

1989

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN FEDERAL POLICE LEGISLATION

AMENDMENT BILL 1989

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Honourable Lionel Bowen MP  
Deputy Prime Minister and Attorney-General)



OUTLINE

The Australian Federal Police Legislation Amendment Bill amends the Australian Federal Police Act 1979 and the Superannuation Act 1976. The principal amendments to the Australian Federal Police Act are:

- (a) the insertion of proposed new Part VA (Loss of Certain Superannuation Rights and Benefits) which provides for existing and former members of the Australian Federal Police to lose certain superannuation rights and benefits when convicted of an offence involving corruption and sentenced to life imprisonment or a term of imprisonment longer than 12 months or where a member is found guilty of a relevant disciplinary offence and dismissed from the Australian Federal Police as a penalty for that offence (Comparable amendments are also proposed to be made to section 17 in relation to the Commissioner and Deputy Commissioners); and
- (b) the repeal of the now out-dated redeployment and retirement provisions of the Australian Federal Police Act (which were modelled on the now repealed provisions of the Public Service Act 1922) and the insertion of streamlined redeployment and retirement provisions.

The Bill also provides for the appointment of fixed-term senior executive officers, the termination of fixed-term senior executive appointments and superannuation for fixed-term senior executive officers.

The Bill also enables the Commissioner to enter into arrangements with a Commissioner of a State or Territory police force, the Chairman of the National Crime Authority, and a prescribed authority of the Commonwealth, State or Territory (other than the Australian Capital Territory) to provide services for the protection of witnesses. The Australian Federal Police will be responsible for running a national witness protection program which, under the proposed new subsection 8(2A), will be available to the States and Territories and the National Crime Authority as arranged and on a user pays basis.

The Bill also enables the making of regulations specifying the police services that may be rendered by the Australian Federal Police at the request of, or under an agreement with, a member of the public or a body corporate or other organisation (other than an authority of the Commonwealth), and the prescribing of relevant fees. This will enable fees to be charged for such services as the provision of accident reports, wide-load escorts and police attendance at false alarms in certain circumstances. It is not intended that fees would ever be prescribed for the provision of police services such as attending a motor vehicle accident or investigating an offence.

A further amendment enables the charging of fees for police services rendered by the Australian Federal Police to a prescribed authority of the Commonwealth.

The Bill also contains an amendment enabling regulations to be made for the advancement or accelerated advancement of a member within a rank to which a scale of rates of salary applies, another amendment enabling the Minister and the Administrator of an External Territory to enter into arrangements for the provision of police services in relation to that Territory, and a consequential amendment to the Superannuation Act 1976.

FINANCIAL IMPACT STATEMENT

The amendments to the Australian Federal Police Act 1979 which confer responsibility on the Australian Federal Police for the National Witness Protection Program will be operated on a user pays basis.

It is not possible to estimate the cost in bringing applications for superannuation orders under proposed new Part VA of the Australian Federal Police Act but it is anticipated that the savings from such orders and the loss of superannuation benefits in relation to relevant disciplinary offences will more than offset the legal costs in bringing proceedings.

The other amendments made to the Australian Federal Police Act and the Superannuation Act by this Bill are not expected to have any immediate budgetary impact in terms of expenditure, although the ability to prescribe fees may result in additional (unquantifiable) receipts.

ABBREVIATIONS

The following abbreviations are used in this Explanatory Memorandum:

ACT: Australian Capital Territory

AFP: Australian Federal Police

AFP Act: Australian Federal Police Act 1979.

AFP (Discipline) Regulations: Australian Federal Police (Discipline) Regulations

Superannuation Act: Superannuation Act 1976

NOTES ON CLAUSES

**PART 1 - INTRODUCTORY**

**Clauses 1 and 2 - Short title and commencement**

The first two clauses of the Bill provide for the short title and the commencement of the legislation. Clauses 1 and 2 come into operation on the day on which the Bill receives the Royal Assent while the remaining provisions of the Bill come into operation on a day or days fixed by proclamation. If a provision is not proclaimed to come into operation within 6 months of the Bill receiving the Royal Assent the provision commences operation of the first day after the end of that period.

**PART 2 - AMENDMENTS OF THE AUSTRALIAN FEDERAL POLICE ACT 1979**

**Clauses 3 and 4 - Principal Act and Interpretation**

Commencement in Clause 3.

