



Acts Interpretation Substituted Reference Order 2017

made under section 19B of the

Acts Interpretation Act 1901

Compilation No. 3

Compilation date: 1 February 2020

Includes amendments up to: F2020L00073

Registered: 17 February 2020

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Acts Interpretation Substituted Reference Order 2017* that shows the text of the law as amended and in force on 1 February 2020 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary	1
1.1 Name.....	1
1.3 Authority.....	1
1.4 Simplified outline of this instrument.....	1
1.5 Definitions	1
Part 2—References to Ministers	2
2.1 References to Ministers.....	2
2.2 Substitutions having effect on and after 1 July 2014.....	2
2.3 Substitutions having effect on and after 19 July 2016.....	2
2.4 Substitutions having effect on and after 21 December 2017.....	3
2.5 Substitutions having effect on and after 29 May 2019.....	6
Part 3—References to Departments	8
3.1 References to Departments	8
3.2 Substitutions having effect on and after 30 September 2015	8
3.3 Substitutions having effect on and after 19 July 2016.....	8
3.4 Substitutions having effect on and after 21 December 2017.....	9
3.5 Substitutions having effect on and after 29 May 2019.....	10
3.6 Substitutions having effect on and after 1 July 2019.....	11
3.7 Substitutions having effect on and after 1 February 2020.....	13
Part 4—References to Secretaries	15
4.1 References to Secretaries	15
4.2 Substitutions having effect on and after 6 May 2017.....	15
4.3 Substitutions having effect on and after 21 December 2017.....	15
4.4 Substitutions having effect on and after 29 May 2019.....	16
4.5 Substitutions having effect on and after 1 July 2019.....	17
4.6 Substitutions having effect on and after 1 February 2020.....	19
Endnotes	21
Endnote 1—About the endnotes	21
Endnote 2—Abbreviation key	22
Endnote 3—Legislation history	23
Endnote 4—Amendment history	24

Part 1—Preliminary

1.1 Name

This instrument is the *Acts Interpretation Substituted Reference Order 2017*.

1.3 Authority

This instrument is made under section 19B of the *Acts Interpretation Act 1901*.

1.4 Simplified outline of this instrument

This instrument affects certain provisions of Acts, and instruments made under Acts, that refer to authorities (such as Ministers, Departments and Secretaries of Departments).

It directs that those provisions have effect for all purposes, on and after specified days, as if there were substituted references to other authorities.

A provision may have been affected, before a particular substitution is made, by a previous substitution made by this instrument, the *Acts Interpretation (Substituted References—Section 19B) Order 1997* or the *Acts Interpretation (Substituted References—Section 19BA) Order 2004*.

After a substitution is made, the provision may be affected by a later substitution made by this instrument or by an amendment made by an Act or instrument.

Note: The *Acts Interpretation (Substituted References—Section 19B) Order 1997* and the *Acts Interpretation (Substituted References—Section 19BA) Order 2004* continue to have effect under item 5 of Schedule 2 to the *Acts and Instruments (Framework Reform) Act 2015*.

1.5 Definitions

In this instrument:

authority has the same meaning as in section 19B of the *Acts Interpretation Act 1901*.

provision means a provision of an Act or an instrument under an Act.

Section 2.1

Part 2—References to Ministers

2.1 References to Ministers

A provision mentioned in column 1 of an item of a table in this Part that refers to a Minister mentioned in column 2 of the item has effect for all purposes, on and after the day mentioned in the heading to that table, as if there were substituted for that reference a reference to the authority, or authorities, mentioned in column 3 of the item.

2.2 Substitutions having effect on and after 1 July 2014

The following table sets out substitutions having effect on and after 1 July 2014 that affect provisions of a single Act or instrument that refer to Ministers.

Substitutions having effect on and after 1 July 2014—references to Ministers in a single Act or instrument		
Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
1 <i>Clean Energy Finance Corporation Act 2012</i> , section 4 (definition of <i>Finance Minister</i>)	Minister administering the <i>Commonwealth Authorities and Companies Act 1997</i>	Minister administering the <i>Public Governance, Performance and Accountability Act 2013</i>

2.3 Substitutions having effect on and after 19 July 2016

(1) The following table sets out substitutions having effect on and after 19 July 2016 that affect provisions of multiple Acts or instruments that refer to Ministers.

