



# Statute Law (Miscellaneous Provisions) Act (No. 2) 1986

No. 168 of 1986

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

*[Assented to 18 December 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. 2) 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 *Bankruptcy Act 1966* made by this Act inserting proposed section 31A shall come into operation on a day to be fixed by Proclamation.

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(3) The amendments of the *Copyright Act 1968* made by this Act shall come into operation immediately after the commencement of section 3 of the *Copyright Amendment Act 1986*.

(4) The amendment of paragraph 36 (3) (d) of the *Dairy Produce Act 1986* made by this Act shall be deemed to have come into operation on 1 July 1986.

(5) The amendment of the *Defence (Re-establishment) Act 1965* made by this Act shall be deemed to have come into operation on 22 May 1986.

(6) The amendments of section 11 of the *Insurance Contracts Act 1984* made by this Act shall be deemed to have come into operation on 1 January 1986.

(7) An amendment of a provision of the *Interstate Road Transport Act 1985* made by this Act shall come into operation on the day on which that provision comes into operation.

(8) The repeal and re-enactment of section 5A of the *Migration Act 1958* by this Act shall come into operation on a day to be fixed by Proclamation.

**Amendment of Acts**

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

**Repeals**

4. The Acts specified in Schedule 2 are repealed.

**Transitional provisions**

5. (1) Except where it is expressly provided to the contrary, where this Act—

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

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or re-enacted.

(2) Where a non-citizen was present in the Territory of Cocos (Keeling) Islands or the Coral Sea Islands Territory immediately before the day of commencement of section 5A of the *Migration Act 1958* as re-enacted by this Act, he or she shall be deemed, for the purposes of that Act as in force on and after that day, to have entered Australia as a non-citizen at the time (being a time on that day) when he or she is issued with an entry permit under that Act.

(3) Sub-section (1) does not apply in relation to the amendment of the following Acts:

*Ashmore and Cartier Islands Acceptance Act 1933;*

*Australian Antarctic Territory Act 1954;*

*Christmas Island Act 1958;*

*Cocos (Keeling) Islands Act 1955;*

*Coral Sea Islands Act 1969;*

*Heard Island and McDonald Islands Act 1953;*

*Norfolk Island Act 1979;*

*Seat of Government (Administration) Act 1910.*

### **Application**

6. (1) The amendments of section 18 of the *Bankruptcy Act 1966* made by this Act do not—

(a) affect any property, powers, rights, authorisations, duties, functions, liabilities or obligations of; or

(b) render defective any legal or other proceeding instituted by or against,

the body corporate continued in existence by force of sub-section 18 (1) of the *Bankruptcy Act 1966* as amended by this Act.

(2) The amendments of sub-section 20B (8), section 20F, paragraph 20H (3) (b) and section 20J of the *Bankruptcy Act 1966* made by this Act apply in relation to—

(a) moneys received by the Official Trustee after the commencement of the amendments; and

(b) moneys held by the Official Trustee at the commencement of the amendments.

(3) The amendments of sub-section 3 (1), section 30 (other than the proposed insertion of sub-section (5A) and the amendment of sub-section 30 (6)), 31 and 33, of the *Insurance Act 1973* do not apply in relation to a financial year of a body corporate that commenced before the commencement of the amendments.

(4) A provision of the *Insurance Act 1973* affected by an amendment falling within sub-section (3) continues to apply, as in force before the amendment, in relation to a financial year referred to in that sub-section.

**SCHEDULE 1**

Section 3

**AMENDMENT OF ACTS**

***Air Navigation (Charges) Act 1952***

**Sub-section 5B (1) (definition of “outstanding amount”)—**

Add at the end “or waived or written off under any other law”.

**Sub-section 5B (5)—**

After “aircraft” (first occurring) insert “and until the lien ceases to have effect”.

**Sub-section 5B (12)—**

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

“(12) If—

(a) there are no outstanding amounts covered by the statutory lien;

(b) the aircraft is sold under sub-section (9); or

(c) the Secretary or an authorised officer directs in writing that the statutory lien ceases to have effect,

the statutory lien ceases to have effect, and the Registrar shall make an entry in the Register in the manner prescribed.”.

***Ashmore and Cartier Islands Acceptance Act 1933***

**Paragraph 10 (5A) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 10 (5A)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**Sub-section 10 (5B)—**

Add at the end, “, and a reference in sub-section (5A) to a law has a corresponding meaning”.

***Australian Antarctic Territory Act 1954***

**Paragraph 12 (4A) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 12 (4A)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**Sub-section 12 (4B)—**

Add at the end, “, and a reference in sub-section (4A) to a law has a corresponding meaning”.

***Australian Capital Territory Supreme Court Act 1933***

**Paragraph 28 (1) (d)—**

After “by this Act”, insert “or by any Ordinance”.

**SCHEDULE 1—continued**

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

**Section 5 (definition of “acting member”)—**

Omit “an acting Chairman”, substitute “an acting Chairperson, Acting Director”.

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

Omit “the Chairman”, substitute “the Chairperson and the Director”.

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

Omit the definition, substitute the following definition:  
“the Chairperson” means the Chairperson of the Council;”.

**Part III—**

Insert at the beginning of the Part the following section:

**Interpretation**

“10A. In this Part, a reference to a member or an acting member does not, except in section 18 and sub-sections 20 (5) and (6), include a reference to the Director or an Acting Director.”.

**Sub-section 12 (1)—**

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

“(1) The Council shall consist of—

- (a) a Chairperson;
- (b) the Director; and
- (c) 4 other members.”.

**Paragraph 16 (c)—**

After “fails”, insert “, without reasonable excuse,”.

**Sub-section 17 (1)—**

- (a) Omit “the Chairman” (wherever occurring), substitute “the Chairperson”.
- (b) Omit “the acting Chairman”, substitute “the acting Chairperson”.

**Sub-section 17 (2)—**

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

**Section 18—**

Repeal the section, substitute the following section:

**Disclosure of interests**

“18. (1) A member who has a direct or indirect pecuniary interest in a matter being 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, unless the Minister or the Council otherwise determines—

- (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.

“(3) For the purpose of the making of a determination by the Council under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

**SCHEDULE 1—continued**

- (a) be present during any deliberation of the Council for the purpose of making the determination; or
- (b) take part in the making by the Council of the determination.”.

**Sub-sections 20 (2) and (3)—**

Omit “The Chairman”, substitute “The Chairperson”.

**Sub-section 20 (4)—**

Omit “the Chairman”, substitute “both the Chairperson and the acting Chairperson”.

**Sub-section 20 (5)—**

Omit “not less than three”, substitute “not less than 4”.

**Part III—**

Add at the end of the Part the following section:

**Director not to take part in certain deliberations of Council**

“20A. The Director—

- (a) shall not take part in any deliberation or decision of the Council with respect to the grant of leave to him or her by the Council; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.”.

**Paragraph 28 (b)—**

Omit “or”.

**Paragraph 28 (c)—**

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

**After paragraph 28 (c)—**

Add the following paragraph:

“(d) fails, without reasonable excuse, to comply with his or her obligations under section 18,”.

***Australian Trade Commission Act 1985***

**Paragraphs 33 (1) (a) and (d)—**

Omit “in that country” (wherever occurring), substitute “in a foreign country”.

**Sub-sections 46 (1) and (2)—**

After “person carrying on business in Australia”, insert “or a corporation in which such a person has a substantial shareholding”.

**After paragraph 72 (c)—**

Insert the following paragraph:

“(ca) in making loans under Part V;”.

**After paragraph 73 (3) (a)—**

Insert the following paragraph:

“(aa) in making loans under Part V;”.