These clauses are definitional.

**Clause 5 - Functions**

Paragraph 5(a) inserts a new subsection 8(1C) in section 8 which allows the Minister and the Administrator of an External Territory to enter into arrangements for the provision of police services in relation to that Territory.

Paragraph 5(b) inserts a new subsection 8(2A) in section 8 which allows the Commissioner to enter into arrangements with State and Territory police forces, the National Crime Authority, a prescribed authority of the Commonwealth or a prescribed authority of a State or Territory (other than the ACT) to provide services for the protection of witnesses. The Government has decided that the AFP will have responsibility for the National Witness Protection Program.

Paragraph 5(c) omits from subsection 8(3) the definition of 'police services.' This definition is proposed to be inserted in section 4.

**Clause 6 - Delegation by Commissioner**

Paragraph 6(a) amends section 15 by omitting from paragraph 15(1)(a) "38C, 38D or 38E" and substituting "38B" as a consequence of the repeal of sections 38 to 38H and the substitution of new provisions.

Paragraph 6(b) amends section 15 by omitting from paragraph 15(1)(b) "38G or 38H" and substituting "38A or 38G" as a consequence of the repeal of sections 38 to 38H and the substitution of new provisions.

**Clause 7 - Commissioner and Deputy Commissioner**

This clause amends section 17 by inserting a new subsection 17(4A) which allows the Governor-General to determine terms and conditions for the Commissioner and Deputy Commissioners under subsection 17(4) having an effect equivalent to that of subsection 49(2), in respect of the superannuation rights of a person appointed under section 17 where Division 2 of Part VA does not apply to that person but the person's appointment is terminated because of misbehaviour involving corruption, an abuse of the person's office, the perversion of the course of justice, or an attempt to pervert the course of justice. This amendment is necessary because the AFP (Discipline) Regulations do not apply to the Commissioner or Deputy Commissioners.

**Clause 8 - Commissioned Police Officers**

This clause amends section 25 by omitting the references to a redeployment declaration under section 38B as a consequence of the repeal of section 38B.

**Clause 9**

This clause inserts new sections 25A, 25B and 25C into the AFP Act.

Proposed section 25A - Fixed-term senior executive appointments: This section enables the appointment of persons to a position in a prescribed commissioned rank on a fixed term basis. It is proposed to prescribe the ranks of Commander and Assistant Commissioner for the purpose of proposed section 25A. Persons appointed as fixed-term senior executive officers will be subject to the provisions applying to commissioned officers generally, relating to the end of fixed-term appointments (proposed section 25B) and relating to superannuation for fixed term senior executive officers (proposed section 25C) except those relating to redeployment and retirement in proposed sections 38 - 38H (inclusive). Fixed-term senior executive officers will be subject to the same discipline provisions and related legislation as other commissioned officers.

Proposed section 25B - End of fixed-term appointments: Subsection 25B(1) provides for compensation for termination of a fixed-term senior executive officer's appointment prior to the end of the fixed term, and is in accordance with a determination made at the time of appointing a fixed term senior executive officer.



Subsection 25B(2) provides that the appointment of a fixed-term senior executive officer ends, and for the officer to be taken to be retired when the fixed term ends or if, before the end of the fixed-term the appointment is determined, the appointment ends on the day specified in the determination.

Subsection 25B(3) provides that a person shall not make a determination under subsection 25B(2) ending a fixed term earlier than the day on which the fixed term ends only because of an act or omission of the officer in respect of which a discipline charge has been or could be laid or a court has convicted the officer of a criminal offence or has found the officer guilty of such an offence without recording a conviction.

Subsection 25B(4) provides that a fixed-term senior executive officer who is retired under subsection 25B(2) is eligible to be reappointed to a position in the AFP.

Subsection 25B(5) provides that sections 38A to 38G do not apply to fixed term senior executive officers.

Proposed section 25C - Superannuation for fixed-term senior executive officers: This provision contains simplified processes in relation to superannuation for fixed-term senior executive officers.

Subsection 25C(1) provides that at the time of appointing a fixed-term senior executive officer who was not an eligible employee or a pensioner for the purposes of the Superannuation Act immediately before being appointed, the superannuation benefits to apply to the officer may be determined.

