

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

---

*(Presented and read a first time, 25 March 1988)*

(MINISTER FOR JUSTICE, SENATOR TATE)

## A BILL

FOR

### **An Act to make various amendments of the statute law of the Commonwealth, and for related purposes**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### **Short title**

5       1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act 1988*.

#### **Commencement**

2. (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

10       (2) The amendment of the *Aboriginal Land Rights (Northern Territory) Amendment Act (No. 2) 1987* made by this Act shall be taken to have commenced immediately after the commencement of the first-mentioned Act.

(3) The amendments of the *Australian Capital Territory Supreme Court Act 1933* made by this Act commence on a day or days to be fixed by Proclamation for the purposes of this subsection.

(4) The amendment of the *Federal Proceedings (Costs) Act 1981* made by this Act commences on a day to be fixed by Proclamation for the purposes of this subsection. 5

(5) Paragraph 11 (1) (ca) of the *Maritime College Act 1978* as amended by this Act commences on a day to be fixed by Proclamation for the purposes of this subsection.

(6) The amendment of the *Migration Act 1958* made by this Act shall be taken to have commenced immediately after the commencement of Part VI of the *Sea Installations (Miscellaneous Amendments) Act 1987*. 10

(7) Subsection 4 (2) and the amendment of the *Seat of Government (Administration) Act 1910* made by this Act commence on a day to be fixed by Proclamation for the purposes of this subsection. 15

#### **Amendment of Acts**

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

#### **Repeals**

4. (1) The Acts specified in Part A of Schedule 2 are repealed. 20

(2) The Acts specified in Part B of Schedule 2 are repealed.

#### **Transitional and application provisions etc.**

5. (1) Except as provided in this section, where this Act:

(a) amends a provision of an Act; or

(b) repeals and re-enacts (with or without modification) a provision of an Act; 25

any act done or decision made under the provision has effect after the amendment, or repeal and re-enactment, as if it had been done or made under the provision as so amended or re-enacted.

(2) Paragraphs (ea) and (eb) of the definition of "Federal appeal" in subsection 3 (1) of the *Federal Proceedings (Costs) Act 1981* as amended by this Act apply only in relation to appeals decided by the Federal Court of Australia on or after the day fixed by Proclamation for the purposes of subsection 2 (4). 30

(3) Subsections 24 (2) and (3) of the *Insurance (Agents and Brokers) Act 1984* as amended by this Act apply only in relation to the expiration of a registered insurance broker's period of registration occurring on or after the day on which this subsection commences. 35

(4) In spite of the amendments of subsections 24 (2) and (3) of the *Insurance (Agents and Brokers) Act 1984* made by this Act, those subsections 40

(as in force immediately before the commencement of this subsection) continue to apply in relation to the expiration of a registered insurance broker's period of registration occurring before the day on which this subsection commences.

5       (5) A person appointed by the Governor-General under section 15 of  
the *Parliamentary Counsel Act 1970* to act in the office of First  
Parliamentary Counsel or an office of Second Parliamentary Counsel shall,  
on the commencement of this subsection, be deemed to have been so  
10 appointed by the Minister under section 15 of that Act as amended by this  
Act.

---

**SCHEDULE 1**

Section 3

**AMENDMENTS OF ACTS*****Aboriginal Land Rights (Northern Territory) Amendment Act (No. 2)  
1987*****Paragraph 12 (a):**

Omit "(2)", substitute "44 (2)".

***Administrative Appeals Tribunal Act 1975*****Subsection 49 (2A):**

Omit "Chairman", substitute "President".

**Subsections 56 (2), (3), (5) and (6):**

Omit "Chairman", substitute "President".

***Archives Act 1983*****Subsection 57 (1):**

Omit "by the Archives".

**After subsection 57 (1):**

Insert the following subsection:

“(1A) Where access to a record is given:

- (a) under arrangements of the kind referred to in subsection 6 (2);
- (b) in good faith in the belief that the record is a record to which subsection 31 (1) applies; or
- (c) by making the record available:
  - (i) under subsection 56 (1), for public access; or
  - (ii) under subsection 56 (2), to a person;

the access given to the record shall be taken, for the purposes of subsection (1), to be given to the record as being a record required by this Part to be made available for public access.”.

**Subsection 66 (6):**

- (a) Omit “the prescribed charge (if any)”, substitute “the appropriate charge determined under the regulations”.
- (b) Omit “an entry in the Guide”, substitute “the Guide or any part of the Guide”.

**SCHEDULE 1—continued**

***Australian Bicentennial Authority Act 1980***

**After section 15:**

Insert the following sections:

**Application of Archives Act**

“15A. The Authority shall be deemed to be an authority of the Commonwealth for the purposes of the *Archives Act 1983*.”

**Application of Freedom of Information Act**

“15B. The Authority shall be deemed to be a prescribed authority for the purposes of the *Freedom of Information Act 1982*.”

**Application of Ombudsman Act**

“15C. The Authority shall be deemed to be a prescribed authority for the purposes of the *Ombudsman Act 1976*.”

***Australian Capital Territory Supreme Court Act 1933***

**Section 5:**

Insert the following definition:

“‘Master’ means the Master of the Supreme Court;”

**Section 8:**

Repeal the section, substitute the following sections:

**Exercise of jurisdiction**

“8. (1) Subject to subsection (2) and sections 8AAA, 8AAB, 8AA and 8AB, the jurisdiction of the Supreme Court is exercisable by one Judge, sitting in Court, or, as provided by this Act, sitting in Chambers.

“(2) Provision may be made by Rules of Court for the jurisdiction of the Court that is exercisable in accordance with subsection (1) to be exercisable:

- (a) in such cases, and subject to such conditions, as are specified in the Rules of Court, by the Master; and
- (b) in such cases, and subject to such conditions, as are specified in the Rules of Court, by the Registrar.

“(3) In this section, ‘Registrar’ does not include a Deputy Registrar.

**Exercise of jurisdiction by Master**

“8AAA. (1) For the purposes of the exercise of jurisdiction conferred on the Master by Rules of Court, this Act has effect, subject to this section, as if the court consisted of the Judges and the Master.

**SCHEDULE 1—continued**

“(2) A person who is dissatisfied with a judgment of the Master made in the exercise of jurisdiction conferred by Rules of Court may appeal, as prescribed by the Rules of Court:

- (a) in the case of an interlocutory judgment—to the Court constituted by one Judge; and
- (b) in the case of any other judgment—to the Court constituted by not less than 3 Judges.

