.

“(10) If a fugitive or volunteer prisoner cannot be surrendered by reason of his or her having died or escaped from custody, any article referred to in sub-section (9) shall, if the Attorney-General so directs, be delivered up to the foreign state.

“(11) If, at any time after a fugitive or volunteer prisoner has been committed to prison or otherwise ordered to be held in custody, or has been released on bail, under this Part pending the signing of a warrant by the Attorney-General for the surrender of the fugitive or volunteer prisoner to a foreign state, the Attorney-General decides not to sign such a warrant, the Attorney-General shall, by order in writing, direct that the fugitive or volunteer prisoner be released or that the recognizances upon which the fugitive or volunteer prisoner was admitted to bail be discharged, as the case may be, but any such order does not affect any order made in respect of, or recognizances entered into by, the fugitive or volunteer prisoner otherwise than pursuant to this Act.”.

**Paragraph 19 (b)—**

Omit “a writ of *habeas corpus*”, substitute “a review of the validity of the decision to commit the person to prison or otherwise hold the person in custody”.

**Section 19—**

Add at the end the following sub-section:

“(2) A Court shall not order the release of a person under sub-section (1) if the Attorney-General is precluded by sub-section 18A (4) or (5) from making an order in respect of the person under sub-section 18 (1) or (3).”.

**SCHEDULE 1—continued**

**Section 24A—**

After “18”, insert “, 18A”.

***Family Law Act 1975***

**Section 37A—**

Repeal the section, substitute the following section:

**Delegation of powers to Registrars**

“37A. (1) The Judges, or a majority of them, may, subject to sub-section (2), make Rules of Court delegating to the Registrars all or any of the powers of the Court, including, without limiting the generality of the foregoing, all or any of the following powers of the Court:

- (a) the power to dispense with the service of any process under this Act;
- (b) the power to make orders in relation to substituted service;
- (c) the power, in proceedings under this Act, to make orders in relation to discovery, inspection and production of documents in the possession, power or custody of a party to the proceedings or of any other person;
- (d) the power, in proceedings under this Act, to direct a party to the proceedings to answer particular questions;
- (e) the power to direct the parties to proceedings under this Act to attend conferences conducted by court counsellors or welfare officers;
- (f) the power, in proceedings under this Act, to make—
  - (i) an order under section 77; or
  - (ii) an order for the payment of maintenance pending the disposal of the proceedings;
- (g) the power to make, in proceedings under this Act, an order the terms of which have been agreed upon by all the parties to the proceedings;
- (h) the power, in proceedings under this Act, to make an order adjourning the hearing of the proceedings;
- (j) the power under section 117 to make an order as to costs;
- (k) the power to make orders (including an order for garnishment, seizure of property or sequestration) for the enforcement of maintenance orders;
- (m) the power to make an order exempting a party to proceedings under this Act from compliance with a provision of the regulations or Rules of Court.

“(2) The powers of the Court that may be delegated under sub-section (1) do not include the power to make—

- (a) a decree of dissolution of marriage or nullity of marriage;
- (b) a declaration as to the validity of a marriage or of the dissolution or annulment of a marriage; or
- (c) an order approving a maintenance agreement under section 87.

“(3) A power delegated by Rules of Court under sub-section (1), when exercised by a Registrar, shall, for all purposes, be deemed to have been exercised by the Court or a Judge, as the case requires.

“(4) The delegation of a power by Rules of Court under sub-section (1) does not prevent the exercise of the power by the Court or a Judge.

**SCHEDULE 1—continued**

“(5) If the power referred to in paragraph (1) (f) is delegated under sub-section (1), a Registrar shall not exercise the power on application by a party to proceedings under this Act unless—

- (a) the other party to the proceedings appears at the hearing of the application; or
- (b) the Registrar is satisfied that notice of the intention of the first-mentioned party to make the application has been served on the other party.

“(6) If the power referred to in paragraph (1) (j) is delegated under sub-section (1), a Registrar shall not exercise the power except in relation to costs of or in connection with an application heard by a Registrar.