Subsection 25C(2) provides for a more direct application of the Superannuation Act where a fixed-term senior executive officer elects to be covered by the Commonwealth Superannuation Scheme. It will also permit some limited (and beneficial) retrospectivity in determining superannuation arrangements for such officers. This is desirable because, if a fixed-term senior executive officer seeks coverage under the Commonwealth Superannuation Scheme, benefits may be related to completed whole years of service. Where an appointment is made for a fixed-term of a number of years any delay in finalising superannuation arrangements could have an adverse effect on the fixed-term senior executive officer's entitlements.

Subsection 25C(3) provides that the Superannuation Act only applies to a fixed-term senior executive officer if a determination under section 25C expressly applies that Act to the officer and does not apply to the officer except as provided in that determination.

Subsection 25C(4) provides that a determination under section 25C can only be made in accordance with arrangements approved by the Minister for Finance.

**Clause 10 - Non-commissioned police officers.**

This clause amends section 26 by omitting the reference to a redeployment declaration under section 38B as a consequence of the repeal of section 38B.

**Clause 11 - Interpretation of Part V**

This clause amends section 29 by omitting from subsection 29(1) the definitions of 'declared member' and 'Review Committee' and inserts definitions of 'Appeal Committee', 'Merit Protection Act', 'redeploy', 'redeployment notice', and 'retirement notice' as a consequence of the repeal of sections 38 to 38H and the substitution of new provisions.

**Clause 12**

This clause repeals section 38 to 38H (inclusive) and substitutes new streamlined provisions dealing with redeployment and retirement of superfluous members, invalidity retirement, appeals against redeployment or retirement and special benefits for certain retiring members.

Proposed section 38 - Efficient and economical use of members: This section imposes a duty on the Commissioner to ensure, to the greatest extent practicable, that the AFP operates so as to make efficient and economical use of its members' services.

Proposed section 38A - Redeployment or retirement of superfluous members: This section provides for the redeployment or retirement of members where the Commissioner is satisfied that the services of a member of a particular rank cannot reasonably be used in the performance of the duties of a particular position in that rank. In such cases the Commissioner may, by giving written notice to the member:

- (a) appoint the member to a specified position in a lower rank; or
- (b) retire the member.

Proposed section 38B - Retirement on ground of invalidity: This section provides for the retirement of a member where the Commissioner is satisfied that a member should be retired because of physical or mental incapacity.

Proposed section 38C - Consent to redeployment or retirement: This section provides that a member may consent to being redeployed or retired under subsection 38A(1) or section 38B before being redeployed or retired.

Proposed section 38D - Time when redeployment or retirement notice takes effect: This section provides for time when a member's redeployment or retirement takes effect.

Proposed section 38E - Appeals against redeployment or retirement: Subsection 38E(1) provides for an appeal to an Appeal Committee by a member who has been redeployed or retired under subsection 38A(1) or section 38B without the member's consent.

Subsection 38E(2) provides that after hearing an appeal against a decision to redeploy or retire a member, an Appeal Committee may:

- (a) recommend that the Commissioner confirm the decision; or
- (b) recommend that the Commissioner revoke the decision.

Subsection 38E(3) requires an Appeal Committee to state its reasons for making a particular recommendation and to give a copy of the statement to each party to the appeal within 28 days after making the recommendation.

Subsections 38E(4) and (5) contain the provisions currently in section 39A dealing with the exclusion from a statement certain information of a medical or psychiatric nature.

Proposed section 38F - Commissioner's final decision: This section provides that where an Appeal Committee has made a recommendation to the Commissioner under subsection 38E(2) about a decision to redeploy or retire a member, the Commissioner is required to confirm or revoke the decision.

Proposed section 38G - Special benefits for certain retiring members: This provision, which is similar to section 76R of the Public Service Act 1922 provides that the Commissioner may give a member written notice that, if the member retires within the period specified in the notice, the member will be entitled to a specified benefit determined under section 30 of the AFP Act (which allows the Minister to determine the terms and conditions of service of members). A member who has been given a notice may retire within the period specified in the notice even if the member is not 55 years old. (subsection 38G(2)). Subsection 38G(3) provides that if the member retires within the period specified in the notice, the member is entitled to the benefit specified in the notice and shall be taken, for all purposes, to have been compulsorily retired.