“(3) On an appeal under subsection (2), the Court:

- (a) shall have regard to the evidence given in the proceedings out of which the appeal arose; and
- (b) has power:
  - (i) to draw inferences of fact; and
  - (ii) in its discretion, to receive further evidence, which evidence may be taken:
    - (A) on affidavit;
    - (B) by oral examination before the Court or a Judge; or
    - (C) otherwise under section 41.

“(4) On an appeal under subsection (2), the Court may affirm, vary or set aside the judgment of the Master and may make such order as in all the circumstances it considers just.

**Exercise of jurisdiction by Registrar**

“8AAB. (1) For the purposes of the exercise of jurisdiction conferred on the Registrar by Rules of Court, this Act has effect, subject to this section, as if the court consisted of the Judges and the Registrar.

“(2) A person who is dissatisfied with an order of the Registrar made in the exercise of jurisdiction conferred by Rules of Court may appeal, as prescribed by the Rules of Court, to the Court constituted by one Judge.

“(3) On an appeal under subsection (2), the Court may affirm, vary or set aside the order of the Registrar and may make such order as in all the circumstances it considers just.”.

**Section 8AC:**

- (a) Omit “either of the last two preceding sections”, substitute “section 8AAA, 8AA or 8AB”.
- (b) Omit paragraphs (a) and (b), substitute the following paragraphs:
  - “(a) in a case where a judgment of the Master is called in question—the judgment shall be affirmed; and
  - (b) in any other case:
    - (i) where a Judge or Judges appointed under subsection 7 (1) is or are sitting—the opinion of that Judge or

**SCHEDULE 1—continued**

of the senior of them, as the case may be, prevails;  
or

- (ii) where no such Judge is sitting—the opinion of the senior additional Judge sitting prevails.”.

**After section 8AC:**

Insert the following section:

**Exercise by Court of delegated powers of Master**

“8AD. (1) Where the jurisdiction of the Court is to be, or is being, exercised in a particular case by the Master:

- (a) the Master may, on the Master’s own motion or on the application of a party to the proceedings, refer the proceedings to the Court constituted by one Judge; and
- (b) a Judge may, on the application of a party to the proceedings, at any time before the conclusion of the proceedings before the Master, order that the jurisdiction of the Court in the case be exercised by the Court constituted by one Judge.

“(2) Where, under subsection (1), proceedings are referred or removed to the Court constituted by one Judge, the Court may:

- (a) give such directions as it considers appropriate as to the procedure to be followed in the further conduct of the proceedings, including, in a case where evidence was recorded before the referral or removal, directions as to the use (if any) to be made of the evidence; and
- (b) remit the proceedings to the Master with such directions as the Court considers appropriate.”.

**After section 29:**

Insert the following Part:

**“PART III—THE MASTER**

**The Master**

“30. There shall be a Master of the Court.

**Powers and duties of Master**

“31. (1) The Master has power to administer oaths, and may exercise such other powers, and shall perform such duties, as are assigned to the Master by or under an Act or Ordinance, by Rules of Court or by a special order of the court.

“(2) Where, under a law of New South Wales that is continued in force in the Territory as a law of the Territory, a power is exercisable, or a duty is to be performed, or a thing is to be done, by the Master in Equity, it may be exercised, performed or done by:

**SCHEDULE 1—continued**

- (a) the Master; or
- (b) at a time when there is no Master, the Registrar.

**Appointment of Master**

“32. (1) The Master shall be appointed by the Governor-General.

“(2) A person shall not be appointed as the Master unless the person has been enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory for not less than 5 years.

“(3) A person who has attained 65 years of age shall not be appointed as the Master.

**Term of office**

“33. (1) The Master:

- (a) holds office on and from the day specified in the instrument of appointment; and
- (b) holds office, subject to this Act:
  - (i) for such term (not exceeding 7 years) as is specified in the instrument of appointment, but is eligible for re-appointment; or
  - (ii) if the instrument of appointment so provides, until attaining 65 years of age.

“(2) The Master ceases to hold office on attaining 65 years of age.

**Oath or affirmation of office**

“33A. The Master shall, before proceeding to discharge the duties of the office, take, before the Chief Justice or another Judge of the Court, an oath or affirmation in the following form:

‘I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law and that I will well and truly serve Her in the office of Master of the Supreme Court of the Australian Capital Territory, So help me God.’

or

‘I, \_\_\_\_\_, do solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law and that I will well and truly serve Her in the office of Master of the Supreme Court of the Australian Capital Territory.’”

**Remuneration and allowances**

“33B. Subject to the *Remuneration Tribunals Act 1973*, the Master shall be paid:



**SCHEDULE 1—continued**

- (a) such remuneration as is determined by the Remuneration Tribunal;  
and
- (b) such allowances as are prescribed.

**Resignation**

“33C. The Master may resign by writing signed and delivered to the Governor-General.

**Removal from office**

“33D. (1) The Governor-General may remove the Master from office on an address praying for his or her removal on the ground of proved misbehaviour or incapacity being presented to the Governor-General by each House of the Parliament in the same session of the Parliament.

“(2) The Governor-General may suspend the Master from office on the ground of misbehaviour or incapacity.

“(3) Where the Governor-General suspends the Master from office, the Minister shall cause a statement of the grounds of the suspension to be laid before each House of Parliament within 7 sitting days of that House after the suspension.

“(4) The suspension terminates if:

- (a) at the end of 7 sitting days of a House of the Parliament after the suspension, the statement has not been laid before that House; or
- (b) at the end of 15 sitting days of a House of the Parliament after the day on which the statement has been laid before that House, an address under subsection (1) has not been presented to the Governor-General by that House.

“(5) The suspension of the Master from office does not affect any entitlement of the Master to be paid remuneration and allowances.

“(6) If the Master becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, the Governor-General shall remove the Master from office.

“(7) The Governor-General may, with the consent of the Master, retire the Master from office on the ground of incapacity.

“(8) The Master may be removed, suspended or retired from office only under this section.

**Terms and conditions of appointment not provided for by Act**

“33E. The Master holds office on such terms and conditions (if any) in relation to matters not provided by this Act as are determined, in writing, by the Governor-General.