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

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

“(9) A party to proceedings in which a Registrar has exercised any of the powers of the Court pursuant to a delegation under sub-section (1) may, within the time prescribed by, or within such further time as is allowed in accordance with, Rules of Court made by the Judges or a majority of them for the purposes of this sub-section, apply to the Court to review that exercise of power.

“(10) The Court may, on application under sub-section (9) or of its own motion, review an exercise of power by a Registrar pursuant to a delegation under this section and may make such order or orders as it thinks fit with respect to the matter with respect to which the power was exercised.

“(11) Where—

- (a) an application for the exercise of a power delegated under sub-section (1) is to be, or is being, heard by a Registrar; and
- (b) the Registrar considers that it is not appropriate for the application to be determined by a Registrar acting under the delegation,

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

“(12) Where—

- (a) a power delegated under sub-section (1) is proposed to be exercised in a particular case by a Registrar; but
- (b) the Registrar has not commenced to exercise the power in that case,

a Judge may, on application by a person who would be a party to the proceedings before the Registrar in relation to the proposed exercise of the power, order that the power be exercised in that case by a Judge.

“(13) Where an application is made to a Judge under sub-section (12) seeking an order that, in a particular case, a power be exercised by a Judge, the Registrar shall not commence to exercise the power in that case until the application has been determined.

“(14) Sections 48, 49 and 50 of the *Acts Interpretation Act 1901* apply in relation to Rules of Court made under this section as if references in those sections of that Act to regulations were references to such Rules of Court.

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

**SCHEDULE 1—continued**

**Sub-section 37B (1)—**

Omit “(other than a power referred to in sub-section 37A (1)), under the regulations or under the Rules of Court”, substitute “, under the regulations or under the Rules of Court (other than a power delegated by Rules of Court under sub-section 37A (1))”.

**Sub-section 37B (2)—**

Omit “(including any power referred to in sub-section 37A (1)), under the regulations or under the Rules of Court”, substitute “, under the regulations or under the Rules of Court (including a power delegated by Rules of Court under sub-section 37A (1))”.

**Sub-section 37B (4)—**

Omit “(other than a power under sub-section 37A (1)), under the regulations or under the Rules of Court”, substitute “, under the regulations or under the Rules of Court (other than a power delegated by Rules of Court under sub-section 37A (1))”.

**Paragraph 123 (1) (e)—**

Omit the paragraph.

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

**Sub-section 32A (1)—**

After “jurisdiction”, insert “, and, to the extent that the Constitution permits, jurisdiction is conferred on the Supreme Court of the Northern Territory,”.

***Great Barrier Reef Marine Park Act 1975***

**Sub-section 66 (5)—**

Omit “3”, substitute “5”.

***Housing Loans Insurance Act 1965***

**Sub-section 43 (2)—**

Omit “or a State”, substitute “, of a State or of a Territory”.

***Insurance Contracts Act 1984***

**Sub-section 35 (2)—**

Omit “policy document in relation to the contract”, substitute “document containing the provisions, or the relevant provisions, of the proposed contract”.

***Law Reform Commission Act 1973***

**Section 3 (paragraph (c) of the definition of “judicial office”)—**

Omit “Courts-Martial”, substitute “Defence Force Discipline”.

**SCHEDULE 1—continued**

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

**Section 9—**

Repeal the section, substitute the following section:

**Offences relating to returns, &c.**

“9. (1) A person shall not, without reasonable excuse, refuse or fail to furnish a return or information that is required by or under this Act or the regulations to be furnished.

“(2) A person is not excused from furnishing a return or information that the person is required by or under this Act or the regulations to furnish on the ground that the return or information might tend to incriminate the person, but any return or information so furnished is not admissible in evidence against the person in—

- (a) criminal proceedings other than proceedings for an offence against sub-section (1) or (3); or
- (b) proceedings for recovery of a penalty payable under section 8.

“(3) A person shall not knowingly present a document, make a statement, or furnish a return, that is false or misleading in a material particular to a person performing duties in relation to this Act.

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.”.

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

**Paragraph 16 (2) (a)—**

Omit “or”.