**SCHEDULE 1—continued**

***Bankruptcy Act 1966***

**Paragraph 12 (2) (d)—**

After “Official Receiver”, insert “, Registrar, Deputy Registrar or any other person”.

**Section 12—**

Add at the end the following sub-section:

“(3) For the purposes of conducting an inquiry or investigation on behalf of the Inspector-General, an Official Receiver, Registrar, Deputy Registrar or other person, appointed by the Inspector-General under sub-section (2), may exercise all or any of the powers referred to in that sub-section other than the power referred to in paragraph (2) (d).”.

**Sub-section 18 (1)—**

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

“(1) The body corporate known as the Official Trustee in Bankruptcy that was in existence immediately before the commencement of this sub-section continues in existence, under that name, constituted as a corporation sole.”.

**Sub-section 18 (3)—**

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

“(3) The Secretary to the Department constitutes the Official Trustee in Bankruptcy.”.

**Sub-section 18 (6)—**

Omit the sub-section.

**Sub-sections 18 (8), (9) and (10)—**

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

“(8) An Official Receiver may, in the name of, and on behalf of, the Official Trustee, exercise any of the powers, or perform any of the functions, of the Official Trustee.

“(8A) All acts and things done in the name of, or on behalf of, the Official Trustee by, or under the authority of, any Official Receiver, shall be deemed to have been done by the Official Trustee.

“(8B) In, or in respect of, the doing of any act or thing by an Official Receiver in the name of, or on behalf of, the Official Trustee, the Official Receiver is responsible to the Official Trustee, and shall comply with such directions (if any) as are given to him or her by the Official Trustee.

“(8C) The Official Trustee shall consult with the Inspector-General and the Official Receivers concerning the conduct of the business of the Official Trustee, and its practices and procedures.

“(9) Where, under a provision of this Act or of the repealed Act in its continued application by virtue of this Act, the exercise of a power or the performance of a function by the Official Trustee is dependent upon the opinion, belief or state of mind of the Official Trustee in relation to a matter—

- (a) the power may be exercised or the function performed by, or with the authority of, any Official Receiver, in the name of, or on behalf of, the Official Trustee upon the opinion, belief or state of mind in relation to that matter of the person exercising the power or performing the function; and

**SCHEDULE 1—continued**

- (b) any act or thing done by, or with the authority of, any Official Receiver, in the exercise of such a power, or performance of such a function, in accordance with this sub-section shall be deemed to have been done by the Official Trustee.

“(10) Where the Official Trustee is one of the trustees of a deed of assignment, deed of arrangement, composition or scheme of arrangement, a power the exercise of which, or a function the performance of which, is dependent upon the opinion, belief or state of mind of those trustees in relation to a matter may be exercised or performed by those trustees as if the opinion, belief or state of mind in relation to that matter of—

(a) an Official Receiver who; or

(b) another person who with the authority of an Official Receiver, acts in the name of, or on behalf of, the Official Trustee in the exercise of the power or the performance of the function were the opinion, belief or state of mind in relation to the matter of the Official Trustee.”.

**Section 20—**

Repeal the section, substitute the following section:

**Records, returns and bank accounts**

“20. (1) Subject to this Act, the Registrars shall keep such books of account and records and make such returns as the Secretary to the Department, in writing, directs.

“(2) The Registrars shall open and maintain such bank accounts with an approved bank or approved banks as the Secretary, in writing, directs.

“(3) The Registrars shall comply with any directions in writing given by the Secretary to the Department with respect to the banking of moneys in bank accounts maintained in pursuance of sub-section (2).”.

**Section 20A (definition of “Investment Board”)—**

Omit the definition.

**Sub-section 20B (4)—**

Omit “the Inspector-General directs by writing under his hand”, substitute “are necessary for the purposes of the Common Fund”.

**Sub-section 20B (5)—**

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

“(5) The Official Trustee shall ensure that at all times one account referred to in sub-section (4) is maintained for each District, or, if the Official Trustee thinks fit, for any 2 or more Districts having the same Official Receiver.”.

**Sub-section 20B (8)—**

- (a) At the end of paragraph (a) add “or”.  
(b) Omit paragraphs (b), (d) and (e).

**Section 20C—**

Repeal the section.

**Sub-sections 20D (2) and (3)—**

Omit the sub-sections.

**Sub-section 20D (4)—**

Omit all the words before paragraph (a), substitute “The Official Trustee—”.

**Paragraph 20D (4) (b)—**

- (a) Omit “Investment Board”, substitute “Official Trustee”.  
(b) Omit “by the Official Trustee”.



**SCHEDULE 1—continued**

**Sub-section 20D (5)—**

Omit “Investment Board”, substitute “Official Trustee”.

**Sub-section 20E (1)—**

- (a) Omit “Investment Board” (first occurring), substitute “Official Trustee”.
- (b) Omit “Investment Board may, by instrument in writing, authorize the Official Trustee”, substitute “Official Trustee may apply to the Minister for Finance”.

**Sub-section 20E (2)—**

Omit “is authorized”, substitute “has applied”.

**Section 20F—**

- (a) Insert in sub-sections (1), (2), (3), (4), (5), (6) and (7) “or fund” after “estate”.
- (b) Omit sub-section (8), substitute the following sub-section:
  - “(8) In this section—
  - ‘estate’ means the estate of a bankrupt or of a deceased debtor;
  - ‘fund’ means a fund of moneys referred to in paragraph 20J (1) (b).”.

**Paragraph 20H (3) (b)—**

Omit the paragraph, substitute the following paragraph:

- “(b) each amount of interest that—
  - (i) forms part of the estate of a bankrupt or of a deceased debtor by virtue of sub-section 20J (2) or (3);
  - (ii) forms part of a fund referred to in paragraph 20J (1) (b) by virtue of sub-section 20J (2) or (3A); or
  - (iii) is payable to a person by virtue of sub-section 20J (4).”.

**Sub-section 20H (4)—**

Omit “Investment Board” and “Board”, substitute in each case “Official Trustee”.

**Sub-section 20J (1)—**

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

- “(1) Where the Official Trustee is—
  - (a) the trustee of the estate of a bankrupt or of a deceased debtor; or
  - (b) the trustee of a fund of moneys held or received by the Official Trustee in respect of a particular debtor or bankrupt by reason of being—
    - (i) the trustee of a composition, or of a scheme of arrangement, accepted under Division 6 of Part IV;
    - (ii) the trustee of a deed of assignment or deed of arrangement executed, or a composition accepted, under Part X; or
    - (iii) the trustee of—
      - (A) a composition or scheme of arrangement accepted and approved under Division 5 of Part IV of the repealed Act;
      - (B) a composition or scheme of arrangement accepted, or a deed of assignment executed, under Part XI of the repealed Act; or
      - (C) a deed of arrangement executed under Part XII of the repealed Act,

the estate or the fund is not entitled, except as provided by sub-sections (2), (3) and (3A), to interest on moneys held by the Official Trustee as trustee of the estate or fund, as the case may be.”.

**SCHEDULE 1—continued**

**Sub-section 20J (2)—**

- (a) Insert “, or as trustee of a fund referred to in paragraph (1) (b),” after “debtor”.
- (b) Add at the end “or fund, as the case may be”.

**Sub-section 20J (3)—**

Insert “(other than moneys of the kind referred to in paragraph (1) (b))” after “interest on moneys”.