Substitutions having effect on and after 19 July 2016—references to Ministers in multiple Acts or instruments		
Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
1 All provisions	Minister for Revenue and Assistant Treasurer	Minister for Revenue and Financial Services

(2) The following table sets out substitutions having effect on and after 19 July 2016 that affect provisions of a single Act or instrument that refer to Ministers.

Section 2.4

Substitutions having effect on and after 19 July 2016—references to Ministers in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 <i>Clean Energy Finance Corporation Act 2012</i> , section 4 (paragraph (a) of the definition of responsible Ministers)	Minister for the Environment	Minister administering the <i>Clean Energy Finance Corporation Act 2012</i>
2 <i>Customs (Prohibited Exports) Regulations 1958</i> : (a) subregulation 9(1) (definition of Minister); (b) subregulation 13G(3); (c) paragraphs 13H(4)(b) and (c); (d) Schedule 7 (heading); (e) subparagraph 1(g)(ii) of Schedule 7	Minister for Resources and Energy	Minister administering the <i>National Radioactive Waste Management Act 2012</i>
3 <i>Customs (Prohibited Exports) Regulations 1958</i> , subregulation 9AA(1) (definition of Minister)	Minister for Resources and Energy	Minister administering the <i>Offshore Minerals Act 1994</i>
4 <i>Customs (Prohibited Imports) Regulations 1956</i> , item 3 of Schedule 3	Minister for the Environment	Minister administering the <i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i>

2.4 Substitutions having effect on and after 21 December 2017

- (1) The following table sets out substitutions having effect on and after 21 December 2017 that affect provisions of multiple Acts or instruments that refer to Ministers.

Substitutions having effect on and after 21 December 2017—references to Ministers in multiple Acts or instruments

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 All provisions	Minister for Immigration and Border Protection	Minister for Home Affairs

- (2) The following table sets out substitutions having effect on and after 21 December 2017 that affect provisions of a single Act or instrument that refer to Ministers.

Section 2.4

Substitutions having effect on and after 21 December 2017—references to Ministers in a single Act or instrument

	Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1	<i>Administrative Decisions (Judicial Review) Act 1977</i> , paragraphs (daa) and (daaa) of Schedule 1	Attorney-General	Minister for Home Affairs
2	<i>A New Tax System (Family Assistance) Act 1999</i> , Division 7 of Part 3	Attorney-General	Minister for Home Affairs
3	<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> , section 5 (definition of Attorney-General's Department)	Attorney-General, if the reference to that authority would, apart from this item, be read as a reference to another Minister in accordance with section 19 of the <i>Acts Interpretation Act 1901</i>	Attorney-General
4	<i>Australian Citizenship Act 2007</i> , section 6A	Attorney-General	Minister for Home Affairs
5	<i>Australian Crime Commission Act 2002</i> , subsections 12(1) and (1A) and section 16	Attorney-General of the Commonwealth, if the reference to that authority would, apart from this item, be read as a reference to another Minister in accordance with section 19 of the <i>Acts Interpretation Act 1901</i>	Attorney-General of the Commonwealth
6	<i>Australian Federal Police Act 1979</i> , sections 44, 47B, 49P and 51	the Minister	Attorney-General
7	<i>Crimes Act 1914</i> , sections 3ZZAE, 3ZZAF, 15GG and 15LD	the Minister	Attorney-General
8	<i>Crimes Act 1914</i> , section 9A	Attorney-General	Minister for Home Affairs
9	<i>Crimes Act 1914</i> , Part ID	Attorney-General, if the reference to that authority would, apart from this item, be read as a reference to another Minister in accordance with section 19 of the <i>Acts Interpretation Act 1901</i>	Attorney-General