**Paragraph 16 (2) (b)—**

Omit the paragraph, substitute the following paragraphs:

- “(b) in the case of a person employed by a Senator in respect of whom a determination by the Prime Minister under section 12 is in force—the Senator ceases to be a Senator or the determination is revoked; or
- (c) in the case of a person employed by a Member of the House of Representatives in respect of whom a determination by the Prime Minister under section 12 is in force—the Member ceases to be a Member of the House of Representatives or the determination is revoked.”.

**After sub-section 16 (2)—**

Insert the following sub-sections:

“(2A) For the purposes of paragraph (2) (b), a Senator shall be deemed not to have ceased to be a Senator while he or she continues to be entitled to the Parliamentary allowance that was payable to him or her as a Senator.

“(2B) For the purposes of paragraph (2) (c), a Member of the House of Representatives shall be deemed not to have ceased to be such a Member while he or she continues to be entitled to the Parliamentary allowance that was payable to him or her as such a Member.”.

**SCHEDULE 1—continued**

**After sub-section 23 (1)—**

Insert the following sub-section:

“(1A) For the purposes of paragraph (1) (b)—

- (a) a Senator shall be deemed not to have ceased to be a Senator while he or she continues to be entitled to the Parliamentary allowance that was payable to him or her as a Senator; and
- (b) a Member of the House of Representatives shall be deemed not to have ceased to be such a Member while he or she continues to be entitled to the Parliamentary allowance that was payable to him or her as such a Member.”.

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

**Sub-section 3 (2)—**

Omit “ancilliary”, substitute “ancillary”.

**Sub-section 49 (2)—**

Omit “continue to investigate”, substitute “investigate further”.

**Section 49—**

Add at the end the following sub-section:

“(3) Where a Commonwealth employee has made an application to the Agency with respect to action taken by a Department or Commonwealth authority and—

- (a) the Agency decides under sub-section (1) not to investigate the action, or not to investigate the action further; or
- (b) the Agency decides that, by reason of sub-section (2), it is not permitted to investigate the action, or to investigate the action further,

the Agency shall inform the employee in writing of its decision.

**Sub-paragraph 51 (1) (b) (iv)—**

Omit “recommendation under sub-section (3)”, substitute “report under sub-section (4)”.

***Museum of Australia Act 1980***

**Title—**

Omit “Museum of Australia”, substitute “National Museum of Australia”.

**Section 1—**

Omit “*Museum of Australia Act 1980*”, substitute “*National Museum of Australia Act 1980*”.

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

Before “Museum”, insert “National”.

**Section 3 (definition of “Director”)—**

Before “Museum”, insert “National”.

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

Omit the definition.

**SCHEDULE 1—continued**

**Section 3 (definition of “Museum”)—**

Before “Museum of Australia”, insert “National”.

**Section 3 (definition of “national historical collection”)—**

Omit the definition, substitute the following definition:

“‘national historical collection’ means—

- (a) all historical material that was in the ownership of the Museum at the time when the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985* received the Royal Assent other than any such material that the Council determines should not be in the national historical collection;
- (b) such historical material that was in the possession of the Museum at the time referred to in paragraph (a) as the Council determines should be included in the national historical collection; and
- (c) such historical material that comes into the ownership or possession of the Museum after the time referred to in paragraph (a) as the Council determines should be included in the national historical collection;”.

**Section 3—**

Add at the end the following sub-sections:

“(2) For the purposes of the definitions of ‘Australian history’ and ‘Australian natural environment’ in sub-section (1), ‘Australia’ includes—

- (a) every external Territory; and
- (b) the continental shelf, within the meaning of Convention on the Continental Shelf, that is adjacent to the coast of Australia or of an external Territory.

“(3) For the purposes of sub-section (2), ‘external Territory’ includes any territory that was formerly a Territory referred to in section 122 of the Constitution (including a Territory administered by Australia under a Trusteeship Agreement) but has ceased to be a Territory referred to in that section.

“(4) Any determination made by the Council for the purposes of the definition of ‘national historical collection’ in sub-section (1) shall be based upon criteria, and made in accordance with guidelines, approved by the Minister.”.

**Sub-section 4 (1)—**

Before “Museum”, insert “National”.