**SCHEDULE 1—continued****Acting appointments**

“33F. (1) The Governor-General may appoint a person who is eligible to be appointed as Master to act as the Master:

- (a) during a vacancy in the office of Master (whether or not an appointment has previously been made to the office); or
- (b) during any period when the Master is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office.

“(2) A person appointed to act as Master shall not continue to act for more than 12 months.

“(3) Where:

- (a) a person is acting under paragraph (1) (b); and
- (b) the office of Master becomes vacant;

then, subject to subsection (2), the person may continue to act until the vacancy is filled.

“(4) A person acting as Master has all the powers and duties of the Master, and the laws of the Commonwealth and the Territory (including this Act and the Rules of Court) apply in relation to the person as if the person were the Master.

“(5) The Minister may determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Master.

“(6) A person acting as Master may be removed or suspended from office only under section 33D.

“(7) Anything done by or in relation to a person purporting to act as Master is not invalid because:

- (a) the occasion for the appointment had not arisen;
- (b) there was a defect or irregularity in connection with the appointment;  
or
- (c) the appointment had ceased to have effect.”.

**Section 35 (2):**

Omit “the Master in Equity,”.

**Subsection 35A (1):**

After “before the” insert “Master or”.

**Paragraph 35A (2) (a):**

Omit “the Registrar”, substitute “the Master or Registrar, as the case requires,”.

**SCHEDULE 1—continued**

**Paragraph 35A (2) (b) and (c):**

Omit “the Registrar”, substitute “the Master or Registrar, as the case may be,”.

***Australian Federal Police Act 1979***

**Section 69:**

Repeal the section.

***Australian National University Act 1946***

**After section 6:**

Insert the following section:

**Additional powers of University**

“6AA. The University has power to do, in Australia or elsewhere, all things necessary or convenient to be done for, in connection with, or as incidental to, the performance of its functions and, in particular, may:

- (a) develop commercially any discovery, invention or property;
- (b) make charges for work done, services rendered, and goods and information supplied;
- (c) form, and participate in the formation of, companies;
- (d) subscribe for and purchase shares in, and debentures and other securities of, companies;
- (e) enter into partnerships;
- (f) participate in joint ventures and arrangements for the sharing of profits;
- (g) do such other things as it is authorised to do by or under this Act or any other Act; and
- (h) do anything incidental to any of its powers.”.

**Subsection 8 (1):**

After “research schools” insert “and other bodies”.

**Subsection 8 (2):**

After “research schools” insert “and other bodies”.

**Subsection 8 (4):**

Omit the subsection.

**Section 15AA:**

Add at the end the following subsection:

“(3) This section has effect subject to the Statutes.”.

**Subsection 15A (2):**

Omit “Subject to section 15C, the”, substitute “The”.

**SCHEDULE 1—continued****Section 15C:**

Repeal the section.

**Paragraph 27 (1) (d):**

After “proxy voting” insert “and the disclosure by members of the Council of direct or indirect pecuniary interests;”.

**Paragraph 27 (1) (f):**

Omit the paragraph.

**Paragraph 27 (1) (l):**

Omit “bursaries and prizes”, substitute “and bursaries”.

**Paragraph 27 (1) (t):**

Add at the end “and”.

**Paragraph 27 (1) (u):**

Omit the paragraph.

***Bankruptcy Act 1966*****Section 38:**

After “jurisdiction in bankruptcy” insert “, by the Supreme Court of the Northern Territory exercising jurisdiction in bankruptcy”.

***Census and Statistics Act 1905*****Paragraphs 6 (1) (a), (b) and (c):**

Omit “The”, substitute “the”.

**Section 7:**

After “his” insert “or her”.

**Paragraph 9 (1) (a):**

After “he” insert “or she”.

**Section 12:**

Add at the end the following subsection:

“(3) The Statistician may make charges for results and abstracts published and disseminated under this section.”.

**Subsection 13 (4):**

Omit the subsection, substitute the following subsection:

“(4) Subject to subsection (5), a determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

**SCHEDULE 1—continued**

**Subsection 14 (1):**

- (a) Omit “him”, substitute “the person”.
- (b) Omit “he”, substitute “the person”.

**Section 15:**

- (a) Omit “him” (wherever occurring), substitute “the person”.
- (b) After “his” insert “or her”.

**Section 17:**

Repeal the section, substitute the following section:

**Delegation**

“17. (1) The Statistician may, by signed instrument, delegate to an officer all or any of his or her powers under this Act or any other law.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act or that other law, as the case may be, be deemed to have been exercised by the Statistician.”.

**Subsection 19 (2):**

Omit “him” (twice occurring), substitute “the person”.

***Commonwealth Inscribed Stock Act 1911***

**Section 3:**

Insert the following definition:

“‘certified copy’, in relation to a power of attorney, means a copy of the power certified by a prescribed person to be a true copy;”.

**Section 14:**

Omit “Governor-General”, substitute “Treasurer”.

**After section 21:**

Insert the following section:

**Stock held in official capacity**

“21A. (1) Stock may be inscribed in the name of the holder of a prescribed office in that person’s capacity as holder of the office.

“(2) The holder of a prescribed office and the holder’s successors in office shall, for the purposes of this Act, be deemed to be a corporation by the name prescribed in relation to the office.”.

**Paragraph 48 (1) (d):**

After “stock” insert “or a certified copy of such a power”.

**Subsection 51K (1):**

Omit “section 29”, substitute “sections 14 and 29”.

**SCHEDULE 1—continued****Subsection 56 (2):**

Omit the subsection, substitute the following subsection:

“(2) Every power of attorney in relation to stock, or a certified copy of such a power, shall be deposited, or produced to the Registrar, at the Registry where the stock to which the power of attorney relates is inscribed.”.

***Economic Planning Advisory Council Act 1983*****Subsection 9 (1):**

- (a) Omit from paragraph (h) “4”, substitute “5”.
- (b) Omit from paragraph (k) “and” (last occurring).
- (c) Add at the end the following word and paragraph:  
“; and (n) 1 member selected after consultation between the Minister or the representative of the Minister and such organisations that are representative of the professions as the Minister considers appropriate.”.

**Subsection 9 (8):**

Omit “18”, substitute “20”.

***Export Market Development Grants Act 1974*****Subparagraph 4 (1) (c) (ii):**

After “educational services” insert “, eligible external governmental educational services”.

**Subsection 39 (1A):**

Omit all the words from and including “Penalty”, substitute the following: “Penalty: \$2,000 or imprisonment for 12 months, or both.”.

