

2016

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Statute Law Revision (Spring 2016) Bill
2016**

No. , 2016

(Attorney-General)

**A Bill for an Act to make various technical
amendments of the statute law of the
Commonwealth, to repeal certain obsolete Acts,
and for related purposes**

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

The Parliament of Australia enacts:

1 Short title

This Act is the *Statute Law Revision (Spring 2016) Act 2016*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	The 28th day after this Act receives the Royal Assent.	
3. Schedule 2, item 1	Immediately after the time specified in the <i>Australian Radiation Protection and Nuclear Safety Amendment Act 2015</i> for the commencement of that Act.	8 October 2015
4. Schedule 2, item 2	Immediately after the time specified in the <i>Indirect Tax Laws Amendment (Assessment) Act 2012</i> for the commencement of Part 1 of Schedule 1 to that Act.	1 July 2012
5. Schedule 2, item 3	Immediately after the time specified in the <i>Migration Amendment (Temporary Sponsored Visas) Act 2013</i> for the commencement of section 2 of that Act.	29 June 2013
6. Schedule 2, item 4	Immediately after the time specified in the <i>Tax Laws Amendment (Confidentiality of Taxpayer Information) Act 2010</i> for the commencement of Schedule 2 to that Act.	17 December 2010
7. Schedules 3 to 5	The 28th day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments of principal Acts

Part 1—General amendments

Aviation Transport Security Act 2004

1 Subsection 3(4)

Omit “Convention on International Aviation (also known as the Chicago Convention)”, substitute “Convention on International Civil Aviation (also known as the Chicago Convention)”.

Note: This item fixes an incorrect citation of the name of an agreement.

Bankruptcy Act 1966

2 Subparagraphs 205A(4)(a)(ii) and(b)(ii) and (6)(a)(ii) and (b)(ii)

Omit “the the”, substitute “the”.

Note: This item omits a redundant word.

Biosecurity Act 2015

3 Subsection 177(2) (note 2)

Omit “paragraph 592(4)(e)”, substitute “paragraph 592(4)(b)”.

Note: This item fixes an incorrect cross-reference.

4 Subsection 273(1) (note 2)

Omit “paragraph 592(4)(e)”, substitute “paragraph 592(4)(b)”.

Note: This item fixes an incorrect cross-reference.

5 Subsection 278(1) (note)

Omit “paragraph 592(4)(e)”, substitute “paragraph 592(4)(b)”.

Note: This item fixes an incorrect cross-reference.

6 Subsection 280(1) (note)

Omit “paragraph 592(4)(e)”, substitute “paragraph 592(4)(b)”.

Note: This item fixes an incorrect cross-reference.

7 Subsection 434(1) (note 2)

Omit “paragraph 592(4)(e)”, substitute “paragraph 592(4)(b)”.

Note: This item fixes an incorrect cross-reference.

8 Subsection 523(1) (cell at table item 19, column headed “Provision”)

Repeal the cell, substitute:

Subsection 221(3)

Note: This item fixes an incorrect cross-reference.

9 Paragraph 641(3)(c)

Omit “partner”, substitute “member”.

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

Child Support (Registration and Collection) Act 1988

10 After the heading to Division 1 of Part VIII

Insert:

103ZB Simplified outline of this Part

Note: This item inserts a missing section number and heading.

Civil Aviation Act 1988

11 Paragraph 26(2)(a)

Omit “subsection 14(1) of the *Air Navigation Act 1920*”, substitute “section 14 of the *Air Navigation Act 1920*”.

Note: This item fixes an incorrect cross-reference.

12 Subsection 32AHO(4)

Repeal the subsection.

Note: This item repeals a redundant subsection.

***Classification (Publications, Films and Computer Games)
Act 1995***

13 Section 86 (the section 86 inserted by item 9 of Schedule 7 to the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014*)

Renumber as section 85A and relocate it to before the section 86 inserted by item 23 of Schedule 6 to the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014*.

Note: This item renumbers a section and relocates it to its appropriate position.

Crimes Act 1914

14 Paragraph 3ZM(7)(b)

Omit “admissable”, substitute “admissible”.

Note: This item fixes a spelling error.

15 Subsection 22(6)

Omit “a Australian travel document”, substitute “an Australian travel document”.

Note: This item fixes a grammatical error.

