



Statute Law (Miscellaneous Provisions) Act (No. 1) 1986

No. 76 of 1986

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

[Assented to 24 June 1986]

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

Short title

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*.

Commencement

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

(2) The amendment of the *Air Navigation (Charges) Act 1952* made by this Act shall come into operation, or shall be deemed to have come

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into operation, as the case may be, on the day on which paragraph 4 (1) (a) of the *Air Navigation (Charges) Amendment Act 1984* comes or came into operation.

(3) The amendments of sections 56 and 57 of the *Australian Trade Commission (Transitional Provisions and Consequential Amendments) Act 1985* made by this Act shall come into operation, or shall be deemed to have come into operation, as the case may be, immediately after those sections come or came into operation.

(4) The amendment of section 12 of the *Bounty (Injection-moulding Equipment) Amendment Act 1985* made by this Act shall be deemed to have come into operation immediately after that section is deemed to have come into operation.

(5) The amendments of the *Broadcasting and Television Legislation Amendment Act 1986* made by this Act shall be deemed to have come into operation on 19 February 1986.

(6) The amendment of paragraph 8A (a) of the *Crimes Act 1914* made by this Act shall come into operation on a day to be fixed by Proclamation.

(7) The amendment of the *Customs Undertakings (Penalties) Amendment Act 1985* made by this Act shall be deemed to have come into operation immediately after the *Customs Undertakings (Penalties) Amendment Act 1985* came into operation.

(8) The amendments of sections 86A and 101AA of the *Defence Force Discipline Act 1982* made by this Act shall be deemed to have come into operation on 3 July 1985.

(9) The re-designation of section 18A of the *Extradition (Foreign States) Act 1966* effected by this Act shall be deemed to have come into operation on 16 December 1985.

(10) The amendment of sub-section 26 (4) of the *Insurance (Agents and Brokers) Act 1984* made by this Act shall come into operation, or shall be deemed to have come into operation, as the case may be, immediately after that sub-section comes or came into operation.

(11) The amendments of the *Insurance Contracts Act 1984* made by this Act shall be deemed to have come into operation immediately after that Act came into operation.

(12) The amendment of paragraph 39 (b) of the *Interstate Road Transport Act 1985* made by this Act shall come into operation, or shall be deemed to have come into operation, as the case may be, immediately after section 39 of the *Interstate Road Transport Act 1985* comes or came into operation.

(13) The amendment of paragraph 40 (b) of the *Interstate Road Transport Act 1985* made by this Act shall come into operation, or shall be deemed to have come into operation, as the case may be, immediately after

section 40 of the *Interstate Road Transport Act 1985* comes or came into operation.

(14) The amendment of the *National Museum of Australia Act 1980* made by this Act shall be deemed to have come into operation on 16 December 1985.

(15) The amendment of the *National Parks and Wildlife Conservation Act 1975* made by this Act shall be deemed to have come into operation on 2 September 1985.

(16) Section 5 of this Act and the amendments of sections 46, 148D and 424, and the repeal of sections 86, 87, 100, 105 to 107 (inclusive), 111, 112, 114, 115, 179, 181, 387B and 398, of the *Navigation Act 1912* effected by this Act shall come into operation on a day to be fixed by Proclamation.

(17) The amendments of sub-sections 25 (7) and (9) of the *Public Service Act 1922* made by this Act shall be deemed to have come into operation immediately after section 10 of the *Public Service and Statutory Authorities Amendment Act 1985* came into operation and the re-designation and re-location of sub-section 25 (8) of the *Public Service Act 1922* effected by this Act shall be deemed to have come into operation on 17 December 1980.

(18) The amendment made by this Act to sub-section 87 (2) of the *Public Service Act 1922* in relation to the Joint Coal Board shall be deemed to have come into operation on 15 March 1981.

(19) The amendments of the *Public Service and Statutory Authorities Amendment Act 1985* made by this Act shall be deemed to have come into operation immediately after section 45 of that Act came into operation.

(20) The amendment of the *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985* made by this Act shall be deemed to have come into operation on 3 October 1985 but the amendments of the *Oilseeds Levy Collection and Research Act 1977* made by the first-mentioned Act as amended by this Act shall take effect, or shall be deemed to have taken effect, as the case may be, in accordance with sub-section 2 (2) of the first-mentioned Act.

(21) The amendment of the *Sales Tax (Exemptions and Classifications) Act 1935* made by this Act shall be deemed to have come into operation on 1 January 1986.

(22) The amendment of section 22B 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 section 8 of the *Shipping Registration Amendment Act 1984* came or comes into operation.

(23) The amendment of sub-section 47A (1) of the *Shipping Registration Act 1984* made by this Act shall be deemed to have come into operation

immediately after section 18 of the *Shipping Registration Amendment Act 1984* came into operation.

(24) The amendment of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985* made by this Act shall be deemed to have come into operation on 3 July 1985.

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.

Navigation Act—Transitional

5. The amendments of sections 46, 148D and 424, and the repeal of sections 86, 87, 100, 105 to 107 (inclusive), 111, 112, 114, 115, 179, 181, 387B and 398, of the *Navigation Act 1912*, effected by this Act do not apply in relation to an agreement under section 46 of that Act that was in force immediately before the day fixed under sub-section 2 (16) of this Act.

Application of amendments of Overseas Telecommunications Act

6. The amendments of sections 5 and 23 of the *Overseas Telecommunications Act 1946* made by this Act do not affect the validity of the appointment of a person who held office as the Chairman of the Promotions Appeal Board immediately before the commencement of those amendments but those amendments apply to a person who so held office as well as to a person who is appointed as the Chairman of the Promotions Appeal Board after that commencement.

Application of amendments of Postal Services Act

7. The amendments of sections 3 and 55 of the *Postal Services Act 1975* made by this Act do not affect the validity of the appointment of a person who held office as the Chairman of a Promotions Appeal Board immediately before the commencement of those amendments but those amendments apply to a person who so held office as well as to a person who is appointed as the Chairman of a Promotions Appeal Board after that commencement.

Application of amendments of Telecommunications Act

8. The amendments of sections 3 and 52 of the *Telecommunications Act 1975* made by this Act do not affect the validity of the appointment of a person who held office as the Chairman of a Promotions Appeal Board immediately before the commencement of those amendments but those amendments apply to a person who so held office as well as to a person who is appointed as the Chairman of a Promotions Appeal Board after that commencement.

General transitional provision

9. 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 the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or re-enacted.

SCHEDULE 1

Section 3

AMENDMENTS OF ACTS

Administrative Decisions (Judicial Review) Act 1977

Schedule 1—

Omit paragraph (k).

Advance Australia Logo Protection Act 1984

Paragraph 18 (3) (b)—

Omit “any amounts”, substitute “the total of the amounts”.

Air Navigation (Charges) Act 1952

Sub-section 5 (1)—

Omit “services maintained, operated or provided by the Commonwealth.”, substitute—
“services—

- (a) that are maintained, operated or provided by the Commonwealth; or
- (b) in respect of the maintenance or operation of which financial assistance is provided by the Commonwealth.”.

Antarctic Treaty (Environment Protection) Act 1980

Paragraph 19 (1) (e)—

Omit the paragraph, substitute the following paragraphs:

- “(e) drive a vehicle in a specially protected area;
- “(ea) land or drive an aircraft in a specially protected area;”.

Archives Act 1983

Sub-section 26 (1)—

Omit “without the approval of the Archives”.

Sub-section 56 (2)—

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

“(2) The Minister or a person authorised by the Minister may, in accordance with arrangements approved by the Prime Minister, cause Commonwealth records to be made available to a person in such circumstances as are specified in the regulations notwithstanding that the Commonwealth records concerned are not otherwise available for public access under this Act.”.

Audit Act 1901

After section 63M—

Insert the following Division:

SCHEDULE 1—continued

“Division 3A—Public authorities audited by company auditors

Interpretation

“63MA. (1) In this Division, unless the contrary intention appears—

‘appropriate Minister’, in relation to a privately audited body, means the Minister administering the provisions of the Act establishing the body or another Minister for the time being acting for and on behalf of that Minister;

‘company auditor’ means a firm carrying on the business of auditing accounts;

‘privately audited body’ means a body corporate (other than the Australian Industry Development Corporation) whose accounts, records and financial statements are, in accordance with the Act establishing the body, subject to inspection and audit by a company auditor.

“(2) A reference in this Division to an Act establishing a body includes a reference to an Act continuing a body in existence, but does not include a reference to an Act relating to companies.

Discretionary power to report on company auditor

“63MB. (1) The Auditor-General shall, by notice in writing in the *Gazette*, set auditing standards to be complied with by company auditors when inspecting and auditing the accounts and records, or reporting on the financial statements, of privately audited bodies.

“(2) In relation to a privately audited body, the Auditor-General may, at any time, report to the appropriate Minister—

- (a) whether, in the Auditor-General’s opinion, the company auditor has complied with standards set under sub-section (1);
- (b) on the results and quality of the inspection and audit by the company auditor; and
- (c) as to such other matters arising out of the audit, or the report on the financial statements, by the company auditor as the Auditor-General considers should be reported.

“(3) The appropriate Minister shall cause a copy of a report by the Auditor-General under sub-section (2) to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the appropriate Minister.

Discretionary audit of accounts and records by Auditor-General

“63MC. (1) The Auditor-General may, at any time, inspect and audit the accounts and records of financial transactions of a privately audited body and records relating to assets of, or in the custody of, the body and may draw the attention of the appropriate Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

“(2) An inspection and audit by the Auditor-General of accounts and records referred to in sub-section (1) may relate to all or any part of such accounts and records.

“(3) The Auditor-General may report to the appropriate Minister the results of the inspection and audit carried out under sub-section (1).

Discretionary report by Auditor-General on financial statements

“63MD. (1) Where, whether under this Part or otherwise, a privately audited body is required to submit to the appropriate Minister a report of its operations during a particular period, together with financial statements in respect of that period, the body shall, when submitting the financial statements to the Minister, submit copies of the statements to the Auditor-General.

