

The Parliament of the  
Commonwealth of Australia

House of Representatives

Statute Law (Miscellaneous Amendments)

Bill (No. 2) 1982

Explanatory Memorandum

(Circulated by authority of the Minister  
representing the Attorney-General,  
The Honourable N.A. Brown, Q.C., M.P.)



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STATUTE LAW (MISCELLANEOUS AMENDMENTS) ACT

(No. 2) 1982

General Outline

The Bill has a number of purposes. One purpose is to correct printing and drafting errors that have been found to exist in a number of Acts. Another purpose is to amend references in Acts to Ministers, Departments and officeholders both to correct reference that are now incorrect as a consequence on the changes in administrative arrangement made on 7 May 1982 and also so as to express such references whenever possible in a general way. A further purpose is to amend the Banking Act 1959, to ensure that specified State and Territory Acts to facilitate certain banks mergers will have full operation and not be subject to constitutional challenge. The Bill also amends the Defence Service Home Act 1918 to extend the scope of eligibility for home assistance. Amendments are also made to the Industrial Research and Development Incentives Act 1976 to clarify eligibility for commencement grants under the Act. Finally, the Bill makes a number of other amendments that, while having some substance, are regarded as being of a non-controversial nature.

PART I - PRELIMINARY

Clause 1 - Short title

Formal

Clause 2 - Commencement

Sub-clause 2(1) provides that clauses 1, 2, 169 and 200 and Parts III, VI, VII, XVI, XXXVI, LI, LIII, LIV, LXI and LXXVII shall come into operation on the date on which the Act receives the Royal Assent. Special provisions for the commencement of specified Parts is made by sub-clauses 2(2) to 2(15). These provisions are dealt with in the notes on the relevant clauses.

The remaining provisions of the Bill come into operation, in accordance with sub-clause 2(16), on the 28th day after the day on which the Act receives the Royal Assent.

PART II - AMENDMENTS OF ABORIGINAL AND TORRES STRAIT ISLANDERS  
(QUEENSLAND RESERVES AND COMMUNITIES SELF-MANAGEMENT)  
ACT 1978

Clause 3 - Principal Act

Formal

Clause 4 - Power of Councils for Reserves and Communities to  
which this Act applies to make by-laws

This clause amends section 10 of the Principal Act to make new provision in respect of parliamentary scrutiny and possible disallowance, and the effect of repeal, of by-laws made by Councils for Reserves and Communities.

Paragraph (a) of this clause substitutes a new sub-section 10(5) which provides for notification of by-laws in the Gazette and their tabling in the Parliament. Paragraph (a) also inserts a new sub-section 10(5A) which provides for by-laws to take effect on the date of Gazette notification or on any later date specified in the by-laws.

Paragraph (b) of this Clause substitutes a new sub-section 10(7) in the Principal Act so as to apply to any by-laws made the provisions of section 48 (other than sub-sections (1), (2) and (3)) and sections 49 and 50 of the Acts Interpretation Act 1901 that apply to the making of regulations.

PART III - AMENDMENTS OF ABORIGINAL COUNCILS AND ASSOCIATIONS  
ACT 1976

Clause 5 - Principal Act

Formal

Clause 6 - Establishment of Aboriginal Council

This clause corrects a typographical error in sub-paragraph 19(3)(d)(ii) of the Principal Act.

Clause 7 - By-laws

This clause substitutes new sub-sections 30(5), 30(6), (7) and (7A) in the Principal Act to make new provision in respect of parliamentary scrutiny and possible disallowance, and the effect of repeal, of by-laws made by an Aboriginal Council.

New sub-section 30(5) provides for Gazette notification of by-laws and for their tabling in the Parliament.

New sub-section 30(6) provides for by-laws to have effect from the date of Gazette notification or such later date as is specified in the by-laws.

New sub-section 30(7) provides by-laws are void if not tabled within 15 sitting days.

New sub-section 30(7A) applies to any by-laws made the provisions of section 48 (other than sub-sections (1), (2) and (3)) and sections 49 and 50 of the Acts Interpretation Act 1901 that apply to the making of regulations.

Clause 8 - Order with respect to disposable estate or interest

This clause omits sub-section 78(5) of the Principal Act consequential on the amendment to be made by the next clause.

Clause 9 - Certain transfers and dealings void

This clause inserts a new section 78A in the Principal Act which makes provision in respect of the transfer or other dealing with an estate or interest in land held by an Aboriginal corporation. New sub-section 78A (1) provides that such a transfer or other dealing is void unless it is a prescribed transfer or dealing. New sub-section 78A (2) defines a prescribed transfer or dealing to mean a transfer or other dealing with a disposable estate or interest or, in respect of other sorts of estates or interests held by an Aboriginal Council or an incorporated Aboriginal Association, the giving of a mortgage, charge, security or other disposal of an estate or interest where the Minister has consented under other provisions of the Principal Act.

The amendment made by the clause corrects a drafting anomaly which arose from amendments made by the Statute Law (Miscellaneous Amendments) Act 1981 and which prevented, even with the Minister's approval, the transfer or other disposal of an estate or interest in land to non-Aboriginal bodies or individuals. At present, sub-section 78(5) renders such a transaction void.

By virtue of sub-clause 2(1), this Part comes into operation on the day the Act receives the Royal Assent.

PART IV - AMENDMENT OF ABORIGINAL LAND RIGHTS  
LEGISLATION AMENDMENT ACT 1982

Clause 10 - Principal Act

Formal

Clause 11 - Recommendations for grants of Crown land, other  
than that described in Schedule I

This clause corrects a drafting error in section 7 of the Principal Act.

By virtue of sub-clause 2(2), this Part is deemed to have come into operation on 15 April 1982.

PART V - AMENDMENTS OF ABORIGINAL LAND RIGHTS  
(NORTHERN TERRITORY) ACT 1976

Clause 12 - Principal Act

Formal

Clause 13 - Recommendations for grants of Crown Land, other than that described in Schedule 1

This clause corrects a typographical error in paragraph 11(d) Act of the Principal Act.

Clause 14 - Proclamations to be laid before Houses of Parliament

This clause amends sub-section 42(4) of the Principal Act. Paragraph (a) of this clause substitutes a new paragraph 42(4)(a) which provides for the date on which a Proclamation concerning grant of a mining interest in respect of Aboriginal land is deemed to have been laid before a House of the Parliament where the House of Representatives is dissolved or expires, or the Parliament is prorogued. The amendment is consistent with that made to sub-section 48(5A) of the Acts Interpretation Act 1901 by section 4 of the Statute Law (Miscellaneous Amendments) Act (No. 1) 1982.

Paragraph (b) and (c) are consequential amendments to clarify the House of Parliament to which reference is being made.

By virtue of sub-clause 2(2), this Part is deemed to have come into operation on 15 April 1982.

PART VI - AMENDMENTS OF ACTS INTERPRETATION ACT 1901

Clause 15 - Principal Act

Formal

Clause 16 - Constitutional and official definitions

This clause inserts a definition of "The Department" in section 17 of the Principal Act.

This amendment is designed to overcome as far as is possible the need to insert references by name to particular Departments in an Act or enactment. Such references can cause problems when the reference is rendered obsolete by changes in the machinery of government. Related amendments to references to particular Departments in Acts are made by Schedule 12 of the Bill.

By virtue of sub-clause 2(1), this Part comes into operation on the day the Act receives the Royal Assent.



PART VII - AMENDMENTS OF AUDIT ACT 1901

Clause 17 - Principal Act

Formal

Clause 18 - Investment of moneys standing to credit of Trust  
Fund

This clause amends section 62B of the Principal Act to provide for new forms of securities in which money standing to the credit of the Trust Fund may be invested.

For this purpose, paragraphs (a) to (d) of this clause insert in sub-section 62B of the Principal Act references to securities of a government authority, loans to an authorized dealer, certificates of deposit issued by a trading bank or a savings bank, and clean bills of exchange or in any other forms of investment approved by the Minister.

Paragraphs (e) and (f) of the clause makes amendments of a drafting nature to sub-section 62B(2) of the Principal Act.

Paragraph (g) of the clause inserts a new sub-section 62B(4) which contains definitions consequential on the provision to be made by sub-section 62B(1) as amended.

By virtue of sub-clause 2(1), this part comes into operation on the day the Act receives the Royal Assent.

PART VIII - AMENDMENT OF AUSTRALIAN  
APPLE AND PEAR CORPORATION ACT 1973

Clause 19 - Principal Act

Formal

Clause 20 - Deputies of members

Clause 20 substitutes a new section 17 in the Principal Act which makes provision in relation to standing appointment of deputies of members of the Australian Apple and Pear Corporation.

New sub-section 17(1) provides for standing appointments by the Minister of deputies of members other than the Chairman or Commonwealth representative.

New sub-section 17(2) provides for a standing appointment by the Minister of a deputy of the Commonwealth representative.

New sub-sections 17(3) provides for the revocation of a standing appointment of deputy and provides the appointment must be revoked if the deputy fails without reasonable excuse to disclose relevant interests as required by section 22.

New sub-section 17(4) provides for a deputy to resign his appointment by notice in writing to the Minister.

New sub-section 17(5) provides for attendance of a deputy of a member at a meeting of the Corporation in the absence of the particular member.

New sub-section 17(6) continues a deputy's appointment notwithstanding that there might have been some defect or irregularity in his appointment.

PART IX - AMENDMENT OF AUSTRALIAN CAPITAL TERRITORY  
ELECTRICITY SUPPLY ACT 1962

Clause 21 - Principal Act

Formal

Clause 22 - Constitution of authority

Consequential to changes to the House of Assembly Ordinance (A.C.T.), this clause amends sub-section 6(11) of the Principal Act by substituting "Speaker" of the House of Assembly for "President" of the House of Assembly.

Sub-section 6(11) of the Principal Act as amended will provide for the Speaker of the A.C.T. House of Assembly to certify in writing to the Minister for the Capital Territory that a member of the A.C.T. House of Assembly has been elected by the members of that House as a member of the Australian Capital Territory Electricity Authority.

By virtue of sub-clause 2(3) this Part shall be deemed to have come into operation on 13 August 1982.

PART X - AMENDMENT OF THE AUSTRALIAN DRIED FRUITS  
CORPORATION ACT 1978

Clause 23 - Principal Act

Formal

Clause 24 - Deputies of members

Sub-clause (1) of this clause substitutes a new section 18 in the Principal Act which provides for the Minister to make standing appointments of persons to be deputies of members of the Australian Dried Fruits Corporation.

New sub-section 17(1) provides for standing appointments by the Minister of deputies of members other than the Chairman or Commonwealth representative.

New sub-section 17(2) provides for a standing appointment by the Minister of a deputy of the Commonwealth representative.

New sub-section 17(3) provides for the revocation of a standing appointment and provides the appointment must be revoked if the deputy fails without reasonable excuse to disclose relevant interests as required by section 22.

New sub-section 17(4) provides for a deputy to resign his appointment by notice in writing to the Minister.

New sub-section 17(5) provides for attendance of a deputy of a member at a meeting of the Corporation in the absence of the particular member.

New sub-section 17(6) continues a deputy's appointment notwithstanding that there might have been some defect or irregularity in his appointment.

CLAUSE XI - AMENDMENTS OF AUSTRALIAN FEDERAL POLICE ACT 1979

Clause 25 - Principal Act

Formal

Clause 26 - Absence, etc., of Commissioner or Deputy Commissioner

This clause inserts a new sub-section 19(1A) in the Principal Act which empowers the Minister to determine the remuneration and allowances to be payable to a person who acts for a period of at least one week as Commissioner or as a Deputy Commissioner when the Commissioner or a Deputy Commissioner, as the case may be, is absent from duty.