***Federal Proceedings (Costs) Act 1981*****Subsection 3 (1) (definition of “Federal appeal”):**

After paragraph (e) insert the following paragraphs:

- “(ea) an appeal to the Federal Court from a judgment of the Supreme Court of a State;
- (eb) an appeal to the Federal Court from a judgment of the Supreme Court of the Northern Territory exercising jurisdiction conferred on the court by or under a law of the Commonwealth, other than jurisdiction conferred under an Act providing for the acceptance, administration or government of that Territory;”.

***First Home Owners Act 1983*****Subsection 4 (1) (definition of “approved interest”):**

Omit paragraph (d), substitute the following paragraph:

- “(d) a lease for a term of years of which more than 15 years are unexpired when the lease is acquired, being a lease that is registered

**SCHEDULE 1—continued**

in an official register, kept under the law of a State or internal Territory, in which dealings in land are registered;”.

**Subsection 13 (1):**

Omit the subsection, substitute the following subsection:

“(1) If, and only if, the Secretary is satisfied that a family allowance has been paid, or would, but for section 81 of the *Social Security Act 1947*, be payable, to an applicant in respect of a person in respect of the prescribed period, the person shall, for the purposes of this Act, be treated as being a dependent child of the applicant.”.

**Subsection 13 (2) (definition of “dependent child”):**

Omit the definition.

**Subsection 13 (2) (definition of “family allowance”):**

Omit the definition, substitute the following definition:

“‘family allowance’ has the same meaning as in subsection 79 (1) of the *Social Security Act 1947*;”.

**Subsection 13 (2):**

Insert the following definition:

“‘family allowance period’ has the same meaning as in section 87 of the *Social Security Act 1947*;”.

**Subsection 22 (5):**

Omit the subsection, substitute the following subsection:

“(5) In this section:

‘eligible person’, in relation to a year of income, means a person who, immediately before the first day of the year of income, was an Australian citizen or a person referred to in paragraph 17 (4) (b) or (c).”.

**Section 25:**

Repeal the section, substitute the following section:

**Interpretation**

“25. In sections 26 and 27, a reference to a decision of the Secretary is a reference to:

- (a) a determination, direction, decision or approval of the Secretary under this Act;
- (b) a writing-off, waiver, deferral or allowance under section 37A; or
- (c) a refusal to make a decision referred to in paragraph (a) or (b).”.

**Paragraph 29 (2) (b):**

Omit the paragraph, substitute the following paragraph:

“(b) divulge any such information to an authority or person if:

**SCHEDULE 1—continued**

- (i) the authority or person is a prescribed authority or person for the purpose of this paragraph;
- (ii) the information is information of a kind that may, in accordance with regulations for the purpose of this paragraph, be divulged to the authority or person; and
- (iii) any other conditions prescribed for the purpose of this paragraph have been satisfied;”.

**After section 37:**

Insert the following section:

**Waiver etc.**

“37A. (1) The Secretary may, on behalf of the Commonwealth:

- (a) write off an amount overpaid;
- (b) waive or defer the right of the Commonwealth to recover an amount overpaid; or
- (c) allow an amount overpaid to be repaid to the Commonwealth in instalments.

“(2) In this section, ‘amount overpaid’ has the same meaning as in section 37.”.

**After section 41 (1):**

Insert the following subsection:

“(1A) Without limiting the generality of subsection (1), a report in respect of a year shall state the sum of, and specify particulars (in summary form) of:

- (a) all amounts written off during the year under paragraph 37A (1) (a); and
- (b) all amounts whose recovery has been waived during the year under paragraph 37A (1) (b).”.

***Housing Loans Insurance Act 1965*****After subsection 7 (9):**

Insert the following subsection:

“(10) A member holds office on such terms and conditions (if any) in relation to matters not provided for by this Act as are determined, in writing, by the Governor-General.”.

***Human Rights and Equal Opportunity Commission Act 1986*****After subsection 16 (2):**

Insert the following subsection:

“(2A) An act done by or in relation to a State, or an instrumentality of a State, acting (whether on a joint basis or otherwise) under an arrangement



**SCHEDULE 1—continued**

made under this section shall be deemed, for the purposes of this Act, the *Racial Discrimination Act 1975* and the *Sex Discrimination Act 1984*, to have been done by or in relation to:

- (a) in the case of an act falling within section 21 of the *Racial Discrimination Act 1975*—the Race Discrimination Commissioner;
- (b) in the case of an act falling within section 49 of the *Sex Discrimination Act 1984*—the Sex Discrimination Commissioner; and
- (c) in any other case—the Commission.”.

**Subsection 48 (2):**

Omit the subsection.

***Insurance Act 1973***

**After subsection 5 (2):**

Insert the following subsections:

“(2A) This Act does not apply in relation to workers compensation insurance business carried on by a company that is:

- (a) licensed under Division 3 of Part 7 of the Workers Compensation Act 1987 of New South Wales; and
- (b) required under that Act to establish and maintain statutory funds.

“(2B) Subject to compliance with such conditions (if any) as are prescribed, this Act does not apply in relation to insurance business carried on by Coselco Insurance Pty. Ltd., a company incorporated in Victoria.”.

***Insurance (Agents and Brokers) Act 1984***

**Subsection 24 (2):**

- (a) After “not” in paragraph (b) insert “renewed, or”.
- (b) Omit from paragraph (b) “renew”, substitute “renew,”.
- (c) Omit all the words from and including “the broker” (last occurring), substitute “then, in spite of the expiration of the period of the registration, the broker shall be deemed, for the purposes of this Act and the regulations, to be registered until the Commissioner renews, or refuses to renew, the broker’s registration”.

**Subsection 24 (3):**

Omit “or (2)”.

***Judiciary Act 1903***

**Section 34:**

Add at the end the following subsection:

“(2) An appeal shall not be brought without the leave of the High Court from an interlocutory judgment of a Justice or Justices exercising the original jurisdiction of the High Court whether in Court or Chambers.”.

## SCHEDULE 1—continued

**Subsection 55B (4):**

Omit the subsection, substitute the following subsection:

“(4) A person who is, under subsection (1), entitled to practise as a barrister or solicitor, or both, in any federal court has a right of audience:

- (a) in any court of a State in relation to the exercise by the court of federal jurisdiction; and
- (b) in any court of an internal Territory in relation to the exercise by the court of federal-type jurisdiction.”.