SCHEDULE 1—continued

“(2) After considering the financial statements submitted by a body under sub-section (1), the Auditor-General shall—

- (a) report to the appropriate Minister that the Auditor-General does not intend to report on the financial statements; or
- (b) report to the appropriate Minister—
 - (i) whether, in the Auditor-General’s opinion, the statements are based on proper accounts and records;
 - (ii) whether the statements are in agreement with the accounts and records and, in the Auditor-General’s opinion, show fairly the financial transactions and the state of the affairs of the body;
 - (iii) whether, in the Auditor-General’s opinion, the receipt, expenditure and investment of money, and the acquisition and disposal of assets, by the body have been in accordance with the Act establishing the body; and
 - (iv) as to such other matters arising out of the statements as the Auditor-General considers should be reported.

“(3) The appropriate Minister shall cause a copy of a report by the Auditor-General under sub-section (2) to be laid before each House of the Parliament as soon as practicable after the copies of the report and financial statements of the body and the report of the company auditor are laid before that House.

Access to documents

“63ME. (1) The Auditor-General or a person authorised by the Auditor-General is entitled at all reasonable times to full and free access to—

- (a) all accounts and records of a privately audited body relating directly or indirectly to the receipt or payment of money by the body or to the acquisition, receipt, custody or disposal of assets by the body; and
- (b) all papers (including working papers) and reports of the company auditor relating to the body’s accounts, records, financial statements or other documents.

“(2) The Auditor-General or a person authorised by the Auditor-General may make copies of, or take extracts from, any such accounts, records, papers or reports.

“(3) The Auditor-General or a person authorised by the Auditor-General may require any person to furnish him or her with such information in the possession of the person, or to which the person has access, as the Auditor-General or authorised person considers necessary for the purposes of the powers and functions of the Auditor-General under this Division, and the person shall comply with the requirement.

“(4) A person who contravenes sub-section (3) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

Avoidance of duplication of work

“63MF. The Auditor-General shall, in the exercise of powers and performance of functions under this Division, avoid, so far as practicable, any duplication of audit work.”.

Sub-section 63Q (1)—

Insert “(but not under section 63MC or 63MD)” after “otherwise”.

Australian Capital Territory Electricity Supply Act 1962

Section 26—

Repeal the section, substitute the following sections:

SCHEDULE 1—continued

Borrowing from Commonwealth

“26. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Authority on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“26A. (1) The Authority may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Authority may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

(a) the issue by the Authority of an instrument acknowledging a debt in consideration of—

- (i) the payment or deposit of money; or
- (ii) the provision of credit,

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Authority shall be deemed to be a raising by the Authority, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

(b) the obtaining of credit by the Authority otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Authority shall be deemed to be a raising by the Authority, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

Guarantee of borrowings by Authority

“26B. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Authority of money borrowed under paragraph 26A (1) (a) and the payment by the Authority of interest (including any interest on that interest) on money so borrowed; or

SCHEDULE 1—continued

(b) guaranteeing the payment by the Authority of such amounts (which may be interest) that the Authority is liable to pay with respect to money raised under paragraph 26A (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

(a) that the repayment by the Authority of money borrowed under paragraph 26A (1) (a), and the payment by the Authority of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or

(b) that the payment by the Authority of such money (which may be interest) that the Authority is liable to pay with respect to money raised under paragraph 26A (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

(a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;

(b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

“(5) Where a borrowing under paragraph 26A (1) (a) is by the issue of prescribed securities, the repayment by the Authority of the money so borrowed and the payment of interest on that money are, by force of this sub-section, guaranteed by the Commonwealth.

Authority may give security

“26C. The Authority may give security over the whole or any part of its land or other assets for—

(a) the repayment by the Authority of money borrowed by the Authority under section 26 or paragraph 26A (1) (a) and the payment by the Authority of interest (including any interest on that interest) on money so borrowed;

(b) the payment by the Authority of amounts (including any interest) that the Authority is liable to pay with respect to money raised by the Authority under paragraph 26A (1) (b); or

(c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 26B (1) or a determination made under sub-section 26B (2).

Borrowings not otherwise permitted

“26D. The Authority shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 26 and 26A.

SCHEDULE 1—continued

Delegation by Treasurer

“26E. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 26A and 26B.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Australian Film and Television School Act 1973

Title—

Omit “and Television”, substitute “, Television and Radio”.

Section 1—

Omit “*and Television*”, substitute “, *Television and Radio*”.

Section 3 (definition of “Council”)—

Omit “The Australian Film and Television School”, substitute “the Australian Film, Television and Radio School”.

Section 3 (definition of “School”)—

Omit “The Australian Film and Television School”, substitute “the Australian Film, Television and Radio School”.

Heading to Part II—

Omit “AND TELEVISION”, substitute “, TELEVISION AND RADIO”.

Sub-section 4 (1)—

Omit “The Australian Film and Television School”, substitute “the Australian Film, Television and Radio School”.

Paragraph 4 (2) (c)—

Omit “in its corporate name”.

Sub-section 4 (5)—

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

“(5) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the School appearing on a document and shall presume that the document was duly sealed.”.

Sub-section 7 (1)—

Omit “The Australian Film and Television School”, substitute “the Australian Film, Television and Radio School”.

Paragraphs 8 (1) (b) and (c)—

Omit “two”, substitute “2”.

SCHEDULE 1—continued

Paragraphs 8 (1) (d) and (e)—

Omit “five”, substitute “5”.

Sub-section 8 (2)—

Omit “five” (wherever occurring), substitute “5”.

Sub-section 8 (3)—

Omit “ten”, substitute “10”.

Sub-section 8 (6)—

Omit “his”, substitute “the”.

Sub-section 8 (8)—

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

Paragraph 8 (8) (a)—

Omit “his”.

Paragraph 9 (1) (b)—

Omit “he”, substitute “the first-mentioned member”.

Sub-section 9 (2)—

After “his” (wherever occurring), insert “or her”.

Sub-section 9 (3)—

After “he”, insert “or she”.

Paragraph 10 (2) (b)—

After “he”, insert “or she”.

Sub-section 10 (3)—

After “his” (wherever occurring), insert “or her”.

Sub-section 10 (4)—

After “he”, insert “or she”.

Sub-section 11 (1)—

Omit “he”, substitute “the person”.

Sub-sections 11 (3), (4) and (5)—

Omit “seventy”, substitute “70”.

Sub-sections 11 (4) and (5)—

Omit “he”, substitute “the person”.

Sub-section 11 (5)—

After “his”, insert “or her”.

SCHEDULE 1—continued

Sub-section 13 (4)—

- (a) Omit “his” (first and second occurring), substitute “the member’s”.
- (b) After “he”, insert “or she”.
- (c) Omit “resign his office as Chairman or Deputy Chairman by writing under his hand”, substitute “resign from office as Chairman or Deputy Chairman by writing signed by the member and”.

Section 14—

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

Section 16—

Repeal the section, substitute the following section:

Fees and allowances

“16. (1) A member other than the Director shall be paid such fees as are determined by the Remuneration Tribunal.

“(2) A member other than the Director shall be paid such allowances as are prescribed.

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

Paragraph 18 (a)—

Omit “his” (wherever occurring).

Paragraph 18 (b)—

Omit “three”, substitute “3”.

Paragraph 18 (c)—

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

Section 18—

Omit “him”, substitute “the member”.

Section 19—

Repeal the section, substitute the following section:

Disclosure of pecuniary interests

“19. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Council.

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

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

Paragraph 20 (2) (b)—

Omit “three”, substitute “3”.

SCHEDULE 1—continued

Sub-section 20 (4)—

After “he”, insert “or she”.

Paragraph 20 (7) (a)—

Omit “six”, substitute “6”.

Paragraph 20 (7) (b)—

Omit “ten”, substitute “10”.

Sub-section 21 (2)—

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

(b) Omit “or television”, substitute “, television or radio”.

Sub-section 22 (2)—

Omit “one hundred”, substitute “100”.

Section 25—

Omit “seven”, substitute “7”.

Section 27—

Repeal the section, substitute the following section:

Remuneration and allowances of Director

“27. (1) The Director shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) The Director shall be paid such allowances as are prescribed.

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

Section 28—

Omit “resign his office by writing under his hand addressed”, substitute “resign from office by writing signed by the Director and delivered”.

Paragraph 29 (1) (a)—

Omit “his” (wherever occurring).

Paragraph 29 (1) (b)—

Omit “fourteen consecutive days or for twenty-eight days in any twelve months”, substitute “14 consecutive days or for 28 days in any 12 months”.

Paragraph 29 (1) (c)—

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

Section 29—

Omit “him”, substitute “the Director”.

Sub-section 30 (1)—

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

Paragraph 31 (1) (b)—

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

SCHEDULE 1—continued

Sub-section 31 (4)—

Omit “he resigns the appointment by writing under his hand”, substitute “the Acting Director resigns the appointment by writing signed by the Acting Director and”.

Sub-section 31 (5)—

Omit “he”, substitute “the Acting Director”.

Sub-section 31 (7)—

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

“(7) Anything done by or in relation to a person purporting to act as the Director under sub-section (1) is not invalid on the ground that—

- (a) the occasion for the person’s appointment had not arisen;
- (b) there was a defect or irregularity in connection with the person’s appointment;
- (c) the person’s appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.”.

Section 32—

Omit “seventy” (wherever occurring), substitute “70”.

Sub-section 32 (2)—

Omit “he”, substitute “the person”.

Sections 37 and 38—

Repeal the sections, substitute the following sections:

Estimates

“37. (1) The Council shall prepare estimates, in such form as the Minister directs, of expenditure of the School, out of moneys to be paid to the School under section 36, for each financial year and, if the Minister so directs, for any other period specified by the Minister, and the Council shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

“(2) Moneys paid to the School under section 36 shall not be expended by the School otherwise than in accordance with estimates of expenditure approved by the Minister.

Application of Part XI of Audit Act

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

Paragraphs 40 (1) (a), (b) and (c)—

Omit “Fifty thousand dollars”, substitute “\$50,000”.

Paragraph 40 (1) (d)—

Omit “ten”, substitute “10”.

Sub-section 40 (2)—

Omit “1955-1966”, substitute “1955”.

Sections 41, 42 and 43—

Repeal the sections.

SCHEDULE 1—continued

Section 46—

Repeal the section, substitute the following section:

Application of Air Accidents (Commonwealth Liability) Act

“46. The School is a Commonwealth authority for the purposes of the *Air Accidents (Commonwealth Liability) Act 1963*.”.

Section 47—

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

Sub-section 47 (2)—

Omit “him”, substitute “the employee”.