This provision supplements the existing provision in section 18 of the Principal Act in respect of Ministerial determination of remuneration and allowances of a person acting as Commissioner or as Deputy Commissioner where there is a vacancy or expected vacancy in such office.

Clause 27 - Appointment of former narcotics officers to be members

Section 26A of the Principal Act enables the appointment to the Australian Federal Police (AFP) of former Narcotics Enforcement Branch staff qualified and suitable for appointment as police officers. However, because of the present provision made by section 73 as to preference for certain appointment, those former Narcotics Enforcement Branch staff appointed to the AFP under section 26A do not have equal rights with officers of the former Commonwealth Police Force (COMPOL) and the Police Force of the Australian Capital Territory (ACT Police) in respect of promotion and transfer within the AFP.

This clause, together with the amendments affected to section 73 by clause 19, ensure that former Narcotics Enforcement Branch staff shall be considered for promotion and transfer on the same basis as former officers of COMPOL and the ACT Police.

Clause 28 - Undertakings and oaths or affirmations

Sub-clause 28(1) inserts a new section 28 in the Principal Act making provision in relation to AFP members entering undertakings relating to the performance of their duties and also the taking of oaths or affirmations before commencing to perform their duties. By contrast with the present section, new sub-section 28(6) exempts certain members from the requirement to make a fresh oath or affirmation where transferred or promoted.

Sub-section 28(1) provides that, immediately after his appointment, a Deputy Commissioner, commissioned officer, non-commissioned officer or special member shall enter into a undertaking.

Sub-section 28(2) provides that a person appointed a Commissioner or Deputy Commissioner shall, before commencing his duties, make an oath or affirmation.

Sub-section 28(3) provides that a person appointed as a commissioned or a non-commissioned officer in a component shall make an oath or affirmation as is prescribed in relation to that component.

Sub-section 28(4) and (5) provide that, subject to sub-section (6), when a commissioned officer or a non-commissioned officer in a component is promoted or transferred to the other component, he shall make oath or affirmation as is prescribed in relation to that other component.

Sub-section 28(6) provides that when a person is promoted or transferred to a component in which he has formerly held a rank, he need not make a further oath or affirmation if he has been an AFP member at all times since he last ceased to hold a rank in that component.

Sub-section 28(7) provides that a special member shall make and subscribe a prescribed oath or affirmation in relation to that component.

Sub-section 28(8) defines the term "appoint" for the purposes of section 28.

Sub-clause (2) provides that an appointment, promotion or transfer before the commencement of this provision shall not be invalid by reason of a failure to give the required undertaking or make an oath or affirmation.

Sub-clause (3) makes provision so as to overcome any risk of legal invalidity which might otherwise have attached to any past performance of his duties by a member of the AFP where an oath or affirmation should have been made under the current section 28 and had not in fact been made.

#### Clause 29 - Minister to obtain advice

This clause amends the reference to the "Department of Industrial Relations" in section 32 of the Principal Act to the "Department of Employment and Industrial Relations". This amendment is consequential on the changes to the machinery of Government made on 7 May 1982.

#### Clause 30 - Preference for certain appointments

This clause amends section 73 of the Principal Act and is related to the amendment in clause 27 above. The effect of this clause, is to give that former Narcotics Enforcement



Branch staff who are appointed officers of the AFP under section 26A the same preference in relation to promotion and transfer as is conferred by section 73 on officers of the former COMPOL and ACT Police.

PART XII - AMENDMENTS OF BANKING ACT 1959

Clause 31 - Principal Act

Formal

Clause 32 -

This clause inserts a new Part IIA consisting of a new section 38A into the Principal Act to ensure the operation of certain State and Territory laws concerning particular bank mergers.

New sub-section 38A(1) provides that where there would otherwise be an inconsistency between any law of the Commonwealth and a provision of the State or Territory laws referred to in the new Third Schedule to be inserted in the Principal Act, the Commonwealth law has effect subject to that provision, or shall be deemed to have had effect subject to that provision, on and from the prescribed day.

The effect of the new sub-section 38A(2) is to bind the Crown in the right of the Commonwealth, of the Northern Territory and of Norfolk Island with respect to the operation of a provision of the State and Territory legislation referred to in the new Third Schedule on and from the prescribed day.

Sub-section 38A(3) will enable the Treasurer, at his discretion, by writing signed by him and published in the Gazette, to declare that any future law of a State or Territory relating to bank mergers will be a law to which this sub-section applies. It is to be noted the Treasurer also has functions regarding approval of bank mergers under section 63 of the Principal Act.

Where a declaration has been made by the Treasurer under new sub-section 38A(3), sub-section 38A(4) will give the same effect to any legislation declared in terms of sub-section 38A(3) as sub-sections 38A(1) and (2) give to the legislation listed in the new Third Schedule of the Principal Act.

Sub-section 38A(5) defines "prescribed day" for the purposes of section 38A.

Clause 33 - Schedule

This clause adds a Third Schedule to the Principal Act which lists all the State and Territory legislation relating to the merging of the banking business, respectively, of the Bank of New South Wales and The Commercial Bank of Australia Limited and of the National Bank of Australasia Limited and the Commercial Banking Company of Sydney Limited.

By sub-clause 2(4) this Part is to come into operation on a date to be fixed by Proclamation.

PART XIII - AMENDMENT OF BOUNTY (BOOKS) ACT 1969

Clause 34 - Principal Act

Formal

Clause 35 - Return for Parliament

This clause amends sub-section 18(1) of the Principal Act so as to require returns to the Parliament to show the amount of bounty paid to each person to whom bounty was paid during the period of the return. This requirement was omitted from the amendment to sub-section 18(1) made by the Statute Law (Miscellaneous Amendments) Act (No. 1) 1982.

PART XIV - AMENDMENT OF BOUNTY (TEXTILE YARNS) ACT 1981

Clause 36 - Principal Act

Formal

Clause 37 - Appointment of authorised officers

This clause removes a reference to the now defunct Department of Business and Consumer Affairs from the definition of "officer"

Clause 38 - Offences

This clause corrects a drafting error in section 18 of the Principal Act.

By virtue of sub-clause 2(5) this Part is deemed to have come into operation on 22 July 1981.

PART XV - AMENDMENTS OF CHICKEN MEAT RESEARCH ACT 1969

Clause 39 - Principal Act

Formal

Clause 40 - Constitution of Committee

Paragraph 1(a) of this clause removes a reference to the Department of Primary Industry from paragraph 9(1)(a) of the Principal Act.

Paragraph (1)(b) of this clause amends paragraph 9(2)(b) of the Principal Act to make it clear that a person may be appointed to the Committee for the period not exceeding three years. It also provides that the period of each appointment is to be specified in the instrument of appointment.

Paragraph (2) of this clause is a savings provision for appointment made before the commencement of the changes being made by paragraph (1)(b).

Clause 41 - Chairman of Committee

This clause removes the express reference to the Department of Primary Industry from section 10 of the Principal Act.

PART XVI - AMENDMENTS OF COMMONWEALTH ELECTORAL ACT 1918

Clause 42 - Principal Act

Formal

Clause 43 - Use of licensed premises as polling booth

Section 100 of the Principal Act currently provides that no part of any premises licensed for the sale of intoxicating liquor shall be used for the purpose of any polling booth.

This clause amends section 100 so as to enable licensed premises to be used as a polling booth for elections provided the Chief Australian Electoral Officer is satisfied that no intoxicating liquor will be sold in any part of those premises during the hours of polling.

Clause 44 - Power to make Rules of Court

This clause amends section 202 of the Principal Act to apply to Rules of Court made under the section the provisions of section 48, 49 and 50 of the Acts Interpretation Act 1901 relating to parliamentary scrutiny and possible disallowance, and the effect of repeal, of regulations made under an Act.

By virtue of sub-clause 2(1), this Part is to come into operation on Royal Assent.

PART XVII - AMENDMENTS OF COMMONWEALTH PLACES  
(APPLICATION OF LAWS) ACT 1970

Clause 45 - Principal Act

Formal

Clause 46 - Schedule

Where there is an arrangement with a State under the Principal Act the Commonwealth laws set out in the Schedule amended by this clause do not apply in respect of offences against the terms of State laws made applicable to a Commonwealth place by the Principal Act.

This clause amends the Schedule to the Principal Act so as to include in the the Schedule new provisions to be inserted in the Crimes Act 1914 by the Crimes Amendment Act 1982.

The relevant provisions are: -

Section 17A - Restriction on imposing sentences of imprisonment

Section 20AA - Power to discharge or vary conditions of recognizance

Section 20AB - Additional sentencing alternatives

Section 20AC - Failure to comply with sentence passed or order made, under sub-section 20AB(1)

Section 21AA - Taking other offences into account



By virtue of sub-clause 2(6), this Part comes into operation, or is deemed to have come into operation, immediately after the commencement of section 8 of the Crimes Amendment Act 1982.

PART XVIII - AMENDMENT OF COMMONWEALTH PRISONERS ACT 1967

Division 1 - Amendment Consequential on Section 7  
of Crimes Amendment Act 1982

Clause 47 - Principal Act

Formal

Clause 48 - Fixing of maximum term of imprisonment

This clause makes amendments to sub-section 4(5) of the Principal Act consequential upon section 7 of the Crimes Amendment Act 1982.

Division 2 - Amendment consequential on Section 8 of  
Crimes Amendment Act 1982

Clause 49 - Principal Act

Formal

Clause 50 - Exercise of Royal prerogative of mercy and  
operation of other Commonwealth laws or Territory laws

This clause amends section 22 of the Principal Act by inserting references to particular sections that are to be inserted in the Crimes Act 1914 by the Crimes Amendment Act 1982. The amendment ensures that the new provisions made by the Crimes Amendment Act providing for the conditional release of Commonwealth offenders after conviction and for the application to Commonwealth offenders of non-custodial sentencing options available under State and Territory law are not affected by the provisions of the Principal Act.

By virtue of sub-clause 2(6), this Part comes into operation, or is deemed to have come into operation, immediately after the date of commencement of section 8 of the Crimes Amendment Act 1982.

PART XIX - AMENDMENTS OF COMPANIES ACT 1981

Clause 51 - Principal Act

Formal

Clause 52 - Interpretation

This clause amends the definition of "corporation" in section 5 of the Principal Act so as to preserve the operation of section 33 of the Unit Titles Ordinance 1970 of the A.C.T. It ensures that the Principal Act does not apply to corporations as defined in that Ordinance.

Clause 53 - Publication of name, etc, of recognised company or recognised foreign company

This clause amends the provision made by section 509 of the Principal Act in relation to the disclosure of information on cheques and other negotiable instruments etc, to bring it into line with section 218 of the Principal Act.

Section 509 now provides that recognized companies (i.e. companies incorporated in a State or the Australian Capital Territory) or recognized foreign companies (i.e. companies formed overseas which are registered as a foreign company in a State or the A.C.T.) must give information in certain documents as to place of incorporation, or registration as a foreign company, or (in the case of a recognised foreign company) the existence of limited liability.

The effect of the clause is to also make a corresponding reduction in the potential incidence of personal liability on officers of such corporations for failure to include the relevant information.

Under section 509 as amended, it will no longer be necessary for recognized companies and recognized foreign companies to indicate in bills of exchange, promissory notes, cheques or other negotiable instruments the State or Territory where incorporated or registered. Furthermore, it will not be necessary for recognized foreign companies to indicate in those documents the fact, that the liability of its members is limited (if this is, in fact, the case and the corporations. name does not include "Limited" or "Ltd"). Both types of information will still be required in any business letter, statement of account, invoice, order for goods, order for services, official notice or publication of the recognized company or recognized foreign company.

