



Acts Interpretation Amendment Substituted Reference Order 2019

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 27 June 2019

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 Substituted Reference Order 2019*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	29 June 2019

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Substitutions having effect on and after 29 May 2019

Acts Interpretation Substituted Reference Order 2017

1 At the end of Part 2

Add:

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.

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

2 At the end of Part 3

Add:

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 <i>Employment Department</i>)	Department administered by the Minister administering the <i>Fair Entitlements Guarantee Act 2012</i>	Department responsible for employment policy, including employment services

3 Section 4.1

Omit all the words after “mentioned in the heading”, substitute:

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 At the end of Part 4

Add:

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	Column 2	Column 3	
Affected provisions	Existing reference	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 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 administered by the Minister administering the <i>Fair Entitlements Guarantee Act 2012</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*.

5 Application of amendment

Without limiting item 3, the amendment made by item 3 applies in relation to the substitutions described in section 4.4 of the *Acts Interpretation Substituted Reference Order 2017* that have effect on and after 29 May 2019.

Part 2—Substitutions having effect on and after 1 July 2019

Acts Interpretation Substituted Reference Order 2017

6 At the end of Part 3

Add:

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	Column 2	Column 3
Affected provisions	Existing reference	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 <i>Indigenous Affairs Department</i>)	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 <i>administering officer</i>)	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency

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
8 <i>Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018</i> , section 4 (definition of administering officer)	Department administered by the Minister administering Part 2-2A of the Act	National Indigenous Australians Agency
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

7 At the end of Part 4

Add:

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 authorised officer and Secretary); (b) item 47 of Schedule 3 (definitions of authorised officer and Secretary)	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	
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	

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
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> , subregulations 22(2) and 25(2)	Secretary of the Department	Chief Executive Officer of the National Indigenous 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*.

Part 3—Other amendments

Acts Interpretation Substituted Reference Order 2017

8 Section 1.5 (definition of *Home Affairs transition day*)

Repeal the definition.

9 Amendments of listed provisions—having effect on and after

Omit “made on” and substitute “having effect on and after” in the following provisions:

- (a) section 2.2 (heading);
- (b) section 2.2;
- (c) section 2.2 (table heading);
- (d) section 2.3 (heading);
- (e) subsection 2.3(1);
- (f) subsection 2.3(1) (table heading);
- (g) subsection 2.3(2);
- (h) subsection 2.3(2) (table heading);
- (i) section 3.2 (heading);
- (j) section 3.2;
- (k) section 3.2 (table heading);
- (l) section 3.3 (heading);
- (m) section 3.3;
- (n) section 3.3 (table heading);
- (o) section 4.2 (heading);
- (p) section 4.2;
- (q) section 4.2 (table heading).

10 Amendments of listed provisions—having effect on and after 21 December 2017

Omit “made on the Home Affairs transition day” and substitute “having effect on and after 21 December 2017” in the following provisions:

- (a) section 2.4 (heading);
- (b) subsection 2.4(1);
- (c) subsection 2.4(1) (table heading);
- (d) subsection 2.4(2);
- (e) subsection 2.4(2) (table heading);
- (f) section 3.4 (heading);
- (g) subsection 3.4(1);
- (h) subsection 3.4(1) (table heading);
- (i) subsection 3.4(2);
- (j) subsection 3.4(2) (table heading);
- (k) section 4.3 (heading);
- (l) subsection 4.3(1);
- (m) subsection 4.3(1) (table heading);
- (n) subsection 4.3(2);
- (o) subsection 4.3(2) (table heading).