Paragraph 51 (f)—

Omit “One hundred dollars”, substitute “\$100”.

Australian Institute of Marine Science Act 1972

Section 5—

Omit “of this Act” (wherever occurring).

Sub-section 7 (1)—

Omit “of this Act”.

Paragraph 7 (2) (d)—

Omit “in its corporate name”.

Sub-section 7 (4)—

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

“(4) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Institute appearing on a document and shall presume that the document was duly sealed.”.

Sub-section 10 (2)—

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

Sub-section 12 (1)—

Omit “four”, substitute “4”.

Sub-section 12 (3)—

Omit “three”, substitute “3”.

Sub-section 12 (4)—

(a) Omit “five”, substitute “5”.

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

Section 14—

Repeal the section, substitute the following section:

SCHEDULE 1—continued

Resignation of members

“14. A member may resign from office by writing signed by the member and delivered to the Governor-General.”.

Paragraph 16 (a)—

Omit “his” (wherever occurring).

Paragraph 16 (b)—

Omit “three”, substitute “3”.

Paragraph 16 (c)—

Omit “his obligations under section 18 of this Act”, substitute “section 18”.

Sections 18 and 19—

Repeal the sections, substitute the following sections:

Disclosure of pecuniary interests

“18. (1) A member or acting member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Council.

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

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

Fees and allowances

“19. (1) A member or acting member shall be paid such fees as are determined by the Remuneration Tribunal.

“(2) A member or acting member shall be paid such allowances as are prescribed.

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

Sub-section 20 (3)—

After “he”, insert “or she”.

Sub-section 20 (5)—

Omit “three”, substitute “3”.

Sub-section 22 (1)—

- (a) Omit “seven”, substitute “7”.
- (b) After “his”, insert “or her”.

Sub-section 22 (2)—

- (a) Omit “sixty-five” (wherever occurring), substitute “65”.
- (b) Omit “he”, substitute “the person”.

Section 24—

Repeal the section, substitute the following section:

SCHEDULE 1—continued^o

Remuneration and allowances of Director

“24. (1) The Director shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) The Director shall be paid such allowances as are prescribed.

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

Section 26—

Repeal the section, substitute the following section:

Resignation

“26. The Director may resign from office by writing signed by the Director and delivered to the Governor-General.”.

Paragraph 28 (a)—

Omit “his” (wherever occurring).

Paragraph 28 (c)—

Omit the paragraph, substitute the following paragraph:

“(c) is absent from duty, except on leave granted by the Council, for 14 consecutive days or for 28 days in any 12 months.”.

Section 28—

Omit “him”, substitute “the Director”.

Sub-section 29 (1)—

After “his”, insert “or her”.

Sub-section 29 (2)—

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

Section 31—

(a) Omit “his office unless he”, substitute “his or her office unless he or she”.

(b) Omit “to this Act”.

Section 32—

Repeal the section.

Paragraph 33 (2) (b)—

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

Paragraph 33 (2) (c)—

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

(b) Omit “to this Act”.

Section 34—

Omit “*Public Service Act 1922-1972*”, substitute “*Public Service Act 1922*”.

Sub-section 35 (3)—

(a) Omit “he is”.

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

(c) Omit “to this Act”.

SCHEDULE 1—continued

Sub-section 36 (2)—

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

Section 37—

Repeal the section, substitute the following section:

Application of Part XI of Audit Act

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

Sub-section 38 (2)—

Omit the sub-section.

Section 39, 40 and 41—

Repeal the sections, substitute the following section:

Particulars of proposed expenditure

“40. (1) The Council shall prepare estimates, in such form as the Minister directs, of expenditure of the Institute out of moneys to be paid to the Institute under section 36 for each financial year and, if so directed by the Minister, for any other period and shall submit those estimates to the Minister not later than such date as the Minister directs.

“(2) The moneys paid to the Institute under section 36 shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.”.

Section 42—

Omit “Fifty thousand dollars”, substitute “\$100,000”.

Section 44—

Repeal the section.

Section 45—

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

“(2A) A member of a Committee shall be paid such remuneration by way of fees as is determined by the Remuneration Tribunal and such allowances as are prescribed.

“(2B) Sub-section (2A) has effect subject to the *Remuneration Tribunals Act 1973*.”.

Sub-section 45 (3)—

Omit “be paid such fees and allowances, other than annual allowances, as are prescribed, and shall”.

Section 46—

Repeal the section, substitute the following section:

Application of Air Accidents (Commonwealth Liability) Act

“46. The Institute is a Commonwealth authority for the purposes of the *Air Accidents (Commonwealth Liability) Act 1963*.”.

Sub-section 48 (1)—

After “his”, insert “or her”.

SCHEDULE 1—continued

Sub-section 48 (2)—

- (a) After “him”, insert “or her”.
- (b) After “his” (wherever occurring), insert “or her”.

Section 51—

Omit “One hundred dollars”, substitute “\$100”.

Australian National Airlines Act 1945

Section 31—

Omit “by instrument”.

Sub-section 32 (1)—

Insert “, or consistent with,” after “as are specified in”.

Sub-section 32 (5)—

Omit “by instrument”.

Sub-sections 32D (9), (10), (11) and (12)—

Omit the sub-sections.

After section 32D—

Insert the following section:

Delegation by Treasurer

“32DA. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 32, 32A and 32D.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Australian National Railways Commission Act 1983

Section 53—

Repeal the section.

Section 61—

Omit “by instrument”.

Sub-section 62 (1)—

Insert “, or consistent with,” after “as are specified in”.

Sub-section 62 (5)—

Omit “by instrument”.

SCHEDULE 1—continued

After section 65—

Insert the following section:

Delegation by Treasurer

“65A. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 62 and 63.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Australian Shipping Commission Act 1956

Sub-section 30 (1)—

Insert “, in writing,” after “Minister for Finance” (last occurring).

Sub-section 31 (1)—

Insert “, or consistent with,” after “as are specified in”.

After section 32B—

Insert the following section:

Delegation by Treasurer

“32C. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 31 and 32.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Australian Trade Commission (Transitional Provisions and Consequential Amendments) Act 1985

Paragraph 56 (a)—

Before “Assistant”, insert “an”.

SCHEDULE 1—continued

Section 57—

Omit “paragraph (a)”, substitute “paragraph (11) (a)”.

Automotive Industry Authority Act 1984

Sub-section 8 (1)—

Omit “1 March”, substitute “31 March”.

Bounty (Injection-moulding Equipment) Amendment Act 1985

Paragraph 12 (a)—

After “which”, insert “the”.

Broadcasting and Television Legislation Amendment Act 1986

After sub-section 5 (3)—

Insert the following sub-sections:

“(3A) Upon the expiration of the period for which Thomas Molomby holds office as the staff-elected Director by virtue of sub-section 4 (3), the period for which he is to hold office as the staff-elected Director pursuant to an election referred to in sub-section (3) of this section is the period of 2 years commencing at the expiration of the first-mentioned period.

“(3B) The person who is the deputy of the staff-elected Director as a result of an election referred to in sub-section (3) holds office for the period commencing at the commencement of this Act and ending at the end of the period of 2 years referred to in sub-section (3A).”.

Heading to Part III—

Omit “AND TELEVISION”.

Section 15—

Omit “and Television”.

Section 17—

Repeal the section.

After section 20—

Insert the following section:

Additional operation of certain amendments

“21. Without prejudice to the effect that sections 18, 19 and 20 have apart from this section, those sections also have effect, for the purposes of the continued application, by virtue of section 98 of the *Broadcasting and Television Amendment Act 1985*, of the *Broadcasting and Television Act 1942* as in force immediately before 1 January 1986, as if the references in those sections to the Principal Act were references to the *Broadcasting and Television Act 1942* as in force immediately before 1 January 1986.”.

Commonwealth Inscribed Stock Act 1911

After section 51J—

Insert the following section in Part VB:

SCHEDULE 1—continued

Delegation by Treasurer

“51K. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to—

- (a) a person for the time being holding or performing the duties of a specified office in the Australian Public Service; or
- (b) a person for the time being holding or performing the duties of a specified office in the Reserve Bank Service,

all or any of the powers of the Treasurer under section 29.

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

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

Sub-section 56 (3)—

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

“(3) A power of attorney has effect for all purposes mentioned in the power of attorney until notice of its revocation or of—

- (a) the bankruptcy;
- (b) the death; or
- (c) where, apart from this sub-section, the power of attorney would cease so to have effect because of the mental incapacity of the principal—the mental incapacity,

of the principal has been received by the Registrar at the Registry where the power of attorney was deposited or produced.”.

Crimes Act 1914

Paragraph 8A (a)—

After “Territory”, insert “other than the Australian Capital Territory”.

Section 29D—

Omit “\$50,000 or imprisonment for 5 years”, substitute “\$100,000 or imprisonment for 10 years”.

Section 86A—

Omit “\$50,000 or imprisonment for 5 years”, substitute “\$200,000 or imprisonment for 20 years”.

Crimes (Taxation Offences) Act 1980

Sub-section 9 (1)—

Omit “5 years or a fine not exceeding \$50,000”, substitute “10 years or a fine not exceeding \$100,000”.

Customs Undertakings (Penalties) Amendment Act 1985

Title—

Omit “1985”, substitute “1981”.

SCHEDULE 1—continued

Defence Act 1903

Section 16—

- (a) Insert “(not being officers who hold appointments as such officers on probation)” after “Army”.
- (b) Insert “, including an officer who holds an appointment as such an officer on probation,” after “commission of an officer”.
- (c) Add at the end the following sub-section:

“(2) Where an officer of the Army holds an appointment as such an officer on probation, that appointment may be terminated at any time by the Chief of the General Staff.”.

Section 120A—

After sub-section (4), insert the following sub-section:

“(4AA) The Chief of the General Staff may, in writing, delegate to an officer of the Army who holds a rank not below the rank of Brigadier his or her powers under section 16.”.

Defence Force Discipline Act 1982

Sub-section 86A (4)—

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

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

Sub-section 101AA (4)—

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

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

Sub-section 101V (2)—

Omit “this Division”, substitute “a provision of this Division other than sub-section 101W (3)”.

Sub-section 101V (3)—

Omit “this Division”, substitute “a provision of this Division other than sub-section 101W (3)”.