Clause 54 - Publication of name, etc, of foreign company

This clause makes changes to section 517 of the Principal Act relating to the obligations of foreign companies analogous to those being made to section 509 by the previous clause.

Clause 55 - Operation of certain Ordinances

This clause amends section 581 of the Principal Act so as to preserve that the operation of the following provisions of Ordinances of the Australian Capital Territory can be preserved:

- Sections 39 and 40 of the Workmen's Compensation Supplementation Fund Ordinance 1980
- section 24 of the Trustee Companies Ordinance

By virtue of sub-clause 2(4), this Part come into operation on a date to be fixed by Proclamation.

PART XX - AMENDMENT OF COMPANIES (MISCELLANEOUS  
AMENDMENTS) ACT 1981

Clause 56 - Principal Act

Formal

Clause 57 - Transfer of marketable securities not to be  
registered unless duly stamped

This clause repeals the amendment made by section 18 of the Principal Act and replaces it by a new amendment of the Companies Act 1981 so as to correct a numbering error which had the effect of purporting to insert two Divisions 10, dealing with different matters, in Part III of the Companies Act 1981.

The effect of the amendment is to renumber the Division which was to be inserted by the Principal Act from Division 10 to Division 11 and to make provision therein as intended for registration of transfers of marketable securities by companies.

By virtue of sub-clause 2(8), this Part is deemed to have come into operation on 1 July 1982.

PART XXI - AMENDMENT OF CONCILIATION AND ARBITRATION ACT 1972

Clause 58 - Principal Act

Formal

Clause 59 - Retiring age of certain Presidential Members

Section 60 of the Principal Act provides that, subject to the Conciliation and Arbitration Act 1904, a presidential member of the Australian Conciliation and Arbitration Commission who was appointed before the date on which the Principal Act received the Royal Assent could hold office until he resigned or attained the age of seventy years.

This clause amends section 60 to ensure that a Deputy President to whom section 60 applied and who subsequently was appointed as President of the Commission would not lose the benefit of the operation of section 60.

By virtue of sub-clause 2(9), this Part is deemed to have come into operation on 2 June 1972.

PART XXII - AMENDMENTS OF CRIMES ACT 1914

Clause 60 - Principal Act

Formal

Clause 61 - Habitual Criminals

This clause makes a drafting amendment to section 17 of the Principal Act.

Clause 62 - Failure to comply with condition of discharge or release

This clause amends section 20A of the Principal Act so as to ensure that a court, when deciding what action to take in respect of an offender appearing before it to be dealt with for breach of a condition of an order made under amended sections 19B or 20 upon Proclamation of the Crimes Amendment Act 1982, is not restricted to a consideration of the specific matters set out in new sub-section 20A(6) but may also take into account any other matter it considers should be taken into account.

Clause 63 - Power to discharge or vary conditions of recognizance

Paragraph (a) of the clause restructures the new sub-section 20AA(1) which is to be inserted upon the Proclamation of the Crimes Amendment Act 1982.



Paragraphs (b) and (c) amend section 20AA to ensure that a person applying to a court under new sub-section 20AA(1) for a discharge or variation of the recognizance entered into pursuant to an order made by a court under new sections 19B or 20 is required to cause notice of the application and details of the hearing of the application to be served on interested parties. Those amendments are consequential upon an amendment made to section 20AA in the course of the passage of the Crimes Amendment Act 1982.

Clause 64 - Failure to comply with sentence passed, or order made, under sub-section 20AB(1)

This clause amends section 20AC of the Principal Act so as to provide that a court, when deciding what action to take in respect of an offender appearing before it to be dealt with for breach of a sentence passed or order made under new section 20AB, to be inserted upon the Proclamation of the Crimes Amendment Act 1982, is not restricted to a consideration of the specific matters set out in sub-section 20AC(7) but may also take into account any other matter it considers should be taken into account.

Clause 65 - Falsification of books or records by officers

This clause makes a drafting amendment to section 72 of the Principal Act.

By virtue of sub-clause 2(6), this Part comes into operation, or is deemed to have come into operation, immediately after the commencement of section 8 of the Crimes Amendment Act 1982.

PART XXIII - AMENDMENTS OF THE CRIMES AT SEA ACT 1979

Clause 66 - Principal Act

Formal

Clause 67 - Operation of certain Commonwealth laws excluded

Sub-section 5(4)(a) of the Principal Act provides that where there is an arrangement with a State under section 4 of the Principal Act, certain provisions of the Crimes Act 1914 do not apply in respect of offences against State or Territory laws made applicable to offences at sea under the Principal Act.

This clause amends paragraph 5(4)(a) so as to also exclude the operation of the new sections 17A, 20AA, 20AB, 20AC and 21AA of the Crimes Act 1914 to be inserted in that Act upon the Proclamation of the Crimes Amendment Act 1982. Those sections deal with the following matters:

Section 17A - Restriction on imposing sentences of imprisonment

Section 20AA - Power to discharge or vary conditions of recognizance

Section 20AB - Additional sentencing alternatives

Section 20AC - Failure to comply with sentence passed, or order made, under sub-section 20AB(1)

Section 21AA - Taking other offences into account

By virtue of sub-clause 7(6) this Part comes into operation, or is deemed to have come into operation, immediately after the commencement of section 8 of the Crimes Amendment Act 1982.

PART XXIV - AMENDMENT OF CUSTOMS TARIFF 1966

Clasue 68 - Principal Act

Formal

Clause 69 - Orders

This clause substitutes a new sub-section 36(3) for sub-sections 36(3) and (4) in the Principal Act so as to apply to orders made under the Act certain provisions of the Acts Interpretation Act 1901 relating to the tabling and possible disallowance, and the effect of repeal, of regulations made under Acts.

PART XXV - AMENDMENTS OF DAIRY INDUSTRY STABILIZATION ACT 1977

Clause 70 - Principal Act

Formal

Clause 71 - Determination of quotas

Paragraph (a) of this clause omits sub-section 11A(2) consequential on the provision made by the next paragraph.

Paragraph (b) of this clause inserts a new sub-section 11A(6) in the Principal Act so as to provide for the application to principles formulated by the Minister, in accordance with which he is required to act in determining quotas under section 11A of the Principal Act, of provisions of the Acts, Interpretation Act 1901 relating to the tabling in the Parliament, and the possible disallowance, and the effect of repeal, of regulations made under Acts.

PART XXVI - AMENDMENTS OF DAIRYING RESEARCH ACT 1972

Clause 72 - Principal Act

Formal

Clause 73 - Moneys to be paid into Research Account

This clause amends paragraph 5(1)(b) of the Principal Act to provide for Commonwealth contributions equal to half the payments made out of the account kept under new sub-section 5A(1) which is inserted by the next clause.

Clause 74 - Separate accounts to be kept

This clause inserts a new section 5A in the Principal Act under which two separate accounts will be kept within the Dairying Research Trust Account. One is an account of moneys paid into the Research Account out of the Consolidated Revenue Fund, being an amount equal to research levy receipts which are matched by the Commonwealth as industry contributions are spent. The other is an account of 'non-matchable' income from:

- Consolidated Revenue of amounts equal to penalties for non-payment of levy;
- payments by any person for the purposes of the Research Act;
- sale of assets and produce; and
- interest on investments.

Clause 75 - Application of Research Account

This clause amends sub-section 6(1) of the Principal Act to reflect the fact of two separate accounts from which expenditure can occur for the purpose of research approved by the Minister for Primary Industry, on the recommendation of the Australian Dairy Research Committee, and for the Committee's expenses.

Clause 76 - Constitution of Committee

This clause removes the express reference to the Department of Primary Industry from section 9 of the Principal Act.

PART XXVII - REPEAL OF DARWIN CYCLONE DAMAGE COMPENSATION  
ACT 1975

Clause 77 - Principal Act

Formal

Clause 78 - Repeal of Act

This clause repeals the Principal Act.

PART XXVIII - AMENDMENT OF THE DEFENCE ACT 1903

Clause 79 - Principal Act

Formal

Clause 80 - Interpretation

This clause removes the express reference to the Department of Defence from the definition of "The Secretary" in section 4 of the Principal Act.

Clause 81 - Tabling, disallowance, etc. of determinations

This clause omits sub-sections 58C(1) and (2) and substitutes a new sub-section 518C(1) which applies the provisions of the Acts Interpretation Act 1901 regarding the tabling, possible disallowance, and effect of repeal, of regulations under Acts to determinations made by the Minister under section 58B.



PART XXIX - AMENDMENT OF DEFENCE AMENDMENT ACT 1979

Clause 82 - Principal Act

Formal

Clause 83 - Determinations prevail over inconsistent regulations

This clause substitutes a new sub-section 14(2) in the Principal Act which provides for the effect where a determination made under section 58B of the Defence Act 1903 is disallowed by a House of the Parliament or deemed to be disallowed or becomes void by reason of the application of section 48 of the Acts Interpretation Act 1901.

PART XXX - AMENDMENTS OF DEFENCE SERVICE HOMES ACT 1918

Clause 84 - Principal Act

Formal

Clause 85 - Interpretation

This clause removes the express reference to Veterans' Affairs from the definition of "Secretary" in section 4 of the Principal Act.

Clause 86 - Determination of eligibility etc

Section 4B of the Principal Act provides for the determination of certain matters as a prerequisite to the making of an advance under the Act. This clause amends section 4B as a consequence of certain amendments being made to sections 19A and 23 by the next two clauses of the Bill.

Paragraph (a) substitutes a new paragraph 4B(1)(b) requiring, where sections 19A or 23 are relevant, determinations as to -

- (i) whether the applicant already owns a home other than that to which the application relates;
- (ii) if married whether the applicant and spouse are permanently separated; and
- (iii) if not permanently separated whether the spouse already owns a home other than that to which the application relates.

Paragraphs (b) and (c) make drafting amendments to sub-section 4B(2) of the Principal Act.

Paragraph (d) substitutes a new sub-section 4B(3) of the Principal Act so that where the new determination criteria in paragraph 4A(1) (b) are satisfied so as to enable assistance to be then granted the Defence Services Homes Corporation shall be deemed to be satisfied of the matters so determined and shall be deemed to continue to be so satisfied despite any subsequent changes in those matters.

Clause 87 - Sale of house only to person not already an owner

Paragraph (a) of this clause makes a drafting amendment to paragraph 19A(a) of the Principal Act.

Paragraph (b) of this clause omits paragraph 19A(b) of the Principal Act and substitutes new paragraphs 19A(b) and (c). The effect of the amendments is that a dwelling house may be sold under Part IV of the Principal Act if the Corporation is satisfied, except in respect of a sale under sub-section 19(1A), that the dwelling house is intended to be used by the person as a home, for himself and his dependents and the person does not own another dwelling house and further that, if he has a spouse from whom he is not permanently separated, that the spouse does not own another dwelling house.

Clause 88 - Advance for purposes of home only to persons not already an owner

Section 23 of the Principal Act prescribes certain matters in respect of which the Defence Service Homes Corporation must be satisfied before making an advance of assistance to an applicant. These include that, except in

respect of an advance made under sub-section 20(2), the dwelling house in respect of which the advance is applied for is intended to be used as his home by the applicant and his dependants.

Paragraph (a)-(c) of this clause make drafting changes.

