



Statute Update (Winter 2017) Act 2017

No. 93, 2017

An Act to make various technical and minor amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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[Assented to 23 August 2017]

The Parliament of Australia enacts:

1 Short title

This Act is the *Statute Update (Winter 2017) Act 2017*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	23 August 2017
2. Schedule 1, Part 1	The 28th day after this Act receives the Royal Assent.	20 September 2017
3. Schedule 1, Part 2	At the same time as the <i>Australian Border Force Act 2015</i> commenced.	1 July 2015
4. Schedules 2 to 4	The 28th day after this Act receives the Royal Assent.	20 September 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments of principal Acts

Part 1—General amendments

Antarctic Treaty (Environment Protection) Act 1980

1 Schedule 1

Omit “Antartic”, substitute “Antarctic”.

Note: This item fixes a typographical error.

2 Schedule 3

Omit “activites”, substitute “activities”.

Note: This item fixes a typographical error.

Australian Communications and Media Authority Act 2005

3 Subsection 25(1) (heading)

Repeal the heading, substitute:

Period specified in instrument of appointment

Note: This item amends a heading to better reflect the contents of the subsection.

4 Paragraph 53(2)(k)

Omit “or Schedule 5 or 7 to that Act”.

Note: This item omits a redundant reference.

Broadcasting Services Act 1992

5 Section 61CN (heading)

Repeal the heading, substitute:

61CN ACMA review of approved local content plan

Note: This item amends a heading to better reflect the contents of the section.

Commerce (Trade Descriptions) Act 1905

6 Subsection 12(2)

Omit “is guilty of”, substitute “commits”.

Note: This item changes “is guilty of an offence” to “commits an offence”, for consistency with current drafting practice.

Compensation (Japanese Internment) Act 2001

7 Section 3 (definition of *Review Tribunal*)

Repeal the definition, substitute:

Review Tribunal means the Administrative Appeals Tribunal.

Note: This item omits a redundant reference.

Crimes Act 1914

8 Paragraph 19APA(1)(d)

Omit “paragraph 19AN(1)(c)”, substitute “paragraph 19AN(c)”.

Note: This item fixes an incorrect cross-reference.

9 Paragraph 19APA(1)(d)

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

Note: This item fixes an incorrect cross-reference.

Dairy Produce Act 1986

10 Subclause 37R(2) of Schedule 2

Omit “or the Administrative Review Tribunal (as the case may be)”.

Note: This item omits a redundant reference.

Fair Work Act 2009

11 Paragraph 20(2)(a)

Omit “full time employee”, substitute “full-time employee”.

Note: This item fixes a typographical error.

Higher Education Support Act 2003

12 Clause 1 of Schedule 1A (note)

Omit “43(3) to (5)”, substitute “43(3) to (7)”.

Note: This item inserts a cross-reference that was overlooked in a prior amendment of the *Higher Education Support Act 2003*.

13 Clause 40 of Schedule 1A (note 2)

Omit “43(3) to (5)”, substitute “43(3) to (7)”.

Note: This item inserts a cross-reference that was overlooked in a prior amendment of the *Higher Education Support Act 2003*.

Legislation Act 2003

14 Section 13 (heading)

Repeal the heading, substitute:

13 Construction of legislative instruments and notifiable instruments

Note: This item amends a heading to better reflect the contents of the section.

Long Service Leave (Commonwealth Employees) Act 1976

15 Subsection 13(1) (definition of *Australian Staffing Assistance Group*)

Omit “body established under that name by the *Papua New Guinea (Staffing Assistance) Act 1973*”, substitute “body formerly established under that name by the *Papua New Guinea (Staffing Assistance) Act 1973*”.

Note: This item clarifies a reference to a body that no longer exists.

My Health Records Act 2012

16 Subsection 64(3)

Omit “healthcare recipient only-notes”, substitute “healthcare recipient-only notes”.

Note: This item fixes a reference to an incorrect concept.

Primary Industries Research and Development Act 1989

17 Subsection 89(3)

Repeal the subsection.

