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The Parliament of the Commonwealth of Australia

The Senate

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO.1) 1983

EXPLANATORY MEMORANDUM

Circulated by Authority of the Attorney-General,
Senator The Honourable Gareth Evans.

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Statute Law (Miscellaneous Provisions)

Bill (No. 1) 1983

General Outline

There are many purposes for the amendments made by this Bill. All such amendments deal with tidying up, correcting or up-dating of legislation or implement minor policy changes of a non-controversial nature or routine administrative changes. In particular, there are a number of amendments which -

- . impose an obligation on certain statutory authorities to furnish to the Parliament annual reports of their activities;
- . require subordinate legislation of the external territories to be laid before both Houses of the Parliament;
- . make provision for acting appointments to offices in certain statutory authorities; and
- . increase the rate of penalty for late payment of charges due under various pieces of primary industry legislation from 10% to 20%, thus bringing such provisions into line with the rates of penalty operating in respect of the income tax area as a result of passage of the Income Tax Assessment Amendment (Additional Tax) Act 1982.

Clause 1 - Short Title

Formal.

Clause 2 - Commencement

Special provision for the commencement of amendments to specified Acts contained in the First Schedule is made by sub-clauses 2(2) to 2(22). These provisions are dealt with in the notes on the relevant provisions.

The remaining provisions of the Bill come into operation, in accordance with sub-clause 2(1), on the 28th day after the day on which the Act receives the Royal Assent.

Clause 3 - Amendments of Acts

This clause provides that the Acts specified in Schedule 1 are amended as set out in that Schedule.

Clause 4 - Formal Amendment of Excise Act 1901

This Clause provides for a large number of drafting amendments to the Excise Act 1901. Those amendments are set out in Schedule 2.

Clause 5 - Repeal of Acts

This clause repeals two Acts.

The Australian Capital Territory Gaming and Liquor Authority Act 1981 is repealed because an A.C.T. Ordinance making detailed provision for gaming and liquor control is to be made later this year.

By clause 2(22) the repeal shall take effect on a date to be fixed by Proclamation.

The Defence Force (Papua New Guinea) Retirement Benefits Act 1973 is repealed because the operation of this Act is exhausted - See explanation of clause 6 below.

Clause 6 - Transfer Validated

The Defence Force (Papua New Guinea) Retirement Benefits Act 1973 provided a pensions scheme for Papua New Guinea members of the Australian Defence Force.

On 5 March 1975 the Papua New Guinea Defence Force was established as a separate entity under Papua New Guinea legislation with its own retirement benefits scheme.

With effect from that date, the net assets of the fund accumulated under the Australian Act (\$A1,152,966) were transferred to a fund established under the PNG Act. These assets were mainly the contributions paid into the fund by the members. This amendment validates the transfer of those assets which had not been legislatively authorised earlier.

Clause 7 - Transitional

Sub-clause 7(1) provides for the continued effect of acts done or decisions made under the provisions of an Act that has been amended or repealed and re-enacted by a provision of this Bill.

Sub-clause 7(2) continues the operation of regulations made under specified provisions of the Defence Act 1903 where those provisions have been amended by a provision of this Bill.

Sub-clause 7(3) provides for the amendments made by this Bill to section 80 of the Trade Practices Act 1974 to extend to proceedings pending immediately before the commencement of those amendments.

Sub-clause 7(4) provides that the amendment made by this Bill to section 163A of the Trade Practices Act 1974 does not apply to proceedings pending at the commencement of the amendment. The effect of this provision is to preserve any existing entitlement to a declaration as to the operation of Divisions 2A and 3 of Part V of the Trade Practices Act 1974 where proceedings were commenced before the commencement of the amendment.

Sub-clause 7(5) provides that where an amendment contained in this Bill increases the rate of a penalty arising in respect of a liability to pay a charge or levy, the increased rate only operates from the date of commencement of the amendment, although it operates in respect of a penalty incurred prior to such commencement.

SCHEDULE 1 - AMENDMENT OF ACTS

Amendments of Acts Interpretation Act 1901

The Bill makes two amendments to the Act. One inserts a new paragraph 22(f) which defines 'foreign country' for the purposes of any Act, unless the contrary intention appears in that Act. The effect will be to make clear that a reference to foreign country will include the Queen's dominions, as well as to countries which are not independent foreign States, such as Hong Kong.

The second inserts proposed section 34C in the Act. This section is concerned with reports which are required by statute to be made periodically. It imposes time limits on the furnishing of such reports and on the tabling of such reports in Parliament where they are required to be presented to Parliament.