**Subsection 55B (5):**

(a) After “State” (first occurring) insert “or an internal Territory”.

(b) After “State” (second and last occurring) insert “or Territory”.

**Subsections 55B (6) and (7):**

After “State” (wherever occurring) insert “or Territory”.

**Section 55B:**

Add at the end the following subsection:

“(10) In this section:

‘federal-type jurisdiction’, in relation to a court of an internal Territory, means jurisdiction conferred on the court by or under a law of the Commonwealth, but does not include:

- (a) jurisdiction conferred on the court under an Act providing for the acceptance, administration or government of that Territory; or
- (b) in the case of the Supreme Court of the Australian Capital Territory—jurisdiction conferred by paragraphs 11 (a) and (c) of the *Australian Capital Territory Supreme Court Act 1933* in matters arising under a law in force in that Territory by virtue only of an Act providing for the acceptance, administration or government of the Territory.”.

**Subsections 55D (1) and (2):**

Omit the subsections, substitute the following subsection:

“(1) Subject to this section, a person whose name is on:

- (a) the roll of barristers and solicitors of the High Court kept under the Rules of Court; or
- (b) the roll of barristers, solicitors, barristers and solicitors or legal practitioners of the Supreme Court of a State or Territory;

is entitled to practise as a barrister and solicitor in any Territory unless the entitlement to practise is suspended under the Rules of Court, the law of the State or the law in force in the first-mentioned Territory (including this Act), as the case may be.”.

**Subsections 55D (3) and (4):**

Omit “by reason of”, substitute “under”.

**SCHEDULE 1—continued**

**Subsection 55D (6):**

Omit the subsection, substitute the following subsection:

“(6) Where:

(a) a law of a Territory contains provisions of the kind referred to in subsection (5); and

(b) under the provisions, a person who:

(i) would, but for this subsection, be entitled under subsection (1) to practise as a barrister and solicitor in the Territory;

(ii) duly applies to the Supreme Court of the Territory to be admitted to practise as a barrister and solicitor in the Territory; and

(iii) satisfies the Supreme Court that he or she is of good fame and character;

is entitled, even though the person resides or practises in a State or another Territory:

(iv) to be admitted to practise as a barrister and solicitor in the Territory; and

(v) on being admitted to practise, to practise in the Territory, subject only to the same conditions and restrictions as apply in relation to other persons admitted to practise in the Territory;

subsections (1), (3) and (4) do not apply in relation to practice in the Territory.”.

**Section 78A:**

Add at the end the following subsections:

“(3) Where the Attorney-General of the Commonwealth or of a State intervenes in proceedings in a court under this section, then, for the purposes of the institution and prosecution of an appeal from a judgment given in the proceedings, the Attorney-General of the Commonwealth or the State, as the case may be, shall be taken to be a party to the proceedings.

“(4) Where the Attorney-General of the Commonwealth or of a State institutes an appeal from a judgment given in proceedings in which the Attorney-General of the Commonwealth or the State, as the case may be, has intervened under this section, a court hearing the appeal may make such order as to costs against the Commonwealth or the State, as the case may be, as the court thinks fit.”.

***Life Insurance Act 1945***

**Section 15:**

(a) After “a company” insert “, including a foreign company,”.

(b) Omit “by the Commissioner”, substitute “under this Act or it carries on that business on behalf of a company registered under this Act.”.

**SCHEDULE 1—continued****After paragraph 55 (1) (d):**

Insert the following paragraph:

“(da) a company has not, within one month after the day on which the Commissioner demanded from it in writing any document that the Commissioner was entitled under this Act to demand, given the document to the Commissioner;”.

***Maritime College Act 1978*****Section 4 (definition of “term of office”):**

Omit “a staff member”, insert “a non-teaching staff member, a teaching staff member”.

**Section 4 (definitions of “staff member” and “year”):**

Omit the definitions.

**Section 4:**

Insert the following definitions:

“‘non-teaching staff’, in relation to the College, means the members of the staff of the College other than the teaching staff;

‘non-teaching staff member’ means the member referred to in paragraph 11 (1) (ca);

‘teaching staff member’ means a member referred to in paragraph 11 (1) (c);”.

**Paragraph 8 (2) (d):**

Omit “and”.

**Subsection 8 (2):**

Add at the end the following paragraphs:

“(f) to develop commercially any discovery, invention or property;

(g) to make charges for work done, services rendered, and goods and information supplied;

(h) to lend money to, and to provide guarantees for the benefit of, bodies carrying on activities associated with the College;

(j) with the written approval of the Minister:

(i) to form, and participate in the formation of, companies;

(ii) to subscribe for and purchase shares in, and debentures and other securities of, companies;

(iii) to enter into partnerships; and

(iv) to participate in joint ventures and arrangements for the sharing of profits;

(k) to appoint agents and attorneys;

(m) to do such other things as it is authorised to do by or under this Act or any other Act; and

(n) to do anything incidental to any of its powers.”.

**SCHEDULE 1—continued**

**Section 8:**

Add at the end the following subsections:

“(4) The College may exercise its powers both within and outside Australia.

“(5) An approval under paragraph (2) (h):

(a) may be of general or particular application; and

(b) may be given subject to specified conditions and restrictions.”.

**Section 9:**

Omit “the Minister for Transport and Construction”, substitute “a Minister”.

**Subsection 11 (1):**

Omit “23”, substitute “24”.

**After paragraph 11 (1) (c):**

Insert the following paragraph:

“(ca) one member of the non-teaching staff of the College elected by the non-teaching staff;”.

**Subsection 11 (3):**

Omit the subsection.

**Section 12:**

Before “staff members” insert “teaching”.

**Subsection 13 (4):**

Omit the subsection.

**Subsection 13 (5):**

Omit “Except as provided by subsection (4), each”, substitute “Each teaching staff member or non-teaching”.

**Section 18:**

Add at the end the following subsection:

“(3) This section has effect subject to the Statutes.”.

**Subsection 19 (2):**

Before “staff member” insert “teaching”.

**After subsection 19 (2):**

Insert the following subsection:

“(2A) A non-teaching staff member ceases to be a member if the person ceases to be a member of the non-teaching staff of the College.”.

**SCHEDULE 1—continued****Section 20:**

Omit “staff member”, substitute “teaching staff member, a non-teaching staff member”.