**Sub-section 6 (1)—**

After paragraph (b), insert the following paragraph:

“(ba) from time to time as the occasion requires, to exhibit, by itself or in collaboration with others, in Australia or elsewhere, material, whether in written form or in any other form and whether relating to Australia or to a foreign country;”.

**Section 8—**

Add at the end the following sub-section:

“(3) The Minister shall transfer or cause to be transferred to the Museum, for inclusion in the national historical collection, the specimens and animals that are the property of the Commonwealth by virtue of—

- (a) the agreement a copy of which was set forth in the Schedule to the *Zoological Museum Agreement Act 1924*; or

**SCHEDULE 1—continued**

- (b) the agreement specified in paragraph (a) as varied by the agreement a copy of which was set forth in the Schedule to the *Australian Institute of Anatomy Agreement Act 1931*.”.

**Sub-section 10 (1)—**

Before “Museum”, insert “National”.

**Section 11—**

Repeal the section.

**Section 12—**

Repeal the section, substitute the following section:

**Directions by Minister**

“12. The Council shall perform its functions and exercise its powers in accordance with such written directions (if any) as are given to it from time to time by the Minister.”.

**Sub-section 23 (1)—**

Before “Museum”, insert “National”.

**Sub-section 32 (1)—**

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

**Sub-section 32 (2)—**

Omit “are, subject to the approval of the Public Service Board, determined by the Council”, substitute “are determined by the Director”.

**Sub-section 38 (4)—**

Omit “or the Interim Council”.

***National Crime Authority Act 1984***

**Paragraph 22 (2) (c)—**

Omit “siezed”, substitute “seized”.

***Navigation Act 1912***

**Section 217—**

Repeal the section, substitute the following section:

**Offences as to appliances**

“217. (1) If a ship that does not carry every prescribed life-saving appliance and every prescribed fire appliance goes to sea, the owner of the ship and the master of the ship are each guilty of an offence.

“(2) If the owner of a ship or the master of a ship permits, through neglect, the loss of, or damage to, a life-saving appliance or a fire appliance carried by the ship, the owner or the master, as the case may be, is guilty of an offence.

“(3) If—

- (a) a life-saving appliance, or a fire appliance, that is carried by a ship is lost and is not replaced at the first opportunity;



**SCHEDULE 1—continued**

- (b) a life-saving appliance, or a fire appliance, carried by a ship suffers damage and is not repaired at the first opportunity; or
- (c) at any time a life-saving appliance, or a fire appliance, that is carried by a ship is not fit and ready for use,

the owner of the ship and the master of the ship are each guilty of an offence.”.

**After section 403—**

Insert the following section:

**Evidence in proceedings**

“403A. In any proceeding—

- (a) a record kept for the purposes of this Act by an official is admissible as *prima facie* evidence of the matters stated in the record;
- (b) a copy of an entry in such a record, being a copy certified by the person by whom the record is kept to be a true copy of the entry, is admissible as *prima facie* evidence of the matters stated in the entry; and
- (c) a document purporting to be such a record, or purporting to be such a certified copy, shall, unless the contrary is established, be deemed to be such a record or certified copy and to have been duly kept or certified, as the case may be.”.

**After paragraph 425 (1) (f)—**

Insert the following paragraph:

“(faa) empowering the Minister to make orders with respect to any matter for or in relation to which provision may be made by the regulations under Division 15 of Part II;”.

***Norfolk Island Act 1979***

**Paragraph 9 (2) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) either—

- (i) an Acting Administrator has not entered on his or her duties; or
- (ii) an Acting Administrator has entered on his or her duties but is absent from the Territory or unable by reason of illness or incapacity to perform those duties,”.

**Sub-section 10 (3)—**

- (a) Insert “made by a person” after “affirmation”.
- (b) Insert “, and may be made before the day on which the person’s appointment takes effect” after “purpose”.

***Patents Act 1952***

**Section 6 (definition of “Convention country”)—**

Omit “Proclamation”, substitute “regulation under section 140”.

**Sub-section 35 (1A)—**

Omit “, or require the applicant to amend,”.

**Paragraph 40 (5) (c)—**

Add at the end “and”.