#### **Clause 13 - Repeal of section 39A**

This clause repeals section 39A. The proposed new section 38E incorporates provisions along the lines of section 39A.

#### **Clause 14 - Regulations related to service and retirement**

This clause amends section 40 of the AFP Act by inserting proposed paragraph 40(1)(ca), which will allow regulations to be made where a scale of rates of salary applies to a position or positions within a particular rank for the advancement, or accelerated advancement, of a member within that rank.

**Clause 15 - Part VA - Loss of certain superannuation rights and benefits**

This amendment inserts proposed new Part VA into the AFP Act 1979 which provides for existing and former members of the AFP to lose certain superannuation rights and benefits when convicted of a corruption offence and sentenced to imprisonment for life or for a term of imprisonment longer than 12 months, or where a member is found guilty of a relevant disciplinary offence and dismissed from the AFP as a penalty for that offence.

**Proposed Division 1 - Introductory**

**Proposed sections 41 and 42 - Definitions and meaning of 'conviction' of offence:** Section 41 is definitional. Proposed section 42 provides that in Part VA a reference to a conviction of an offence is a reference to a conviction of the offence on or after the commencing day for Part VA.

**Proposed Division 2 - Loss of superannuation: corruption offence**

**Proposed section 43 - Notice of charge etc:** Subsection 43(1) requires the Commissioner of the Australian Federal Police to notify the Minister in writing when a former or existing member of the AFP is charged with an offence that the Commissioner considers is or may be a corruption offence (as defined by proposed section 41).

Subsection 43(2) sets out the matters that are to be contained in the Commissioner's notice to the Minister.

Subsection 43(3) requires the Commissioner to subsequently notify the Minister when a former or existing member, who was charged with an offence that was or may have been a corruption offence, is acquitted, convicted or the charge is withdrawn or otherwise disposed of without the conviction of the person.

**Proposed section 44 - Authority to apply for superannuation order:** This section requires that where the Minister is satisfied that a former or existing member of the AFP was convicted of a corruption offence the Minister shall authorise in writing an appropriate authority to apply to an appropriate court for a superannuation order in relation to the person who has been convicted of a corruption offence and sentenced to imprisonment for life or for term longer than 12 months.

**Proposed section 45 - Application for superannuation order:** This provision requires the appropriate authority to make an application for a superannuation order where the authority is authorised to make an application and the person is sentenced in respect of the offence to imprisonment for life or for term longer than 12 months.

Proposed section 46 - Superannuation orders: Subsection 46(1) requires that where an appropriate court is satisfied that the offence to which the application relates is a corruption offence, it shall make an order declaring that the person was convicted of the corruption offence and Part VA applies in relation to the rights of, and benefits payable to the person under any superannuation scheme.

Subsection 46(2) permits an appropriate court in determining a superannuation order, to have regard to the transcript of any proceedings against the person for the offence to which the application relates.

Subsection 46(3) provides that any finding of fact made by a court in any proceedings for the offence to which the application relates is prima facie evidence of the fact.

Proposed subsection 46(4) provides that where a superannuation order is made it does not have effect until the end of the period allowed for the lodging of an appeal on conviction of a criminal offence or sentence where no appeal has been lodged. Where an appeal is lodged the superannuation order does not take effect until the final determination of the appeal or any proceeding resulting from that appeal.

Proposed section 47 - Effect of superannuation order: Subsection 47(1) provides that where a court makes a superannuation order under proposed section 46 all rights of, and benefits payable to, the person under any superannuation scheme of which the person is a member cease, or cease to be payable, the person ceases to be a member of that scheme and the Commonwealth is not liable to pay any employer contribution or benefit under the scheme in respect of the person on or after the day on which the order takes effect.

Subsection 47(2) ensures that where a member of the AFP ceases to be a member of a relevant superannuation scheme pursuant to proposed subsection 47(1) that person is entitled to be repaid their accumulated contributions to the relevant superannuation fund plus the accumulated interest as prescribed by the fund on those contributions.