Paragraph (d) of this clause substitutes new paragraphs 23(b) and (c) which provide that the other matters the Corporation must be satisfied on also include that neither the person or also his or her spouse, unless permanently separated from that spouse, does not own another dwelling house.

Clause 89 - Call-up of moneys on discovery of false statement

This clause inserts a new section 32A in the Principal Act. New section 32A provides for call up of moneys secured to the Defence Services Homes Corporation where a person has made false declarations regarding ownership of any other dwelling house or separation from his spouse in connection with an application for an advance or the sale of a dwelling house.

The amendment corrects a drafting deficiency that has made the existing section ineffectual.

Clause 90 - Dwelling houses for incapacitated soldiers

This clause removes the express reference to the Department of Veterans' Affairs in sub-section 47(1) of the Principal Act.

PART XXXI - AMENDMENT OF DRIED VINE FRUITS EQUALIZATION  
ACT 1978

Clause 91 - Principal Act

Formal

Clause 92 - Investment of moneys of Fund

)        This clause inserts a sub-section 9(2) into the  
Principal Act which defines an "approved bank" for the  
purposes of the investing of Trust Fund moneys as provided for  
by paragraph (1)(a).  
)  
  
)  
  
)

PART XXXII - AMENDMENTS OF EGG EXPORT CONTROL ACT 1947

Clause 93 - Principal Act

Formal

Clause 94 - Australian Egg Board

Sub-clause (1) of this clause amends sub-section 5(3) of the Principal Act so that Board members shall be appointed by the Minister instead of by the Governor-General.

Sub-clause (2) of this clause provides that current appointments are not affected by the amendment made by sub-clause (1).

Clause 95 - Term of office of members

This clause amends section 5A of the Principal Act which deals with the term of office of members of the Australian Egg Board.

Paragraph (a) of sub-clause (1) amends sub-section 5A(1) so as to provide the Minister, and not the Governor-General as at present, is to determine the period of office of the Board Chairman.

Paragraph (b) of sub-clause (1) amends sub-section 5A(2) so as to provide that a person, other than the Chairman, may be appointed as a Board member for a period not exceeding three years. It also provides that the period of each appointment is to be specified by the instrument of appointment.

Sub-clause (2) and (3) provide that current appointments of Chairman and members are not affected by the amendments made by sub-clause (1).

Clause 96 - Removal of members from office and resignation

This clause amends section 5B of the Principal Act so that the Minister, instead of the Governor-General, exercises the functions related to both removal from office of the Chairman and Board members and acceptance of resignations.

Clause 97 - Deputies of members of the Board

This clause amends sub-section 7(1) of the Principal Act so that the Minister instead of the Governor-General is to appoint deputies of members.

Clause 98 - Remuneration

This clause substitutes a new section 8 in the Principal Act which provides for the Remuneration Tribunal to determine the remuneration and allowances of members and deputies of members of the Australian Egg Board.

Clause 99 - Finance

This clause amends sub-section 17(2) of the Principal Act so that the Minister may guarantee to the Reserve Bank the repayment of interest on any advance made by the Bank to the Australian Egg Board and the repayment of any advances so made. Sub-section 17(2) is at present limited to guarantees in respect of repayment of advances only.

Clause 100 - Application of moneys paid into accounts or Fund

This clause makes a drafting correction to paragraph 19(f) of the Principal Act.

PART XXXIII - AMENDMENT OF EXCISE TARIFF ACT 1921

Clause 101 - Principal Act

Formal

Clause 102 - Goods manufactured or produced at off-shore  
installations

This clause makes a drafting correction to section 5A  
of the Principal Act.



PART XXXIV - AMENDMENTS OF EXPLOSIVES ACT 1961

Clause 103 - Principal Act

Formal

Clause 104 - General provision applicable to orders

Paragraphs (a), (c) and (d) of this clause makes drafting changes to sub-sections 16(1) and (3) respectively of the Principal Act.

Paragraph (b) of this clause substitutes a new sub-section 16(2) in the Principal Act which applies the provisions of the Acts Interpretation Act 1901 regarding tabling possible disallowance and the effect of repeal of regulations made under Acts, to orders made under section 16.

Clause 105 - Date from which orders take effect

This clause substitutes a new section 17 of the Principal Act which makes provision in respect of the date of effect of orders made under section 16.

Clause 106 - Formal amendments

This clause provides for formal amendments to the Principal Act as set out in Schedule 1.

PART XXXV - REPEAL OF GLEBE LANDS (APPROPRIATION) ACT 1974

Clause 107 - Principal Act

Formal

Clause 108 - Repeal of Act

This clause repeals the Principal Act.

PART XXXVI - AMENDMENT OF GREAT BARRIER REEF  
MARINE PARK ACT 1975

Clause 109 - Principal Act

Formal

Clause 110 - Regulations

Sub-section 66(5) of the Principal Act provides that regulations shall not apply to an area within the Great Barrier Reef Marine Park in respect of which no zoning plan is in force if more than 12 months has elapsed since that area became part of the Marine Park. Experience has shown that, because of the timing requirements in the Principal Act relating to the preparation of zoning plans, the period of 12 months is insufficient. This clause amends sub-section 66(5) to extend the period for bringing a zoning plan into force to 2 years from the date an area becomes part of the Marine Park.

By virtue of sub-clause 2(1), this Part comes into operation on the day the Act receives Royal Assent.

PART XXXII - AMENDMENTS OF HANDICAPPED PERSONS ASSISTANCE  
ACT 1974

Clause 111 - Principal Act

Formal

Clause 112 - Interpretation

This clause amends the section 3 of the Principal Act to update the reference to the Social Security Act 1947.

Clauses 113-116 - Grants

Clause 117 - Financial Assistance towards meeting the cost of remuneration

These clauses make drafting amendments to section 10, 13, 15, 18 and 21 of the Principal Act.

Clause 118 - Handicapped children's benefit

This clause amends section 23 of the Principal Act to update the reference to the National Health Act 1953.

Clause 119 - Interpretation

This clause amends section 27 of the Principal Act to update the reference to the Social Security Act 1947.

Clause 120 - Repealed Parts of the Sheltered Employment (Assistance) Act to continue in force, etc.

This clause amends paragraph 37(1)(a) of the Principal Act to update a reference to the Director-General of Social Security.

Clause 121 - Certain projects approved under repealed provisions to be approved projects under this Act etc.

This clause amends section 38 of the Principal Act to update a reference to the Director-General of Social Security.

PART XXVIII - AMENDMENTS OF HOME DEPOSIT ASSISTANCE ACT 1982

Clause 122 - Principal Act

Formal

These clause amend sections 40, 41 and 42 respectively of the Principal Act to update references to the Social Security Act 1947.

By virtue of sub-clause 2(1), this Part comes into operation on the day the Act receives the Royal Assent.

Clause 123 - Director-General may treat moneys as paid or expended

Clause 124 - Reconsideration by Director-General

These clauses amend references to the Secretary in sections 3 and 47 respectively of the Principal Act to the Director-General of Social Security.

Clause 125 - Further amendments

This clause makes formal amendments to the Principal Act as set out in Schedule 2 to give effect to the transfer of administrative responsibilities under the Act to the Director-General of Social Security.

PART XXXIX - AMENDMENTS OF HOMELESS PERSONS ASSISTANCE ACT 1974

Clause 126 - Principal Act

Formal

Clause 127 - Interpretation

This clause amends paragraph (b) of the definition of "homeless person" in section 3 of the Principal Act. It also updates a reference to the Social Security Act 1947.

Clause 128 - Advisory committees

This clause amends section 15 of the Principal Act to update the reference to the Remuneration Tribunals Act 1973.

Clause 129 - Moneys to be paid out of National Welfare Fund

This clause amends section 18 of the Principal Act to update a reference to the National Welfare Fund Act 1943.

PART XL - AMENDMENTS OF HOMES SAVINGS GRANTS ACT 1964

Clause 130 - Principal Act

Formal

Clause 131 - Appeal to Director-General

Clause 132 - Power of Director-General to treat money as paid or expended

Clause 133 - Power of Director-General to treat persons as having continued to hold acceptable savings in certain circumstances

These clauses amend references to the Secretary in sections 11, 17C and 17D respectively of the Principal Act to refer to the Director-General of Social-Security.

Clause 134 - References to Director-General include references to Secretary

This clause inserts section 31A in the Principal Act. Sub-clause 31A(1) provides that references in the Principal Act to the Director-General shall, in relation to actions taken before the changes to the machinery of Government on 7 May 1982, be read as references to the then Secretary to the Department of Housing and Construction or his delegate.

Sub-section 31A(2) provides for the continuation of court or tribunal proceedings pending on 7 May 1982.



Clause 135 - Further amendments

This clause makes formal amendments to the Principal Act as set out in Schedule 3 to take account of the transfer of administrative responsibilities under the Act to the Director-General of Social Security.

PART XLI - AMENDMENTS OF HOME SAVINGS GRANT ACT 1976

Clause 136 - Principal Act

Formal

Clause 137 - Power of Director-General to treat persons as having continued to hold acceptable savings in certain circumstances

Clause 138 - Power of Director-General to treat moneys as paid or expended

Clause 139 - Reconsideration by Director-General

These clauses amend references to the Secretary in sections 28, 30 and 39 respectively of the Principal Act to the Director-General of Social Security.

Clause 140 - References to Director-General include references to Secretary

This clause inserts section 53B in the Principal Act.

New sub-section 53B(1) provides that references in the Principal Act to the Director-General shall, in relation to actions taken before the changes to the machinery of government on 7 May 1982, be read as references the then Secretary to the Department of Housing and Construction or his delegate. New sub-section 53B(2) provides for the continuation of court or tribunal proceedings pending on 7 May 1982.

Clause 141 - Further amendments

This clause makes formal amendments to the Principal Act as set out in Schedule 4 to give effect to the transfer of administrative responsibility under the Act to the Director-General of Social Security.

PART XLII - AMENDMENT OF HONEY INDUSTRY ACT 1962

Clause 142 - Principal Act

Formal

Clause 143 - Loans to be arranged by the Minister

This substitutes new paragraph 23A (b) in the Principal Act so that the Minister may guarantee to the Reserve Bank the repayment of loans and interest on loans made by the Bank to the Australian Honey Board. The paragraph at present is limited to a guarantee in respect of repayment of the loan only.

PART XLIII - AMENDMENTS OF HONEY LEVY COLLECTION ACT 1962

Clause 144 - Principal Act

Formal

Clause 145 - Definitions

This clause deletes the express reference to the Department of Primary Industry from the definition of "Secretary" in section 3 of the Principal Act.

Clause 146 - Penalty for non-payment

This clause substitutes a new sub-section 8(3) in the Principal Act which allows the Minister or an authorised person to remit penalties imposed under this section.

The clause also inserts a new sub-section 8(4) in the Principal Act which places an upper limit on the amount of remission able to be made by an authorised person.

Clause 147 - Review of decisions

This clause inserts section 12A in the Principal Act. New sub-section 12A(1) provides for appeals to the Administrative Appeals Tribunal in respect of decisions on applications for remissions.

Sub-section 12A(2) provides that any notice in writing of a decision on an application for remission shall include a statement to the effect that a person whose interests are affected by the decision can seek a review of the decision by the Administrative Appeals Tribunal.

New sub-section 12A(3) provides that a failure to give the statement does not affect the validity of the decision.

PART XLIV - AMENDMENTS OF INDUSTRIAL RESEARCH AND  
DEVELOPMENT INCENTIVES ACT 1976

Clause 148 - Principal Act Formal

Formal

Clause 149 - Limitation of number of years in respect of which  
grants payable to a company

Sub-clause (1) of this clause repeals sub-sections (2) and (3) of the Principal Act and substitutes new sub-sections as follows.