**SCHEDULE 1—continued**

**Paragraph 40 (5) (d)—**

Omit the paragraph.

**Paragraph 40 (7) (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) at any time, the requirements of paragraph (5) (c) or (e) in relation to a micro-organism cease to be satisfied; and”.

**Sub-section 41 (1B)—**

Omit “, or require the applicant to amend,”.

**After sub-section 45 (4)—**

Insert the following sub-section:

“(4AA) For the purposes of sub-section (4), a claim shall not be taken to be fairly based on matter disclosed in a petty patent specification or a complete specification if—

- (a) the claim claims matter that involves the use, modification or cultivation of a micro-organism other than a micro-organism referred to in sub-section 40 (4);
- (b) on the date of lodgment (in this sub-section referred to as the ‘lodgment date’) of the further application referred to in sub-section (4) of this section, sub-section 40 (3) applied to the specification in relation to the micro-organism;
- (c) where the lodgment date was after the expiration of the prescribed period referred to in paragraph 40 (5) (c)—some or all of the requirements of sub-section 40 (5) were not satisfied in relation to the specification in relation to the micro-organism as at the lodgment date; and
- (d) where the lodgment date was before the expiration of the prescribed period referred to in paragraph 40 (5) (c)—some or all of the requirements of paragraphs 40 (5) (a), (b) and (e) were not satisfied in relation to the specification in relation to the micro-organism as at the lodgment date.”.

**After sub-section 45A (2)—**

Insert the following sub-section:

“(2A) For the purposes of sub-section (2), a claim shall not be taken to be fairly based on matter disclosed in a petty patent specification or a complete specification if—

- (a) the claim claims matter that involves the use, modification or cultivation of a micro-organism other than a micro-organism referred to in sub-section 40 (4);
- (b) on the date of lodgment (in this sub-section referred to as the ‘lodgment date’) of the further application referred to in sub-section (4) of this section, sub-section 40 (3) applied to the specification in relation to the micro-organism;
- (c) where the lodgment date was after the expiration of the prescribed period referred to in paragraph 40 (5) (c)—some or all of the requirements of sub-section 40 (5) were not satisfied in relation to the specification in relation to the micro-organism as at the lodgment date; and
- (d) where the lodgment date was before the expiration of the prescribed period referred to in paragraph 40 (5) (c)—some or all of the requirements of paragraphs 40 (5) (a), (b) and (e) were not satisfied in relation to the specification in relation to the micro-organism as at the lodgment date.”.

**After sub-section 54A (1)—**

Insert the following sub-section:

“(1A) If sub-section 40 (3) applies to a complete specification in relation to a micro-organism, the applicant is not entitled to make a request for the purposes of sub-section (1) of this section in relation to the specification unless the specification includes the

**SCHEDULE 1—continued**

name of a prescribed depositary institution from which samples of the micro-organism are obtainable as provided by the rules relating to micro-organisms, the date on which the relevant deposit was made and the file, accession or registration number of the deposit given by the institution.”.

**Before sub-section 54A (2)—**

Insert the following sub-section:

“(1B) An applicant is not entitled to make a request for the purposes of sub-section (1) in relation to a complete specification if the abstract of the specification does not comply with the requirements of the regulations.”.

**Paragraph 54B (1) (f)—**

Omit “and”.

**After paragraph 54B (1) (f)—**

Insert the following paragraph:

“(fa) any document lodged under sub-section 35 (5); and”.

**After paragraph 54B (2) (c)—**

Insert the following paragraph:

“(ca) any document lodged under sub-section 35 (5);”.

**Paragraph 55 (1) (ca)—**

Omit “or”.

**After paragraph 55 (1) (cb)—**

Insert the following word and paragraph:

“or (cc) a document lodged under sub-section 35 (5) which has not become open to public inspection,”.

**Sub-section 58C (2)—**

Omit “sub-section 40 (1) or (2)”, substitute “section 40”.

**Sub-section 58C (3)—**

Omit “sub-section 40 (1A) or (2)”, substitute “section 40”.

**Sub-section 58E (3)—**

Omit “sub-section 40 (1) or (2)”, substitute “section 40”.