Customs Act 1901

16 Paragraph 203D(2)(c)

Omit “the the”, substitute “the”.

Note: This item omits a redundant word.

17 Subsections 227F(5) and (7)

Omit “a item”, substitute “an item”.

Note: This item fixes grammatical errors.

Excise Act 1901

18 Subsection 100(1)

Omit “is guilty of”, substitute “has committed the offence of”.

Note: This item changes a phrase, for consistency with current drafting practice.

19 Paragraphs 100(1)(a) and (b)

Omit “Unlawfully”, substitute “unlawfully”.

Note: This item fixes typographical errors.

20 Paragraph 100(1)(c)

Omit “Being”, substitute “being”.

Note: This item fixes a typographical error.

21 Section 103

Omit “(1) Commit”, substitute “(a) commit”.

Note: This item fixes a numbering error and a typographical error.

22 Section 103

Omit “(or)”, substitute “or”.

Note: This item fixes a typographical error.

23 Section 103

Omit “(2) Admit”, substitute “(b) admit”.

Note: This item fixes a numbering error and a typographical error.

24 Paragraph 104(1)(a)

Omit “The”, substitute “the”.

Note: This item fixes a typographical error.

25 Paragraph 104(1)(b)

Omit “Before”, substitute “before”.

Note: This item fixes a typographical error.

26 Paragraph 104(1)(c)

Omit “The”, substitute “the”.

Note: This item fixes a typographical error.

Fair Work Act 2009

27 Subsection 539(2) (table item 38, column 3, paragraph (b))

Omit “Federal Magistrates Court”, substitute “Federal Circuit Court”.

Note: This item fixes a misstatement of a title of a court.

Family Law Act 1975

28 Subparagraph 90M(1)(a)(i)

Omit “the parties to a marriage or either or them”, substitute “the parties to a marriage or either of them”.

Note: This item fixes a typographical error.

International Arbitration Act 1974

29 Article 7(4) of Schedule 2

Omit “telexor”, substitute “telex or”.

Note: This item fixes a typographical error.

Migration Act 1958

30 Subsection 5(1) (definition of *Regulatory Powers Act*)

Omit “*Regulatory Powers (Standard Provisions) Act 2013*”, substitute “*Regulatory Powers (Standard Provisions) Act 2014*”.

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

31 Section 267 (heading)

Repeal the heading, substitute:

267 Secretary or Australian Border Force Commissioner may freeze amounts to secure future debts

Note: This item fixes an incomplete amendment.

32 Paragraph 336E(2)(f)

Omit “Authority,,”, substitute “Authority”.

Note: This item omits a redundant comma.

Remuneration and Allowances Act 1990

33 Subsection 3(4)

Omit “overriden”, substitute “overridden”.

Note: This item fixes a spelling error.

Part 2—Amendments of listed provisions

My Health Records Act 2012

34 Amendments of listed provisions

The provisions of the *My Health Records Act 2012* listed in the following table are amended as set out in the table.

Amendments relating to the term My Health Records Rules			
Item	Provision	Omit	Substitute
1	Section 5 (paragraph (b) of the definition of <i>this Act</i>)	Record	Records
2	Paragraph 6(6)(b)	Record	Records
3	Paragraph 7(3)(b)	Record	Records
4	Paragraph 15(b)	Record (first occurring)	Records
5	Paragraph 15(l)	Record (second occurring)	Records
6	Paragraph 41(1)(c)	Record	Records
7	Subsection 41(2)	Record (second occurring)	Records
8	Paragraph 43(b)	Record	Records
9	Subsection 44(2)	Record (second occurring)	Records
10	Subparagraph 45(b)(ii)	Health Record	Health Records
11	Paragraph 48(a)	Record	Records
12	Subsection 49(2)	Record (second occurring)	Records
13	Paragraph 51(2)(b)	Record	Records
14	Paragraph 51(2)(c)	Record (second occurring)	Records
15	Subsections 55(1) and (2)	Record	Records
16	Subsection 55(3)	Record	Records