New sub-section 25(2) limits the eligibility of a company for commencement grants to 5 consecutive years.

New sub-section 25(3) provides that a company is not entitled to a commencement grant in respect of the first grant year where the number of grants it or a related company has received under the Industrial Research and Development Grants Act 1967, or by a related company under this Act, is or exceeds 5.

New sub-section 25(4) places a similar limit to that provided by new sub-section 25(3) on commencement grants in respect of years subsequent to the first grant year.

New sub-section 25(5) defines a reference in this section to a grant received by a company.

Sub-clause (2) of this clause has the effect that the amendments made by the clause do not apply to an application for a commencement grant in respect of a grant year made on or before the date on which notice of the amendments was publicly given.

Clause 150 - Effect of reconstruction of company

Sub-clause (1) of this clause substitutes a new section 26A in the Principal Act which enables the Industrial Research and Development Incentives Board to treat as the one company an applicant company that carries on operations in the nature of industrial research and development and another company which previously carried on the whole or a substantial part of the same operations and has or will become entitled to a grant under this Act or the Industrial Research and Development Grants Act 1967. New section 26A(2) ensures the Act is not circumvented or companies disadvantaged by corporate restructuring in the one financial year.

Sub-clause (2) of this clause is a savings provision in respect of the repealed section 26A as regards applications made by a company on or before the date on which notice of these amendments was publicly given.

Clause 151 - Applications

Paragraph (a) of this clause makes a drafting correction to sub-section 34(3) of the Principal Act.

Paragraph (b) of this clause inserts sub-sections 34(3A), (3B) and (3C) in the Principal Act. New sub-section 34(3A) provides for the closing date for applications for commencement grants. Previously the regulations made under the Act provided for such date.

The new provisions stipulate that an application shall be deemed not to have been made unless received within 3 months of the end of the grant year with an automatic extension of 2 months if notice of the need for extension is received before the end of the original 3 months period.



New sub-section 34(3B) makes a machinery provision for determining when an application under the previous sub-section has been received.

New sub-section 34(3C) provides that an application in respect of the grant year ended on 30 June 1981 or any earlier grant year shall be deemed not to have been made unless it was received on the date on which notice of the amendments was publically given.

Clause 152 - Effect of late application

This clause inserts clause 34A in the Principal Act to provide for deferment of payment of any commencement grant until 1 July in the following year where the application is not received within 3 months of the end of the grant year.

PART XLV - AMENDMENTS OF LIVE-STOCK SLAUGHTER LEVY COLLECTION  
ACT 1964

Clause 153 - Principal Act

Formal

Clause 154 - Authorized persons

This clause inserts a new section 4A in the Principal Act which defines "an authorized person".

Clause 155 - Penalty for non-payment

Paragraphs (a) and (b) of this clause amend sub-sections 8(3) and 9(4) respectively, consequential on the definition of "authorized person" inserted by the previous clause.

Clause 156 - Access to Premises

This clause substitutes a new section 15 in the Principal Act in relation to access to premises.

New sub-section 15(1) provides for an authorised person to enter premises, with the consent of the occupier of those premises, for the purposes of exercising his functions under the section.

New sub-section 15(2) provides for a Justice of the Peace to issue a warrant authorising an authorised officer to enter premises for the purposes of exercising his functions under the section where the authorised officer has reason to

believe that on the premises there are books, documents or papers relating to the slaughter of live-stock in respect of which levy is or may be payable. The power extends to premises of or occupied by a State or a State authority.

New sub-section 15(3) empowers a Justice of the Peace to issue a warrant authorising entry on premises if the Justice of the Peace is satisfied that the authorised officer has reasonable grounds for making the application and the issue of warrants is reasonably required for the purposes of the Act.

New sub-section 15(4) provides that a warrant must specify a date after which it becomes ineffective.

New sub-section 15(5) provides that an authorised person who has entered premises may exercise his functions under this section.

New sub-section 15(6) creates an offence where anyone, without reasonable excuse, obstructs or hinders an authorised person from exercising his functions in pursuance of a warrant.

New sub-section 15(7) defines the functions of an authorised person for the purposes of the section. He can search for, inspect, take extracts from and make copies of any books, documents or papers relating to the slaughter of live-stock in respect of which levy is, or may be, payable.

#### Review of decisions

This clause also inserts sub-section 15A in the Principal Act to provide for review by the Administrative Appeals Tribunal of decisions of the Minister or of an authorised person on the grant of remissions.

New sub-section 15A(2) provides that any notice in writing of a decision on the application for remission shall include a statement to the effect that a person whose interests are affected by the decision can seek a review of the decision by the Administrative Appeals Tribunal.

New sub-section 15A(3) provides that a failure to give the statement does not affect the validity of the decision.

PART XLXI - AMENDMENTS OF MEAT CHICKEN LEVY COLLECTION ACT  
1969

Clause 157 - Principal Act

Formal

Clause 158 - Definitions

Paragraph (a) of this clause omits the express reference to the Department of Primary Industry from the definition of the Secretary in section 3 of the Principal Act.

Paragraph (b) of this clause inserts a new sub-section 3(2) in the Principal Act which defines "an authorised person".

Clause 159 - Penalty for non-payment

Paragraphs (a) and (b) of this clause amend sub-section 5(2) consequential on the definition of "authorized person" inserted by the previous clause.

Clause 160 - Access to premises

New sub-section 19(1) provides for an authorised person to enter premises, with the consent of the occupier of those premises, for the purposes of exercising his functions under the section.

New sub-section 19(2) provides for a Justice of the Peace to issue a warrant authorising an authorised officer to enter premises for the purposes of exercising his functions

under the section where the authorised officer has reason to believe that on the premises there are books, documents or papers relating to relevant matters. The power extends to premises of, or occupied by, a State or a State authority.

New sub-section 19(3) empowers a Justice of the Peace to issue a warrant authorising entry on premises if the Justice of the Peace is satisfied that the authorised officer has reasonable grounds for making the application and the issue of the warrants is reasonably required for the purposes of the Act.

New sub-section 19(4) provides that a warrant must specify a date after which it becomes ineffective.

New sub-section 19(5) provides that an authorised person who has entered premises may exercise his functions under this section.

New sub-section 19(6) provides a penalty for anyone who, without reasonable excuse, obstructs or hinders an authorised person from exercising his functions.

New sub-section 1(7) defines the functions of an authorised person for the purposes of the section. He can search for, inspect, take extracts from and make copies of any books, documents or papers relating to relevant matters.

New sub-section 9(8) defines premises and relevant matters for the purpose of the section.

#### Clause 161 - Review of decisions

This clause inserts a new section 10A in the Principal Act to provide for an appeal to the Administrative Appeals Tribunal in respect of decisions on the remission of penalties made under sub-section 5(2).

New sub-section 10A(2) provides that any notice in writing of a decision on the application for remission shall include a statement to the effect that a person whose interests are affected by the decision can seek a review of the decision by the Administrative Appeals Tribunal.

New sub-section 10A(3) provides that a failure to give the statement does not affect the validity of the decision.

PART XLVII - AMENDMENTS OF NATIONAL LABOUR CONSULTATIVE  
COUNCIL ACT 1977

Clause 162 - Principal Act

Formal

Clause 163 - Interpretation

Paragraph (a) omits the definition of "Minister" from section 3 of the Principal Act. The definition of "Minister" contained in section 17 of the Acts Interpretation Act 1901 will therefore apply to references to "the Minister" in the Principal Act.

Paragraph (b) inserts a definition of "Secretary" in section 3.

Clause 164 - Membership of Council

Paragraph (a) of this clause amends sub-section 6(1) so as to provide that the National Labour Consultative Council is to consist of 16 instead of 18 members. The reduction in membership is consequential on the abolition of the offices of Minister for Employment and Youth Affairs and the Department of Employment and Youth Affairs.

Paragraph (b) of this clause amends sub-section 6(1) so as to remove references to the abovementioned offices and also the reference to the Secretary of the Department of Industrial Relations and to insert a reference to the Secretary.

Paragraph (c) amends sub-section 6(1) to reflect a change in title for the national employers representation to the Council to "Confederation of Australian Industry - Industrial Council".



Clause 165 - Substitute members

This clause substitutes a new sub-section 10(1) in the Principal Act which makes changes to the provision made for Governmental substitute members consequential on the reduction of the membership of the Council. New sub-section 10(1) provides that the Minister or Secretary may nominate a person to attend a meeting of the Council in his place as the case may be.

PART XLVIII - AMENDMENTS OF NAVIGATION ACT 1912

Clause 166 - Principal Act

Formal

Clause 167 - Interpretation

Paragraph (a) of this clause inserts a definition of "Commonwealth authority" in section 6 of the Principal Act in consequence of the definition of "Commonwealth ship" which is inserted by paragraph (b) of this clause.

Paragraph (b) of this clause substitutes an expanded definition of "Commonwealth ship" in section 6 of the Principal Act so as to ensure that ships belonging to a Commonwealth authority come within the definition. Paragraph (b) also substitutes a new definition of "consul".

Paragraph (c) of this clause inserts a definition of "order" in section 6 of the Principal Act in consequence of the amendment effected by clause 182.

Clause 168 - Repeal of section 175

This clause repeals section 175 of the Principal Act to remove the requirement for the keeping of an engine room log-book.

Clause 169 - Interpretation

Paragraph (a) of this clause substitutes a new definition of "survey authority" in section 187A of the Principal Act. The new definition is in consequence of the amendment made by the next clause.

Paragraph (b) of this clause amends the definition of "the Container Convention" in section 187A to take account of amendments to the Convention.

Clause 170 - Approved survey authority

This clause inserts a new section 187BA in the Principal Act which provides for the Minister to approve a corporation or association for the survey of shipping.

Clause 171 - Detention of ships not registered in Australia

This clause substitutes a reference to "the Minister" for such officer as is prescribed" in section 142A of the Principal Act thus giving the Minister responsibility for notification of the detention of a foreign ship.

Clause 172 - Regulations

This clause inserts new sub-sections 232(3) and (4) in the Principal Act. New sub-section 23(2) enables the Minister to make orders with respect to any matter in relation to which there is power to make regulations under section 232. The regulation - making power under section 232 is to make provision for in relation to certain specified matters relating to compasses. New sub-section 232(4) applies section 426 of the Principal Act to orders made under the section and thus the provisions of section 48, 49 and 50 of the Acts Interpretation Act 1901, which relate to tabling and Parliamentary scrutiny of regulations made under Acts, as well as the effect of their repeal, are applied to orders.

Clause 173 - Definition of dangerous goods

This clause substitutes a new section 248(1) in the Principal Act which defines dangerous goods by reference to those goods listed in the International Maritime Dangerous Goods Code. New sub-section 248(2) defines the 'International Maritime Dangerous Goods Code'.

Clause 174 - Repeal of section 256

This clause repeal the provision made by section 256 of the Principal Act which relates to conveyance of livestock in ships. The provision is redundant.

Clause 175 - Power to make regulations

This clause adds new sub-sections 283A(3) and (4) to the Principal Act so as to enable the Minister to make orders with respect of any matter in relation to which regulations may be made under the section. The regulation making power under section 283A is to make provision relating to special purpose ships or special personnel. New sub-section 283A(4) applies section 426 of the Principal Act to orders made under the section and thus the provisions of sections 48, 49 and 50 of the Acts Interpretation Act 1901 which relate to tabling, parliamentary scrutiny and the effect of repeal, of regulations made under Acts are applied to orders.