**Sub-section 58E (4)—**

Omit “sub-section 40 (1A) or (2)”, substitute “section 40”.

**After section 86—**

Insert the following section:

**Amendments relating to micro-organisms**

“87. (1) Regulations under section 177 may make provision for and in relation to the amendment of a specification for the purpose of including the matters referred to in paragraph 40 (5) (c).

“(2) The provisions of this Part (other than this section) do not apply to an amendment to which regulations made for the purposes of sub-section (1) apply.”.

**SCHEDULE 1—continued**

**Sub-section 123 (2)—**

Omit “Proclamation”, substitute “regulation”.

**Sub-section 140 (1)—**

Omit “by Proclamation, declare that a country specified in the Proclamation”, substitute “make regulations declaring that a country specified in the regulations”.

**Sub-section 140 (2)—**

Omit “, by Proclamation, declare”, substitute “make regulations declaring”.

**Sub-section 140 (3)—**

Omit “, by Proclamation, declares”, substitute “makes regulations declaring”.

**Section 165—**

Omit “, lunacy or other disability”, substitute “or physical or mental disability”.

**Paragraph 177 (1) (ab)—**

Insert “or the abstract of that specification,” after “as the case may be,”.

***Postal Services Act 1975***

**Section 13—**

Add at the end the following sub-section:

“(2) For the purposes of this Act, a label issued by the Commission by means of a vending machine and indicating, by an imprint made by the machine, an amount of postage determined by the person to whom the label is issued shall be deemed to be a postage stamp issued by the Commission.”.

**After sub-section 63 (2)—**

Insert the following sub-section:

“(2A) Where—

(a) but for this sub-section, the Commission would be required by sub-section (2) to remove a suspension by reason that a charge was not proceeded with; and

(b) before the time when the Commission would, but for this sub-section, be required to remove the suspension, the officer who was suspended is charged with an offence referred to in paragraph 62 (1) (a) that is founded on the same facts, or substantially the same facts, as the charge that was not proceeded with,

the Commission is not required by sub-section (2) to remove the suspension but, for the purposes of any subsequent application of sub-section (2), that other charge shall be substituted for the charge that was not proceeded with.”.

**After section 104—**

Insert the following section:

**Protection of persons in respect of work reports on officers or employees**

“104A. (1) An action or proceeding, civil or criminal, does not lie against a person for or in respect of any oral or written report made in good faith for the purposes of this Act by the person on or in connection with work performed, or proposed to be performed, by an officer or employee.

**SCHEDULE 1—continued**

“(2) A report shall be deemed to have been made in good faith if the person by whom the report was made was not actuated by ill will to the officer or employee affected or by any other improper motive.

“(3) Sub-section (1) does not apply in relation to a report unless—

- (a) the person who made the report believed on reasonable grounds that it was the function or duty of the person to whom the report was made to receive the report; and
- (b) in the case of a report containing matter that was false or misleading in a material respect, the person who made the report did not know, and could not with reasonable diligence have ascertained, that the report contained matter that was so false or misleading.”.

**Sub-section 109 (7)—**

Omit the sub-section.

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

**Sub-section 4 (1) (definition of “protected premises”)—**

Omit the definition, substitute the following definition:

“‘protected premises’ means premises, whether in a State or in a Territory—

- (a) occupied for the purposes of—
  - (i) a diplomatic mission;
  - (ii) a special mission; or
  - (iii) a consular post;
- (b) formerly occupied for purposes referred to in paragraph (a), being premises to which Article 45 of the Vienna Convention on Diplomatic Relations or Article 27 of the Vienna Convention on Consular Relations applies;
- (c) occupied by an international organization, or used for the purposes of a meeting of, or under the auspices of, an international organization;
- (d) used as the residence of, or otherwise for the private accommodation of, a protected person; or
- (e) formerly used as the residence of, or otherwise for the private accommodation of, the head of a diplomatic mission, being premises to which Article 45 of the Vienna Convention on Diplomatic Relations applies;”.

***Public Service Reform Act 1984***

**Schedule 4—**

Insert “, sub-section 3 (4A)” after “3 (4) (a)” in column 2 opposite to the reference to the *Ombudsman Act 1976*.