Note: This item repeals a redundant subsection.

Radio Licence Fees Act 1964

18 Paragraph 6(3)(a)

Omit “the day on which the *Radio Licence Fees Amendment Act 1997* received the Royal Assent”, substitute “8 October 1997”.

Note: This item replaces a reference to the day on which a repealed Act received the Royal Assent with the actual date of Royal Assent.

Telecommunications (Interception and Access) Act 1979

19 Paragraph 5D(4)(aa)

Repeal the paragraph.

Note: This item repeals a redundant paragraph.

20 Paragraph 5D(4)(b)

Omit “Division 1A of Part IV of the *Crimes Act 1900* of New South Wales”, substitute “Part 4AC of the *Crimes Act 1900* of New South Wales”.

Note: This item fixes an incorrect cross-reference to provisions of a New South Wales Act.

Television Licence Fees Act 1964

21 Paragraph 6(3)(a)

Omit “the day on which the *Television Licence Fees Amendment Act 1997* received the Royal Assent”, substitute “8 October 1997”.

Note: This item replaces a reference to the day on which a repealed Act received the Royal Assent with the actual date of Royal Assent.

Work Health and Safety Act 2011

22 Section 4 (paragraph (b) of the definition of *corresponding WHS law*)

Omit “the *Work Health and Safety Act 2011* of Victoria”, substitute “the *Occupational Health and Safety Act 2004* of Victoria”.

Note: This item fixes an incorrect cross-reference to provisions of a Victorian Act.

23 Section 4 (paragraph (d) of the definition of *corresponding WHS law*)

Omit “the *Work Health and Safety Act 2011* of Western Australia”, substitute “the *Occupational Safety and Health Act 1984* of Western Australia”.

Note: This item fixes an incorrect cross-reference to provisions of a Western Australian Act.

24 Section 4 (paragraph (e) of the definition of *corresponding WHS law*)

Omit “the *Work Health and Safety Act 2011* of South Australia”, substitute “the *Work Health and Safety Act 2012* of South Australia”.

Note: This item fixes an incorrect citation of a short title of a South Australian Act.

25 Section 4 (paragraph (f) of the definition of *corresponding WHS law*)

Omit “the *Work Health and Safety Act 2011* of Tasmania”, substitute “the *Work Health and Safety Act 2012* of Tasmania”.

Note: This item fixes an incorrect citation of a short title of a Tasmanian Act.

26 Section 4 (paragraph (h) of the definition of *corresponding WHS law*)

Omit “the *Work Health and Safety Act 2011* of the Northern Territory”, substitute “the *Work Health and Safety (National Uniform Legislation) Act* of the Northern Territory”.

Note: This item fixes an incorrect citation of a Northern Territory Act.

Part 2—Other amendments

Carriage of Goods by Sea Act 1991

27 Paragraph 4(a) of Article 1 of Schedule 1A

Omit “Chief Executive Officer of Customs”, substitute
“Comptroller-General of Customs”.

Note: This item fixes a reference to an incorrect concept.

Schedule 2—Amendments consequential on the Acts and Instruments (Framework Reform) Act 2015

Australian River Co. Limited Act 2015

1 Subitem 15(3) of Schedule 1

Repeal the subitem, substitute:

- (3) Subsection 12(2) (retrospective application of legislative instruments) of the *Legislation Act 2003* does not apply to rules made for the purposes of paragraph (2)(a) or (b) of this item.

Australian Small Business and Family Enterprise Ombudsman Act 2015

2 Subsection 20(1) (note)

Repeal the note, substitute:

- Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the direction: see regulations made for the purposes of paragraph 44(2)(b) of that Act.
- Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the direction: see regulations made for the purposes of paragraph 54(2)(b) of that Act.

Biosecurity Act 2015

3 Subsections 42(3), 44(3), 45(3), 49(2), 50(2), 51(4), 110(3), 112(3), 113(7), 115(1), 173(5), 174(5) and 182(6)

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

4 Sections 228 and 234

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

5 Subsection 256(3)

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

6 Subsections 365(4), 369(1), 384(4), 388(1), 395(4), 397(1), 398(2), 443(2), 444(2), 445(2), 475(2), 476(2) and 477(2)

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

7 Subsection 543(1) (note)

Repeal the note, substitute:

Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* do not apply to the directions (see regulations made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that Act).