Proposed sub-section 34C(1) defines 'periodic report' for the purposes of the proposed section. The section applies only in relation to reports for periods that end on or after 30 June 1983. It also defines 'person' so as to include statutory instrumentalities whether incorporated or unincorporated.

Proposed sub-section 34C(2) provides that where a person is required by statute to furnish a periodic report but the statute does not specify a time limit within which the report is to be furnished, the report shall be furnished as soon as possible after the end of the period to which it relates and, in any event, not later than 6 months after the end of that period.

Proposed sub-section 34C(3) provides that where a periodic report is furnished to the Minister for presentation to the Parliament but the statute does not specify a time within which the report is to be so presented, the Minister shall cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days after the day on which he receives the report.

Proposed sub-section 34C(4) provides that where a person is required to furnish periodic a report within a specified period but is of the opinion that it will not be reasonably possible to comply with the requirement that person may, within the specified period, apply to the Minister concerned for an extension of time to furnish the report and such application shall contain an explanation as to why it is not reasonably possible to furnish the report within the specified time.

Proposed sub-section 34C(5) provides that the Minister may grant such an extension of time to furnish the report as he considers reasonable.

Proposed sub-section 34C(6) provides that that where a Minister grants an extension of time to furnish a report -

- (a) the Minister shall, within 3 sitting days of granting the extension, table in the Parliament the explanation given him for failing to furnish the report within the specified time and a statement specifying the extension granted and his reasons for granting the extension;
- (b) the person shall furnish the report within the extended period; and

- (c) the Minister shall cause the report to be laid before each House of the Parliament within 15 sitting days of its receipt by him.

Proposed sub-section 34C(7) provides that where a person fails to furnish a periodic report within the specified time or an extended period of time he shall not later than 14 days thereafter furnish a written explanation as to why the report was not furnished as required and the Minister shall cause that explanation to be tabled in the Parliament within 3 sitting days of its receipt by him.

Proposed sub-section 34C(8) provides that the proposed requirements in relation to the furnishing of periodic reports do not apply to periodic reports by the Australian Security Intelligence Organization and the Office of National Assessments.

Amendments of Advisory Council for Intergovernmental Relations
Act 1976

The amendments to this Act serve the purpose of providing full membership for the Northern Territory on the Advisory Council for Inter-government Relations, on the same basis as accorded each of the six States, namely by the appointment of one member nominated by the Chief Minister of the Northern Territory and a further member nominated by the Australian Council of Local Government Associations. The purpose is achieved by -

- (1) inserting a reference to a general election for the Legislative Assembly of the Northern Territory in the definition of general election in sub-section 2(1) of the Act;
- (2) amending the definition of Parliamentary member in sub-section 2(1) of the Act to reflect a change in the constitution of the Advisory Council for Inter-governmental Relations as provided in sub-section 8(2);
- (3) adding a new sub-section 2(3) to clarify that in the Act -
 - (a) a reference to a Parliament includes a reference to the Legislative Assembly of the Northern Territory;
 - (b) a reference to a Premier includes a reference to the Chief Minister of the Northern Territory; and

- (c) a reference to a State includes a reference to the Northern Territory;
- (4) amending the reference to 22 members of the Council in sub-section 8(2) to 24 and inserting paragraph 8(2)(i) providing for a further member to be nominated by the Chief Minister of the Northern Territory and paragraph 8(2)(j) providing for an increase from 6 to 7 the number of members to be nominated by the Australian Council of Local Government Associations;
- (5) omitting sub-section 16(2) which provided the previous observer status for the Northern Territory;
- (6) amending sub-sections 16(5) and (6) to clarify that the only remaining observer is appointed by the Australian Capital Territory House of Assembly; and
- (7) amending sub-section 16C(2) consequential upon the inclusion of paragraph 2(3)(c).

Amendments of Air Navigation Act 1920

One amendment of this Act is to substitute, in the definition of 'non-scheduled flight' in sub-section 3(1), a reference to 'Secretary' for the reference to 'Director-General'. This amendment is consequential to changes made to the machinery of Government on 7 May 1982.

A second amendment increases the rate of penalties contained in sub-section 22(4) and 26(2)(k) for contravention of the provisions of the Act or regulations respectively. The increased rates of penalties reflect current levels of penalties for offence provisions in other legislation.

