



Statute Update (Autumn 2018) Act 2018

No. 41, 2018

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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Statute Update (Autumn 2018) Act 2018

No. 41, 2018

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

[Assented to 22 May 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Statute Update (Autumn 2018) Act 2018*.

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 after this Act receives the Royal Assent.	23 May 2018
2. Schedule 1, items 1 to 6	The 28th day after this Act receives the Royal Assent.	19 June 2018
3. Schedule 1, items 7 and 8	1 July 2017.	1 July 2017
4. Schedules 2 to 6	The 28th day after this Act receives the Royal Assent.	19 June 2018

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Criminal Code Act 1995

1 Paragraph 104.29(2)(i) of the *Criminal Code*

Omit “*Crimes Act 1914.*”, substitute “*Crimes Act 1914;*”.

Note: This item fixes a punctuation error.

Education Services for Overseas Students Act 2000

2 Subsection 149(1)

Omit “authorised employee”, substitute “authorised officer”.

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

Equal Employment Opportunity (Commonwealth Authorities) Act 1987

3 Subsection 3(1) (paragraph (a) of the definition of *trade union*)

Omit “*Conciliation and Arbitration Act 1904*”, substitute “*Fair Work (Registered Organisations) Act 2009*”.

Note: This item replaces a reference to a repealed Act with a reference to the correct current Act.

Renewable Energy (Electricity) Act 2000

4 Subsection 24(2) (note 1)

Omit “Chapter 3 of the *Criminal Code*”, substitute “Part IA of the *Crimes Act 1914*”.

Note: This item fixes an incorrect cross-reference.

5 Subsection 24(3) (note)

Omit “Chapter 3 of the *Criminal Code*”, substitute “Part IA of the *Crimes Act 1914*”.

Note: This item fixes an incorrect cross-reference.

6 Subsection 154(2) (note 1)

Omit “Chapter 3 of the *Criminal Code*”, substitute “Part IA of the *Crimes Act 1914*”.

Note: This item fixes an incorrect cross-reference.

Trade Support Loans Act 2014

7 Subsection 99(4) (formula)

Repeal the formula, substitute:

$$\frac{\text{Index number for most recent March quarter before the indexation day}}{\text{Index number for highest previous March quarter}}$$

8 Paragraph 99(5)(a)

Repeal the paragraph, substitute:

- (a) the highest previous March quarter is the March quarter, before the most recent March quarter before the indexation day, with the highest index number (disregarding any March quarter that is earlier than the 2014 March quarter); and

Schedule 2—Chartered Accountants Australia and New Zealand

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

**1 Section 5 (paragraph (b) of the definition of *qualified
accountant*)**

Omit “the Institute of Chartered Accountants in Australia”, substitute
“Chartered Accountants Australia and New Zealand”.

Australian Research Council Act 2001

**2 Subsection 58(2) (paragraph (c) of the definition of *qualified
auditor*)**

Omit “the Institute of Chartered Accountants in Australia”, substitute
“Chartered Accountants Australia and New Zealand”.

National Land Transport Act 2014

**3 Subsection 4(1) (subparagraph (c)(ii) of the definition of
appropriate auditor)**

Omit “the Institute of Chartered Accountants in Australia”, substitute
“Chartered Accountants Australia and New Zealand”.

Natural Resources Management (Financial Assistance) Act 1992

**4 Subsection 9(5) (paragraph (b) of the definition of *qualified
accountant*)**

Omit “the Institute of Chartered Accountants in Australia”, substitute
“Chartered Accountants Australia and New Zealand”.

Schedule 3—Amendments consequential on the Acts and Instruments (Framework Reform) Act 2015

Food Standards Australia New Zealand Act 1991

1 At the end of subsection 6(1)

Add:

Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the declaration: see subsection 44(1) of that Act.

Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the declaration: see subsection 54(1) of that Act.

2 Subsection 6(4)

Repeal the subsection.

3 At the end of subsection 23(1)

Add:

Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the guidelines: see subsection 44(1) of that Act.

Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the guidelines: see subsection 54(1) of that Act.

4 Subsection 23(4)

Repeal the subsection.

5 Subsection 82(2)

Omit “, but neither section 42 (disallowance) nor Part 6 (sunsetting) of the *Legislative Instruments Act 2003* applies to the variation”.

6 At the end of subsection 82(2)

Add:

Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the variation: see subsection 44(1) of that Act.

Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the variation: see subsection 54(1) of that Act.

7 Subsection 82(7)

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

8 Subsection 82(8)

Repeal the subsection, substitute:

When variation commences

- (8) Despite subsection 12(1) of the *Legislation Act 2003*, a variation made under subsection (1) of this section commences on the day a copy of the variation is published as mentioned in subsection (7) of this section.

9 Section 94

Repeal the section, substitute:

94 Standards and variations are legislative instruments

A standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument.

Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the standard or variation: see subsection 44(1) of that Act.

Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the standard or variation: see subsection 54(1) of that Act.

10 Subsection 97(6)

Repeal the subsection, substitute:

Standards and variations are legislative instruments

- (6) The standard, or the variation of the standard, in relation to which notice is published under subsection (4), is a legislative instrument.

Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the standard or variation: see subsection 44(1) of that Act.

Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the standard or variation: see subsection 54(1) of that Act.

11 At the end of subsection 106(1)

Add:

Schedule 3 Amendments consequential on the Acts and Instruments (Framework Reform) Act 2015

Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the instrument of revocation or amendment: see subsection 44(1) of that Act.

Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the instrument of revocation or amendment: see subsection 54(1) of that Act.

12 Subsection 106(6)

Repeal the subsection.

Schedule 4—Norfolk Island

Bankruptcy (Estate Charges) Act 1997

1 Section 3

Omit “, of the Northern Territory or of Norfolk Island”, substitute “or of the Northern Territory”.

Commonwealth Banks Restructuring Act 1990

2 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Export Inspection Charges Collection Act 1985

3 Section 3B

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Export Inspection (Establishment Registration Charges) Act 1985

4 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Export Inspection (Quantity Charge) Act 1985

5 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Export Inspection (Service Charge) Act 1985

6 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Fringe Benefits Tax Act 1986

7 Section 4

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Income Tax (Deferred Interest Securities) (Tax File Number Withholding Tax) Act 1991

8 Section 3

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Marine Navigation Levy Act 1989

9 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Marine Navigation (Regulatory Functions) Levy Act 1991

10 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

National Residue Survey (Customs) Levy Act 1998

11 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

National Residue Survey (Excise) Levy Act 1998

12 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Primary Industries (Customs) Charges Act 1999

13 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Primary Industries (Excise) Levies Act 1999

14 Section 5

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Primary Industries Levies and Charges Collection Act 1991

15 Subsection 5(1)

Omit “and of Norfolk Island”.

Renewable Energy (Electricity) (Large-scale Generation Shortfall Charge) Act 2000

16 Section 4

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Act 2010

17 Section 4

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Telecommunications (Carrier Licence Charges) Act 1997

18 Section 3

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Telecommunications (Industry Levy) Act 2012

19 Section 4

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Telecommunications (Numbering Charges) Act 1997

20 Section 3

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Act 2014

21 Section 4

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

True-up Shortfall Levy (General) (Carbon Tax Repeal) Act 2014

22 Section 4

Omit “, of the Northern Territory and of Norfolk Island”, substitute “and of the Northern Territory”.

Schedule 5—Repeals of spent provisions

Social Security Legislation Amendment (One-off Payments for Carers) Act 2005

1 Schedule 1

Repeal the Schedule.

Telstra Corporation Act 1991

2 Subsections 36(2), (2A) and (6)

Repeal the subsections.

Schedule 6—Repeals of obsolete amending Acts

1 Repeals of Acts

Repeal the following Acts:

ACIS Administration Amendment Act 2000

ACIS Administration Amendment Act 2002

ACIS Administration Amendment Act 2003

ACIS Administration Amendment Act 2009

ACIS Administration Amendment (Application) Act 2009

ACIS Administration Amendment (Unearned Credit Liability) Act 2007

Australian Industry Development Corporation Amendment Act 1980

Australian Industry Development Corporation Amendment Act 1992

Australian Workforce and Productivity Agency Repeal Act 2014

Bounty Acts Amendment Act 1982

Bounty and Subsidy Legislation Amendment Act 1986

Bounty and Subsidy Legislation Amendment Act 1987

***Bounty and Subsidy Legislation Amendment Act (No. 2)
1986***

***Bounty and Subsidy Legislation Amendment Act (No. 2)
1988***

Bounty (Commercial Motor Vehicles) Amendment Act 1985

***Bounty (Commercial Motor Vehicles) Amendment Act
(No. 2) 1985***

***Bounty (Injection-moulding Equipment) Amendment Act
1983***

***Bounty (Injection-moulding Equipment) Amendment Act
1985***

Bounty Legislation Amendment Act 1995

Customs Tariff (Coal Export Duty) Amendment Act 1987

***Customs Tariff (Uranium Concentrate Export Duty)
Amendment Act 1987***

***Customs Tariff (Uranium Concentrate Export Duty)
Amendment Act 1989***

Energy Efficiency Opportunities Amendment Act 2007

Energy Efficiency Opportunities (Repeal) Act 2014

Fertilizers (Subsidy) Amendment Act 1985

Petroleum (Submerged Lands) Amendment Act 1980

Petroleum (Submerged Lands) Amendment Act 1991

Petroleum (Submerged Lands) Amendment Act 2002

Petroleum (Submerged Lands) Amendment Act 2003

*Petroleum (Submerged Lands) (Exploration Permit Fees)
Amendment Act 1980*

*Petroleum (Submerged Lands) Legislation Amendment Act
1987*

*Petroleum (Submerged Lands) Legislation Amendment Act
(No. 1) 2000*

*Petroleum (Submerged Lands) Legislation Amendment Act
(No. 2) 2000*

*Petroleum (Submerged Lands) (Pipeline Licence Fees)
Amendment Act 1980*

*Petroleum (Submerged Lands) (Production Licence Fees)
Amendment Act 1980*

*Petroleum (Submerged Lands) (Registration Fees)
Amendment Act 1980*

*Petroleum (Submerged Lands) (Registration Fees)
Amendment Act 2001*

*Petroleum (Submerged Lands) (Royalty) Amendment Act
1980*

States Grants (Petroleum Products) Amendment Act 1978

***Textiles, Clothing and Footwear Development Authority
Amendment Act 1991***

2 Saving provision

If, under an Act repealed by this Schedule, a decision, act or thing was taken to be, or to continue to be, valid to any extent immediately before the commencement of this item, then the decision, act or thing continues to be taken to be valid to the same extent after the commencement of this item.

*[Minister's second reading speech made in—
House of Representatives on 28 March 2018
Senate on 9 May 2018]*

(75/18)