Section 101W—

Add at the end the following sub-section:

“(3) An investigating officer may—

- (a) enter upon land, not being land referred to in sub-section (2), or upon or into premises or a ship, aircraft or vehicle, not being premises or a ship, aircraft or vehicle referred to in sub-section (2);
- (b) search the land, premises, ship, aircraft or vehicle; and
- (c) seize any thing found in the course of the search that the investigating officer believes on reasonable grounds to be connected with a service offence,

SCHEDULE 1—continued

if, and only if, the entry, search and seizure are made by the investigating officer after obtaining, in accordance with section 101ZA, the consent of the occupier of the land or premises or of the person in charge of the ship, aircraft or vehicle, as the case may be, to the entry.”.

Extradition (Commonwealth Countries) Act 1966

Section 26—

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

“(2A) The period for which a person brought before a Magistrate under this section may be remanded by the Magistrate may, if the person consents, be a period exceeding 7 days.”.

Extradition (Foreign States) Act 1966

Section 18A (being the section relating to transit that was inserted by section 13 of the *Extradition (Foreign States) Act 1973*)—

Re-designate the section as section 18B.

Family Law Act 1975

After section 104—

Insert the following section in Part XII:

Recognition in external Territories

“104A. (1) In this section—
'external Territory' does not include Norfolk Island;
'overseas jurisdiction' does not include an external Territory.

“(2) A dissolution or annulment of a marriage, or the legal separation of the parties to a marriage, effected in accordance with the law of an overseas jurisdiction that is recognised as valid in Australia shall be recognised as valid in every external Territory.

“(3) A dissolution or annulment of a marriage, or the legal separation of the parties to a marriage, effected in accordance with the law of an external Territory that is recognised as valid in Australia shall be recognised as valid in every other external Territory.”.

Heading to Part XIVA—

Before “INSTITUTE”, insert “AUSTRALIAN”.

Section 114A (definition of “Institute”)—

Before “Institute of Family Studies”, insert “Australian”.

Sub-section 114B (1)—

Before “Institute of Family Studies”, insert “Australian”.

Paragraph 114B (2) (b)

After “grants,” (first occurring), insert “and with the approval of the Attorney-General to make grants,”.

SCHEDULE 1—continued

Section 114B—

Add the following sub-sections:

“(3) The Attorney-General may—

- (a) request the Board to arrange for the Institute to engage in a particular activity (whether research or otherwise) in relation to a particular matter that is within the functions of the Institute; and
- (b) after consultation with the Board, specify the priority that is to be given to the activity.

“(4) Each report by the Institute under section 63M of the *Audit Act 1901*, as that section applies to the Institute by virtue of section 114N of this Act, shall specify any requests made by the Attorney-General under this section in the year to which the report relates, the priorities accorded to the matters to which the requests relate and the progress made by the Institute in that year in giving effect to any requests made by the Attorney-General under this section in that year or a previous year.”.

After section 114B—

Insert the following sections:

Institute to be a body corporate

“114BA. (1) The Institute—

- (a) is a body corporate;
- (b) shall have a seal; and
- (c) may sue and be sued.

“(2) The seal of the Institute shall be kept in such custody as the Board directs and shall not be used except as authorised by the Board.

“(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Institute appearing on a document and shall presume that the document was duly sealed.

Powers of Institute

“114BB. The Institute has power to do all things that are necessary or convenient to be done in connection with the performance of its functions and, in particular, has power—

- (a) to acquire, hold and dispose of real and personal property;
- (b) to enter into contracts; and
- (c) to accept gifts, devises and bequests made to the Institute.”.

Section 114N—

Omit the section, substitute the following sections:

Money payable to Institute

“114MA. (1) There is payable to the Institute such money as is appropriated by the Parliament for the purposes of the Institute.

“(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, money referred to in sub-section (1) is to be paid to the Institute.

Estimates

“114MB. (1) The Director shall prepare estimates, in such form as the Attorney-General directs, of expenditure of the Institute out of money paid to the Institute under

SCHEDULE 1—continued

section 114MA for each financial year and, if the Attorney-General so directs, for any other period specified by the Attorney-General, and the Director shall submit estimates so prepared to the Attorney-General not later than such date as the Attorney-General directs.

“(2) Money paid to the Institute under section 114MA shall not be expended by the Institute otherwise than in accordance with estimates of expenditure approved by the Attorney-General.

Contracts

“114MC. The Institute shall not, except with the approval of the Attorney-General, enter into a contract involving the payment by the Institute of an amount exceeding—

- (a) subject to paragraph (b)—\$100,000; or
- (b) if a higher amount is prescribed—that higher amount.

Application of money

“114MD. The money of the Institute shall be applied only—

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Institute in the performance of its functions and the exercise of its powers; and
- (b) in payment of remuneration and allowances payable under this Part.

Investment of money

“114ME. Money of the Institute not immediately required for the purposes of the Institute may be invested—

- (a) on deposit with an approved bank;
- (b) in Commonwealth securities; or
- (c) in any other manner approved by the Treasurer.

“(2) In sub-section (1), ‘approved bank’ means the Reserve Bank of Australia or another bank for the time being declared by the Treasurer, or by a person authorised by the Treasurer to give approvals for the purposes of this sub-section, to be an approved bank in relation to the Institute.

Exemption from taxation

“114MF. The Institute is not subject to taxation under any law of the Commonwealth, of a State or of a Territory.

Application of Part XI of Audit Act

“114N. It is hereby declared that the Institute is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.”.

Federal Court of Australia Act 1976

Section 20—

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

“(1A) If the Chief Judge considers that a matter coming before the Court in the original jurisdiction of the Court is of sufficient importance to justify the giving of a direction under this sub-section, the Chief Judge may direct that the jurisdiction of the Court in that matter shall be exercised by a Full Court.”.

SCHEDULE 1—continued

Immigration (Education) Act 1971

Section 3 (definition of “approved course of instruction”)—

Omit “the next succeeding section”, insert “section 4”.

Paragraph 4 (2) (a)—

Omit “and”.

Sub-paragraph 4 (2) (b) (ii)—

(a) Omit “twenty-one”, substitute “21”.

(b) Add at the end “; and”.

Sub-section 4 (2)—

Add at the end the following paragraph:

“(c) the provision in the Territory of Cocos (Keeling) Islands or in the Territory of Christmas Island of courses of instruction to which this section relates for persons ordinarily resident in the Territory concerned who—

(i) came to the Territory concerned as immigrants; or

(ii) are persons under the age of 21 years whose parents, or one of whose parents, came to the Territory concerned as immigrants or as an immigrant.”.

Paragraph 5 (b)—

Omit “paragraph (b) of sub-section (2) of the last preceding section”, substitute “paragraph 4 (2) (b)”.

Sub-section 7 (2)—

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

Sub-section 9 (2)—

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

Insurance (Agents and Brokers) Act 1984

Sub-section 26 (4)—

Omit “prescribed securities”, substitute “such manner as is prescribed”.

Insurance Contracts Act 1984

Section 9—

Add at the end the following sub-section:

“(3) This Act does not apply in relation to contracts and proposed contracts of insurance entered into, or proposed to be entered into, in respect of aircraft engaged in commercial operations.”.

Paragraph 73 (1) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) of the nature of any benefit received or to be received by the supplier, in relation to arranging the contract, from any person and, except in the case of a contract known as an open declaration annual transit carriers policy, if the benefit is in the nature of remuneration and the insured requests the supplier

SCHEDULE 1—continued

to inform the insured of the amount or rate of that remuneration, that amount or rate; and”.

Interstate Road Transport Act 1985

Paragraph 39 (b)—

Omit “measuring”, substitute “monitoring”.

Paragraph 40 (b)—

Omit “measuring”, substitute “monitoring”.

Judges’ Pensions Act 1968

After section 4—

Insert the following section:

Certain absences to be included in service

“4A. It is declared for the avoidance of doubt that—

- (a) for the purposes of the application of this Act to or in respect of a person who is, or has at any time been, a Judge, any period in which the person is or was authorised to make himself or herself unavailable to perform his or her duties as a Judge shall be deemed to be, or to have been, part of the period of the person’s service as a Judge; and
- (b) for the purposes of the application of this Act to or in respect of a person who holds, or has at any time held, an office or appointment by virtue of which this Act applies or applied to or in respect of the person as if the person were a Judge, any period in which the person is or was authorised to make himself or herself unavailable to perform his or her duties as the holder of that office or appointment shall be deemed to be, or to have been, part of the period of the person’s service in that office or appointment.”.

Management and Investment Companies Act 1983

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

Omit paragraph (b), substitute the following paragraph:

“(b) has an authorised share capital of not less than \$5,000,000 or, if some other amount is prescribed for the purposes of sub-section 20 (3), that other amount;”.

Sub-section 3 (1) (definition of “prescribed share capital”)—

Omit the definition.

Sub-section 20 (1)—

Omit “under this section”, substitute “under this Part”.

Paragraph 20 (2) (c)—

Omit “amount of the nominal”, substitute “amounts of the authorised”.

Sub-section 20 (3)—

- (a) Omit “paid-up prescribed share capital of less than \$5,000,000 or such other amount, if any, as is prescribed”, substitute “paid-up share capital of less than \$5,000,000 or, if some other amount is prescribed, that other amount”.

SCHEDULE 1—continued

- (b) Omit “nominal prescribed share capital”, substitute “authorised share capital”.
- (c) Omit “prescribed share capital” (last occurring), substitute “paid-up share capital”.

Sub-section 21 (1)—

Omit “prescribed”.

Sub-section 21 (2)—

- (a) Omit from paragraph (a) “paid-up prescribed share capital”, substitute “paid-up share capital”.
- (b) Omit from paragraph (a) “or” (last occurring).
- (c) Add at the end the following word and paragraph:
“; or (c) the applicant is not an Australian company.”.

After sub-section 21 (4)—

Insert the following sub-section:

“(4A) A licence granted under this section that is in force on the date of commencement of this sub-section expires, if not sooner revoked, on 31 December 1986.”.

Sub-section 25 (6)—

Omit “31 October”, substitute “31 December”.

After sub-section 25 (6)—

Insert the following sub-section:

“(7) A licence that was renewed under this section after 31 October 1985 and before 1 January 1986 expires, if not sooner revoked, on 31 December 1986.”.

Paragraph 30 (1) (c)—

Omit “the inclusion of omission or”, substitute “the inclusion or omission of”.