***Removal of Prisoners (Australian Capital Territory) Act 1968***

**Sub-section 3 (1) (definition of “authorized person”)—**

Omit “the Sheriff or like officer”, substitute “the Sheriff, a Registrar, a Deputy Registrar, a District Registrar or other like officer”.

**Section 6A—**

Repeal the section, substitute the following section:

**SCHEDULE 1—continued**

**Relationship between this Act and *Transfer of Prisoners Act 1983***

“6A. (1) A person shall not be removed from the Territory pursuant to a warrant under sub-section 5 (1), and a person shall not be returned to the State pursuant to sub-section 6 (2), if the Attorney-General has directed in writing that this Act is not to apply in relation to that removal or return.

“(2) The Attorney-General shall not give a direction under sub-section (1) in relation to the removal of a person from the Territory or to the return of a person to the State unless the Attorney-General is of the opinion that action to remove the person from the Territory (whether or not to the State) should be taken under the *Transfer of Prisoners Act 1983*.

“(3) The Attorney-General may, either generally or as otherwise provided in the instrument of delegation, by writing signed by the Attorney-General, delegate to an officer of the Attorney-General’s Department the power of the Attorney-General to give a direction under sub-section (1).

“(4) A power delegated under sub-section (3), when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Attorney-General.

“(5) A delegation under sub-section (3) does not prevent the exercise of a power by the Attorney-General.”.

***Removal of Prisoners (Territories) Act 1923***

**Section 8AA—**

Repeal the section, substitute the following section:

**Relationship between this Act and *Transfer of Prisoners Act 1983***

“8AA. (1) A person shall not be removed from a Territory pursuant to a warrant under sub-section 4 (1), if the Attorney-General has directed in writing that this Act is not to apply in relation to that removal.

“(2) The Attorney-General shall not give a direction under sub-section (1) in relation to the removal of a person from a Territory unless the Attorney-General is of the opinion that action to remove the person from the Territory should be taken under the *Transfer of Prisoners Act 1983*.

“(3) The Attorney-General may, either generally or as otherwise provided in the instrument of delegation, by writing signed by the Attorney-General, delegate to an officer of the Attorney-General’s Department the power of the Attorney-General to give a direction under sub-section (1).

“(4) A power delegated under sub-section (3), when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Attorney-General.

“(5) A delegation under sub-section (3) does not prevent the exercise of a power by the Attorney-General.”.

***Remuneration and Allowances Amendment Act 1977***

**Part II—**

Repeal the Part.

***Remuneration and Allowances Amendment Act 1981***

**Part II—**

Repeal the Part.

**SCHEDULE 1—continued**

**Part IV—**

Repeal the Part.

***Remuneration and Allowances Amendment Act 1982***

**Part II—**

Repeal the Part.

***Remuneration and Allowances Amendment Act 1983***

**Part II—**

Repeal the Part.

***Remuneration and Allowances Amendment Act 1984***

**Part II—**

Repeal the Part.

***Shipping Registration Act 1981***

**Section 41—**

Add at the end the following sub-section:

“(4) The disposal of a ship or of a share in a ship is not invalidated because of any failure to comply with a requirement of sub-section (2) in relation to the disposal.”.

**Paragraph 47C (a)—**

Omit “; and”, substitute “or a person having a right to register a dealing with the ship; or”.

**Paragraph 47C (b)—**

Insert “or a person having a right to register a dealing with the share” after “share” (last occurring).

**Sub-section 74 (1)—**

Omit “, 44 (1) or (2)”, substitute “or 44 (1)”.

**Sub-section 74 (2)—**

Omit “, 44 (1) or (2)”, substitute “or 44 (1)”.

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

**Sub-section 2 (29)—**

Omit “1973”, substitute “1975”.

**Schedule 1—**

- (a) Omit the heading “*Australian Science and Technology Council Act 1979*”, substitute “*Australian Science and Technology Council Act 1978*”.
- (b) Omit “11” from paragraph (a) of the amendments made to section 12 of the *Defence (Special Undertakings) Act 1952*, substitute “section 11”.
- (c) Insert “the” before “commencement” in the amendment made to section 11 of the *Gift Duty Assessment Act 1941*.