Clause 176 - Certain provisions of Part not applicable to certain wrecks

This clause inserts a new section 295B(1) in the Principal Act which exempts from the application of specified provisions of the Act historic shipwrecks or historic relics to which the provisions of a State or Northern Territory law

relating to shipwrecks or, relics of historical significance apply. Sub-section 295B(2) makes transitional provision in that regard.

Clause 177 - Removal of wrecks on or near coast

This clause inserts a new sub-section 329(3A) which limits to emergency situations the exercise of the Minister's powers under section 329 in relation to dangerous wrecks to which new section 295B applies.

Clause 178 - Interpretation

This clause substitutes a definition of "Convention" and inserts a definition of "the Protocol" (to that Convention) in section 330 of the Principal Act. The Convention referred to is that limiting the liability of owners of seagoing ships signed at Brussels on 10 October 1957.

Clause 179 - Regulations, etc.

This clause substitutes "units of account" for the word "franc" in section 336 of the Principal Act, being the current expression used for measurement of monetary value.

Clause 180 - Penalties for certain offences

This clause amends paragraph 392(2)(a) of the Principal Act so as to provide for a penalty both by way of a fine and also imprisonment in respect of offences against certain specified sections.

Clause 181 - Tonnage measurement regulations

Sub-clause (1) of this clause omits sub-sections 405E(4) and (5) of the Principal Act. The sub-sections are re-enacted in the same form by new section 405PA which is inserted by the next clause.

Sub-clause (2) and (3) make savings provision in respect of regulations or orders made under the repealed sub-section 405E(4).

Clause 182 - Orders

This clause inserts a new section 405PA in the Principal Act. New sub-section 405PA(1) enables the Minister to make orders with respect to any matter in relation to which regulations may be made under Part X.

New sub-section 405PA(2) applies to these orders the provisions of section 426 of the Act which in turn applies sections 48, 49 and 50 of the Acts Interpretation Act 1901 which provide for tabling and parliamentary scrutiny of regulations made under Acts, as well as for the effect of their repeal.

Clause 183 - Regulations

Paragraph (a) of this clause inserts a number of new paragraphs in section 425 of the Principal Act so as to enable the Minister to make orders with respect to any matter in relation to which regulations may be made under certain specified sections or Parts of the Act.

Paragraph (b) of this clause inserts a new section 425(1A) which enables regulations made under the Act to be expressed to take effect at a specified time on a specified date.

Paragraph (c) and (e) of this clause make consequential changes to sub-sections 425(5) and (8) of the Principal Act.

Paragraph (d) of this clause omits sub-section 425(7). The sub-section is now redundant.

Clause 184 - Orders may be disallowed, etc.

This clause inserts a new sub-section 426(3) in the Principal Act which provides in respect of order made under the Act, the Minister for Transport and Construction has the same obligation as the Minister for Administrative Services in respect of publication of statutory rules.

Clause 185 - Schedule 5A

This clause inserts a new Schedule 5A in the Principal Act as set out in Schedule 5 to the Bill. New Schedule 5A sets out Annex 1 to the International Convention for Safe Containers, 1972.

Clause 186 - Schedule 6A

This clause inserts a new Schedule 6A in the Principal Act as set out in Schedule 6 to the Bill. New Schedule 6A sets out the Protocol amending the International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships.

Clause 187 - Further amendments

This clause makes formal amendments to the Principal Act as set out in Schedule 7 to the Bill.

PART XLIX - AMENDMENT OF NORFOLK ISLAND ACT 1979

Clause 188 - Principal Act

Formal

Clause 189 - Laying of certain Ordinances before the Parliament

This clause correct a drafting error in section 28 of the Principal Act.

By sub-clause 2(11), this Part is deemed to have come into operation on 4 June 1982.



PART L - REPEAL OF NORTHERN TERRITORY RAILWAY EXTENSION

ACT 1971

Clause 190 - Principal Act

Formal

Clause 191 - Repeal of Act

This clause repeals the Principal Act.

PART LI - AMENDMENT OF NURSING HOMES ASSISTANCE ACT 1974

Clause 192 - Principal Act

Formal

Clause 193 - Interpretation

This clause removes the express reference to the Department of Health from the definition of "Permanent Head" in section 3 of the Principal Act.

Clause 194 - Evidence

Paragraph (a) of this clause substitutes a new paragraph 33(1)(c) in the Principal Act and deletes paragraph 33(1)(d).

Paragraph (b) of this clause inserts a new section 33(1A) in the Principal Act which enables the Permanent Head to certify in writing that a document is a true copy of a document issued under the Act or was such a document and had effect for the period specified in the certificate.

PART LII - AMENDMENTS OF OVERSEAS TELECOMMUNICATIONS ACT 1946

Clause 195 - Principal Act

Formal

Clause 196 - Extension of Act to adjacent areas

This clause inserts a new section 6A in the Principal Act. New sub-section 6A(1) provides that, subject to sub-section (2), the Act applies in relation to the adjacent areas of the States and Territories as if a reference to Australia included references to the adjacent areas in respect of the States and Territories.

New sub-section 6A(2) provides that the Act applies to the adjacent areas of the States and Territories in relation to all acts, matters and things connected with the exploration of, or the exploitation of the resources of, the continental shelf of Australia or of an external Territory.

New sub-section 6A(3) provides for the application of the provisions of the Act in relation to all persons in the adjacent area for the purposes of exploration or exploitation of the resources of the continental shelf of Australia or of an external Territory.

New sub-section 6A(4) provides for a State Court to be invested with federal jurisdiction with respect to matters arising under the Principal Act in the adjacent area of a State.

New sub-section 6A(5) provides for Territory courts to be invested with jurisdiction with respect to matters arising under the Principal Act in the adjacent area of a Territory.

New sub-section 6A(6) defines 'adjacent area' by reference to the definition of that term in the Petroleum (Submerged Lands) Act 1967.

By virtue of clause 2(12) of the Bill, this section comes into operation on the date of commencement of the Petroleum (Submerged Lands) Amendment Act 1980 or the day on which the Bill receives the Royal Assent, whichever is this later.

Clause 197 - General functions and duties of Commission

This clause inserts sub-section 34(2) in the Principal Act to provide that the Commission may enter into a agreement with a person, including a foreign government, for the provision of consultancy services by that person to the Commission

Clause 198 - Commission's powers exercisable all outside Australia

This clause makes a number of drafting amendments to section 34A.

Clause 199-Commission may enter into consultancy agreement

This clause inserts a new sub-section 34B in the Principal Act which makes provision for the Commission, with the approval of the Minister, to contract to provide consultancy services in a country outside Australia to persons, including to a foreign government.

Clause 200 - Policy of Commission

This clause amends sub-section 38A(3) of the Principal Act so as to provide that where the Commission

agrees to provide a consultancy service it is not bound by its general obligation under sub-section 38A(2) to provide its services at the lowest possible charge.

PART LIII - AMENDMENTS OF PARLIAMENT HOUSE CONSTRUCTION  
AUTHORITY ACT 1979

Clause 201 - Principal Act

Formal

Clause 202 - Interpretation

Paragraph (a) of this clause inserts a definition of "Chief Executive" in sub-section 3(1) of the Principal Act.

Paragraph (b) of this clause deletes the definition of "Executive Officer" from sub-section 3(1) of the Principal Act.

Clause 203 - Termination of appointments

Paragraphs (a), (b), (d) and (e) of this clause make drafting amendments to paragraphs 17(2)(b) and 3(b) and sub-sections (17)(7) and (8) respectively of the Principal Act.

Paragraph (c) of this clause inserts new sub-sections 17(6A) and 17(6B) in the Principal Act providing for disclosure of a member's direct or indirect pecuniary interest in a matter that is the subject of a proposed resolution of the Parliament House Construction Authority.

Clause 204 - Meetings of the Authority

This clause inserts sub-sections 19(10) and (11) in the Principal Act. New sub-section 19(10) provides that a document containing a statement supporting a resolution of the Authority signed by a majority of the Authority is deemed to

be a resolution passed at a meeting of the Authority. The date of the resolution is the date on which members signed the document, or if it was signed on different days the date on which it was last signed by a member.

New sub-section 19(11) defines a document for the purposes of sub-section 19(10) so that a number of separate documents in identical terms shall constitute one document.

#### Clause 205 - Delegation

This clause inserts section 19A in the Principal Act allowing the Authority to delegate, in writing under its common seal, all or any of its powers under the Act, other than the power of delegation, to the Chief Executive. Any exercise of a power delegated is deemed to be action by the Authority.

#### Clause 206 - Chief Executive

This clause amends sub-section 20 (1) and (2) of the Principal Act to substitute references to 'Chief Executive' for existing references to 'Executive Officer.'

#### Clause 207 - Acting Chief Executive

This clause amends sub-sections 26(1), (3), (4), (5) and (6) to substitute references to 'Chief Executive' for existing references to 'Executive Officer'.

#### Clause 208 - Further amendments

This clause makes formal amendments to the Act as set out in Schedule 8 of the Bill.

Clause 209 - Transitional provision in respect of existing Executive Officer

This clause provides for the existing Executive Officer to hold the new office 'Chief Executive' as if appointed to that office under the Principal Act as amended by this Bill.

By virtue of sub-clause 2(1), this Part comes into operation on the day the Act receives the Royal Assent.



PART LIV- AMENDMENTS OF PETROLEUM (SUBMERGED LANDS)

ACT 1967

Clause 210 - Principal Act

Formal

Clause 211 - Formal Amendments

This clause provides for drafting amendments, as set out in Schedule 9 of the Bill, to be made to the Principal Act.

Clause 212 - Schedule 2

This clause amends, as set out in Schedule 10 to the Bill, the description of the Queensland adjacent area contained in Schedule 2 to the Principal Act. The amendment arises out of the Australia/France Maritime Boundary Agreement which was signed on 4 January 1982. Implementation of the Agreement requires the removal of a small area of about 78 square kilometres from Queensland's adjacent area and Schedule 10 makes the necessary amendments for that purpose.

By virtue of sub-clause 2(1), this Part comes into operation on the day the Act receives the Royal Assent.

PART LV - AMENDMENTS OF PIG INDUSTRY RESEARCH ACT 1971

Clause 213 - Principal Act

Formal

Clause 214 - Moneys to be paid into Research Account

This clause amends section 5(1) (b) of the Principal Act to provide that the amount to be appropriated from Consolidated Revenue to a Research Account is to be equal to half the amounts of the payments made from a particular Research Account.

Clause 215 - Separate accounts to be kept

This clause inserts new section 5A which provides for two separate Research Accounts to be kept with payments into each account being restricted to particular matters. New section 5A(1) provides that payments to one account shall be referable to levies, discharge of liabilities of a person under section 6 of the Pig Slaughter Levy Collection Act 1971 and an amount equal to half of the outgoing from this account. New sub-section 5A(2)(b) provides the other account shall be referable to penalties collected under section 7 of the Pig Slaughter Levy Collection Act 1971.

Clause 216 - Application of the Research Account

This clause amends sub-section 6(1) of the Principal Act to make a drafting alteration to recognise that two separate Research Accounts are provided for by new section 5A.

Clause 217 - Constitution of Committee

Paragraph (1)(a) of this clause omits the words "of Primary Industry" from paragraph 9(1)(e) of Principal Act.

Paragraph (1)(b) of this clause amends paragraph 9(2)(b) of the Principal Act to provide that a person may be appointed to the Committee for a period not exceeding three years. It also provides that the period of each appointment is to be specified in the instrument of appointment.