Sub-section 38 (3)—

Omit “nominal prescribed share capital”, substitute “authorised share capital”.

Sub-section 38 (5)—

Omit “prescribed”.

Merit Protection (Australian Government Employees) Act 1984

Sub-paragraph 23 (1) (b) (i)—

After “Department or”, insert “prescribed”.

Sub-section 23 (3)—

Omit “‘Commonwealth authority’”, substitute “‘prescribed Commonwealth authority’”.

National Measurement Act 1960

Sub-section 18E (1)—

Omit “of its receipts and expenditure”, substitute “of expenditure of the Commission out of moneys to be paid to the Commission under section 18B”.

SCHEDULE 1—continued

Sub-section 18E (2)—

Omit “of the Commission”, substitute “paid to the Commission under section 18B”.

National Museum of Australia Act 1980

Heading to Part II—

Before “MUSEUM”, insert “NATIONAL”.

National Parks and Wildlife Conservation Act 1975

Section 14C—

At the end of the section, add the following sub-section:

“(8) The performance of the functions and the exercise of the powers of a Board are not affected by a vacancy or vacancies in the membership of the Board.”.

Naval Defence Act 1910

Sub-section 12 (1)—

Insert “(not being an officer who holds an appointment as such an officer on probation)” after “officer”.

Section 12—

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

“(1A) Where an officer holds an appointment as such an officer on probation, that appointment may be terminated at any time by the Chief of Naval Staff.”.

Sub-section 12 (2)—

Insert “, including an officer who holds an appointment as such an officer on probation,” after “commission of an officer”.

Section 44B—

After sub-section (3), insert the following sub-section:

“(3A) The Chief of Naval Staff may, in writing, delegate to an officer who holds a rank not below the rank of Commodore his or her powers under section 12.”.

Navigation Act 1912

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

Omit the definition.

Sub-section 6 (1) (definition of “Commonwealth ship”)—

Omit “but does not include a ship that belongs to the Australian Shipping Commission;”, substitute—

“but does not include a ship—

- (d) that belongs to the Australian Shipping Commission;
- (e) the beneficial interest in which is vested in the Australian Shipping Commission;
or
- (f) that is for the time being demised or sub-demised to, or in the exclusive possession of, the Australian Shipping Commission;”.

SCHEDULE 1—continued

Sub-section 6 (1) (definition of “Government ship”)—

Omit “but does not include a ship that belongs to the Australian Shipping Commission;”, substitute—

“but does not include a ship—

- (d) that belongs to a trading corporation that is an authority or agency of the Commonwealth or of a State or of a Territory;
- (e) the beneficial interest in which is vested in such a trading corporation; or
- (f) that is for the time being demised or sub-demised to, or in the exclusive possession of, such a trading corporation;”.

Sub-section 6 (1) (definition of “ship”)—

Omit “Division 3”, substitute “Division 1, 3”.

Paragraph 8 (3) (a)—

Omit all words from and including “by drilling the seabed”, substitute “by drilling the seabed or its sub-soil, or by obtaining substantial quantities of material from the seabed or its sub-soil, with equipment that is on or forms part of the vessel”.

Paragraph 8 (3) (b)—

Omit all words from and including “by drilling the seabed”, substitute “by drilling the seabed or its sub-soil, or by obtaining substantial quantities of material from the seabed or its sub-soil, with equipment that is on or forms part of the structure”.

Section 46—

After sub-section (4), insert the following sub-section:

“(4A) An agreement under this section between the master of a ship and a seaman may include provision for or in relation to the observance by the parties to the agreement of a code of conduct.”.

Sections 86, 87, 100, 105 to 107 (inclusive), 111, 112, 114 and 115—

Repeal the sections.

Sub-section 148D (2)—

Omit the sub-section.

Sections 179, 181, 387B and 398—

Repeal the sections.

Section 424—

After sub-section (5), insert the following sub-section:

“(5A) The Marine Council may investigate any matter referred to it in accordance with a provision of an agreement under section 46 relating to the observance of a code of conduct and may make such recommendations in relation to the matter as it thinks fit.”.

Norfolk Island Act 1979

Sections 49, 50 and 51—

Omit the sections, substitute the following sections:

SCHEDULE 1—continued

Borrowing from Commonwealth

“49. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Administration or to a Territory authority on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“50. (1) The Administration or a Territory authority may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Administration or a Territory authority may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

(a) the issue by the Administration or a Territory authority of an instrument acknowledging a debt in consideration of—

- (i) the payment or deposit of money; or
- (ii) the provision of credit,

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Administration or the Territory authority shall be deemed to be a raising by the Administration or the Territory authority, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

(b) the obtaining of credit by the Administration or a Territory authority otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Administration or the Territory authority shall be deemed to be a raising by the Administration or the Territory authority, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

SCHEDULE 1—continued

Guarantee of borrowings

“50A. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Administration of money borrowed under paragraph 50 (1) (a) and the payment by the Administration of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Administration of such amounts (which may be interest) that the Administration is liable to pay with respect to money raised under paragraph 50 (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

- (a) that the repayment by the Administration of money borrowed under paragraph 50 (1) (a), and the payment by the Administration of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Administration of such money (which may be interest) that the Administration is liable to pay with respect to money raised under paragraph 50 (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

Administration may give security

“50B. The Administration may give security for—

- (a) the repayment by the Administration of money borrowed by the Administration under section 49 or paragraph 50 (1) (a) and the payment by the Administration of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Administration of amounts (including any interest) that the Administration is liable to pay with respect to money raised by the Administration under paragraph 50 (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 50A (1) or a determination made under sub-section 50A (2).

Borrowings not otherwise permitted

“50C. The Administration or a Territory authority shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 49 and 50.

SCHEDULE 1—continued

Delegation by Treasurer

“50D. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 50 and 50A.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Northern Territory (Self-Government) Act 1978

Sections 46 and 47—

Omit the sections, substitute the following sections:

Borrowing from Commonwealth

“46. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Territory or to a Territory authority on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“47. (1) The Territory or a Territory authority may, with the approval of the Treasurer of the Commonwealth—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Territory or a Territory authority may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

SCHEDULE 1—continued

- (a) the issue by the Territory or a Territory authority of an instrument acknowledging a debt in consideration of—
 - (i) the payment or deposit of money; or
 - (ii) the provision of credit,otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Territory or the Territory authority shall be deemed to be a raising by the Territory or the Territory authority, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and
- (b) the obtaining of credit by the Territory or a Territory authority otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Territory or the Territory authority shall be deemed to be a raising by the Territory or the Territory authority, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

Guarantee of borrowings

“47A. (1) The Treasurer of the Commonwealth may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Territory of money borrowed by the Territory under paragraph 47 (1) (a) and the payment by the Territory of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Territory of such amounts (which may be interest) that the Territory is liable to pay with respect to money raised by the Territory under paragraph 47 (1) (b) as are specified in the contract.

“(2) The Treasurer of the Commonwealth may, in writing, determine—

- (a) that the repayment by the Territory of money borrowed by the Territory under paragraph 47 (1) (a), and the payment by the Territory of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Territory of such money (which may be interest) that the Territory is liable to pay with respect to money raised under paragraph 47 (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer of the Commonwealth makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

SCHEDULE 1—continued

Territory may give security

“47B. The Territory may give security for—

- (a) the repayment by the Territory or a Territory authority of money borrowed by the Territory or the Territory authority, as the case may be, under section 46 or paragraph 47 (1) (a) and the payment by the Territory or the Territory authority, as the case may be, of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Territory or a Territory authority of amounts (including any interest) that the Territory or the Territory authority, as the case may be, is liable to pay with respect to money raised by the Territory or the Territory authority under paragraph 47 (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 47A (1) or a determination made under sub-section 47A (2).

Borrowings not otherwise permitted

“47C. The Territory or a Territory authority shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 46 and 47.”

Overseas Telecommunications Act 1946

Section 5—

After the definition of “Acting Commissioner”, insert the following definition:

“ ‘appoint’ includes re-appoint;”.

Section 23—

Omit sub-section (3), substitute the following sub-sections:

“(3) The Chairman shall be appointed by the Minister and holds office, subject to this section, for such period as is specified in the instrument of his or her appointment and on such terms and conditions as the Minister determines, but is eligible for re-appointment.

“(3A) A person who has attained the age of 65 years shall not be appointed on a full-time basis as the Chairman and a person shall not be appointed on a full-time basis as the Chairman for a period that extends beyond the day on which the person will attain the age of 65 years.

“(3B) The Minister may terminate the appointment of the Chairman for misbehaviour or for physical or mental incapacity.

“(3C) The Chairman may resign from office by writing signed by the Chairman and delivered to the Minister.”.

Sub-section 37 (1)—

Omit the definition of “prescribed business”, substitute the following definition:

“ ‘prescribed business’ means a business of providing—

- (a) a telecommunications system for Australia by the use of space satellites; and
- (b) space satellite facilities for use in telecommunications systems for neighbouring regions,

and includes any activity incidental to the carrying on of such a business;”.

SCHEDULE 1—continued

After sub-section 37 (1)—

Insert the following sub-section:

“(1A) In the definition of ‘prescribed business’ in sub-section (1), ‘Australia’, ‘neighbouring regions’ and ‘space satellite’ have the same meanings as in the *Satellite Communications Act 1984*.”.

After section 37—

Insert the following section:

Companies involved in certain telecommunications services

“37A. (1) In this section—

‘prescribed business’ means a business of providing—

(a) a telecommunications system for Australia by the use of space satellites; and

(b) space satellite facilities for use in telecommunications systems for neighbouring regions,

and includes any activity incidental to the carrying on of such a business;

‘relevant business’ means a business (other than a prescribed business) relating to any matter that is within the functions or duties of the Commission or with respect to which the Commission may exercise powers;

‘relevant company’ means a company that carries on, or proposes to carry on, a relevant business;

‘technical services’ means services relating to telecommunications.

“(2) In the definition of ‘prescribed business’ in sub-section (1), ‘Australia’, ‘neighbouring regions’ and ‘space satellite’ have the same meanings as in the *Satellite Communications Act 1984*.