**SCHEDULE 1—continued**

- (d) Omit “(a)” and “(b)” from the amendments made to sub-section 23 (7) of the *Historic Shipwrecks Act 1976*, substitute “(c)” and “(d)”, respectively.
- (e) Omit “of” from the amendment made to sub-section 6 (7) of the *Live-stock Slaughter (Export Inspection Charge) Collection Act 1979*.
- (f) Omit from the heading to the provision amending the *Merit Protection (Australian Government Employees) Act 1984* “(1)”, substitute “(2)”.
- (g) Omit “have been” from paragraph (a) of the amendments made to sub-section 12 (2) of the *Supply and Development Act 1939*, substitute “be”.
- (h) Before “(2)” in the heading to the provision amending sub-sections 14C (2), (3) and (5) of the *Taxation Administration Act 1953*, insert “(1),”.

***Telecommunications Act 1975***

**After sub-section 60 (2)—**

Insert the following sub-section:

“(2A) Where—

- (a) but for this sub-section, the Commission would be required by sub-section (2) to remove a suspension by reason that a charge was not proceeded with; and
  - (b) before the time when the Commission would, but for this sub-section, be required to remove the suspension, the officer who was suspended is charged with an offence referred to in paragraph 59 (1) (a) that is founded on the same facts, or substantially the same facts, as the charge that was not proceeded with,
- the Commission is not required by sub-section (2) to remove the suspension but, for the purposes of any subsequent application of sub-section (2), that other charge shall be substituted for the charge that was not proceeded with.”.

**Section 79—**

Omit “The Commission shall”, substitute “Subject to sub-section (2), the Commission shall”.

**Section 79—**

Add at the end the following sub-section:

“(2) Sub-section (1) does not apply to a contract for the supply or provision of goods or services by the Commission in connection with a telecommunications installation or telecommunications service unless the contract involves the payment by the Commission of an amount exceeding the amount applicable for the purposes of that sub-section.”.

***Trade Marks Act 1955***

**Sub-section 6 (1) (definition of “Convention country”)—**

Omit “Proclamation”, substitute “regulation under section 108”.

**Sub-section 108 (1)—**

Omit “by Proclamation, declare that a country specified in the Proclamation”, substitute “make regulations declaring that a country specified in the regulations”.

**Sub-section 108 (2)—**

Omit “, by Proclamation, declare”, substitute “make regulations declaring”.



**SCHEDULE 1—continued**

**Sub-section 108 (3)—**

Omit “, by Proclamation, declares”, substitute “makes regulations declaring”.

**Section 133—**

Omit “, lunacy or other disability”, substitute “or physical or mental disability”.

---

**SCHEDULE 2**

Section 4

**REPEAL OF ACTS**

*Australian Institute of Anatomy Agreement Act 1931*  
*Australian Institute of Anatomy Agreement Act 1933*  
*Remuneration and Allowances Act 1973*  
*Remuneration and Allowances Act (No. 2) 1973*  
*Remuneration and Allowances Act 1975*  
*Remuneration and Allowances Amendment Act 1976*  
*Remuneration and Allowances Amendment Act (No. 2) 1976*  
*Remuneration and Allowances Amendment Act 1978*  
*Remuneration and Allowances Act 1979*  
*Remuneration and Allowances Amendment Act 1980*  
*Zoological Museum Agreement Act 1924*

---

**NOTE**

1. On the day on which the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985* receives the Royal Assent—
  - (a) the heading to section 18 of the *Australian Tourist Commission Act 1967* is altered by omitting “General Manager” and substituting “Managing Director”;
  - (b) the heading to section 165 of the *Patents Act 1952* is altered by omitting “infant, lunatic, &c.” and substituting “disabled person”; and
  - (c) the heading to section 133 of the *Trade Marks Act 1955* is altered by omitting “infant, lunatic, &c.” and substituting “disabled person”.

[*Minister's second reading speech made in—*  
*House of Representatives on 16 October 1985*  
*Senate on 3 December 1985*]