Section 2.4

Substitutions having effect on and after 21 December 2017—references to Ministers in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
10 <i>Crimes (Aviation) Act 1991</i> , sections 37, 41 and 48	Attorney-General, if the reference to that authority would, apart from this item, be read as a reference to another Minister in accordance with section 19 of the <i>Acts Interpretation Act 1901</i>	Attorney-General
11 <i>Criminal Code</i> : (a) section 72.28; (b) section 72.36, paragraph (a) of the definition of responsible Minister ; (c) subsection 117.1(2); (d) section 119.8; (e) Part 9.1; (f) paragraphs 471.18(2)(d), 471.21(2)(d), 474.21(2)(d) and 474.24(2)(d)	the Minister	Minister for Home Affairs
12 <i>Criminology Research Act 1971</i> , subsection 19(2)	Attorney-General	Minister administering the <i>Criminology Research Act 1971</i>
13 <i>Customs Act 1901</i> , subsection 208DA(4)	Attorney-General	Minister for Home Affairs
14 <i>Customs (Prohibited Exports) Regulations 1958</i> , regulation 3	Attorney-General	Minister administering Part 2 of the <i>Classification (Publications, Films and Computer Games) Act 1995</i>
15 <i>Customs (Prohibited Imports) Regulations 1956</i> , regulation 4A	Attorney-General	Minister administering Part 2 of the <i>Classification (Publications, Films and Computer Games) Act 1995</i>
16 <i>Customs (Prohibited Imports) Regulations 1956</i> , regulation 4AA and Schedule 6	Attorney-General	Minister for Home Affairs
17 <i>Migration Act 1958</i> , sections 143 to 147 (inclusive) and 162	Attorney-General	Minister for Home Affairs

Section 2.5

Substitutions having effect on and after 21 December 2017—references to Ministers in a single Act or instrument

Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
18 <i>Migration Regulations 1994</i> : (a) regulation 1.03, definition of <i>assistance notice</i> ; (b) regulation 2.07AK; (c) clause 060.511 of Schedule 2	Attorney-General	Minister for Home Affairs
19 <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> , subsections 604(5) and 610(4)	Attorney-General	Minister for Home Affairs
20 <i>Paid Parental Leave Act 2010</i> , Division 5 of Part 6-1	Attorney-General	Minister for Home Affairs
21 <i>Proceeds of Crime Act 2002</i> , paragraph 297(c)	the Minister	Attorney-General
22 <i>Safety, Rehabilitation and Compensation (Definition of Employee) Notice 2009 (1)</i> (as in force for the purposes of subsection 5(6) of the <i>Safety, Rehabilitation and Compensation Act 1988</i>), Schedule	Attorney-General or the Minister for Justice	Minister for Home Affairs
23 <i>Service and Execution of Process Act 1992</i> , subsection 100(4)	Attorney-General for the Commonwealth	Minister for Home Affairs
24 <i>Social Security Act 1991</i> , Part 1.3B	Attorney-General	Minister for Home Affairs
25 <i>Telecommunications Act 1997</i> : (a) sections 58A and 581; (b) clauses 57A and 72A of Schedule 3A	Attorney-General	Minister for Home Affairs
26 <i>Telecommunications Act 1997</i> , sections 275B, 275D, 295Y, 295ZB and 295ZD	Minister administering the <i>Administrative Decisions (Judicial Review) Act 1977</i>	Minister for Home Affairs
27 <i>Terrorism Insurance Act 2003</i> , subsection 6(1)	Attorney-General	Minister for Home Affairs

2.5 Substitutions having effect on and after 29 May 2019

The following table sets out substitutions having effect on and after 29 May 2019 that affect provisions of a single Act or instrument that refer to Ministers.

Section 2.5

Substitutions having effect on and after 29 May 2019—references to Ministers in a single Act or instrument

	Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1	<i>Migration Regulations 1994</i> , regulation 1.03 (definition of <i>Employment Minister</i>)	Minister administering the <i>Fair Entitlements Guarantee Act 2012</i>	Minister responsible for employment policy, including employment services
2	<i>Social Security (Administration) Act 1999</i> , subsection 243A(4) (definition of <i>Employment Minister</i>)	Minister administering the <i>Fair Entitlements Guarantee Act 2012</i>	Minister responsible for employment policy, including employment services

Section 3.1

Part 3—References to Departments

3.1 References to Departments

A provision mentioned in column 1 of an item of a table in this Part that refers to a Department mentioned in column 2 of the item has effect for all purposes, on and after the day mentioned in the heading to that table, as if there were substituted for that reference a reference to the authority, or authorities, mentioned in column 3 of the item.

3.2 Substitutions having effect on and after 30 September 2015

The following table sets out substitutions having effect on and after 30 September 2015 that affect provisions of a single Act or instrument that refer to Departments.