**Sub-section 20J (4)—**

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

“(3A) Where, on or after the date of commencement of this sub-section (in this sub-section referred to as the ‘commencing day’), the Official Trustee receives an amount by way of interest on moneys held or received by the Official Trustee by reason of being trustee of a fund referred to in paragraph (1) (b) (in this sub-section referred to as the ‘appropriate fund’), being moneys that form part of the Common Fund—

- (a) if the interest accrued in respect of a period that ended before the commencing date—the amount of the interest forms part of the appropriate fund; or
- (b) if the interest accrued in respect of a period that commenced before, but ended on or after, the commencing day—an amount that bears to the amount of that interest the same proportion as the number of days in the part of the period in respect of which the interest accrued that occurred before the commencing day bears to the number of days in that period forms part of the appropriate fund.

“(4) Where it is established that—

- (a) moneys held by the Official Trustee as the trustee of the estate of a bankrupt or of a deceased debtor do not form part of the estate; or
- (b) moneys held by the Official Trustee as part of a fund referred to in paragraph (1) (b) do not form part of the fund,

interest on those moneys is payable to the person to whom those moneys are payable, out of the Common Fund, at the rate prescribed for the purposes of this section and in respect of the period during which those moneys are held by the Official Trustee.”.

**After section 31—**

Insert the following section:

**Exercise of Powers by certain officials**

“31A. (1) Subject to sub-section (2), the following powers of the Court under this Act may, if a Judge of the Court, in writing, directs, be exercised by a Registrar of the Court in relation to a proceeding:

- (a) the power to make orders or give directions in relation to the service of a notice or other document under this Act;
- (b) the power to make orders in relation to discovery, inspection and production of documents in the possession, power or custody of a party to the proceeding or of any other person;
- (c) the power to make orders in relation to interrogatories;
- (d) the power to allow the amendment of any written process, proceeding or notice under this Act;
- (e) a power referred to in paragraph 33 (1) (c);
- (f) the power to make an order adjourning the hearing of the proceeding;
- (g) the power to make an order as to costs;

**SCHEDULE 1—continued**

- (h) the power to set aside a bankruptcy notice;
- (j) the power under sub-section 47 (2) to grant leave to withdraw a creditor's petition after presentation;
- (k) the power under section 49 to substitute another creditor or other creditors for a creditor in relation to a petition;
- (m) the power under sub-section 52 (5) to extend the period at the expiration of which a creditor's petition will lapse;
- (n) the power to make a sequestration order against the estate of a debtor under sub-section 52 (1) and the power under sub-section 52 (2) to dismiss a creditor's petition;
- (p) the power to make an order under sub-section 244 (9), (10), (11) or (12) in relation to a petition;
- (q) the power to grant leave to present a petition under sub-section 244 (13);
- (r) the power under sub-section 247 (1A) in relation to a petition;
- (s) a power of the Court prescribed by the rules.

“(2) A Registrar shall not exercise the powers referred to in paragraph (1) (g) except in relation to costs for or in connection with a proceeding heard by a Registrar.

“(3) Without limiting the generality of sub-section (1), the power to issue a direction under that sub-section in relation to the exercise of powers by a Registrar in a proceeding includes the power to issue a direction providing for the exercise of a specified power or powers in a specified class or specified classes of powers—

- (a) in relation to a proceeding in a specified class of proceedings or specified classes of proceedings; or
- (b) by a specified Registrar, a Registrar in a specified class of Registrars or Registrars in specified classes of Registrars.

“(4) The provisions of this Act and the rules that relate to the exercise by the Court of a power that is, by virtue of sub-section (1), exercisable by a Registrar apply in relation to the exercise of the power by a Registrar under this section as if the references in those provisions to the Court were references to the Registrar.

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

“(6) A party to a proceeding in which a Registrar has exercised any of the powers of the Court under sub-section (1) may, within the time prescribed by the rules, or within any further time allowed in accordance with the rules, apply to the Court to review that exercise of power.

“(7) The Court may, on application under sub-section (6) or of its own motion, review an exercise of power by a Registrar pursuant to this section and may make such order or orders as it thinks fit with respect to the matter with respect to which the power was exercised.

“(8) Where at a hearing of a proceeding that involves the exercise of a power referred to in paragraph (1) (n) in relation to a sequestration order or in paragraph (1) (p) to make an order for the administration of the estate of a deceased debtor under Part XI, a person opposes the making of that order, the Registrar shall not hear, or continue to hear, the proceeding and shall make appropriate arrangements for the proceeding to be heard by the Court.

**SCHEDULE 1—continued**

“(9) Where at any time before or during the hearing of a proceeding that involves the exercise of a power referred to in sub-section (1) by a Registrar—

- (a) the Registrar considers that it is not appropriate for the proceeding to be heard by the Registrar under this section; or
- (b) an application is made to the Registrar for the proceeding to be heard by a Court,

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

“(10) In this section—

‘Registrar’ means the Registrar, a Deputy Registrar, a District Registrar or a Deputy District Registrar, of the Court;

‘the Court’ means the Federal Court of Australia when exercising jurisdiction under this Act.”.

**Sub-section 116 (2)—**

After paragraph (m), insert the following paragraph:

“(ma) amounts paid to the bankrupt under a scheme established and operated by a State or the Northern Territory in accordance with the agreement between the Commonwealth and the States and the Northern Territory the execution of which, on behalf of the Commonwealth, was approved by the *States and Northern Territory Grants (Rural Adjustment) Act 1985*, or in accordance with that agreement as subsequently amended, being amounts paid by way of grant or loan as assistance for the purpose of rehabilitation or household support;”.

**Sub-paragraph 116 (3) (iii)—**

Omit “or (m)”, substitute “, (m) or (ma)”.

**Sub-paragraph 116 (4) (iii)—**

Omit “or (m)”, substitute “, (m) or (ma)”.

**Sub-section 119A (5)—**

Omit “a bankrupt” (last occurring), substitute “the bankrupt”.

**Paragraph 253B (b)—**

Omit “or” (last occurring).

**Section 253B—**

After paragraph (c), insert the following word and paragraph:

“; or (d) gives effect to the agreement between the Commonwealth and the States and the Northern Territory the execution of which, on behalf of the Commonwealth, was approved by the *States and Northern Territory Grants (Rural Adjustment) Act 1985* or that agreement as subsequently amended.”.

***Biological Control Act 1984***

**After the definition of “agent recommendation” in sub-section 2 (1)—**

Insert the following definition:

“‘Australia’ includes the external Territories (if any) in respect of which a declaration under sub-section 4 (1) is in force;”.

**SCHEDULE 1—continued**

**Sub-section 2 (1) (definition of “Commonwealth Minister” or “the Minister”)—**

Omit the definition.

**Sub-section 2 (1) (paragraph (a) of the definition of “organism”)—**

Omit “man”, substitute “a human”.

**After sub-section 2 (4), insert the following sub-section:**

“(4A) For the purposes of this Act—

- (a) a recommendation or decision of, or an approval by, the Council, has effect whether or not it was made while the Council was in session;
- (b) a recommendation of the Council shall be taken to be unanimous if, and only if, the recommendation is a recommendation of all the members of the Council;
- (c) an approval by the Council shall be taken to be unanimous if, and only if, the approval is an approval by all the members of the Council; and
- (d) where a person is authorised to act as a member of the Council in place of another person, then while the first-mentioned person is so acting, the first-mentioned person is to be taken to be a member of the Council and the other person is not to be taken to be a member of the Council.”.

**Sub-sections 8 (2), (3), (4), (5) and (6)—**

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

“(2) The Authority shall be the Minister who is for the time being a member of the Council.”.

**Paragraph 9 (a)—**

Insert “and” after “State;”.

**Paragraph 9 (b)—**

Omit “and” (last occurring).

**Paragraph 9 (c)—**

Omit the paragraph.