8 Subsection 618(7)

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015

9 Subitem 1(5) of Schedule 3

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

Income Tax Assessment Act 1997

10 Paragraph 418-70(2)(a)

Omit “Division 2 of Part 4 of the *Legislative Instruments Act 2003*”, substitute “the *Legislation Act 2003*”.

11 Subsection 418-90(6)

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

12 Subsection 960-412(2) (note 1)

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

Migration Act 1958

13 Subsection 5(1AD)

Omit “subsection 44(2) of the *Legislative Instruments Act 2003*”, substitute “regulations made for the purposes of paragraph 44(2)(b) of the *Legislation Act 2003*”.

Schedule 3—Repeals of spent and obsolete provisions

Defence Act 1903

1 Section 122A

Repeal the section.

Medibank Private Sale Act 2006

2 Item 57 of Schedule 2

Repeal the item.

3 Paragraph 58(5)(a) of Schedule 2

Omit “item 20 or 57 would”, substitute “item 20 would, or the former item 57 did.”.

Note: This item is consequential on item 2.

Plant Health Australia (Plant Industries) Funding Act 2002

4 Section 13

Repeal the section.

Note: This item is consequential on item 5.

5 Schedule 1

Repeal the Schedule.

Prohibition of Human Cloning for Reproduction Act 2002

6 Section 7

Repeal the section.

Note: This item is consequential on item 7.

7 Schedule 1

Repeal the Schedule.

Tobacco Advertising Prohibition Act 1992

8 Subparagraph 6(3)(a)(i)

Omit “, 18”.

Note: This item is consequential on item 12.

9 Section 7

Omit “, 18”.

Note: This item is consequential on item 12.

10 Paragraph 15(1)(a)

Omit “, 18”.

Note: This item is consequential on item 12.

11 Subsections 15(2) and (3)

Omit “, 18”.

Note: This item is consequential on item 12.

12 Section 18

Repeal the section.

13 Section 29 (heading)

Repeal the heading, substitute:

29 Applications for the purposes of subsection 9(5)

Note: This item is consequential on item 12.

14 Subsection 29(1)

Repeal the subsection, substitute:

- (1) A person may apply to the Minister to have a particular class of products specified in a notice under subsection 9(5).

Note: This item is consequential on item 12.

15 Subsection 29(8)

Omit “whichever of subsections 9(5) and 18(2) is applicable”, substitute “subsection 9(5)”.

Schedule 3 Repeals of spent and obsolete provisions

Note: This item is consequential on item 12.

16 Subsection 29(9)

Omit “or 18(2)”.

Note: This item is consequential on item 12.

17 Section 30

Omit “, 17(2), 18(2) or 18(3)”, substitute “or 17(2)”.

Note: This item is consequential on item 12.

18 Paragraph 33(b)

Omit “, in so far as that section relates to applications under paragraph 29(1)(a)”.

Note: This item is consequential on items 12 and 14.

19 Saving

The repeal and substitution of subsection 29(1) of the *Tobacco Advertising Prohibition Act 1992* by this Schedule does not affect the validity of an application made under that subsection before the commencement of this Schedule.

Note: This item relates to item 14.

Schedule 4—Repeals of spent Acts

Aboriginal Land Rights (Northern Territory) Amendment (Township Leasing) Act 2007

1 The whole of the Act

Repeal the Act.

Governor-General Amendment Act 2003

2 The whole of the Act

Repeal the Act.

Stevedoring Industry Act 1961

3 The whole of the Act

Repeal the Act.

Stevedoring Industry (Temporary Provisions) Act 1968

4 The whole of the Act

Repeal the Act.

[*Minister's second reading speech made in—
House of Representatives on 25 May 2017
Senate on 17 August 2017*]

(90/17)