Substitutions having effect on and after 30 September 2015—references to Departments in a single Act or instrument

	Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1	<i>Australian Border Force (Secrecy and Disclosure) Rule 2015</i> , item 146 of the table in Part 1 of Schedule 2	Department of the Environment	Department administered by the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
2	<i>Customs (Prohibited Imports) Regulations 1956</i> , item 3 of Schedule 3	Department of the Environment	Department administered by the Minister administering the <i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i>

3.3 Substitutions having effect on and after 19 July 2016

The following table sets out substitutions having effect on and after 19 July 2016 that affect provisions of a single Act or instrument that refer to Departments.

Substitutions having effect on and after 19 July 2016—references to Departments in a single Act or instrument

	Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1	<i>Customs (Prohibited Exports) Regulations 1958</i> , subregulation 9AA(1) (definition of <i>authorised person</i>)	Department of Industry, Innovation and Science	Department administered by the Minister referred to in regulation 9AA of the <i>Customs (Prohibited Exports) Regulations 1958</i>

Section 3.4

Substitutions having effect on and after 19 July 2016—references to Departments in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
2 <i>Customs (Prohibited Exports) Regulations 1958</i> , paragraph 9AA(8)(b)	Department of Industry, Tourism and Resources	Department administered by the Minister referred to in regulation 9AA of the <i>Customs (Prohibited Exports) Regulations 1958</i>

3.4 Substitutions having effect on and after 21 December 2017

- (1) The following table sets out substitutions having effect on and after 21 December 2017 that affect provisions of multiple Acts or instruments that refer to Departments.

Substitutions having effect on and after 21 December 2017—references to Departments in multiple Acts or instruments

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 All provisions	Department of Immigration and Border Protection	Department of Home Affairs

- (2) The following table sets out substitutions having effect on and after 21 December 2017 that affect provisions of a single Act or instrument that refer to Departments.

Substitutions having effect on and after 21 December 2017—references to Departments in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 <i>Australian Crime Commission Regulations 2002</i> , paragraph 9A(a) and Schedule 1A	Attorney-General's Department, if the reference to that authority would, apart from this item, be read as a reference to another Department in accordance with section 19A of the <i>Acts Interpretation Act 1901</i>	Attorney-General's Department
2 <i>Criminal Code</i> , paragraphs 72.28(1)(a) and (b)	the Department	Department of Home Affairs
3 <i>Criminal Code</i> , paragraph 474.17(2)(d)	Attorney-General's Department	Department of Home Affairs
4 <i>Customs Act 1901</i> , subsection 208DA(1) (definition of <i>prescribed</i>)	Attorney-General's Department	Department of Home Affairs

Section 3.5

Substitutions having effect on and after 21 December 2017—references to Departments in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
5 <i>Customs (Prohibited Imports) Regulations 1956</i> , subregulation 4AA(7) (definition of authorised person)	Attorney-General's Department	Department of Home Affairs
6 <i>Migration Regulations 1994</i> : (a) regulation 1.03, definition of assistance notice ; (b) clause 060.511 of Schedule 2	Attorney-General's Department	Department of Home Affairs
7 <i>Safety, Rehabilitation and Compensation (Definition of Employee) Notice 2009 (1)</i> (as in force for the purposes of subsection 5(6) of the <i>Safety, Rehabilitation and Compensation Act 1988</i>), Schedule	Attorney General's Department	Department of Home Affairs
8 <i>Telecommunications Act 1997</i> , subclause 89(1) of Schedule 3A	Attorney-General's Department	Department of Home Affairs
9 <i>Telecommunications (Data for emergency warning systems) Instrument 2016</i> , section 4 (definition of Director-General, Emergency Management Australia)	Commonwealth Attorney-General's Department	Department of Home Affairs of the Commonwealth

3.5 Substitutions having effect on and after 29 May 2019

The following table sets out substitutions having effect on and after 29 May 2019 that affect provisions of a single Act or instrument that refer to Departments.

Substitutions having effect on and after 29 May 2019—references to Departments in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 <i>Social Security Act 1991</i> , subsection 23(1) (definition of Employment Department)	Department administered by the Minister administering the <i>Fair Entitlements Guarantee Act 2012</i>	Department responsible for employment policy, including employment services

3.6 Substitutions having effect on and after 1 July 2019

The following table sets out substitutions having effect on and after 1 July 2019 that affect provisions of a single Act or instrument that refer to Departments.