Sub-clause (2) of this clause is a savings provision for appointments made before the commencement of the changes being made by paragraph (1)(b).

Clause 218 - Chairman of Committee

This clause omits the words express referent to the Department of Primary Industry from section 10 of the Principal Act.

By virtue of sub-clause 2(1), this Part comes into operation on the day the Act receives Royal Assent.

PART LVI - AMENDMENTS TO PIG MEAT PROMOTION ACT 1975

Clause 219 - Principal Act

Formal

Clause 220 - Constitution of Committee

Paragraph 1(a) of this clause omits the express reference to the Department of Primary Industry from paragraph 9(1) (e) of Principal Act.

Paragraph 1(b) of this clause amends paragraph 9(2) (b) of the Principal Act to provide that a person may be appointed to the Committee for a period not exceeding three years. It also provides that the period of each appointment is to be specified in the instrument of appointment.

Sub-clause (2) of this clause is a savings provision for appointments made before the commencement of the changes being made by paragraph (1) (b).

PART LVII - AMENDMENTS OF POSTAL SERVICES ACT 1975

Clause 221 - Principal Act

Formal

Clause 222 - Extension of Act to adjacent areas

This clause inserts a new section 3A into the Principal Act.

New sub-section 3A(1) provides that, subject to sub-section (2), the Act applies in relation to the adjacent areas of the States and Territories as if a reference to Australia included references to the adjacent areas in respect of the States and Territories.

New sub-section 3A(2) provides that the Act applies to the adjacent areas of the States and Territories in relation to all acts, matters and things connected with the exploration of, or the exploitation of the resources of, the continental shelf of Australia or of an external Territory.

New sub-section 3A(3) provides for the application of the provisions of the Act in relation to all persons in the adjacent area for the purposes of exploration or exploitation of the resources of the continental shelf of Australia or of an external Territory.

New sub-section 3A(4) provides for a State Court to be invested with federal jurisdiction with respect to matters arising under the Principal Act in the adjacent area of a State.

New sub-section 3A(5) provides for Territory courts to be invested with jurisdiction with respect to matters arising under the Principal Act in the adjacent area of a Territory.

New sub-section 3A(6) defines 'adjacent area' by reference to the definition of that term in the Petroleum (Submerged Lands) Act 1967.

By virtue of sub-clause 2(12) of the Bill, this Part comes into operation on the date of commencement of the Petroleum (Submerged Lands) Amendment Act 1980 or the day on which the Bill receives the Royal Assent, whichever is the later.

PART LVIII - AMENDMENT OF POULTRY INDUSTRY ASSISTANCE ACT 1965

Clause 223 - Principal Act

Formal

Clause 224 - Loans to State Egg Boards by Reserve Bank

This clause amends sub-section 7(1) of the Principal Act so that the Minister may guarantee to the Reserve Bank the repayment of loans and interest on loans made by the Bank to State Egg Boards. Sub-section 7(1) is at present limited to the giving of a guarantee in respect of the repayment of loans only.

PART LIX - AMENDMENTS OF POULTRY INDUSTRY LEVY COLLECTON  
Act 1965

Clause 225 - Principal Act

Formal

Clause 226 - Interpretation

This clause inserts sub-section 3(3) into the Principal Act to define "authorised person" for the purposes of the Act as a person, or a person included in a class of persons, appointed in writing by the Minister.

Clause 227 - Penalty for non-payment

Paragraphs (a) of this clause amends sub-section 9(2) of the Principal Act to delete the specific power of authorisation for the purposes of the section and draws upon the new definition of authorised person.

Paragraph (b) of this clause amends sub-section 8(2) of the Principal Act to refer to an "authorised person".

Paragraph (c1) of this clause substitutes sub-section 8(3) so as to provides the maximum amount of remission that may be granted by an authorised person to \$100.

Clause 228 - Access to premises

This clause inserts a new section 11 in the Principal Act in relation to access to premises.

New sub-section 11(1) provides for an authorised person to enter premises, with the consent of the occupier of those premises, for the purposes of exercising his functions under the section.



New sub-section 11(2) enables a Justice of the Peace to issue a warrant authorising an authorised officer to enter premises for the purposes of exercising his functions under the section where the authorised officer has reason to believe that on the premises there are hens kept for commercial purposes or books, documents or papers relating to relevant matters. The power extends to premises of, or occupied by, a State or a State authority.

New sub-section 11(3) empowers a Justice of the Peace to issue a warrant authorising entry on premises if the Justice of the Peace is satisfied that the authorised officer has reasonable grounds for making the application and the issue of the warrants is reasonably required for the purposes of the Act.

New sub-section 11(4) provides that a warrant must specify a date after which it becomes ineffective.

New sub-section 11(5) provides an authorised person who has entered premises may exercise his functions under this section.

New sub-section 11(6) creates an offence where anyone without reasonable excuse, obstructs or hinders an authorised person from acting in pursuance of a warrant.

New sub-section 11(7) defines the functions of an authorised person for the purposes of the section. He can search for, examine or count hens and other domesticated fowls and search for, inspect, take extracts from and make copies of books, documents or papers relating to relevant matters.

New sub-section 11(8) defines relevant matters for the purpose of the section to mean the keeping of chickens or hens for commercial purposes or the hatching of chickens.

Review of decisions

This clause also inserts a new section 11A in the Principal Act.

New sub-section 11A(1) provides for the Administrative Appeals Tribunal to review decisions of the Minister or of an authorised person on the grant of remissions. New sub-section 11A(2) provides that a notice in writing of a remission decision is to include a notification to the effect that a person affected by the decision may appeal to the Tribunal. New sub-section 11A(3) ensures the validity of a decision is not affected if a notification is not given pursuant to new sub-section 11A(2).

PART LX - AMENDMENTS OF PUBLIC ACCOUNTS COMMITTEE ACT 1951

Clause 229 - Principal Act

Formal

Clause 230 - Sectional Committees

Paragraph (a) of this clause makes a drafting amendment to sub-section 9(3) of the Principal Act.

Paragraph (b) of this clause inserts sub-section 9(3A) in the Principal Act specifying the number of members who are to constitute a quorum of a Sectional Committee of the Public Accounts Committee having regard to the number of members of a particular Sectional Committee. The amendment overcomes difficulties in the application of the present quorum provision which requires, in every case that 4 members constitute a quorum.

By virtue of sub-clause 2(13) of the Bill, this Part is deemed to have come into operation on 4 December 1979.

PART LXI - AMENDMENTS OF PUBLIC SERVICE ACT 1922

Clause 231 - Principal Act

Formal

Clause 232 - Schedules 2 and 3

This clause provides for the substitution of new Schedules 2 and 3 in the Principal Act as set out in Schedule 11 of the Bill. New Schedule 2 to the Principal Act specifies the Departments of State. New Schedule 3 to the Principal Act specifies the Permanent Heads. The amendments are consequential on changes made to the machinery of government on 7 May 1982.

PART LXII - AMENDMENTS OF PUBLIC WORKS COMMITTEE ACT 1969

Clause 233 - Principal Act

Formal

Clause 234 - Bodies to which Act applies

This clause inserts a reference in sub-section 2(b) of the Principal Act to the Australian Maritime College and makes a consequential drafting amendment to that sub-section.

Clause 235 - Reference of public works to the Committee

Paragraph (a) and (b) substitute a reference to the 'Minister for Transport and Construction' for the 'Minister for Housing and Construction' in sub-sections 18(3) and 18(8A) respectively of the Principal Act. The amendments are consequential on charges made to the machinery of government on 7 May 1982.

Clause 236 - Review of Reports

This clause substitutes a reference to the 'Minister for Transport and Construction' for 'Minister for Housing and Construction' in section 19 of the Principal Act. The amendment is consequential on changes made to the machinery of government on 7 May 1982.

PART LXIII - AMENDMENTS OF RE-ESTABLISHMENT AND  
EMPLOYMENT ACT 1945

Clause 237 - Principal Act

Formal

Clause 238 - Interpretation

This clause amends sub-section 4(3) of the Principal Act to delete a reference to Part IV of the Act.

Clause 239 - Repeal of Part IV

Part IV of the Principal Act was intended to make available limited rehabilitation assistance to veterans of World War II who became disabled, but who were not eligible to receive like assistance from the Repatriation Commission. However, the Part has never operated, as several matters essential to its operation were never prescribed. Accordingly, this clause repeals Part IV of the Principal Act.

Clause 240 - Extension of operation of certain provisions to members of the Forces (Korea and Malaya Operations)

Paragraph 138(2)(c) of the Principal Act deems references to Part IV of the Principal Act in certain other provisions to be references to Part XI, Division 3. There are no references to Part IV of the Principal Act in those other provisions. Accordingly, this clause omits paragraph 138(2)(c) of the Principal Act.

Clause 241 - Interpretation

This clause is a formal amendment which substitutes a definition of "operational area" in section 139 of the Principal Act so as to pick up the definition that was previously prescribed by the Re-establishment and Employment (General) Regulations.

Clause 242 - Extension of Part VIII of the Social Security Act to certain members of the Forces

Paragraphs (a) and (b) of this clause amend section 150 of the Principal Act to update references to the Social Security Act 1947.

Paragraph (c) of this clause omits from the definition of 'disabled person' in sub-section 150(3) of the Principal Act a limitation to certain classes of disabled veterans of the hostilities in Korea and Malaya to be prescribed for the purposes of Part XI, Division 3, of the Principal Act. No class of persons will now need to be prescribed.

Clause 243 - Rehabilitation allowance during treatment

Paragraph (a) of this clause amends section 151 of the Principal Act to update a reference to the Social Security Act 1947.

Paragraph (b) of this clause amends paragraph 151(b) of the Principal Act to update the references in section 151(b) of the Principal Act to the former wife's allowance and child's allowance. These references have been replaced in the Social Security Act by "wife's pension" and by provision for higher rates of pension for pensioners with dependent children.

PART LXIV - AMENDMENT OF REMOVAL OF PRISONERS  
(AUSTRALIAN CAPITAL TERRITORY) ACT 1968

Clause 244 - Principal Act

Formal

Clause 245 - Saving of certain laws

This clause amends paragraph 11(b) of the Principal Act to provide that the operation of new sections 20 and 20AB to be inserted in the Crimes Act 1914 upon the proclamation of the Crimes Amendment Act 1982 is not affected by the provisions of the Principal Act.

By virtue of sub-clause 2(6), this Part comes into operation, or is deemed to have come into operation, immediately after the commencement of section 8 of the Crimes Amendment Act 1982



PART LXV - AMENDMENTS OF REPRESENTATION ACT 1905

Clause 246 - Principal Act

Formal

Clause 247 - Power to make regulations

Paragraphs (a) of this clause deletes sub-section 13(2) of the Principal Act which provided for the tabling of regulations. Generally, the provisions of Part XII of the Acts Interpretation Act 1901 will now apply to regulations made under section 13(1) of the Principal Act.

Paragraphs (b) and (c) of this clause make it clear that for the purposes of sub-section 13(3) and 13(4) respectively of the Principal Act the provisions of the Acts Interpretation Act 1901 relating to date of effect of a regulation have no application.

PART LXVI - AMENDMENTS OF SCIENCE AND INDUSTRY RESEARCH  
ACT 1949

Clause 248 - Principal Act

Formal

Clause 249 - Interpretation

This clause amends the definition of a "State Committee" in section 7 of the Principal Act to include the Northern Territory Committee.