**Paragraph 24 (1) (d):**

- (a) Before “staff members” insert “teaching”.
- (b) Before “staff member” (first occurring) insert “teaching”.
- (c) Omit all the words from and including “election” (third occurring), substitute “election, the determination of questions arising in relation to the conduct or result of the election”.

**After paragraph 24 (1) (d):**

Insert the following paragraph:

“(da) the election of the non-teaching staff member by the non-teaching staff of the College (including the election of a person to fill a casual vacancy in the office of the non-teaching staff member) and, for the purposes of such an election, the determination of questions arising in relation to the conduct or result of the election;”.

**Paragraph 34 (a):**

Omit “costs”, substitute “liabilities”.

**Sections 35, 36 and 37:**

Repeal the sections, substitute the following sections:

**Investment**

“35. (1) Money of the College not immediately required for the purposes of the College may be invested:

- (a) on deposit with an approved bank;
- (b) in Commonwealth securities; or
- (c) in any other manner approved, in writing, by the Treasurer.

“(2) In this section:

‘approved bank’ means:

- (a) the Reserve Bank of Australia;
- (b) a bank as defined in subsection 5 (1) of the *Banking Act 1959*; and
- (c) another bank for the time being declared, in writing, by the Treasurer to be an approved bank.

**Borrowing and raising of money**

“36. (1) The College may, with the written approval of the Treasurer:

- (a) borrow money; or
- (b) raise money otherwise than by borrowing;

on terms and conditions that are specified in, or consistent with, the approval.

**SCHEDULE 1—continued**

“(2) Without limiting the generality of subsection (1), the College may, under that subsection, borrow money, or raise money otherwise than by borrowing, by dealing with securities.

“(3) A borrowing of money, or a raising of money otherwise than by borrowing, under subsection (1) may be made, in whole or in part, in a currency other than Australian currency.

“(4) An approval may be given under subsection (1) in relation to a particular transaction or transactions in a class of transactions.

“(5) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(6) A reference in this section to dealing with securities includes a reference to:

- (a) creating, executing, entering into, drawing, making, accepting, indorsing, issuing, discounting, selling, purchasing and reselling securities;
- (b) creating, selling, purchasing and reselling rights or options relating to securities; and
- (c) entering into agreements or other arrangements relating to securities.

“(7) For the purposes of this section:

- (a) the issue by the College of an instrument acknowledging a debt in consideration of:
  - (i) the payment or deposit of money; or
  - (ii) the provision of credit;

otherwise than in relation to a transaction that is in the ordinary course of the day to day operations of the College, shall be deemed to be a raising by the College, otherwise than by borrowing, of an amount equal to the amount paid or deposited or the value of the credit provided, as the case may be; and

- (b) the obtaining of credit by the College otherwise than in relation to a transaction that is in the ordinary course of the day to day operations of the College shall be deemed to be a raising by the College, otherwise than by borrowing, of an amount equal to the value of the credit so obtained.

**Guarantee of borrowings by College**

“37. (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract:

- (a) guaranteeing the repayment by the College of specified money borrowed under paragraph 36 (1) (a) and the payment by the College of interest (including any interest on that interest) on money so borrowed; or

**SCHEDULE 1—continued**

- (b) guaranteeing the payment by the College of specified amounts (which may be interest) that the College is liable to pay in relation to money raised under paragraph 36 (1) (b).

“(2) The Treasurer may, in writing, determine:

- (a) that the repayment by the College of money borrowed under paragraph 36 (1) (a), and the payment by the College of interest (including any interest on that interest) on money so borrowed, are guaranteed by the College; or
- (b) that the payment by the College of specified money (which may be interest) that the College is liable to pay in relation to money raised under paragraph 36 (1) (b) is guaranteed by the Commonwealth;

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this subsection, guaranteed by the Commonwealth.

“(3) A contract may be entered into under subsection (1), and a determination may be made under subsection (2), in relation to a particular transaction or class of transactions.

“(4) A contract entered into under subsection (1) may include either or both of the following provisions:

- (a) a provision agreeing that proceedings under the contract may be taken in the courts, or a specified court, of a foreign country;
- (b) a provision waiving the immunity of the Commonwealth from suit in the courts, or a specified court, of a foreign country in relation to any proceedings that may be taken under the contract.

**College may give security**

“37A. The College may give security over the whole or any part of its land or other assets for:

- (a) the repayment of money borrowed under paragraph 36 (1) (a) and the payment of interest (including any interest on that interest) on money so borrowed;
- (b) the payment of amounts (which may be interest) that it is liable to pay in relation to money raised under paragraph 36 (1) (b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under subsection 37 (1) or as a result of a determination made under subsection 37 (2).

**Borrowing not otherwise permitted**

“37B. The College may borrow money, or raise money otherwise than by borrowing, only under section 36.



**SCHEDULE 1—continued**

**Delegation by Treasurer**

“37C. The Treasurer may, by signed instrument, delegate to a person occupying an office in the Department of the Treasury all or any of the Treasurer’s powers under sections 35, 36 and 37.

**Contracts**

“37D. The College may enter into a contract involving the payment or receipt by it of an amount exceeding \$2,000,000, or, if a higher amount is prescribed, that higher amount, only with the written approval of the Minister.

**Application of Division 3 of Part XI of Audit Act**

“37E. (1) Subject to subsection (2), the College is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.

“(2) For the purposes of the application by subsection (1) of section 63M of the *Audit Act 1901* in relation to the College, that section has effect as if the reference in subsection (1) of that section to 30 June were a reference to 31 December.”.

**Section 39:**

Repeal the section.

***Marriage Act 1961***

**Section 4:**

Repeal the section.

**Subsection 5 (1):**

Insert the following definition:

“ ‘artificial conception procedure’ includes:

- (a) artificial insemination; and
- (b) the implantation of an embryo in the body of a woman;”.

**Subsection 5 (1) (paragraph (c) of the definition of “authorized celebrant”):**

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

**Subsection 5 (1) (paragraph (a) of the definition of “Judge”):**

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

**Subsection 5 (1) (definition of “medical procedure”):**

Omit the definition.

**Subsection 5 (1) (paragraph (b) of the definition of “minister of religion”):**

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

**SCHEDULE 1—continued****Subsection 5 (1) (paragraph (a) of the definition of “prescribed authority”):**

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

**Section 9B:**

Omit “Attorney-General” (wherever occurring), substitute “Minister”.