“(3) The Commission may—

(a) form, or participate with other persons in the formation of, a company to carry on a relevant business;

(b) acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities of, a relevant company;

(c) enter into a partnership, or an arrangement for the sharing of profits, with a relevant company in relation to a relevant business; and

(d) provide technical services (whether in or outside Australia) for a relevant company or for a partnership referred to in paragraph (c).

“(4) The Commission shall not exercise a power conferred by sub-section (3) except with the approval of the Minister.

“(5) The Minister shall not give approval under sub-section (4) for the purposes of paragraph (3) (b) if the relevant company is carrying on a business other than a relevant business.

“(6) An agreement or arrangement between the Commission and a relevant company shall include a term empowering the Commission to terminate the agreement or arrangement if the relevant company ceases to be a relevant company or commences to carry on a business that is not a relevant business.

“(7) Where—

(a) the Commission has an interest in, or is a party to an agreement or arrangement with, a relevant company; and

SCHEDULE 1—continued

(b) the relevant company ceases to be a relevant company or commences to carry on a business that is not a relevant business,
the Minister may give to the Commission such directions as the Minister thinks appropriate with respect to—

- (c) the disposal of the interest of the Commission in the company; or
- (d) the termination of the agreement or arrangement between the Commission and the company,

as the case may be.

“(8) This section does not authorise a relevant company to carry on a prescribed business otherwise than in accordance with the relevant law.”.

Section 45—

Repeal the section, substitute the following sections:

Borrowing from Commonwealth

“45. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Commission on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“45A. (1) The Commission may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Commission may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

- (a) the issue by the Commission of an instrument acknowledging a debt in consideration of—
 - (i) the payment or deposit of money; or
 - (ii) the provision of credit,

SCHEDULE 1—continued

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Commission shall be deemed to be a raising by the Commission, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

- (b) the obtaining of credit by the Commission otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Commission shall be deemed to be a raising by the Commission, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

Guarantee of borrowings by Commission

“45B. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Commission of money borrowed under paragraph 45A (1) (a) and the payment by the Commission of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Commission of such amounts (which may be interest) that the Commission is liable to pay with respect to money raised under paragraph 45A (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

- (a) that the repayment by the Commission of money borrowed under paragraph 45A (1) (a), and the payment by the Commission of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Commission of such money (which may be interest) that the Commission is liable to pay with respect to money raised under paragraph 45A (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

Commission may give security

“45C. The Commission may give security over the whole or any part of its land or other assets for—

- (a) the repayment by the Commission of money borrowed by the Commission under section 45 or paragraph 45A (1) (a) and the payment by the Commission of interest (including any interest on that interest) on money so borrowed;

SCHEDULE 1—continued

- (b) the payment by the Commission of amounts (including any interest) that the Commission is liable to pay with respect to money raised by the Commission under paragraph 45A (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 45B (1) or a determination made under sub-section 45B (2).

Borrowings not otherwise permitted

“45D. The Commission shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 45 and 45A.

Delegation by Treasurer

“45E. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 45A and 45B.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Pipeline Authority Act 1973

Sections 25, 25A, 25B, 25C and 25D—

Repeal the sections, substitute the following sections:

Borrowing from Commonwealth

“25. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Authority on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“25A. (1) The Authority may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Authority may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

SCHEDULE 1—continued

“(6) For the purposes of this section—

- (a) the issue by the Authority of an instrument acknowledging a debt in consideration of—
 - (i) the payment or deposit of money; or
 - (ii) the provision of credit,

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Authority shall be deemed to be a raising by the Authority, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

- (b) the obtaining of credit by the Authority otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Authority shall be deemed to be a raising by the Authority, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

Guarantee of borrowings by Authority

“25B. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Authority of money borrowed under paragraph 25A (1) (a) and the payment by the Authority of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Authority of such amounts (which may be interest) that the Authority is liable to pay with respect to money raised under paragraph 25A (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

- (a) that the repayment by the Authority of money borrowed under paragraph 25A (1) (a), and the payment by the Authority of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Authority of such money (which may be interest) that the Authority is liable to pay with respect to money raised under paragraph 25A (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

SCHEDULE 1—continued

Authority may give security

“25C. The Authority may give security over the whole or any part of its land or other assets for—

- (a) the repayment by the Authority of money borrowed by the Authority under section 25 or paragraph 25A (1) (a) and the payment by the Authority of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Authority of amounts (including any interest) that the Authority is liable to pay with respect to money raised by the Authority under paragraph 25A (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 25B (1) or a determination made under sub-section 25B (2).

Borrowings not otherwise permitted

“25D. The Authority shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 25 and 25A.

Delegation by Treasurer

“25E. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 25A and 25B.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Postal Services Act 1975

Sub-section 3 (1)—

Before the definition of “approved bank”, insert the following definition:

“ ‘appoint’ includes re-appoint;”.

After section 10A—

Insert the following section:

Companies involved in postal and relevant services

“10B. (1) In this section—

‘prescribed business’ means a business relating to any matter that is within the functions or duties of the Commission or with respect to which the Commission may exercise powers;

‘prescribed company’ means a company that carries on, or proposes to carry on, a prescribed business.

“(2) The Commission may—

- (a) form, or participate with other persons in the formation of, a company to carry on a prescribed business;
- (b) acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities of, a prescribed company; and

SCHEDULE 1—continued

(c) enter into a partnership, or an arrangement for the sharing of profits, with a prescribed company in relation to a prescribed business.

“(3) The Commission shall not exercise a power conferred by sub-section (2) except with the approval of the Minister.

“(4) The Minister shall not give approval under sub-section (3) for the purposes of paragraph (2) (b) if the prescribed company is carrying on a business other than a prescribed business.

“(5) An agreement or arrangement between the Commission and a prescribed company shall include a term empowering the Commission to terminate the agreement or arrangement if the prescribed company ceases to be a prescribed company or commences to carry on a business that is not a prescribed business.

“(6) Where—

(a) the Commission has an interest in, or is a party to an agreement or arrangement with, a prescribed company; and

(b) the prescribed company ceases to be a prescribed company or commences to carry on a business that is not a prescribed business,

the Minister may give to the Commission such directions as the Minister thinks appropriate with respect to—

(c) the disposal of the interest of the Commission in the company; or

(d) the termination of the agreement or arrangement between the Commission and the company,

as the case may be.

“(7) This section does not authorise a prescribed company to carry on a prescribed business otherwise than in accordance with the relevant law.”.

Sub-section 37 (8)—

Omit “misconduct”, substitute “misbehaviour”.

Sub-section 55 (6)—

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

“(6) The Chairman of a Promotions Appeal Board holds office, subject to this section, for such period as is specified in the instrument of his or her appointment and on such terms and conditions as the Minister determines, but is eligible for re-appointment.

“(6A) A person who has attained the age of 65 years shall not be appointed as a full-time Chairman of a Promotions Appeal Board and a person shall not be appointed as a full-time Chairman of a Promotions Appeal Board for a period that extends beyond the day on which the person will attain the age of 65 years.

“(6B) The Minister may terminate the appointment of the Chairman of a Promotions Appeal Board for misbehaviour or for physical or mental incapacity.

“(6C) The Chairman of a Promotions Appeal Board may resign from office by writing signed by the Chairman and delivered to the Minister.”.

Sub-section 55 (8)—

Omit “misconduct”, substitute “misbehaviour”.

Section 75—

Repeal the section, substitute the following sections:

SCHEDULE 1—continued

Borrowing from Commonwealth

“75. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Commission on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“75A. (1) The Commission may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Commission may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

- (a) the issue by the Commission of an instrument acknowledging a debt in consideration of—
 - (i) the payment or deposit of money; or
 - (ii) the provision of credit,

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Commission shall be deemed to be a raising by the Commission, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

- (b) the obtaining of credit by the Commission otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Commission shall be deemed to be a raising by the Commission, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

SCHEDULE 1—continued

Guarantee of borrowings by Commission

“75B. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Commission of money borrowed under paragraph 75A (1) (a) and the payment by the Commission of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Commission of such amounts (which may be interest) that the Commission is liable to pay with respect to money raised under paragraph 75A (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

- (a) that the repayment by the Commission of money borrowed under paragraph 75A (1) (a), and the payment by the Commission of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Commission of such money (which may be interest) that the Commission is liable to pay with respect to money raised under paragraph 75A (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

“(5) Where a borrowing under paragraph 75A (1) (a) is by the issue of prescribed securities, the repayment by the Commission of the money so borrowed and the payment of interest on that money are, by force of this sub-section, guaranteed by the Commonwealth.

Commission may give security

“75C. The Commission may give security over the whole or any part of its land or other assets for—

- (a) the repayment by the Commission of money borrowed by the Commission under section 75 or paragraph 75A (1) (a) and the payment by the Commission of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Commission of amounts (including any interest) that the Commission is liable to pay with respect to money raised by the Commission under paragraph 75A (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 75B (1) or a determination made under sub-section 75B (2).

SCHEDULE 1—continued

Borrowings not otherwise permitted

“75D. The Commission shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 75 and 75A.

Delegation by Treasurer

“75E. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 75A and 75B.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Public Service Act 1922

Sub-section 25 (7)—

Omit “approved by the Prime Minister and presented to the Parliament”, substitute “presented to the Parliament by the Prime Minister after approval by the Joint Committee of Public Accounts”.

Sub-section 25 (8) (being the sub-section added by section 11 of the *Public Service and Statutory Authorities Amendment Act 1980*)—

Re-designate the sub-section as sub-section (5A) and re-locate it after sub-section (5).

Sub-section 25 (9)—

Add at the end “other than the Department of the Senate, the Department of the House of Representatives, the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff and the Joint House Department”.

Sub-section 87 (2)—

After paragraph (j), insert the following paragraphs:

“(ja) employment as a member of, or as the holder of an office or appointment in the service of, the Joint Coal Board;

“(jb) employment as a member of the staff of the Australian Defence Force Academy;”.

Public Service and Statutory Authorities Amendment Act 1985

Schedule—

Omit the amendments of the *Museum of Australia Act 1980*.

Radiocommunications Act 1983

Sub-section 70 (1)—

Omit “24”, insert “48”.