Substitutions having effect on and after 1 July 2019—references to Departments in a single Act or instrument

	Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1	<i>Aboriginal and Torres Strait Islander Act 2005</i> , subsection 191(2B)	Department	National Indigenous Australians Agency
2	<i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> , section 4 (definition of Indigenous Affairs Department)	Department administered by the Indigenous Affairs Minister	National Indigenous Australians Agency
3	<i>Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987</i> , paragraph 5(1)(b)	Department	National Indigenous Australians Agency
4	<i>Aboriginal Land Rights (Northern Territory) Act 1976</i> : (a) paragraph 23E(3)(b); (b) subsections 70E(16) and 70F(13); (c) subsection 76(1)	Department	National Indigenous Australians Agency
5	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> : (a) section 1-30; (b) paragraphs 447-1(1)(a), 668-1(1)(b) and 668-5(1)(a)	Department	National Indigenous Australians Agency
6	<i>Corporations (Aboriginal and Torres Strait Islander) Regulations 2017</i> , paragraph 54(1)(a)	each Department of State that is responsible for general policy on Aboriginal and Torres Strait Islander affairs	the National Indigenous Australians Agency
7	<i>Higher Education Support (Indigenous Student Assistance Grants) (Special Grants) Notifiable Instrument 2018</i> , section 4 (definition of administering officer)	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency
8	<i>Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018</i> , section 4 (definition of	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency

Section 3.6

Substitutions having effect on and after 1 July 2019—references to Departments in a single Act or instrument

Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
<i>administering officer</i>)		
9 <i>Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination (No. 2) 2018</i> , section 4 (definition of administering officer)	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency
10 <i>Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination (No. 3) 2018</i> , section 4 (definition of administering officer)	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency
11 <i>Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2019</i> , section 4 (definition of administering officer)	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency
12 <i>Indigenous Education (Targeted Assistance) Act 2000</i> , paragraph 17(b)	Department	National Indigenous Australians Agency
13 <i>Indigenous Student Assistance Grants Guidelines 2017</i> , section 4 (definition of administering officer)	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency
14 <i>Native Title Act 1993</i> : (a) subsection 203AD(3C); (b) paragraphs 203AE(7)(d) and 203AH(4)(d)	Department	National Indigenous Australians Agency
15 <i>Stronger Futures in the Northern Territory Act 2012</i> : (a) section 69; (b) paragraph 112(1)(b); (c) subsection 112(2)	Department	National Indigenous Australians Agency

3.7 Substitutions having effect on and after 1 February 2020

The following table sets out substitutions having effect on and after 1 February 2020 that affect provisions of a single Act or instrument that refer to Departments.

Substitutions having effect on and after 1 February 2020—references to Departments in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> , subsection 3(1) (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
2 <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> , section 5 (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
3 <i>Carbon Credits (Carbon Farming Initiative—Plantation Forestry) Methodology Determination 2017</i> , section 5 (definition of National Plantation Inventory)	Department of Agriculture and Water Resources	Department of Agriculture, Water and the Environment
4 <i>Child Support (Registration and Collection) Act 1988</i> , subsection 4(1) (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
5 <i>Data-matching Program (Assistance and Tax) Act 1990</i> , subsection 3(1) (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
6 <i>Dental Benefits Act 2008</i> , section 4 (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
7 <i>Freedom of Information Act 1982</i> , subsection 4(1) (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
8 <i>Human Services (Centrelink) Act 1997</i> : (a) section 3 (definition of Departmental employee); (b) paragraph 7(2)(a); (c) subsection 7A(1)	the Department	Services Australia

Section 3.7

Substitutions having effect on and after 1 February 2020—references to Departments in a single Act or instrument

Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
9 <i>Human Services (Medicare) Act 1973</i> : (a) section 3 (definition of Departmental employee); (b) paragraph 4(2)(a); (c) subsection 4A(1); (d) paragraphs 41C(2)(c) and 41CA(5)(b)	the Department, if the reference to the Department would, apart from this item, be read as a reference to the Department of Social Services in accordance with section 19A of the <i>Acts Interpretation Act 1901</i>	Services Australia
10 <i>My Health Records Act 2012</i> , section 5 (definition of Human Services Department)	the Department administered by the Minister administering the <i>Human Services (Medicare) Act 1973</i>	Services Australia
11 <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> , section 6 (definition of Human Services Department)	the Department administered by the Minister administering the <i>Human Services (Centrelink) Act 1997</i>	Services Australia
12 <i>Paid Parental Leave Act 2010</i> , section 6 (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
13 <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i> , item 3 of the table in subsection 151A(1)	that Department	Services Australia
14 <i>Social Security Act 1991</i> , subsection 23(1) (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia
15 <i>Student Assistance Act 1973</i> , subsection 3(1) (definition of Human Services Department)	the Department administered by the Human Services Minister	Services Australia