**Section 9—**

Add at the end the following sub-sections:

“(2) A declaration shall not be made under sub-section (1) in respect of a law of a State unless the Minister of the State administering that law consents in writing to the declaration being made.

“(3) A declaration made under sub-section (1) shall cease to have effect in respect of a law if that law ceases to be a law described in paragraphs (1) (a) and (b).”.

**Section 11—**

Repeal the section, substitute the following section:

**Operation of Industries Assistance Commission Act**

“11. (1) In this section, ‘Assistance Act’ means the *Industries Assistance Commission Act 1973*.

“(2) For the purposes of the Assistance Act—

- (a) a declaration under this Act that organisms of a particular kind that have an adverse effect on the carrying on by a person of a business or activity are target organisms for the purposes of this Act; or

**SCHEDULE 1—continued**

(b) a declaration under this Act that organisms of another kind the release of which could control the population of organisms of the first-mentioned kind are agent organisms for the purposes of this Act, shall be taken to be assistance by way of the doing of an act that would assist that person to carry on that business or activity.

“(3) For the purposes of the Assistance Act—

(a) a declaration under a relevant State law that organisms of a particular kind that have an adverse effect on the carrying on by a person of a business or activity are target organisms for the purposes of that law; or  
(b) a declaration under a relevant State law that organisms of another kind the release of which could control the population of organisms of the first-mentioned kind are agent organisms for the purposes of that law, shall be deemed to be assistance by the Commonwealth Government by way of the doing of an act that would assist that person to carry on that business or activity.

“(4) Nothing in this section shall be read as limiting the generality of paragraph 4 (2) (a) of the Assistance Act.”.

**Paragraph 12 (2) (a)—**

Insert “unanimous” after “a”.

**Sub-section 17 (1)—**

(a) Insert “unanimously” after “has”.  
(b) Omit “organisms the”, substitute “organisms, the”.

**Paragraph 17 (3) (d)—**

Insert “unanimously” after “has”.

**Paragraph 19 (1) (b)—**

Omit “members of the”.

**Paragraphs 19 (1) (f) and (g)—**

Omit “where the Authority considers it appropriate to do so,”.

**After sub-section 19 (1)—**

Insert the following sub-section:

“(1A) Action shall not be taken under paragraph (1) (e), (f) or (g) in respect of a target recommendation unless the Council, upon being consulted in accordance with paragraph (1) (b), has unanimously recommended that the action be taken.”.

**Paragraph 20 (1) (a)—**

Omit “and”.

**After paragraph 20 (1) (b)—**

Insert the following word and paragraph:

“; and (ba) consulting the Council regarding the appropriateness of action under this section in respect of that recommendation,”.

**Sub-section 20 (1)—**

Insert “, subject to sub-section (2),” after “Authority” (last occurring).

**Sub-section 20 (2)—**

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

“(2) The Authority shall not make a declaration under sub-section (1) in respect of a target recommendation unless the Council, upon being consulted in accordance with paragraph (1) (ba), has unanimously recommended that the declaration be made.”.

**SCHEDULE 1—continued**

**Paragraph 21 (2) (a)—**

Insert “unanimous” after “a”.

**Sub-section 26 (1)—**

Insert “unanimously” after “has”.

**Paragraph 26 (2) (d)—**

Insert “unanimously” after “has”.

**Paragraph 28 (1) (b)—**

Omit “members of the”.

**Paragraph 28 (1) (f) and (g)—**

Omit “where the Authority considers it appropriate to do so,”.

**After sub-section 28 (1)—**

Insert the following sub-section:

“(1A) Action shall not be taken under paragraph (1) (e), (f) or (g) in respect of an agent recommendation unless the Council, upon being consulted in accordance with paragraph (1) (b), has unanimously recommended that the action be taken.”.

**Paragraph 29 (1) (a)—**

Omit “and”.

**After paragraph 29 (1) (b)—**

Insert the following word and paragraph:

“; and (ba) consulting the Council regarding the appropriateness of action under this section in respect of that recommendation,”.

**Sub-section 29 (1)—**

Insert “, subject to sub-section (1A),” after “Authority” (last occurring).

**After sub-section 29 (1)—**

Insert the following sub-section:

“(1A) The Authority shall not make a declaration under sub-section (1) in respect of an agent recommendation unless the Council, upon being consulted in accordance with paragraph (1) (ba), has unanimously recommended that the declaration be made.”.

**Sub-section 29 (3)—**

Omit the sub-section.

**Sub-section 30 (1)—**

Insert “, subject to sub-section (1A),” after “Authority” (last occurring).

**After sub-section 30 (1)—**

Insert the following sub-section:

“(1A) The Authority shall not make a declaration under sub-section (1) in respect of an organism unless—

- (a) the Authority has first consulted the Council regarding the appropriateness of action under this section in respect of that organism; and
- (b) the Council has unanimously recommended that the declaration be made.”.

**Sub-section 31 (1)—**

Insert “, subject to sub-section (1A),” after “Authority” (last occurring).

**SCHEDULE 1—continued**

**After sub-section 31 (1)—**

Insert the following sub-section:

“(1A) The Authority shall not make a declaration under sub-section (1) in respect of an organism unless—

- (a) the Authority has first consulted the Council regarding the appropriateness of action under this section in respect of that organism; and
- (b) the Council has unanimously recommended that the declaration be made.”.

**Sub-section 32 (1)—**

Insert “, subject to sub-section (1A),” after “Authority” (second occurring).

**After sub-section 32 (1)—**

Insert the following sub-section:

“(1A) The Authority shall not publish a notice under sub-section (1) in respect of an organism unless—

- (a) the Authority has first consulted the Council regarding the appropriateness of action under this section in respect of that organism; and
- (b) the Council has unanimously recommended that the notice be published.”.

**Sub-paragraph 33 (1) (b) (i)—**

Omit “members of the”.

**Paragraphs 33 (1) (d) and (e)—**

Omit “where the Authority considers it appropriate to do so,”.

**After sub-section 33 (1)—**

Insert the following sub-section:

“(1A) Action shall not be taken under paragraph (1) (c), (d) or (e) in respect of a contemplated declaration unless the Council, upon being consulted in accordance with sub-paragraph (1) (b) (i), has unanimously recommended that the action be taken.”.

**Sub-section 38 (1)—**

Omit “members of the Council”, substitute “Council and having regard to any unanimous recommendation made by the Council”.

**Paragraph 38 (3) (b)—**

Insert “unanimously” after “matters”.

**Sub-section 53 (1)—**

Omit “any declaration made under this Act”, substitute “a declaration made under this Act where the Council has unanimously approved of that action being taken”.

***Christmas Island Act 1958***

**Paragraph 10 (4A) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 10 (4A)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**Sub-section 10 (4B)—**

Add at the end, “, and a reference in sub-section (4A) to a law has a corresponding meaning”.



**SCHEDULE 1—continued**  
***Cocos (Keeling) Islands Act 1955***

**Paragraph 13 (4A) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 13 (4A)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**Sub-section 13 (4B)—**

Add at the end, “, and a reference in sub-section (4A) to a law has a corresponding meaning”.

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

**After sub-section 5 (3)—**

Insert the following sub-section:

“(4) Paragraph 6 (1) (e) of the *Director of Public Prosecutions Act 1983* applies, in relation to a State to which sub-section (3) applies, only to proceedings instituted under the applied provisions by—

- (a) the Director of Public Prosecutions;
- (b) an officer of, or a person employed by, the Commonwealth or a body established by or under an Act or by or under a law of a Territory (other than the Northern Territory); or
- (c) a person holding office under an Act or under a law of a Territory (other than the Northern Territory).”.