SCHEDULE 1—continued

After section 72—

Insert the following section:

Power of inspectors to enter premises and adjust transmitters in emergencies

“72A. (1) Where an inspector believes on reasonable grounds that—

- (a) a transmitter is being used on any land, or on or in any premises, vessel, aircraft or vehicle, in contravention of section 65;
- (b) the land, premises, vessel, aircraft or vehicle is or are unoccupied; and
- (c) the use of the transmitter is interfering with radiocommunications that are essential to the safety of human life,

the inspector may—

- (d) enter upon the land, or upon or into the premises, vessel, aircraft or vehicle, if the entry is made in circumstances of such seriousness and urgency as to require and justify entry without the authority of an order of a court or of a warrant issued under this Act; and
- (e) subject to sub-section (2), take such action as the inspector considers necessary to cause the transmitter to cease operating or to operate in such a way as not to interfere with radiocommunications as mentioned in paragraph (c).

“(2) In exercising a power conferred by paragraph (1) (e) in relation to a transmitter, an inspector shall endeavour to ensure that any disruption caused to the performance of the transmitter is no greater than is necessary to prevent the interference with radiocommunications as mentioned in paragraph (1) (c).

“(3) Where an inspector has, pursuant to a power conferred by this section, entered upon any land, or upon or into any premises, vessel, aircraft or vehicle, and taken any action in respect of a transmitter, the inspector shall, as soon as practicable, take all reasonable steps to notify the owner of the transmitter of the taking of that action.”.

Section 73—

Add at the end the following sub-sections:

“(3) Where—

- (a) an officer appointed by the Minister to make the application makes an application to a court of summary jurisdiction for an order under this sub-section in relation to a thing seized under this Act; and
- (b) the court is satisfied that—
 - (i) a period of not less than 12 months has elapsed since the thing was seized; and
 - (ii) all reasonable steps have been taken on behalf of the Commonwealth to arrange for the owner of the thing, or the person from whose possession the thing was seized, to take possession of the thing,

the court may make an order authorising the Minister to dispose of the thing.

“(4) Where an order has been made by a court under sub-section (3) in relation to a thing, the Minister may, by writing signed by the Minister, direct that the thing be sold or otherwise disposed of upon such conditions (if any) as are specified in the instrument of direction.”.

SCHEDULE 1—continued

After section 81—

Insert the following section:

Institution of proceedings

“81A. (1) A prosecution for an offence against this Act or the regulations may be instituted in the name of the Minister.

“(2) The reference in sub-section (1) to an offence against this Act or the regulations includes a reference to an offence against—

(a) section 6, 7 or 7A of the *Crimes Act 1914*; or

(b) sub-section 86 (1) of that Act by virtue of paragraph (a) of that sub-section, that relates to this Act or to the regulations, as the case requires.”.

Sub-section 84 (2)—

Omit “Part II or under or arising out of”, substitute “this Act or”.

Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985

Schedule 2 (amendments of the *Oilseeds Levy Collection and Research Act 1977*)—

Omit “Sub-section 9 (3)”, substitute “Sub-section 9 (2)”.

Sales Tax (Exemptions and Classifications) Act 1935

First Schedule (Item 152)—

Omit “and Television”.

Sex Discrimination Act 1984

After section 75—

Insert the following section:

Fees for witnesses

“75A. (1) A person summoned to appear before the Commission is entitled to be paid, in respect of the person’s attendance, fees, and allowances for expenses, fixed by or in accordance with the regulations.

“(2) Subject to sub-section (3), the fees and allowances shall be paid—

(a) in a case where the person was summoned at the request of a person other than the Commonwealth—by the person who made the request; or

(b) in any other case—by the Commonwealth.

“(3) The Commission may, in its discretion, order that the fees and allowances payable to a person summoned as mentioned in paragraph (2) (a) shall be paid, in whole or in part, by the Commonwealth.”.

Shipping Registration Act 1981

Section 22B—

Omit “has been made under section 15 for registration of the ship”, substitute “for registration of the ship under section 15 has been lodged with the Registrar”.

Sub-section 47A (1)—

Omit “interest” (last occurring), substitute “ship or share”.

SCHEDULE 1—continued

Sub-section 47B (1)—

After “part owner” (wherever occurring), insert “, or as a mortgagee,”.

Snowy Mountains Engineering Corporation Act 1970

Sub-section 39 (2)—

Omit “, subject to the approval of the Public Service Board,”.

Section 44—

Repeal the section, substitute the following sections:

Borrowing from Commonwealth

“44. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Corporation on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“44A. (1) The Corporation may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Corporation may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

- (a) the issue by the Corporation of an instrument acknowledging a debt in consideration of—
 - (i) the payment or deposit of money; or
 - (ii) the provision of credit,

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Corporation shall be deemed to be a raising by the Corporation, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

SCHEDULE 1—continued

- (b) the obtaining of credit by the Corporation otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Corporation shall be deemed to be a raising by the Corporation, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

Guarantee of borrowings by Corporation

“44B. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Corporation of money borrowed under paragraph 44A (1) (a) and the payment by the Corporation of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Corporation of such amounts (which may be interest) that the Corporation is liable to pay with respect to money raised under paragraph 44A (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

- (a) that the repayment by the Corporation of money borrowed under paragraph 44A (1) (a), and the payment by the Corporation of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Corporation of such money (which may be interest) that the Corporation is liable to pay with respect to money raised under paragraph 44A (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

Corporation may give security

“44C. The Corporation may give security over the whole or any part of its land or other assets for—

- (a) the repayment by the Corporation of money borrowed by the Corporation under section 44 or paragraph 44A (1) (a) and the payment by the Corporation of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Corporation of amounts (including any interest) that the Corporation is liable to pay with respect to money raised by the Corporation under paragraph 44A (1) (b); or

SCHEDULE 1—continued

- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 44B (1) or a determination made under sub-section 44B (2).

Borrowings not otherwise permitted

“44D. The Corporation shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 44 and 44A.

Delegation by Treasurer

“44E. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 44A and 44B.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

Section 45—

Omit “money borrowed under section 44”, substitute “money borrowed or otherwise raised under section 44 or 44A”.

Snowy Mountains Hydro-electric Power Act 1949

Sections 27, 28 and 29—

Repeal the sections, substitute the following sections:

Borrowing from Commonwealth

“27. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Authority on such terms and conditions as the Minister for Finance, having regard to the provisions of clause 15 of the Agreement, in writing, determines.

Borrowings otherwise than from Commonwealth

“28. (1) The Authority may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Authority may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

SCHEDULE 1—continued

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

(a) the issue by the Authority of an instrument acknowledging a debt in consideration of—

- (i) the payment or deposit of money; or
- (ii) the provision of credit,

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Authority shall be deemed to be a raising by the Authority, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

(b) the obtaining of credit by the Authority otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Authority shall be deemed to be a raising by the Authority, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

Guarantee of borrowings by Authority

“28A. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Authority of money borrowed under paragraph 28 (1) (a) and the payment by the Authority of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Authority of such amounts (which may be interest) that the Authority is liable to pay with respect to money raised under paragraph 28 (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

- (a) that the repayment by the Authority of money borrowed under paragraph 28 (1) (a), and the payment by the Authority of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Authority of such money (which may be interest) that the Authority is liable to pay with respect to money raised under paragraph 28 (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

SCHEDULE 1—continued

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

“(5) Where a borrowing under paragraph 28 (1) (a) is by the issue of prescribed securities, the repayment by the Authority of the money so borrowed and the payment of interest on that money are, by force of this sub-section, guaranteed by the Commonwealth.

Authority may give security

“28B. The Authority may give security over the whole or any part of its land or other assets for—

- (a) the repayment by the Authority of money borrowed by the Authority under section 27 or paragraph 28 (1) (a) and the payment by the Authority of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Authority of amounts (including any interest) that the Authority is liable to pay with respect to money raised by the Authority under paragraph 28 (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 28A (1) or a determination made under sub-section 28A (2).

Borrowings not otherwise permitted

“29. The Authority shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 27 and 28.

Delegation by Treasurer

“29A. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 28 and 28A.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

States and Northern Territory Grants (Rural Adjustment) Act 1985

Section 4—

Omit “the Schedule”, substitute “Schedule 1”.

After section 4—

Insert the following section:

SCHEDULE 1—continued

Approval of execution of amending agreement

“4A. The execution, on behalf of the Commonwealth, of an agreement between the Commonwealth and all or any of the States substantially in accordance with the form set out in Schedule 2 is approved.”.

Section 5—

- (a) Insert “as amended by the agreement referred to in section 4A” after “section 4”.
- (b) Omit “that agreement”, substitute “the first-mentioned agreement as amended by the second-mentioned agreement”.

Heading to Schedule—

Omit “SCHEDULE”, substitute “SCHEDULE 1”.

After the Schedule—

Insert the Schedule set out in Schedule 3 to this Act.

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

Schedule 1—

Omit “*Australian Science and Technology Council Act 1979*”, substitute “*Australian Science and Technology Council Act 1978*”.

Telecommunications Act 1975

Sub-section 3 (1)—

Before the definition of “approved bank”, insert the following definition:
“ ‘appoint’ includes re-appoint;”.

Sub-section 34 (8)—

Omit “misconduct”, substitute “misbehaviour”.

Sub-section 52 (6)—

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

“(6) The Chairman of a Promotions Appeal Board holds office, subject to this section, for such period as is specified in the instrument of his or her appointment and on such terms and conditions as the Minister determines, but is eligible for re-appointment.

“(6A) A person who has attained the age of 65 years shall not be appointed as a full-time Chairman of a Promotions Appeal Board and a person shall not be appointed as a full-time Chairman of a Promotions Appeal Board for a period that extends beyond the day on which the person will attain the age of 65 years.

“(6B) The Minister may terminate the appointment of the Chairman of a Promotions Appeal Board for misbehaviour or for physical or mental incapacity.

“(6C) The Chairman of a Promotions Appeal Board may resign from office by writing signed by the Chairman and delivered to the Minister.”.

Sub-section 52 (8)—

Omit “misconduct”, substitute “misbehaviour”.

SCHEDULE 1—continued

Section 72—

Repeal the section, substitute the following sections:

Borrowing from Commonwealth

“72. The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Commission on such terms and conditions as the Minister for Finance, in writing, determines.

Borrowings otherwise than from Commonwealth

“72A. (1) The Commission may, with the approval of the Treasurer—

- (a) borrow money otherwise than from the Commonwealth; or
- (b) raise money otherwise than by borrowing,

on terms and conditions that are specified in, or consistent with, the approval.