Part 4—References to Secretaries

4.1 References to Secretaries

A provision mentioned in column 1 of an item of a table in this Part that refers to a Secretary mentioned in column 2 of the item has effect for all purposes, on and after the day mentioned in the heading to that table, as if:

- (a) unless paragraph (b) applies—there were substituted for that reference a reference to the authority, or authorities, mentioned in column 3 of the item; or
- (b) in so far as the provision applies in a particular respect specified in column 1 of the item—there were substituted for that reference a reference to the authority, or authorities, mentioned in column 3 of the item.

4.2 Substitutions having effect on and after 6 May 2017

The following table sets out substitutions having effect on and after 6 May 2017 that affect provisions of a single Act or instrument that refer to Secretaries.

Substitutions having effect on and after 6 May 2017—references to Secretaries in a single Act or instrument

	Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1	<i>Customs (Prohibited Imports) Regulations 1956</i> , subitem 9.3 in Part 1 of Schedule 6	Secretary to the Department	Secretary of the Attorney-General's Department

4.3 Substitutions having effect on and after 21 December 2017

- (1) The following table sets out substitutions having effect on and after 21 December 2017 that affect provisions of multiple Acts or instruments that refer to Secretaries.

Substitutions having effect on and after 21 December 2017—references to Secretaries in multiple Acts or instruments

	Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1	All provisions	Secretary of the Department of Immigration and Border Protection	Secretary of the Department of Home Affairs

- (2) The following table sets out substitutions having effect on and after 21 December 2017 that affect provisions of a single Act or instrument that refer to Secretaries.
-

Section 4.4

Substitutions having effect on and after 21 December 2017—references to Secretaries in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 <i>A New Tax System (Family Assistance) Act 1999</i> , subsection 57GJ(4)	Attorney-General's Secretary	Secretary of the Department of Home Affairs
2 <i>Customs (Prohibited Imports) Regulations 1956</i> , subitem 9.3 in Part 1 of Schedule 6	Secretary of the Attorney-General's Department	Secretary of the Department of Home Affairs
3 <i>Migration Act 1958</i> , paragraph 143(1)(a)	Secretary of the Attorney-General's Department	Secretary of the Department of Home Affairs
4 <i>Migration Regulations 1994</i> : (a) regulation 1.03, definition of assistance notice ; (b) clause 060.511 of Schedule 2	Secretary of the Attorney-General's Department	Secretary of the Department of Home Affairs
5 <i>Paid Parental Leave Act 2010</i> , subsection 278C(3)	Attorney-General's Secretary	Secretary of the Department of Home Affairs
6 <i>Social Security Act 1991</i> , subsection 38N(3)	Attorney-General's Secretary	Secretary of the Department of Home Affairs
7 <i>Telecommunications Act 1997</i> , clauses 55A, 57, 58, 70, 71, 73 and 89 of Schedule 3A	Secretary of the Attorney-General's Department	Secretary of the Department of Home Affairs

4.4 Substitutions having effect on and after 29 May 2019

The following table sets out substitutions having effect on and after 29 May 2019 that affect provisions of a single Act or instrument that refer to Secretaries.

Substitutions having effect on and after 29 May 2019—references to Secretaries in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 <i>Income Tax Assessment Act 1936</i> , subsections 202CB(6) and 202CE(7)	Secretary of the Department administered by the Minister administering the <i>Fair Work (State Referral and Consequential and Other Amendments) Act 2009</i>	Secretary of the Department responsible for employment policy, including employment services
2 <i>Taxation Administration Act 1953</i> , item 4 of Table 1 in subsection 355-65(2) in Schedule 1 in so far as that provision applies in respect of	Secretary of the Department administered by the Minister administering the <i>Fair Work (State Referral and Consequential and Other</i>	Secretary of the Department administered by the Minister administering the <i>Fair Entitlements Guarantee Act 2012</i>

Section 4.5

Substitutions having effect on and after 29 May 2019—references to Secretaries in a single Act or instrument

Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
the administration of the <i>Fair Entitlements Guarantee Act 2012</i>	<i>Amendments) Act 2009</i>	
3 <i>Taxation Administration Act 1953</i> , item 4 of Table 1 in subsection 355-65(2) in Schedule 1 in so far as that provision applies other than in respect of the administration of the <i>Fair Entitlements Guarantee Act 2012</i>	Secretary of the Department administered by the Minister administering the <i>Fair Work (State Referral and Consequential and Other Amendments) Act 2009</i>	Secretary of the Department responsible for employment policy, including employment services

Note: The references set out in column 2 of the table appear as textual references to “Employment Secretary”, which are applications of the definition of *Employment Secretary* in the *Income Tax Assessment Act 1997*.

4.5 Substitutions having effect on and after 1 July 2019

The following table sets out substitutions having effect on and after 1 July 2019 that affect provisions of a single Act or instrument that refer to Secretaries.

Substitutions having effect on and after 1 July 2019—references to Secretaries in a single Act or instrument

Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
1 <i>Aboriginal and Torres Strait Islander Act 2005</i> : (a) subsection 191(2B); (b) paragraph 200C(1)(a)	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
2 <i>Aboriginal and Torres Strait Islander Commission Amendment Act 2005</i> : (a) subitem 191(1) of Schedule 1 (definitions of <i>authorised officer</i> and <i>Secretary</i>); (b) item 47 of Schedule 3 (definitions of <i>authorised officer</i> and <i>Secretary</i>)	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
3 <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> : (a) subsection 20(3); (b) paragraph 54(1)(a)	Secretary of the Indigenous Affairs Department	Chief Executive Officer of the National Indigenous Australians Agency

Section 4.5

Substitutions having effect on and after 1 July 2019—references to Secretaries in a single Act or instrument

Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
4 <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> : (a) section 20P; (b) subsections 64B(1), (4) and 76(1)	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
5 <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> , paragraph 23E(3)(b)	Secretary of the Department that deals with matters arising under this Act	Chief Executive Officer of the National Indigenous Australians Agency
6 <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> , paragraph 23E(3)(b)	Secretary of that Department	Chief Executive Officer of the National Indigenous Australians Agency
7 <i>Classification (Publications, Films and Computer Games) Act 1995</i> , section 99 (definition of Indigenous Affairs Secretary)	Secretary of the Department administered by the Minister who administers the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	Chief Executive Officer of the National Indigenous Australians Agency
8 <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> , section 673-1	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
9 Each provision of the <i>Higher Education Support Act 2003</i> , or of an instrument made under that Act, that refers to the Secretary of the Department in so far as the provision applies in respect of grants to higher education providers for Indigenous persons	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
10 <i>Indigenous Education (Targeted Assistance) Act 2000</i> : (a) paragraph 11B(1)(c); (b) section 11C; (c) paragraph 17(a)	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
11 <i>Native Title Act 1993</i> : (a) section 94P; (b) Part 11	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
12 <i>Native Title Act 1993</i> , Part 11	Secretary	Chief Executive Officer of the National Indigenous Australians Agency
13 <i>Native Title (Prescribed Bodies Corporate) Regulations 1999</i> ,	Secretary of the Department	Chief Executive Officer of the National Indigenous

Section 4.6

Substitutions having effect on and after 1 July 2019—references to Secretaries in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
subregulations 22(2) and 25(2)		Australians Agency
14 <i>Native Title (Tribunal) Regulations 1993</i> , subparagraph 8(aa)(ii)	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency
15 <i>Stronger Futures in the Northern Territory Act 2012</i> : (a) section 5 (definition of Secretary); (b) paragraph 112(1)(a)	Secretary of the Department	Chief Executive Officer of the National Indigenous Australians Agency

Note: The reference set out in column 2 of item 9 of the table will include textual references to “Secretary” where those textual references are applications of the definition of **Secretary** in the Dictionary to the *Higher Education Support Act 2003*.

4.6 Substitutions having effect on and after 1 February 2020

The following table sets out substitutions having effect on and after 1 February 2020 that affect provisions of a single Act or instrument that refer to Secretaries.

