



## **Acts Interpretation Amendment (Home Affairs) Substituted Reference Order 2017**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following substituted reference order.

Dated 20 December 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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## 1 Name

This instrument is the *Acts Interpretation Amendment (Home Affairs) Substituted Reference Order 2017*.

## 2 Commencement

- (1) Each provision of this instrument 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	21 December 2017

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

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

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Acts Interpretation Substituted Reference Order 2017*

#### 1 Section 1.5

Insert:

*Home Affairs transition day* means the day after the commencement of the amendments to the Administrative Arrangements Order which transfer the administration of the *Australian Federal Police Act 1979* from the Attorney-General to the Minister for Home Affairs.

#### 2 At the end of Part 2

Add:

##### 2.4 Substitutions made on the Home Affairs transition day

- (1) The following table sets out substitutions made on the Home Affairs transition day that affect provisions of multiple Acts or instruments that refer to Ministers.

Substitutions made on the Home Affairs transition day—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 made on the Home Affairs transition day that affect provisions of a single Act or instrument that refer to Ministers.

Substitutions made on the Home Affairs transition day—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 <i>Attorney-General's Department</i> )	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

<b>Substitutions made on the Home Affairs transition day—references to Ministers in a single Act or instrument</b>		
<b>Column 1</b> <b>Affected provisions</b>	<b>Column 2</b> <b>Existing reference</b>	<b>Column 3</b> <b>Substitute reference</b>
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
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 <b>responsible Minister</b> ; (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

Schedule 1 Amendments

<b>Substitutions made on the Home Affairs transition day—references to Ministers in a single Act or instrument</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Affected provisions</b>	<b>Existing reference</b>	<b>Substitute reference</b>
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
18 <i>Migration Regulations 1994</i> : (a) regulation 1.03, definition of <b>assistance notice</b> ; (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



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**Substitutions made on the Home Affairs transition day—references to Ministers in a single Act or instrument**


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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Affected provisions</b>	<b>Existing reference</b>	<b>Substitute reference</b>
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

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**3 At the end of Part 3**

Add:

**3.4 Substitutions made on the Home Affairs transition day**

- (1) The following table sets out substitutions made on the Home Affairs transition day that affect provisions of multiple Acts or instruments that refer to Departments.

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<b>Substitutions made on the Home Affairs transition day—references to Departments in multiple Acts or instruments</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Affected provisions</b>	<b>Existing reference</b>	<b>Substitute reference</b>
1 All provisions	Department of Immigration and Border Protection	Department of Home Affairs

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- (2) The following table sets out substitutions made on the Home Affairs transition day that affect provisions of a single Act or instrument that refer to Departments.

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<b>Substitutions made on the Home Affairs transition day—references to Departments in a single Act or instrument</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Affected provisions</b>	<b>Existing reference</b>	<b>Substitute reference</b>
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 officer</i> )	Attorney-General's Department	Department of Home Affairs

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<b>Substitutions made on the Home Affairs transition day—references to Departments in a single Act or instrument</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Affected provisions</b>	<b>Existing reference</b>	<b>Substitute reference</b>
5 <i>Customs (Prohibited Imports) Regulations 1956</i> , subregulation 4AA(7) (definition of <i>authorised person</i> )	Attorney-General's Department	Department of Home Affairs
6 <i>Migration Regulations 1994</i> : (a) regulation 1.03, definition of <i>assistance notice</i> ; (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 <i>Director-General, Emergency Management Australia</i> )	Commonwealth Attorney-General's Department	Department of Home Affairs of the Commonwealth

#### **4 Section 4.2 (heading)**

Repeal the heading, substitute:

#### **4.2 Substitutions made on 6 May 2017**

#### **5 Section 4.2**

Omit “the day this instrument commences”, substitute “6 May 2017”.

#### **6 Section 4.2 (table heading)**

Repeal the heading, substitute:

**Substitutions made on 6 May 2017—references to Secretaries in a single Act or instrument**

#### **7 At the end of Part 4**

Add:

### 4.3 Substitutions made on the Home Affairs transition day

- (1) The following table sets out substitutions made on the Home Affairs transition day that affect provisions of multiple Acts or instruments that refer to Secretaries.

<b>Substitutions made on the Home Affairs transition day—references to Secretaries in multiple Acts or instruments</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Affected provisions</b>	<b>Existing reference</b>	<b>Substitute reference</b>
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 made on the Home Affairs transition day that affect provisions of a single Act or instrument that refer to Secretaries.

<b>Substitutions made on the Home Affairs transition day—references to Secretaries in a single Act or instrument</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Affected provisions</b>	<b>Existing reference</b>	<b>Substitute reference</b>
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 <b>assistance notice</b> ; (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