Subsection 47(3) provides that, despite the Superannuation Act or any other Act or agreement, a person who was a member at the time of being charged with the relevant corruption offence and would, but for subsection 47(1), have been entitled to payment of benefits under the relevant superannuation scheme on or after the day on which the superannuation order takes effect, the person is entitled to payment worked out using the formula:

AC - AR

AC is an amount equal to the sum of the employee contribution paid under the scheme plus the amount of interest on those contributions accrued under the scheme before the day on which

the person ceases to be a member of the scheme. AR is an amount equal to that part of the sum of all amounts paid to the person by way of benefit before the day on which the superannuation order takes effect that is attributable to AC.

Proposed Division 3 - Loss of Superannuation: relevant disciplinary offences.

Proposed section 48 - Appeals to Federal Court on questions of law and fact Subsection 48(1) confers a right of appeal to the Federal Court on questions of law questions of fact or questions of fact and law from certain decisions in relation to a relevant disciplinary offences on a member of the AFP appointed before the commencing day of this Bill.

Subsection 48(2) provides the period within which appeals to the Federal Court must be lodged and the manner for starting appeals.

Subsection 48(3) confers jurisdiction on the Federal Court constituted as a Full Court to hear and determine appeals under proposed subsection 48(1).

Subsection 48(4) empowers the Federal Court in determining an appeal to make such order as it thinks appropriate, including making an order confirming or setting aside the decision of the Disciplinary Tribunal.

Proposed section 49 - Members found guilty of relevant disciplinary offences: Subsection 49(1) provides that section 49 applies where a member is found guilty of a relevant disciplinary offence and dismissed from the AFP as a penalty for that offence and the member does not appeal to the Federal Court or the Federal Court dismisses such an appeal.

Subsection 49(2) provides that, despite the Superannuation Act or any other Act or any agreement, where section 49 applies to a person all rights of, and benefits payable to, the person under any superannuation scheme to which the Commonwealth contributes for the benefit of that person and of which the person is a member shall cease. The Commonwealth is not liable to pay any employer contribution or benefit under that scheme in respect of that person on or after the person ceases to be a member of the scheme under subsection 49(2). The person ceases to be a member of any superannuation scheme on the day on which the person's dismissal takes effect. Paragraph 49(2)(c) ensures that a person who ceases to be a member of a relevant superannuation scheme is entitled to be repaid their accumulated employee personal contributions to the relevant superannuation fund plus the accumulated interest on those contributions.

Proposed Division 4 - MiscellaneousProposed section 50 - Commonwealth employer contributions:

This provision deals with the situation where sections 47 and 49 apply to a person, and contributions made or payable by the Commonwealth to a superannuation scheme are held under the scheme on the day on which the person ceases to be a member of the scheme under section 47 or 49. In this situation an amount equal to the sum of those contributions or benefits (together with the amount of interest on those employer contributions or benefits accrued) is payable to the Commonwealth by the superannuation scheme. Any contributions and benefits vested in the person cease to be so vested on that day.

Proposed section 51 - Resignation or retirement: members charged with corruption offences: Subsection 51(1) provides that where a member is charged with an offence, the member gives notice of intention to resign, or retires or is retired and the member's resignation takes effect on or after the day on which the member is charged, the Commissioner is required, if the Commissioner believes on reasonable grounds that the offence is a corruption offence, to notify the member's superannuation authority that the member's rights and entitlements under the relevant superannuation scheme are suspended.

Subsection 51(2) requires the Commissioner to cause a copy of the notice sent to the superannuation authority to be given to the member concerned.

Subsection 51(3) provides that where the Commissioner notifies a superannuation authority that the rights and entitlements of a member are suspended the member is entitled to be paid, if the member so elects, his accumulated employee contributions plus the accumulated interest on those contributions. The member is not entitled to exercise any other right, or to receive any other benefit, under the superannuation scheme unless:

- (i) the member is acquitted of the offence or the charge is withdrawn or otherwise disposed of without conviction;
- (ii) the member is convicted but is not sentenced to imprisonment for longer than 12 months;
- (iii) the Minister refuses to authorise the relevant approved authority to apply for a superannuation order;
- (iv) the appropriate court refuses to make a superannuation order; or
- (v) the superannuation order is taken to be revoked.

Subsection 51(4) provides that where anything mentioned in paragraph 51(3)(b) happens the Commissioner shall, as soon as practicable, notify the relevant superannuation authority.