**Subsection 9C (1):**

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

**Subsection 9C (2):**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Subsection 9C (3):**

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

**Subsection 9C (4):**

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

**Subsection 9C (5):**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Subsection 9D (2):**

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

**Subsection 9E (1):**

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

**Subsection 9E (2):**

Omit “Attorney-General” (wherever occurring), substitute “Minister”.

**Paragraph 13 (2) (a):**

Omit “Police Force of the Commonwealth or”, substitute “Australian Federal Police or the police force”.

**Subsection 27 (1):**

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

**Subsection 27 (4):**

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

**Section 38:**

Omit “Attorney-Generals”.

**Subsection 39 (2):**

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

**SCHEDULE 1—continued**

**Paragraph 42 (2) (b):**

Omit “Police Force of the Commonwealth or”, substitute “Australian Federal Police or the police force”.

**Subsection 46 (2):**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Subsection 50 (5):**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Subsection 50 (6):**

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

**Subsection 51 (4):**

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

**Subsection 57 (1):**

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

**Subsection 57 (2):**

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

**Subsection 57 (3):**

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

**Subsection 58 (1):**

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

**Subsection 61 (1):**

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

**Subsection 61 (2):**

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

**Subsection 61 (5):**

Omit the subsection.

**Section 62:**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Subsection 63 (1):**

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

**Subsection 66 (8):**

Omit “him”, substitute “the marriage officer”.

**Subsection 68 (4):**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

## SCHEDULE 1—continued

**Subsection 68 (5):**

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

**Paragraph 78 (2) (c):**

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

**Subsection 80 (5):**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Subsection 80 (6):**

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

**Subsection 85 (3):**

Omit “or that Act as amended” (twice occurring).

**Section 86:**

Omit “Attorney-General’s”.

**Paragraph 92 (4) (a):**

Omit “or the Attorney-General of a State”, substitute “or of a State or the Northern Territory”.

**Subsection 92 (6):**

- (a) After “a State” insert “or the Northern Territory or Norfolk Island”.
- (b) After “that State” insert “or Territory”.

**Subsection 93 (3):**

Omit “medical”, substitute “artificial conception”.

**Subsection 115 (1):**

- (a) Omit “Attorney-General”, substitute “Minister”.
- (b) Omit “in the *Gazette*, as soon as practicable after the commencement of this Act, and” and substitute “in such manner as the Minister considers appropriate,”.
- (c) Omit “thereafter”.

**Subsection 117 (2):**

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

**Subsection 117 (2A):**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Paragraph 120 (g):**

Omit “of the Commonwealth” (last occurring).

**Paragraph 120 (h):**

Omit “of the Commonwealth” (last occurring).

**SCHEDULE 1—continued**

**The Schedule (Item 1 of Part III):**

After “his” insert “or her”.

***Migration Act 1958***

**Subsection 5 (18):**

Omit “adjacent”, substitute “coastal”.

***National Parks and Wildlife Conservation Act 1975***

**Subsection 7 (10B):**

After “Director” (second occurring) insert “surrendering the interest under subsection 9(2B),”.

**Subsection 9 (1):**

After “(2A)” insert “, (2B)”.

**After subsection 9 (2A):**

Insert the following subsection:

“(2B) The Director may surrender a lease of land within a park or reserve in consideration of the grant to the Director of a new lease of land that includes that land.”.

**Subsection 9 (4):**

After “section” insert “(other than in subsection (2B))”.

**Paragraph 21 (1) (a):**

Omit “\$50,000”, substitute “\$100,000 or, if a higher amount is prescribed, that higher amount”.

***Parliamentary Counsel Act 1970***

**Subsection 2 (2):**

Omit “two”, substitute “2”.

**Subsection 2 (4):**

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

**Paragraph 3 (f):**

Omit the paragraph, substitute the following paragraph:

“(c) functions incidental to the functions referred to in paragraphs (a) and (b).”.

**Subsection 4 (2):**

Omit “he”, substitute “the person”.

**SCHEDULE 1—continued****Subsection 5 (2):**

Omit “he”, substitute “the person”.

**Section 7:**

Omit “Attorney-General” (twice occurring), substitute “Minister”.

**Section 8:**

Repeal the section, substitute the following section:

**Resignation**

“8. The First Parliamentary Counsel or a Second Parliamentary Counsel may resign by writing signed and delivered to the Governor-General.”

**Section 9:**

After “his” insert “or her”.

**Paragraph 10 (2) (a):**

(a) After “he” insert “or she”.

(b) Omit “Attorney-General”, substitute “Minister”.

**Paragraph 10 (2) (b):**

After “he” insert “or she”.

**Paragraph 10 (2) (c):**

(a) After “he” insert “or she”.

(b) After “his” (twice occurring) insert “or her”.

**Subsection 14 (1):**

(a) Omit “his”, substitute “the”.

(b) After “he” insert “or she”.

**Subsection 15 (1):**

Omit “Governor-General”, substitute “Minister”.

**Subsection 15 (2):**

(a) Omit “Governor-General”, substitute “Minister”.

(b) After “his” insert “or her”.

**Subsections 15 (3), (4), (5), (6) and (7):**

Omit the subsections.

**Subsection 15 (8):**

(a) Omit “his” (wherever occurring), substitute “the”.

(b) Omit “for him”.

**SCHEDULE 1—continued**

**Subsection 16 (2):**

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Subsection 16A (1):**

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

**Subsection 16A (2):**

- (a) Omit “Attorney-General”, substitute “Minister”.
- (b) Omit “to him”.
- (c) Omit “he”, substitute “the Minister”.

***Petroleum Retail Marketing Franchise Act 1980***

**Section 3 (definition of “franchise agreement”):**

After “means an agreement” insert “(other than an agreement between bodies corporate that are related to each other)”.

***Racial Discrimination Act 1975***

**Subsection 3 (1):**

Insert the following definition:

“‘President’ means President of the Commission;”.

**After subsection 24 (3):**

Insert the following subsection:

“(3A) Subsection (3) does not apply in relation to a decision of the Commissioner that is made at the request of the complainant or all the complainants, as the case requires.”.

**Section 25Z:**

Add at the end the following subsection:

“(5) In this section:

‘complainant’, in relation to a complaint that is made by a person on behalf of persons including a person other than the complainant, means the persons on whose behalf the complaint is made.”.