**Schedule—**

Omit from clause 3 “Paragraphs 6 (1) (a) to (f)”, substitute “Paragraphs 6 (1) (a), (b), (baa), (ba) and (f)”.

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

**Paragraph 24 (1) (d)—**

Omit “of the case”.

***Copyright Act 1968***

**Sub-section 10 (1) (definition of “broadcast”)—**

Omit the definition, substitute the following definition:

“‘broadcast’ means transmit by wireless telegraphy to the public;”.

**Sub-section 10 (1A)—**

Omit the sub-section.

***Coral Sea Islands Act 1969***

**Paragraph 7 (5A) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 7 (5A)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**SCHEDULE 1—continued**

**Sub-section 7 (5B)—**

Add at the end, “, and a reference in sub-section (5A) to a law has a corresponding meaning”.

***Crimes Act 1914***

**Section 10—**

Add at the end of the following sub-section:

“(2) Sub-section (1) is not intended, and shall be deemed never to have been intended, to limit or exclude the operation of a law of a Territory relating to the search of premises, aircraft, vehicles, vessels, places or persons in connection with offences against any law of that Territory.”.

***Dairy Produce Act 1986***

**Paragraph 36 (3) (d)—**

Omit “reasonable”, substitute “reasonably”.

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

**Sub-section 17 (1) (definition of “pension”)—**

Omit “*Repatriation Act 1920-1964*”, substitute “*Veterans’ Entitlements Act 1986*”.

***Dried Vine Fruits Equalization Act 1978***

**Sub-section 3 (3)—**

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

“(3) For the purposes of this Act and the Levy Act, where a person receives dried fruit packed for human consumption from a packer for the purpose of—

- (a) re-packing; or
- (b) in the case of dried fruit being raisins—
  - (i) removing the seeds from the dried fruit; or
  - (ii) both removing the seeds and re-packing the dried fruit,

on behalf of the packer before the dried fruit is supplied for human consumption, the supply of the dried fruit by the packer to that other person shall be deemed not to be a supply of dried fruit for human consumption, and that other person shall be deemed not to be a packer of the dried fruit notwithstanding any re-packing of the dried fruit done by that other person.”.

**Paragraph 10 (1) (a)—**

Omit all the words from and including “on the expiration of 14 days”, substitute the following words and sub-paragraphs:

“on the expiration of 14 days after the last day of the month immediately following—

- (i) the month in which the dried fruit so ceased to be in the custody of the packer; or
- (ii) the month in which the rate of levy in respect of that dried fruit is last fixed,

whichever is the later; or”.

**Sub-section 10 (1A)—**

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

**SCHEDULE 1—continued**

“(1A) For the purposes of this Act and the Levy Act, dried fruit that has come into the custody of a packer shall be taken to continue to be in the custody of the packer so long as—

- (a) it is in the custody of—
  - (i) an agent appointed by the packer to sell the dried fruit; or
  - (ii) a person to whom the dried fruit is delivered for the purposes of—
    - (A) re-packing; or
    - (B) in the case of dried fruit being raisins—removing the seeds from the dried fruit,  
on behalf of the packer before it is supplied for human consumption;
- (b) it is in the course of being delivered from—
  - (i) the packer to an agent or other person referred to in paragraph (a); or
  - (ii) a person referred to in sub-paragraph (a) (ii) to an agent appointed by the packer to sell the dried fruit; or
- (c) it is in the course of being returned to the packer from an agent or other person referred to in paragraph (a).”.

**Sub-section 11 (2)—**

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

**Paragraph 11 (3) (a)—**

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

**Sub-section 11 (5)—**

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

**Sub-section 12 (1)—**

Omit “him”, substitute “the producer”.

**Sub-section 12 (3)—**

Omit “his discretion”, substitute “the Minister’s or the authorised person’s discretion, as the case requires,”.

**Sub-section 16 (1)—**

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

**Paragraph 18 (2) (a)—**

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

**Paragraph 18 (2) (b)—**

Omit “him”, substitute “the exporter”.

**Sub-section 18 (3)—**

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

**Sub-section 18 (4)—**

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

**Sub-section 19 (3)—**

- (a) Omit “he”, substitute “the Minister”.
- (b) After “signed by him”, insert “or her”.

**SCHEDULE 1—continued**

**Sub-section 22 (1)—**

Omit “he”, substitute “the Minister”.

**After sub-section 25 (2)—**

Insert the following sub-section:

“(2A) Subject to sub-section (3), where interest accrues on a sum of money (in this sub-section referred to as ‘the principal sum’) held by a packer pending its distribution to individual producers pursuant to sub-section (1), that interest shall be distributed among those producers in proportion to their individual entitlements to a share of the principal sum.”.

**Paragraph 25 (3) (c)—**

Omit “him”, substitute “the packer”.

**Section 26—**

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

**Sub-section 27 (3)—**

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

**Sub-section 27 (4)—**

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

**Sub-section 28 (1)—**

Omit “he”, substitute “the person”.

**Section 30—**

Omit “him”, substitute “the Minister”.

***Export Market Development Grants Act 1974***

**Sub-sections 38 (1), (2) and (8)—**

Omit “Commonwealth” (wherever occurring), substitute “Commission”.

***Family Law Act 1975***

**Paragraph 110 (2) (c)—**

Omit “and” from the end of the paragraph.

**Sub-section 110 (2)—**

Add at the end the following word and paragraph:

“; and (e) the making of orders for giving effect to process certified or approved by a court in the United States of America, being process relating to the provision of maintenance, and the effect in Australia of orders under this paragraph.”.

***Heard Island and McDonald Islands Act 1953***

**Paragraph 11 (4A) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 11 (4A)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**SCHEDULE 1—continued**

**Sub-section 11 (4B)—**

Add at the end, “, and a reference in sub-section (4A) to a law has a corresponding meaning”.

***Insurance Act 1973***

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

- (a) Omit from paragraph (b) “or” (last occurring).
- (b) After paragraph (b), insert the following paragraph:  
“(ba) a promissory note having a face value of not less than \$50,000; or”.

**Paragraph 30 (1) (a)—**

- (a) Omit from sub-paragraph (ii) “or” (last occurring).
- (b) Omit sub-paragraph (iii), substitute the following sub-paragraphs:  
“(iii) where, by virtue of sub-section (7), this section applies in relation to a trust—a trustee in respect of the trust, or, if the trustee is a body corporate, a director of that body corporate; or  
(iv) the spouse of a person referred to in sub-paragraph (i), (ii) or (iii);”.

**Paragraph 30 (1) (d)—**

- (a) Omit “a loan to, debenture of or share in”, substitute “an amount due from, a loan to, debenture of, or a share in,”.
- (b) After “approved the”, insert “amount,”.

**Sub-section 30 (2)—**

- (a) After “or part of”, insert “an amount due from,”.
- (b) After “approve the”, insert “amount,”.
- (c) After “such part of the”, insert “amount,”.

**Sub-section 30 (2A)—**

After “in relation to”, insert “an amount due from,”.

**Paragraph 30 (2A) (a)—**

- (a) After “value of the” (first occurring) insert “amount,”.
- (b) After “other”, insert “amounts due from,”.
- (c) After “not consisting of”, insert “amounts due from,”.

**Paragraph 30 (2A) (b)—**

Before “loan” insert “amount,”.

**Sub-section 30 (2B)—**

Omit “a loan”, substitute “an amount, loan”.

**Section 30—**

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

“(5A) Where an approval has been given under sub-section (2), (3) or (4), or a determination has been made under sub-section (2), (4) or (5), and it appears at any time to the Commissioner that the approval or determination is no longer necessary or should be varied, the Commissioner shall, by notice in writing served on the body corporate concerned, revoke or vary the approval or determination, as the case may be.”.