Proposed section 52 - Resignation or retirement: members charged with relevant disciplinary offences: Subsection 52(1) provides that where a member is charged in respect of a breach of a relevant disciplinary offence, and the member, whether before or after those proceedings are started, gives notice of intention to resign, or retires or is retired, and the member's resignation or retirement would, but for subsection 52(1), take effect on or after the day on which the disciplinary proceedings are started, then the resignation or retirement does not have any effect and the member shall be taken to have been suspended without pay on the day on which the resignation or retirement would have taken effect.

Subsection 52(2) provides that the member is not required or permitted to pay employee contributions under any superannuation scheme on or after the day on which the resignation or retirement would, but for subsection 52(1), have taken effect.

Subsection 52(3) provides that where subsection 53(1) applies to a member and the disciplinary proceedings are finally determined in favour of the member or are discontinued or the member is, on the final determination of the proceedings, found guilty of the relevant disciplinary offence but is not dismissed from the AFP, the member shall be taken to have resigned or retired, as the case may be, on the day on which the member's resignation or retirement would have taken effect but for subsection 52(1). Where a member is found guilty of a relevant disciplinary offence and a penalty of dismissal imposed, the member is dismissed from the AFP.

Proposed section 53 - End of fixed-term senior executive appointments: members charged with relevant disciplinary offences: Subsection 53(1) provides that where disciplinary proceedings are started against a fixed-term senior executive officer in respect of a breach of a relevant disciplinary offence and the officer's fixed term would, but for subsection 53(1), have expired on or after the day on which those proceedings are started, the fixed term shall be taken not to have ended on that day but the officer shall be taken to have been suspended without pay on the day on which the fixed term would have ended but for subsection 53(1). In this way a fixed-term senior executive officer will remain amenable to the AFP discipline system and will lose his or her employer paid superannuation benefits where corruption is involved.

Subsection 53(2) provides that a senior executive officer is not required or permitted to pay employee contributions under any superannuation scheme on or after the day on which the fixed term would have ended but for subsection 53(1).



Subsection 53(3) provides that where subsection 53(1) applies to a fixed-term senior executive officer and the disciplinary proceedings are finally determined in favour of the officer or the officer is, on the final determination of the proceedings, found guilty of the relevant disciplinary offence but is not dismissed from the AFP, the officer's fixed term shall be taken to have ended on the day on which it would have ended but for subsection 53(1).

Proposed section 54 - Amounts payable under section 47, 49 or 51: Subsection 54(1) provides that the accumulated employee contributions and accumulated interest on those contributions which are payable to a person under subsection 47(2), 47(3), 49(2) or 51(3) is payable by the Commonwealth where the relevant superannuation scheme is that established by the Superannuation Act and, in any other case, by the relevant superannuation authority under the relevant superannuation scheme.

Subsection 54(2) provides for the repayment of the amount by Commonwealth under subsection 47(2), 47(3), 49(2) or 51(3) and appropriates the amount out of the Consolidated Revenue Fund where necessary.

Proposed section 55 - Possible superannuation order not to be taken into account in sentencing: This provision prohibits a court in sentencing a person convicted of a criminal offence punishable by imprisonment for life or for a term of imprisonment longer than 12 months from taking into account the possibility that a superannuation order may be made.

Proposed section 56 - Constitution of appropriate courts: This section provides for the constitution of a court where an application for a superannuation order is made.

#### **Clause 16 - Regulations**

This clause amends section 70 of the AFP Act by adding proposed new paragraphs 70(c) and 70(d). Paragraph 70(c) enables the making of regulations which specify the police services that may be rendered by the AFP at the request of, or under an agreement with a member of the public or a body corporate or other organisation (other than an authority of the Commonwealth) and the payment and recovery of such fees as are prescribed in relation to rendering those services.

Paragraph 70(d) enables the making of regulations making provision for the payment of fees for police services rendered by the AFP in relation to a prescribed authority of the Commonwealth, where rendering those services is a function of the AFP.

**PART 3 - AMENDMENT OF THE SUPERANNUATION ACT 1976**

**Clause 17 - Principal Act.**

This clause provides that "Principal Act" in Part 3 of the Bill means the Superannuation Act 1976.

**Clause 18 - Early retirement.**

This clause amends section 58 of the Principal Act by inserting paragraph 58(3)(ba), which specifies a person who retires under section 38G of the AFP Act. This amendment is consequential to the insertion of the proposed new section 38G in the AFP Act.

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