Clause 250 - Northern Territory Committee

This clause inserts a new section 38A in the Principal Act which establishes the Northern Territory Committee. New section 38A contains parallel provisions to those included in section 38 of the Principal Act in relation to State Committees.

New sub-section 38A(1) provides that the Northern Territory Committee so established by the section is to consist of a Chairman and up to 11 other members (or such higher number as is prescribed).

New sub-section 38A(2) provides for the appointment by the Minister of the members of the Committee on a part time basis.

New sub-section 38A(3) provides that the Committee's membership is to include persons selected by reason of their association with industry, tertiary education and community interests in the Northern Territory, together with persons selected from departments and authorities of the Northern Territory Government.

New sub-section 38A(4) provides the period of appointment of members of the Committee is to be the same as that prescribed for members of State Committees. (Regulation 4 of the Science and Industry Research (Advisory Council and State Committees) Regulations prescribes this period to be a period not exceeding 5 years.)

Clause 251 - Functions of State Committees

This clause amends section 39 of the Principal Act consequential on the insertion of section 38A to provide that the Northern Territory Committee is to perform the same functions in the Northern Territory as the various State Committees do in each State.

Clause 252 - Meetings of State Committees

This clause adds a new sub-section 40(2) to the Principal Act to apply to the new Northern Territory Committee those regulations applying to State Committees relating to the frequency of meetings and to the quorum, procedure and voting at meetings.

PART LXVII - AMENDMENT OF SEAMEN'S COMPENSATION ACT 1911

Clause 253 - Principal Act

Formal

Clause 254 - Detention of Ship

This clause replaces a reference to the now defunct Department of Business and Consumer Affairs in section 13 of the Principal by a reference to the Department of Industry and Commerce.

Clause 255 - Schedule 2

This clause amends paragraph 3 of Schedule 2 to the Principal Act in two ways.

One is to ensure a right of appeal from a decision or order of a 'County Court' in the settlement of a compensation claim arising under the Seamen's Compensation Act 1911. The present appeal provision in Schedule 2 lies only to the State Supreme Court in which the County Court is situated. This amendment will overcome the anomaly identified in the decision in Lombardo Marine Group Pty Ltd V Goldsworthy (1981) 11 NTR 19 wherein it was held that no appeal lay from a Local Court of the Northern Territory exercising jurisdiction under the Seamen's Compensation Act 1911 to the Supreme Court of the Northern Territory. The amendment will enable an appeal to the State or Territory Supreme Court in which the county court is situated.

The other amendment is to remove the reference to appeal from a "County Court" to the High Court. Parties to any proceedings under the Principal Act will have the

opportunity to appeal to the High Court from a decision of the Supreme Court of a State or, in the case of a Territory matter, from the Full Court of the Federal Court as provided for by the Judiciary Act 1903 and the Federal Court of Australia Act 1976 respectively.

PART LXVIII - AMENDMENTS OF SEAT OF GOVERNMENT (ADMINISTRATION  
ACT 1910

Clause 256 - Principal Act

Formal

Clause 257 - Ordinances

This clause inserts new sub-sections (9A) and (9B) in section 12 of the Principal Act to provide for tabling in the Parliament, and possible disallowance, of a determination made by a Minister under an Ordinance relating to fees and charges for the purposes of that Ordinance.

Paragraph (a) of this clause inserts a new sub-section 12(9A) in the Principal Act which provides for tabling of a determination within 15 sitting days after it is made and for the effect of a failure to so table.

The paragraph also inserts a new sub-section 12(9B) which applies to a determination other provisions made by the Principal Act regarding disallowance and the effect of disallowance.

Paragraph (b) inserts a definition of 'determination' in sub-section 12(10) of the Principal Act.

PART LXIX - AMENDMENT OF STATES GRANTS (PETROLEUM PRODUCTS)  
ACT 1965

Clause 258 - Principal Act

Formal

Clause 259 - Disallowance of amendment of schedule to scheme

This clause substitutes a new sub-section 7A(3) in the Principal Act clarifying the effects of disallowance or deemed disallowance under section 48 of the Acts Interpretation Act 1901 as applied to an amendment of the schedule to a scheme.

PART LXX - AMENDMENT OF STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT 1981

Clause 260 - Principal Act

Formal

Clause 261 - Oath of allegiance and office by Judge

This clause corrects a drafting error in the amendment made by section 14 of the Principal Act to the Australian Capital Territory Supreme Court Act 1953 regarding provision in respect of the persons before whom an oath of allegiance and office by a Judge might be taken.

By virtue of sub-clause 2(14), this Part is deemed to have come into operation on 30 December 1981.



PART LXXI - AMENDMENTS OF STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) ACT (No 1) 1982

Clause 262 - Principal Act

Formal

Clause 263 - Amendment of certain provisions of the Principal Act

This clause corrects drafting errors contained in the amendments made by the Principal Act to the provisions for disallowance of statutory instruments in the Acts Interpretation Act 1901, Ashmore and Cartier Islands Acceptance Act 1833, the Australian Antarctic Territory Act 1954, the Christmas Island Act 1958, the Cocos (Keeling) Islands Act 1955, the Coral Sea Islands Act 1969, the Heard Island and MacDonaldd Islands Act 1979 and the Seat of Government (Administration) Act 1910.

By virtue of sub-clause 2(11), this Part is deemed to have come into operation on 4 June 1982.

PART LXXII - AMENDMENT OF STATUTE LAW REVISION ACT 1981

Clause 264 - Principal Act

Formal

Clause 265 - Schedule 4

This clause amends Part IV of Schedule 4 of the Principal Act to correct a drafting error in the citation of an Act.

By virtue of sub-clause 2(15), this Part is deemed to have come into operation on 12 June 1981.

PART LXXIII - AMENDMENTS OF TELECOMMUNICATIONS ACT 1975

Clause 266 - Principal Act

Formal

Clause 267 - Extension of Act to adjacent areas

This clause inserts a new section 3A in the Principal Act. New sub-section 3A(1) provides that, subject to sub-section (2), the Act applies in relation to the adjacent areas of the States and Territories as if a reference to Australia included references to the adjacent areas in respect of the States and Territories.

New sub-section 3A(2) provides that the Act applies to the adjacent areas of the States and Territories in relation to all acts, matters and things connected with the exploration of, or the exploitation of the resources of, the continental shelf of Australia or of an external Territory.

New sub-section 3A(3) provides for the application of the provisions of the Act in relation to all persons in the adjacent area for the purposes of exploration or exploitation of the resources of the continental shelf of Australia or of an external Territory.

New sub-section 3A(4) provides for a State Court to be invested with federal jurisdiction with respect to matters arising under the Principal Act in the adjacent area of a State.

New sub-section 3A(5) provides for Territory courts to be invested with jurisdiction with respect to matters arising under the Principal Act in the adjacent area of a Territory.

New sub-section 3A(6) defines 'adjacent area' by reference to the definition of that term in the Petroleum (Submerged Lands) Act 1967.

By virtue of clause 2(12) of the Bill, this section comes into operation on the date of commencement of the Petroleum (Submerged Lands) Amendment Act 1980 or the day on which the Act receives the Royal Assent, whichever is this later.

PART LXXIV - AMENDMENT OF TERRITORY AUTHORITIES  
(FINANCIAL PROVISIONS) ACT 1978

Clause 268 - Principal Act

Formal

Clause 269 - Schedule

This clause omits the reference to the Canberra Showground Trust in the Schedule to the Principal Act and substitutes the National Exhibition Centre Trust which is to exercise the functions previously vested in the Trust.

By virtue of sub-clause 2(8), this Part is deemed to have come into operation on 1 July 1982.

PART XXXV - AMENDMENTS OF THERAPEUTIC GOODS ACT 1966

Clause 270 - Principal Act

Formal

Clause 271 - Interpretation

This clause amends the definition of 'British Pharmacopoeia' in sub-section 5(1) of the Principal Act to accurately describe the publishing arrangements, which are published on the recommendation, and not under the direction as the section now provides, of the Medicines Commission of the United Kingdom.

Clause 272 - Determination of standards for specific goods

This clause amends section 11 of the Principal Act, which relates to specific standards, by the addition of a new sub-section 11(3) which provides that the Minister may specify in an order that determines the standard for a specific therapeutic good, that a matter relating to the standard is to be determined in accordance with a test specified in the same order. At present orders for standards, and for tests in relation to those standards, must be made separately. The proposed amendment will allow a single Ministerial order to include determinations of both standards and tests where they relate to a single product.

Clause 273 - Determination of general standards

This clause inserts a new sub-section 13(2A) in the Principal Act to enable an order made under section 13, which specifies a general standard, to also specify that the matter

is to be determined in accordance with a test specified in the order. The amendment enables the one order to include all determinations made under the Act in respect of a product.

Clause 274 - Repeal of section 14

This clause repeals section 14 of the Principal Act which provides that where an order made under section 11 or 13 provides that a matter relating to a standard is to be determined in accordance with a test specified by the Minister, the Minister may specify a test accordingly.

In view of the proposed amendments made by the preceding clauses to section 11 and 13, section 14 is no longer required. This clause also provides that any determinations that have been made under section 14 may be revoked and continues in force until revoked, in writing by the Minister.

Clause 275 - Instruments may contain several orders

This clause inserts a new section 15A in the Principal Act which puts beyond doubt that two or more orders can be made by a single instrument.

Clause 276 - Mode of specifying standards, etc

This clause makes a drafting amendment to section 16A of the Principal Act consequential upon the repeal of section 14.

Clause 277 - Review of Decision

This clause substitutes a new section 29A in the Principal Act. New sub-section 29A(1) remakes the current section 29A so as to provide for appeal to the Administrative Appeals Tribunal in respect of certain decisions made under the Act. New sub-section 29A(2) provides that a notice in writing of a decision subject to appeal to the Administrative Appeals Tribunal under the Principal Act into include a notification to the effect that a person affected by the decision may appeal to the Tribunal. New sub-section 29A(3) ensures that is not affected if notification is not given pursuant to. New sub-section 29A(4) defines the relevant decisions covered by the section.



PART LXXVI - AMENDMENT OF TRADE PRACTICES ACT 1974

Clause 278 - Principal Act

Formal

Clause 279 - Acting appointments

This clause substitutes a new sub-section 34(1) in the Principal Act providing for the Attorney-General to appoint a Deputy President or an acting Deputy President to act as President during the absence, or while there is a vacancy in the office, of the President.

PART LXXVII - AMENDMENTS OF CERTAIN ACTS TO AMEND OR OMIT  
REFERENCES TO VARIOUS MINISTERS, DEPARTMENTS AND PERMANENT  
HEADS

Clause 280 - Amendments of certain Acts

Sub-clause (1) of this clause amends, as set out in Schedule 12 to the Bill, references to certain Ministers, Departments and Permanent Heads.

A large number of these amendments are consequential on the changes made to the machinery of Government on 7 May 1982.

In so far as practicable, the amendments made in Schedule 2 to references to Ministers and Departments have been expressed in general terms to overcome the need for further amendments if those Offices or Departments should be abolished or renamed. Reliance is to be placed on the Acts Interpretation Act 1901 definitions of 'Minister' (paragraph 17(j)) and "Department" (the latter definition is to be inserted in that Act by the amendment made in clause 16) to identify the relevant Minister, Department or Permanent Head.

Sub-clause (2) of this clause is a savings clause in relation to the doing of any act or thing before 7 May 1982 by a relevant Minister, Permanent Head, or Officer of a Department.

Sub-clause (3) provides for the continuation of proceedings in a court or tribunal in which a Minister, Permanent Head or officer of a Department affected by the amendments is involved.