**Sub-section 30 (6)—**

- (a) Omit from paragraph (c) “and”.
- (b) Add at the end the following word and paragraph:

**SCHEDULE 1—continued**

“; and (e) a decision made under sub-section (5A).”.

**Section 30—**

Add at the end the following sub-section:

“(7) Where—

- (a) a body corporate holds units in a unit trust and—
  - (i) the number of those units exceeds 25% of the total number of units issued by the trust; or
  - (ii) the value of those units exceeds 25% of the total value of units issued by the trust; or
- (b) a body corporate is related to a body corporate that is a trustee in respect of a unit trust,

this section applies as if the trust were a body corporate related to the first-mentioned body corporate and as if a reference to a share in a body corporate were a reference to a unit issued by the trust.”.

**Sub-section 31 (3)—**

After “direction,” insert “or as at a specified date,”.

**Sub-section 33 (3)—**

Omit “sub-section (4) and (6)”, substitute “sub-section (4), (6) or (6A), whichever is applicable,”.

**Section 33—**

After sub-section (6), insert the following sub-section:

“(6A) Notwithstanding sub-sections (4) and (6), where an asset of a body corporate (in this sub-section referred to as the ‘shareholding body’) consists of shares issued by a related body corporate (in this sub-section referred to as the ‘share-issuing body’) that is authorised under this Act to carry on insurance business, the value of the asset shall be ascertained in accordance with the formula—

$$\frac{AB}{C}$$

where—

- A is the number of those shares;
- B is the value of all shares issued by the share-issuing body as determined under sub-section (4) or (6), whichever is applicable, reduced by—
  - (a) if the share-issuing body is incorporated in Australia—
    - (i) \$1,000,000; or
    - (ii) 20% of its premium income during its last preceding financial year,
  - whichever is the greater; or
  - (b) if the share-issuing body is not incorporated in Australia—
    - (i) \$1,000,000; or
    - (ii) 20% of its premium income in Australia during its last preceding financial year,
  - whichever is the greater; and
- C is the total number of shares issued by the share-issuing body.”.

**Sub-section 62 (2)—**

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

“(2) The Treasurer may cause a copy of a notice of a direction of the kind referred to in paragraph (1) (a), (b), (c) or (d) to be published in the *Gazette* if the Treasurer is satisfied that it is in the public interest to do so.”.

**SCHEDULE 1—continued**

***Insurance (Agents and Brokers) Act 1984***

**Section 9 (definition of “contravention”)—**

Omit the definition.

**Sub-section 13 (1)—**

Omit all the words from “wilfully” to “upon” (both inclusive), substitute “with intent to deceive make a false or misleading statement”.

**Section 13—**

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

“(1A) A reference in sub-section (1) to making a misleading statement includes a reference to omitting to disclose matter that is material to a statement.”.

**Sub-sections 13 (2) and (3)—**

Omit “wilfully and”.

**Section 16—**

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

“(1A) A registered insurance broker who intends to act under an agreement of a kind referred to in section 10 in arranging a contract of insurance as agent for an insurer shall—

- (a) subject to paragraph (b), give notice to the intending insured, before the broker arranges the contract, that, in arranging the contract, the broker will be acting under an authority given by the insurer to arrange the contract and that the broker will be arranging the contract as agent of the insurer and not of the intending insured; or
- (b) if it is not practicable to comply with paragraph (a), give notice to the insured, as soon as is reasonably practicable after the broker has arranged the contract, that, in arranging the contract, the broker acted under an authority given by the insurer to arrange the contract and that the broker arranged the contract as agent of the insurer and not of the insured.

Penalty:

- (a) in the case of a natural person—\$1,000; or
  - (b) in the case of a corporation—\$5,000.”.
- (b) Omit from sub-section (2) “sub-section (1)”, substitute “this section”.

**Paragraph 19 (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) if there are liabilities prescribed for the purposes of this paragraph—unless there is in force a contract of insurance accepted by the relevant Commissioner under which the person is indemnified to the extent required by the regulations in respect of the prescribed liabilities arising out of or in the course of the person’s business as an insurance intermediary.”.

**Section 19—**

Add at the end the following sub-sections:

“(3) The relevant Commissioner may, by notice in writing served on the registered insurance broker concerned, declare that a contract specified in the notice is no longer acceptable for the purposes of paragraph 19 (1) (b).

“(4) A notice served under sub-section (3) has effect on a day specified in the notice, being a day not less than 21 days after service of the notice.”.

**SCHEDULE 1—continued**

**Section 20—**

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

“(2A) For the avoidance of doubt, it is declared that regulations made for the purposes of sub-section (2) may include the requirement to provide—

- (a) information required for statistical purposes; and
- (b) information that is, or may be, required to be furnished to the relevant Commissioner under any other provision of this Act or the regulations.”.

**Sub-section 20 (3)—**

Omit “wilfully and”.

**Section 26—**

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

“(1A) In sub-section (1), ‘bank’ includes a building society with which trust funds may be invested under a law of the Commonwealth or of a State or Territory.”.

**Section 27—**

Add at the end the following sub-sections:

“(13) Where—

- (a) under sub-section (1), (2), (3), (4) or (5), a broker is required to pay an amount to, or to notify, an insurer; and
- (b) under the contract or proposed contract of insurance concerned the insurer is an underwriting member of Lloyd’s,

it is sufficient compliance with the sub-section if the broker pays the amount to, or notifies, as the case may be, the Lloyd’s broker concerned.

“(14) In sub-section (13), ‘Lloyd’s’ has the same meaning as in the *Insurance Act 1973*.”.

**Sub-section 37 (2)—**

Omit “Unless”, substitute “Where the contract of insurance was arranged by the person and the moneys constitute the first payment made in relation to the contract, then, unless”.

**Section 37—**

After sub-section (3) add the following sub-sections:

“(3A) Moneys referred to in sub-section (3) may be reduced by—

- (a) where the contract concerned is a contract of general insurance—any amounts due to the person pursuant to an agreement with the insurer; or
- (b) in any other case—any amounts due to the person pursuant to an agreement with the insurer, other than an agreement in force under section 10.

“(3B) Where, before the person has been paid an amount as described in sub-section (1), the person has paid to the insurer an amount on account of the first-mentioned amount, the moneys referred to in sub-section (3) shall be reduced by the amount so paid to the insurer.”.

***Insurance Contracts Act 1984***

**Sub-section 11 (9)—**

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

“(9) Subject to sub-section (10), a reference in this Act to the entering into of a contract of insurance includes a reference to—



**SCHEDULE 1—continued**

- (a) in the case of a contract of life insurance—the making of an agreement by the parties to the contract to extend or vary the contract;
- (b) in the case of any other contract of insurance—the making of an agreement by the parties to the contract to renew, extend or vary the contract; or
- (c) the reinstatement of any previous contract of insurance.

“(10) Notwithstanding sub-section (9)—

- (a) subject to paragraph (c), where, after the commencement of this Act and at or before the original entering into, or the renewal, extension or reinstatement, of a contract of insurance, the insurer has given information to the insured as required by section 22, 35, 37, 40, 44, 49 or 68, the requirement by that section to give information to the insured shall be deemed to be satisfied at or before any subsequent renewal, extension or reinstatement of the contract;
- (b) sections 22 and 40 do not require an insurer to give information to the insured at or before a variation of the relevant contract of insurance except where the variation is involved in a renewal, extension or reinstatement of the contract; and
- (c) sections 35, 37, 44, 49 and 68 require an insurer to give information to the insured at or before a variation of the relevant contract of insurance, but only to the extent that the information relates to the provision or provisions varied or proposed to be varied.