**After section 44:**

Insert the following section:

**Protection from civil actions**

“45. (1) The Commission, a member of the Commission, the Commissioner or a person acting under the direction or authority of the Commission or of the Commissioner or under a delegation under section 40 is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in the performance or purported performance of any function, or in the exercise or purported

**SCHEDULE 1—continued**

exercise of any power or authority, conferred on the Commission or the Commissioner.

“(2) Where:

- (a) a complaint has been made to the Commission; or
- (b) a submission has been made, a document or information has been furnished, or evidence has been given, to the Commission or the Commissioner;

a person is not liable to an action, suit or other proceeding in respect of loss, damage or injury of any kind suffered by another person merely because the complaint or submission was made, the document or information was furnished or the evidence was given.”.

***Removal of Prisoners (Territories) Act 1923*****Subsection 8A (14):**

Omit all the words from and including “of the Commonwealth” (first occurring), substitute “acting with the advice of the Minister”.

**Subsection 10A (5):**

Omit all the words from and including “of the Commonwealth” (first occurring), substitute “acting with the advice of the Minister”.

***Seat of Government (Administration) Act 1910*****After section 12B:**

Insert the following section:

**Arrangements relating to *Snowy Mountains Hydro-electric Power Act 1949***

“12BA. (1) The Commonwealth may enter into arrangements with a body prescribed for the purposes of this section with respect to any matter that:

- (a) arises under, or as a result of, the *Snowy Mountains Hydro-electric Power Act 1949* or the agreements referred to in that Act; and
- (b) relates to the supply of electricity for use in the Territory.

“(2) An arrangement under subsection (1) may authorise the body to act as agent of the Commonwealth in relation to any matter falling within that subsection.”.

***Sex Discrimination Act 1984*****Paragraph 40 (2) (c):**

Omit the paragraph.

**Subsection 40 (5):**

Omit the subsection.



**SCHEDULE 1—continued**

**After subsection 52 (3):**

Insert the following subsection:

“(3A) Subsection (3) does not apply in relation to a decision of the Commissioner that is made at the request of the complainant or all the complainants, as the case requires.”.

**Section 81:**

Add at the end the following subsection:

“(5) In this section:

‘complainant’, in relation to a complaint that is made by a person on behalf of persons including a person other than the complainant, means the persons on whose behalf the complaint is made.”.

**Paragraph 92 (1) (a):**

Omit “or”.

**After paragraph 92 (1) (a):**

Insert the following paragraph:

“(ab) the complainant notifies the Commissioner that the complainant no longer wishes the Commissioner to inquire into the act; or”.

**Paragraph 92 (2) (f):**

Omit “an authority or person”, substitute “a person”.

***Superannuation Act 1976***

**Subsection 3 (1):**

Insert the following definition:

“‘Chairperson’ means the Chairperson of the Trust;”.

**Subsection 3 (1) (definition of “principal member”):**

Omit the definition.

**Subsections 29A (6) and (7):**

Omit “principal member” (wherever occurring), substitute “Chairperson”.

**Paragraph 30 (1) (a):**

Omit “principal member”, substitute “Chairperson”.

**Subsections 30 (3), (6) and (8):**

Omit “principal member” (wherever occurring), substitute “Chairperson”.

**Sections 30A and 31:**

Omit “principal member” (wherever occurring), substitute “Chairperson”.

**SCHEDULE 1—continued****Subsections 32 (1) and (2):**

Omit “principal member”, substitute “Chairperson”.

**Paragraph 35 (2) (b):**

Omit “principal member”, substitute “Chairperson”.

**Subsection 36 (1):**

Omit “principal member” (wherever occurring), substitute “Chairperson”.

**Paragraph 36 (2) (b):**

Omit “principal member”, substitute “Chairperson”.

**Subsections 36 (7) and 37 (2):**

Omit “principal member” (wherever occurring), substitute “Chairperson”.

**Subsection 37 (3):**

- (a) Omit “principal member” (first occurring), substitute “Chairperson”.
- (b) Omit “principal member” (second occurring), substitute “the Chairperson”.

**Subsection 37 (4):**

Omit “principal member”, substitute “Chairperson”.

**Subsection 39 (1):**

- (a) Omit “principal member” (twice occurring), substitute “Chairperson”.
- (b) Omit “principal member’s”, substitute “Chairperson’s”.

**Subsections 39 (2) and (3) and 161 (7):**

Omit “principal member”, substitute “Chairperson”.

**Subsection 167A (8) (paragraph (b) of the definition of “relevant body”):**

Omit “an Act”, substitute “a relevant law”.

**Subsection 167A (9):**

After “a law” insert “of the Commonwealth or”.

**Subsection 184 (6):**

Omit the subsection, substitute the following subsection:

“(6) The Commissioner shall not, in a benefit classification certificate issued under subsection (5), include a physical or mental condition in respect of which the Commissioner was of the opinion under subsection 16 (8) that there was not a real risk that the person would, by reason of or for a reason connected with that condition, not continue to be an eligible employee until the person attained his or her maximum retiring age unless the Commissioner is satisfied that, but for the failure of the person to furnish any information required to be furnished by the person or the furnishing of false information

**SCHEDULE 1—continued**

at or in connection with a medical examination that the person was required to undergo under subsection 16 (6), the Commissioner would not have been of that opinion.”.

---

**SCHEDULE 2**

Section 4

**REPEAL OF ACTS**

**PART A**

*Australian Institute of Multicultural Affairs Repeal Act 1986*  
*Banks (Housing Loans) Act 1974*  
*Cities Commission (Repeal) Act 1975*  
*Wool Marketing (Loan) Act 1974*  
*Wool Marketing (Loan) Act (No. 2) 1974*

**PART B**

*Australian Capital Territory Electricity Supply Act 1962*  
*Australian Capital Territory Electricity Supply Amendment Act 1976*  
*Australian Capital Territory Electricity Supply Amendment Act 1978*  
*Australian Capital Territory Electricity Supply Amendment Act 1979*  
*Australian Capital Territory Electricity Supply Amendment Act 1982*

---

**NOTE**

On the day on which this Act receives the Royal Assent:

- (a) the heading to section 55B of the *Judiciary Act 1903* is amended by inserting “or federal-type” after “federal”.
- (b) the headings to sections 30A and 31 of the *Superannuation Act 1976* are altered by omitting “Principal member” and substituting “Chairperson”; and
- (c) the heading to section 39 of the *Superannuation Act 1976* is altered by omitting “principal member” and substituting “Chairperson”.