Substitutions having effect on and after 1 February 2020—references to Secretaries in a single Act or instrument

Column 1 Affected provisions	Column 2 Existing reference	Column 3 Substitute reference
1 <i>A New Tax System (Family Assistance) Act 1999</i> , subsection 3(1) (definition of Human Services Secretary)	Secretary of the Department administered by the Minister administering the <i>Human Services (Centrelink) Act 1997</i>	Chief Executive Officer of Services Australia
2 <i>A New Tax System (Family Assistance) Act 1999</i> , paragraphs 57GM(b) and 57GO(3)(b)	Secretary of the Human Services Department	Chief Executive Officer of Services Australia
3 <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> : (a) subsection 3(1) (paragraph (b) of the definition of head); (b) subsections 109C(2) and 221(3)	Secretary of the Human Services Department	Chief Executive Officer of Services Australia
4 <i>Child Support (Registration and Collection) Act</i> , subsection 4(1) (definition of Human Services Secretary)	Secretary of the Human Services Department	Chief Executive Officer of Services Australia

Section 4.6

Substitutions having effect on and after 1 February 2020—references to Secretaries in a single Act or instrument

Column 1	Column 2	Column 3
Affected provisions	Existing reference	Substitute reference
5 <i>Human Services (Centrelink) Act 1997</i> : (a) section 3 (definition of Secretary); (b) section 8B	Secretary of the Department	Chief Executive Officer of Services Australia
6 <i>Human Services (Medicare) Act 1973</i> : (a) section 3 (definition of Secretary); (b) section 7A	Secretary of the Department	Chief Executive Officer of Services Australia
7 <i>My Health Records Act 2012</i> , paragraph 105(6)(c)	Secretary of the Human Services Department	Chief Executive Officer of Services Australia
8 <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> , section 67 (heading)	Human Services Secretary	Chief Executive Officer of Services Australia
9 <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> , paragraphs 67(b) and 70(3)(b)	Secretary of the Human Services Department	Chief Executive Officer of Services Australia
10 <i>Paid Parental Leave Act 2010</i> , section 6 (definition of Human Services Secretary)	Secretary of the Department administered by the Minister administering the <i>Human Services (Centrelink) Act 1997</i>	Chief Executive Officer of Services Australia
11 <i>Paid Parental Leave Act 2010</i> , paragraphs 278F(b) and 278H(3)(b)	Secretary of the Human Services Department	Chief Executive Officer of Services Australia
12 <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i> , item 3 of the table in subsection 151A(1)	Secretary of the Department administered by the Minister who administers the <i>Human Services (Centrelink) Act 1997</i>	Chief Executive Officer of Services Australia
13 <i>Social Security Act 1991</i> , subsection 23(1) (definition of Human Services Secretary)	Secretary of the Department administered by the Minister administering the <i>Human Services (Centrelink) Act 1997</i>	Chief Executive Officer of Services Australia
14 <i>Social Security Act 1991</i> , paragraphs 38R(b) and 38T(3)(b)	Secretary of the Human Services Department	Chief Executive Officer of Services Australia

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Acts Interpretation Substituted Reference Order 2017	5 May 2017 (F2017L00502)	6 May 2017 (s 1.2(1) item 1)	
Acts Interpretation Amendment (Home Affairs) Substituted Reference Order 2017	20 Dec 2017 (F2017L01686)	21 Dec 2017 (s 2(1) item 1)	—
Acts Interpretation Amendment Substituted Reference Order 2019	28 June 2019 (F2019L00933)	29 June 2019 (s 2(1) item 1)	Sch 1 (item 5)
Acts Interpretation Amendment (2020 Measures No. 1) Substituted Reference Order 2020	31 Jan 2020 (F2020L00073)	1 Feb 2020 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 1.2	rep LA s 48D
s 1.5	am F2017L01686; F2019L00933
Part 2	
s 2.2	am F2019L00933
s 2.3	am F2019L00933
s 2.4	ad F2017L01686 am F2019L00933
s 2.5	ad F2019L00933
Part 3	
s 3.2	am F2019L00933
s 3.3	am F2019L00933
s 3.4	ad F2017L01686 am F2019L00933
s 3.5	ad F2019L00933
s 3.6	ad F2019L00933
s 3.7	ad F2020L00073
Part 4	
s 4.1	am F2019L00933
s 4.2	am F2017L01686; F2019L00933
s 4.3	ad F2017L01686 am F2019L00933
s 4.4	ad F2019L00933
s 4.5	ad F2019L00933
s 4.6	ad F2020L00073