“(11) Where a provision of this Act requires anything to be done before a particular contract is entered into, it is sufficient compliance with that provision if that thing is done at the time when the contract is entered into.”

**Section 37—**

Omit all the words after “contract was entered into”, substitute “the insurer clearly informed the insured in writing of the effect of the provision (whether by providing the insured with a document containing the provisions, or the relevant provisions, of the proposed contract or otherwise)”.

**Sub-section 49 (2)—**

After “to the insured” (first occurring), insert “in respect of the particular claim”.

**Section 49—**

Add at the end the following sub-section:

“(6) Where—

- (a) the amount of the insurer’s notional liability exceeds the amount of the liability to the insured in respect of the loss;
- (b) the insurer has paid to the insured the amount of the notional liability; and
- (c) the insurer did not know, and could not reasonably be expected to have known, that a person other than the insured had an interest in the property,

sub-section (3) does not apply, but a person who is not the insured may recover from the insured an amount that bears to the amount of the notional liability the same proportion as the value of that person’s interests in the property bears to the total value of all persons’ interests in the property.”

**Sub-section 58 (2)—**

After “insured” insert “or a person acting as agent for the insured”.

**Section 69—**

Add at the end the following sub-section:

“(4) Where—

**SCHEDULE 1—continued**

- (a) by reason of this Act, information in relation to a contract of insurance is to be or may be given in writing by the insurer to a person before, or at the time when, the contract is entered into;
  - (b) it is reasonably practicable for the information to be so given; and
  - (c) the information is not so given, but is given in writing at a later time,
- the rights of a person other than the insurer in respect of a loss that occurred after the contract was entered into but before the information was given are the same as though the information had not been given.”.

**Sub-section 71 (1)—**

After “Act” insert “(other than sub-section 58 (2))”.

**Paragraph 73 (1) (c)—**

Omit “the” (first occurring).

***Interstate Road Transport Act 1985***

**Sub-section 3 (1)—**

After the definition of “heavy motor vehicle” insert the following definition:  
“‘insurance’ includes participation in a scheme under a law of a State or Territory relating to motor vehicle accident compensation;”.

**Paragraph 11 (3) (b)—**

Omit “the Registration Authority is satisfied that”.

**Sub-section 30 (5)—**

Omit “the Licensing Authority is satisfied that”.

**Paragraph 39 (g)—**

Omit the paragraph, insert the following paragraph:

- “(g) in a case where information recorded by the monitoring device relating to the operation of the motor vehicle or trailer may be mechanically transferred to a document—
- (i) cause that information to be transferred to a document in accordance with procedures specified in the regulations; and
  - (ii) cause the document to be kept in a manner, and for a period, specified in the regulations;”.

**Paragraph 39 (h)—**

Omit “prescribed form”, substitute “approved form”.

**Section 39—**

Add at the end the following sub-section:

“(2) In paragraph (1) (g), ‘mechanically’ includes electronically or by any other means not involving direct human manipulation.”.

**Sub-section 50 (4)—**

After “Regulatory Authority” (first occurring) insert “or the Minister”.

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

**Sub-paragraph 49 (1) (b) (iii)—**

Omit “of the case”.

**SCHEDULE 1—continued**

***Migration Act 1958***

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

Omit the definition, substitute the following definition:

“‘Territory’, except in paragraph (4) (b), means—

- (a) an internal Territory; or
- (b) an external Territory to which this Act extends;”.

**Sub-section 5 (1A)—**

Omit “The Territory of Christmas Island” (wherever occurring), substitute “an external Territory to which this Act extends”.

**Paragraph 5 (4) (b)—**

Omit “other than the Territory of Christmas Island”, substitute “to which this Act does not extend”.

**Section 5A—**

Omit the section, substitute the following section:

**Act to extend to certain Territories**

“5A. (1) In this section, ‘prescribed Territory’ means the Coral Sea Islands Territory, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

“(2) This Act extends to a prescribed Territory.

“(3) Subject to this Act, a prescribed Territory—

- (a) shall be deemed to be part of Australia for the purposes of this Act; and
- (b) shall be deemed not to be a place outside Australia.”.

**Section 57—**

Add at the end the following sub-section:

“(3) In sub-section (1), the reference to official documents of a Territory shall be read, in the case of the Coral Sea Islands Territory or the Territory of Cocos (Keeling) Islands, as including official documents of that Territory that were in existence at the commencement of this sub-section.”.

**Section 67—**

Add at the end the following sub-section:

“(4) Without limiting the generality of paragraph (1) (a), regulations made under that paragraph in respect of applications for visas may make provision for and in relation to the charging and recovery of different fees in respect of different classes of visas prescribed for the purposes of the regulations.”.

***Norfolk Island Act 1979***

**Paragraph 28 (7) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 28 (7)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**Sub-section 28 (7A)—**

Add at the end, “, and a reference in sub-section (7) to a law has a corresponding meaning”.

**SCHEDULE 1—continued**

***Ombudsman Act 1976***

**Sub-section 3 (1) (definition of “prescribed authority”)—**

- (a) Add at the end of sub-paragraph (a) (iii) “and”.
- (b) Omit sub-paragraph (a) (iv).

**Sub-section 3 (3)—**

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

“(3) A person shall not be taken to be a prescribed authority by virtue of holding, or performing the duties of—

- (a) an office whose duties the person performs as duties of employment as an officer or employee of a Department or as a member of the staff of a prescribed authority;
- (b) an office of member of a body; or
- (c) an office established by an enactment for the purposes of a prescribed authority, but any action taken by or on behalf of a person holding, or performing the duties of, such an office shall, for the purposes of this Act, be deemed to have been taken by the Department, body or authority concerned.”.

**Sub-section 3 (6B)—**

Omit “Chief of Defence Force Staff”, substitute “Chief of the Defence Force”.

**Paragraph 3 (12) (b)—**

Omit “Chief of Defence Force Staff”, substitute “Chief of the Defence Force”.

**Sub-section 3 (13)—**

Omit “Chief of Defence Force Staff” (wherever occurring), substitute “Chief of the Defence Force”.

**Sub-paragraph 6 (1) (b) (iii)—**

Omit “of the case”.

**Sub-section 6 (3)—**

Omit “of the case”.

**Sub-section 7A (1)—**

After “prescribed authority” (first occurring) insert “or it appears to the Ombudsman that the Ombudsman may, under paragraph 5 (1) (b), investigate action so taken”.

**After sub-section 9 (1)—**

Insert the following sub-section:

“(1AA) Where the Ombudsman has reason to believe that an officer of a Department or of a prescribed authority is capable of furnishing information or producing documents or other records relevant to an investigation under this Act but the Ombudsman does not know the identity of the officer, the Ombudsman may, by notice in writing served on the principal officer of the Department or authority, require the principal officer or a person nominated by the principal officer, at such place, and within such period or on such date and at such time, as are specified in the notice—

- (a) to attend before a person specified in the notice to answer questions relevant to the investigation; or
- (b) to produce to a person specified in the notice such documents or other records as are so specified.”.

**Sub-section 9 (1A)—**

After “sub-section (1)” insert “or (1AA)”.

**SCHEDULE 1—continued**

**Sub-section 9 (2)—**

Omit “him”, substitute “a person specified in the notice”.

**Sub-section 14 (6)—**

Omit “under”, substitute “in”.

**Paragraphs 19 (1) (b) and (3) (a)—**

Omit “, for presentation to the Australian Capital Territory House of Assembly”.

**Paragraph 19 (3) (b)—**

Omit “, for presentation to the Australian Capital Territory House of Assembly”.