“(2) Without limiting the generality of sub-section (1), the Commission may, under that sub-section, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under sub-section (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under sub-section (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(5) An approval under sub-section (1) shall be given in writing.

“(6) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(7) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(8) For the purposes of this section—

- (a) the issue by the Commission of an instrument acknowledging a debt in consideration of—
 - (i) the payment or deposit of money; or
 - (ii) the provision of credit,

otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Commission shall be deemed to be a raising by the Commission, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and

- (b) the obtaining of credit by the Commission otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Commission shall be deemed to be a raising by the Commission, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

SCHEDULE 1—continued

Guarantee of borrowings by Commission

“72B. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract—

- (a) guaranteeing the repayment by the Commission of money borrowed under paragraph 72A (1) (a) and the payment by the Commission of interest (including any interest on that interest) on money so borrowed; or
- (b) guaranteeing the payment by the Commission of such amounts (which may be interest) that the Commission is liable to pay with respect to money raised under paragraph 72A (1) (b) as are specified in the contract.

“(2) The Treasurer may, in writing, determine—

- (a) that the repayment by the Commission of money borrowed under paragraph 72A (1) (a), and the payment by the Commission of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
- (b) that the payment by the Commission of such money (which may be interest) that the Commission is liable to pay with respect to money raised under paragraph 72A (1) (b) as is specified in the determination is guaranteed by the Commonwealth,

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this sub-section, guaranteed by the Commonwealth.

“(3) A contract may be entered into under sub-section (1), and a determination may be made under sub-section (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.

“(4) A contract entered into under sub-section (1) may include either or both of the following provisions:

- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
- (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

“(5) Where a borrowing under paragraph 72A (1) (a) is by the issue of prescribed securities, the repayment by the Commission of the money so borrowed and the payment of interest on that money are, by force of this sub-section, guaranteed by the Commonwealth.

Commission may give security

“72C. The Commission may give security over the whole or any part of its land or other assets for—

- (a) the repayment by the Commission of money borrowed by the Commission under section 72 or paragraph 72A (1) (a) and the payment by the Commission of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Commission of amounts (including any interest) that the Commission is liable to pay with respect to money raised by the Commission under paragraph 72A (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under sub-section 72B (1) or a determination made under sub-section 72B (2).

SCHEDULE 1—continued

Borrowings not otherwise permitted

“72D. The Commission shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 72 and 72A.

Delegation by Treasurer

“72E. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Treasurer, delegate to a person holding or performing the duties of an office in the Department of the Treasury all or any of the powers of the Treasurer under sections 72A and 72B.

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

“(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Treasurer.

“(4) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.”.

SCHEDULE 2

Section 4

REPEAL OF ACTS

Asian Development Bank (Special Funds Contributions) Act 1970
Asian Development Bank (Special Funds Contributions) Amendment Act 1976
Asian Development Fund Act 1974
Asian Development Fund Act 1976
Bounties Procedure Act 1907
Commonwealth Electoral (Redistribution) Act 1977
International Development Association (Additional Contribution) Act 1963
International Development Association (Additional Contribution) Act 1968
International Development Association (Further Payment) Act 1971
International Development Association (Further Payment) Act 1974
International Development Association (Further Payment) Act 1977
International Trade Organization Act 1948
South-East Asia Collective Defence Treaty Act 1954
States Grants (Advanced Education) Act 1965
States Grants (Advanced Education) Act 1967
States Grants (Advanced Education) Act (No. 2) 1967
States Grants (Advanced Education) Act (No. 3) 1967
States Grants (Advanced Education) Act 1969
States Grants (Advanced Education) Act (No. 2) 1969
States Grants (Advanced Education) Act 1970
States Grants (Advanced Education) Act 1971
States Grants (Advanced Education) Act 1972
States Grants (Advanced Education) Act (No. 2) 1972
States Grants (Advanced Education) Act (No. 2) 1973
States Grants (Dwellings for Aged Pensioners) Act 1969

SCHEDULE 2—continued

States Grants (Dwellings for Pensioners) Act 1974
States Grants (Dwellings for Pensioners) Amendment Act 1977
States Grants (Independent Schools) Act 1969
States Grants (Independent Schools) Act 1972
States Grants (Independent Schools) Act (No. 2) 1972
States Grants (Pre-school Teachers Colleges) Act 1968
States Grants (Pre-school Teachers Colleges) Act 1971
States Grants (Pre-school Teachers Colleges) Act 1972
States Grants (Schools) Act 1972
States Grants (Schools) Act 1973
States Grants (Schools) Act 1974
States Grants (Schools) Act 1976
States Grants (Schools) Amendment Act 1976
States Grants (Technical Training) Act 1971
States Grants (Technical Training) Act 1973
States Grants (Technical and Further Education) Act 1974
States Grants (Technical and Further Education) Amendment Act 1976
States Grants (Technical and Further Education) Amendment Act (No. 2) 1976
States Grants (Technical and Further Education Assistance) Act 1976
States Grants (Technical and Further Education Assistance) Amendment Act 1977
States Grants (Universities) Act 1960
States Grants (Universities) Act 1962
States Grants (Universities) Act 1963
States Grants (Universities) Act (No. 2) 1963
States Grants (Universities) Act 1964
States Grants (Universities) Act 1969
States Grants (Universities) Act 1970
States Grants (Universities) Act (No. 2) 1970
States Grants (Universities) Act 1971
States Grants (Universities) Act (No. 2) 1971
States Grants (Universities) Act 1972
States Grants (Universities) Act (No. 2) 1972
States Grants (Universities) Act 1973
States Grants (Universities) Act (No. 2) 1973
States Grants (Universities) Act (No. 3) 1973
States Grants (Universities) Act 1974
States Grants (Universities) Act (No. 2) 1974
States Grants (Universities) Act 1975
States Grants (Universities) Act 1976
States Grants (Universities) Amendment Act 1976
States Grants (Universities) Amendment Act (No. 2) 1976
States Grants (Universities) Amendment Act 1977
States Grants (Universities Assistance) Act 1976
States Grants (Universities Assistance) Amendment Act 1977
Treaty of Peace (Bulgaria) Act 1947
Treaty of Peace (Finland) Act 1947
Treaty of Peace (Hungary) Act 1947

SCHEDULE 2—continued

Treaty of Peace (Italy) Act 1947
Treaty of Peace (Japan) Act 1952
Treaty of Peace (Roumania) Act 1947
Universities (Financial Assistance) Act 1963
Universities (Financial Assistance) Act 1964
Universities (Financial Assistance) Act 1965
Universities (Financial Assistance) Act (No. 2) 1965
Universities (Financial Assistance) Act 1966
Universities (Financial Assistance) Act (No. 2) 1966
Universities (Financial Assistance) Act 1967
Universities (Financial Assistance) Act (No. 2) 1967
Universities (Financial Assistance) Act 1968
Universities (Financial Assistance) Act 1969
Universities (Financial Assistance) Act (No. 2) 1969
Wheat Industry Stabilization (Reimbursement of Borrowing Costs) Amendment Act 1979

SCHEDULE 3

**SCHEDULE TO BE INSERTED IN THE STATES AND NORTHERN
TERRITORY GRANTS (RURAL ADJUSTMENT) ACT 1985**

“SCHEDULE 2

Section 4A

AN AGREEMENT made the day of One thousand nine hundred
and eighty-six between—

THE COMMONWEALTH OF AUSTRALIA of the first part (in this agreement called ‘the Commonwealth’),
THE STATE OF NEW SOUTH WALES of the second part,
THE STATE OF VICTORIA of the third part,
THE STATE OF QUEENSLAND of the fourth part,
THE STATE OF WESTERN AUSTRALIA of the fifth part,
THE STATE OF SOUTH AUSTRALIA of the sixth part,
THE STATE OF TASMANIA of the seventh part, and
THE NORTHERN TERRITORY OF AUSTRALIA of the eighth part
(in this agreement called ‘the States’ and ‘the Northern Territory’ respectively).

WHEREAS—

- (A) the Commonwealth, the States and the Northern Territory entered into an agreement dated 26 September 1985 (in this agreement called ‘the Principal Agreement’) for the provision of assistance to persons engaged in rural industries throughout Australia in the interest of those industries and of Australia generally;
- (B) the Commonwealth, the States and the Northern Territory have agreed that the Principal Agreement should be amended as provided by this agreement.

NOW IT IS HEREBY AGREED as follows:

1. This agreement shall be deemed to have commenced operation on the date the Principal Agreement came into force.
2. Upon coming into force, this agreement shall be incorporated into and read as part of the Principal Agreement.

SCHEDULE 3—continued

3. Sub-clause 3 (1) of the Principal Agreement is amended by deleting the definition of 'average outstanding loans' and inserting the following definition in its place:
'"average outstanding loans" means half the total indebtedness arising from the operation of the Scheme in a State, whether borrowings by the State or otherwise than by the State, as is within the amount determined by the Commonwealth which should be subsidised under sub-clauses 13 (1) and 13 (3) for each year up to 7 years.'
4. Sub-clause 4 (2) of the Principal Agreement is deleted and the following sub-clause is inserted in its place:
'(2) The interest subsidy referred to in sub-paragraphs (a) and (b) of clause 6 shall not exceed 50% of the rate or rates of interest and of associated costs set by a lender or lenders nominated from time to time for the purpose by the Minister and agreed to by State Ministers.'
5. Clause 4 of the Principal Agreement is amended by adding a new sub-clause (5) as follows:
'(5) Borrowings referred to in sub-paragraphs (a) (i) and (ii) and (b) (i) and (ii) of clause 6 are the total borrowings which the Commonwealth determines under sub-clauses 13 (1) and 13 (3) will be subsidised.'
6. Sub-paragraph (a) of clause 10 of the Principal Agreement is deleted and the following sub-paragraph inserted in its place:
'(a) Under Parts A and B an amount equal to 1 per cent of so much of the amount of average outstanding loans as relates to borrowings which the Minister determines should be subsidised by the Commonwealth under those Parts.'
7. Sub-clause 13 (1) of the Principal Agreement is amended by deleting the words 'borrowing which the Commonwealth considers feasible to subsidise' in the first sentence of the sub-clause and inserting in their place the words 'borrowings which the Commonwealth determines should be subsidised.'".

[*Minister's second reading speech made in—
House of Representatives on 16 April 1986
Senate on 6 May 1986*]