Amendments relating to the term My Health Records Rules			
Item	Provision	Omit	Substitute
17	Paragraph 57(b)	Record	Records
18	Subparagraph 61(1)(b)(ii)	Record (wherever occurring)	Records
19	Subparagraph 62(b)(ii)	Record (wherever occurring)	Records
20	Section 78	Record	Records
21	Subsection 109(1)	Record	Records
22	Subsection 109(1)	Record	Records
23	Subsection 109(3)	Record (first occurring)	Records
24	Subsections 109(4A) and (5)	Record	Records
25	Subsection 109(6)	Record (first occurring)	Records
26	Subsections 109(7) and (7A)	Record	Records
27	Subsection 109(8)	Record (first occurring)	Records
28	Subsection 109(8)	Record (third occurring)	Records
29	Subsection 112(2)	Record	Records

Schedule 2—Amendments of amending Acts

Australian Radiation Protection and Nuclear Safety Amendment Act 2015

1 Item 28 of Schedule 1 (heading)

Repeal the heading, substitute:

28 Paragraph 42(2)(b)

Repeal the paragraph, substitute:

Note: This item fixes a misdescribed amendment.

Indirect Tax Laws Amendment (Assessment) Act 2012

2 Item 160 of Schedule 1 (heading)

Repeal the heading, substitute:

160 Paragraph 71C(7)(b)

Note: This item fixes a misdescribed amendment.

Migration Amendment (Temporary Sponsored Visas) Act 2013

3 Subsection 2(1) (table item 6, column 2, paragraph (b))

Omit “*Regulatory Powers (Standard Provisions) Act 2013*”, substitute
“*Regulatory Powers (Standard Provisions) Act 2014*”.

Note: This item fixes an incorrect citation of a short title of an Act in the commencement provision of an amending Act.

Tax Laws Amendment (Confidentiality of Taxpayer Information) Act 2010

4 Item 55 of Schedule 2

Omit “Section”, substitute “section”.

Note: This item fixes a misdescribed amendment.

Schedule 3—References to specific Ministers and Departments

Part 1—Amendments

Public Lending Right Act 1985

1 Paragraph 9(1)(e)

Omit “Attorney-General’s Department”, substitute “Department administered by the Minister administering the *Copyright Act 1968*”.

2 Paragraph 9(1)(e)

Omit “the Attorney-General”, substitute “that Minister”.

3 Subsection 9(6)

Omit “Attorney-General”, substitute “the Minister administering the *Copyright Act 1968*”.

Part 2—Transitional, saving and application provisions

4 Transitional—amendments do not affect things done

Things done under amended provisions

- (1) Subitem (2) applies to a thing done under a provision of an Act if:
 - (a) the provision is amended by an item of this Schedule; and
 - (b) the thing was in force immediately before the commencement of that item.
- (2) The thing has effect, after the commencement of that item, as if it had been done under that provision as amended by that item. However, this is not taken to change the time at which the thing was actually done.

Amendments do not affect requirements for things done

- (3) Subitem (4) applies to a thing done under an Act if:
 - (a) the thing was in force, and complied with a requirement of that Act, immediately before the commencement of an item of this Schedule; and
 - (b) immediately after the commencement of that item, the thing fails to comply with that requirement solely because of the amendments of that Act made by that item.
- (4) Disregard those amendments when considering, on and after the commencement of that item, whether the thing complies with that requirement.

Meaning of things done

- (5) In this item, **doing a thing** includes:
 - (a) making an instrument; and
 - (b) making a decision.

5 Instrument may deal with transitional etc. matters

- (1) The Minister responsible for administering an Act amended by this Schedule may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application

provisions) relating to the amendments or repeals of that Act made by this Schedule.

- (2) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act or an Act amended by this Schedule;
 - (e) directly amend the text of this Act or an Act amended by this Schedule.
- (3) This Schedule (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).

Schedule 4—Repeals of spent and obsolete provisions

International Labour Organisation (Compliance with Conventions) Act 1992

1 Parts 3 and 4

Repeal the Parts.

National Health Act 1953

2 Subsection 84(1) (definition of *drug is in Part A of F2*)

Repeal the definition.

3 Subsection 84(1) (definition of *drug is in Part T of F2*)

Repeal the definition.

4 Sections 84AD and 85AC

Repeal the sections.

Schedule 5—Repeals of amending Acts

Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007

1 The whole of the Act

Repeal the Act.

2 Continuing operation of certain provisions

The repeal of an Act by this Schedule does not affect the continuing operation of any provision of the Act made or expressed to be made for an application, saving or transitional purpose (or that makes provision consequential or related to such a provision).