**Sub-sections 19 (3A) and (3B)—**

Omit “, for presentation to the Australian Capital Territory House of Assembly”.

**Sub-section 19 (5)—**

Omit the sub-section.

**Paragraph 19 (7A) (c)—**

Omit the paragraph, substitute the following paragraph:

“(c) the Minister shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after receipt of the report by the Minister.”.

**Paragraph 19 (7B) (d)—**

Omit the paragraph, substitute the following paragraph:

“(d) the Minister shall cause a copy of the statement to be laid before each House of the Parliament within 3 sitting days of that House after receipt of the statement by the Minister.”.

**Section 19A—**

Repeal the section.

**Sub-sections 19E (1) and (2)—**

(a) Omit “relevant law”, substitute “*Defence Act 1903*”.

(b) Omit “law” (second occurring), substitute “Act”.

**Sub-section 24 (1)—**

Omit “, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed”.

**Sub-section 29 (1)—**

Omit “or in an office of Deputy Commonwealth Ombudsman”.

**Paragraph 29 (1) (b)—**

Omit “or a Deputy Ombudsman”.

**After sub-section 29 (1)—**

Insert the following sub-section:

“(1A) The Minister may appoint a person to act in an office of Deputy Commonwealth Ombudsman—

(a) during a vacancy in that office, whether or not an appointment has previously been made to that office; or

**SCHEDULE 1—continued**

(b) during any period, or during all periods, when a Deputy Ombudsman is absent from duty or from Australia or is, for any other reason, unable to perform the functions of Deputy Ombudsman, but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.”.

**Sub-section 29 (2)—**

After “(1)” insert “or (1A)”.

**Sub-section 29 (4)—**

(a) After “(1) (b)” insert “or (1A) (b).”

(b) After “Governor-General” insert “or the Minister, as the case may be.”.

**Sub-section 29 (5)—**

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

“(5) At any time—

(a) the Governor-General may terminate an appointment under sub-section (1); and

(b) the Minister may terminate an appointment under sub-section (1A).”.

**Sub-section 29 (9)—**

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

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

**Part V—**

Repeal the Part.

***Postal Services Act 1975***

**After section 100A—**

Insert the following section:

**Narcotic substances**

“100B. (1) A person shall not, without lawful authority, send by post or by courier service a postal article that encloses or contains a prescribed narcotic substance within the meaning of the *Customs Act 1901*.

Penalty: \$5,000 or imprisonment for 2 years, or both.

“(2) Where an act constitutes an offence against a law of a State or of the Northern Territory, the validity of that law is not affected by reason only that the act also constitutes an offence against sub-section (1).”.

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

**Sub-section 4 (1)—**

After the definition of “special mission” insert the following definition:  
“‘State’ includes the Northern Territory;”.

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

Omit the definition, substitute the following definition:

**SCHEDULE 1—continued**

“‘Territory’ (except in sub-section 25 (2)) means the Australian Capital Territory or the Jervis Bay Territory;”.

**After sub-section 25 (2)—**

Insert the following sub-section:

“(2A) In sub-section (2), ‘Territory’ means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory.”.

**Sub-section 25 (5)—**

Omit “an enactment of the Parliament of a State”, substitute “a particular enactment”.

**The Schedule—**

(a) Omit from the heading to Part II “STATES”, substitute “AUSTRALIA”.

(b) Before “*Australian Capital Territory*” insert the following:

“*Northern Territory—*

Sections 91, 92, 300, 301 and 302 of the Criminal Law Consolidation Act and Ordinance 1876 to 1969, as in force in the Territory.

Sections 64, 65, 66, 67 and 68 of the Criminal Code Act 1983.”.

(c) Omit the heading to Part III.

(d) After “*Australian Capital Territory*” insert “*and Jervis Bay Territory*”.

(e) Omit “*Northern Territory—*

Sections 91, 92, 300, 301 and 302 of the Criminal Law Consolidation Act and Ordinance 1876 to 1969, as in force in the Territory.”.

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

**Sub-section 5 (3)—**

After “sentences” insert “or non-parole periods”.

**Section 5—**

Add at the end the following sub-sections:

“(4) Without limiting the generality of sub-section (3), where—

(a) the order or sentence includes the imposition of a non-parole period; and

(b) a like order or sentence made or pronounced under a law in force in the State could include the imposition of a non-probation period and not a non-parole period,

the non-parole period is subject to the same reduction or remission as if it were a non-probation period.

“(5) A reference in this section to a non-parole period or a non-probation period is a reference to a period before the end of which a person shall not be released on parole or probation, as the case may be.”.

**After section 5—**

Insert the following section:

**Escaping from custody**

“5A. A person who escapes from lawful custody while subject to an order or sentence of imprisonment or other detention in custody shall, upon being returned to lawful custody, undergo the punishment that the person would have undergone if the person had not escaped.”.

**SCHEDULE 1—continued**

***Seat of Government (Administration) Act 1910***

**Paragraph 12 (6A) (b)—**

After “another Ordinance”, insert “or any other law”.

**Sub-section 12 (6A)—**

After “reviving that other Ordinance”, insert “or law, as the case may be,”.

**Sub-section 12 (6B)—**

Add at the end “, and a reference in sub-section (6A) to a law has a corresponding meaning”.

***Trade Practices Act 1974***

**Sub-section 50 (2A)—**

Omit “in a market”.

**After sub-section 63A (2)—**

Insert the following sub-section:

“(2A) A corporation shall not take any action that enables a person who has a credit card or a debit card to use the card as a debit card or a credit card, as the case may be, except in accordance with a request in writing by the person.”.

**Sub-section 65Q (4)—**

Omit “territory”, substitute “Territory”.

**Sub-section 74D (1)—**

Omit “or that other person” (wherever occurring), substitute “that other person”.

**Sub-section 87 (1C)—**

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

“(1C) An application may be made under sub-section (1A) in relation to a contravention of Part V notwithstanding that a proceeding has not been instituted under another provision of this Part in relation to that contravention.

“(1CA) An application under sub-section (1A) may be commenced—

- (a) in the case of conduct in contravention of section 52A—at any time within 2 years after the day on which the cause of action accrued; or
- (b) in any other case—at any time within 3 years after the day on which the cause of action accrued.”.

***Wheat Marketing Act 1984***

**After sub-section 65 (2)—**

Insert the following sub-section:

“(2A) Notwithstanding sub-section (2), the provisions referred to in that sub-section shall be deemed to have had effect on and after 29 November 1979, and have effect on and after the commencement of this sub-section, as if those provisions empowered the Board to treat any wheat—

- (a) sown on or after 1 January in any calendar year; and
- (b) harvested before the season commencing on 1 October in that calendar year, to be wheat of the season commencing on 1 October of that calendar year.”.



**SCHEDULE 2**

Section 4

**REPEAL OF ACTS**

*Julius Dam Agreement Act 1974*

*Mount Stromlo Observatory Act 1956*

*Queensland Grant (Proserpine Flood Mitigation) Act 1974*

*States Grants (Water Resources Assessment) Act 1976*

*Trading with the Enemy Act 1939*

*Trading with the Enemy Act 1940*

*Trading with the Enemy Act 1947*

*Trading with the Enemy Act 1952*

*Trading with the Enemy Act 1957*

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**NOTE**

On the day on which section 16 of the *Insurance (Agents and Brokers) Act 1984* is amended by this Act, the headings to sections 15 and 16 of that Act are altered by omitting “binders” and substituting “authorities”.

[*Minister's second reading speech made in—  
House of Representatives on 15 October 1986  
Senate on 19 November 1986*]