The final amendment omits and replaces section 29 of the Act. New sub-section 29(1) imposes an obligation on the Secretary to the Department of Aviation to report to the Minister as soon as practicable after 30 June each year on the operation of the Act and regulations and any other matters concerning civil aviation as the Secretary considers should be reported. Previously the Minister had responsibility for the preparation of the Annual Report.

Proposed sub-section 29(2) provides that the Minister must cause a copy of a report furnished to him to be laid before Parliament within sitting 15 days of its receipt by him.

The provisions of proposed new section 34C of the Acts Interpretation Act 1901 outlined above will apply to the furnishing and tabling of these reports.

Amendment of Airlines Agreement Act 1981

Regulation 4N of the Customs (Prohibited Imports) Regulations prohibits the export into Australia of an aircraft, airframe or aircraft engine unless permission is granted in writing by the Secretary of the Department of Aviation. Sub-section 8(2) of the Act provides for the repeal of that regulation by regulation. That sub-section is being amended to provide that the regulation may be amended by regulation, as well as repealed.

Amendments of Airports (Surface Traffic) Act 1960

This Act is being amended in two ways. One is a technical amendment to the citation of the Air Navigation Act 1920 in the definition of 'airport' in sub-section 3(1).

The other is a formal amendment of section 21 consequential upon the amendment to section 24 of the Air Navigation Act 1920 which transfers the responsibility for the preparation of the annual report from the Minister to the Secretary to the Department of Aviation.

Amendment of Amendments Incorporation Act 1905

Sub-section 2(3) of the Act is amended to include in the definition of 'words' a reference to 'sub-sub-paragraph'.

Amendment of Apple and Pear Export Charge Collection Act 1976

The proposed amendment of sub-section 6(1) increases the rate of penalty imposed for the late payment of levies and charges from 10% to 20%. This change brings the rate of penalties for late payment of amounts due to the Commonwealth into line with the changes to taxation legislation which were approved by the Parliament last year.

Amendment of Apple and Pear Levy Collection Act 1976

The proposed amendment to sub-section 7(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Ashmore and Cartier Islands Acceptance Act 1933

These amendments insert new sub-sections 10(7), (8) and (9) which have the effect of requiring subordinate legislation made under the Act to be tabled in the Parliament and making provision for its possible disallowance by the Parliament.

Proposed sub-section 10(7) provides for all regulations made under that Ordinance to be tabled in the Parliament within 15 sitting days of the making of the regulations and further provides that if regulations are not tabled within the required time they shall be void and of no effect.

Proposed sub-section 10(8) applies the provisions of sub-sections 10(2) to (6), which provide for the possible disallowance of Ordinances made under sub-section 10(1) of the Act, to regulations made under sub-section 10(7).

Proposed sub-section 10(9) defines regulations to encompass all forms of subordinate legislation including rules and by-laws.

Amendments of Australian Antarctic Territory Act 1954

The proposed amendments to section 12 of the Act are similar in effect, mutatis mutandis, to those made to section 10 of the Ashmore and Cartier Islands Acceptance Act 1933.

Amendment of Australian Capital Territory Taxation
(Administration) Act 1969

A new section 6A is inserted in the Act making provision for the lodgment of annual reports.

Proposed sub-section 6A(1) requires the Commissioner to report to the Minister, as soon as practicable after 30 June each year, on the working of the Act, including any breaches or evasions which have come to his notice.

Proposed sub-section 6A(2) provides that the Minister shall cause a copy of the report to be laid before the Parliament within 15 sitting days of him receiving it.

The provisions of proposed section 34C of the Acts Interpretation Act 1901, outlined above, will apply to the furnishing and tabling of these reports.

Amendments of Australian Centre for International Agricultural
Research Act 1982

These are two proposed amendments to sub-section 4(2) of the Act.

The proposed amendment to paragraph 4(2)(a) establishing the Australian Centre for International Agricultural Research removes the reference to perpetual succession because -

- . the Centre does not have any corporations and thus no persons to succeed one another; and
- . perpetual succession is inconsistent with the sunset clause in sub-section 43(1) of the Act.

The proposed amendment to paragraph 4(2)(d) clarifies that the Australian Centre for International Agricultural Research cannot sue or be sued in a corporate name because it is not established as a statutory corporate body but as a board which is given corporate status.

Amendments of Australian Electoral Office Act 1973.

There are a number of amendments made to section 14 of the Act which provides for acting appointments to offices created under section 4 of the Act and the insertion of a new section 15A providing for the furnishing and tabling in the Parliament of annual reports of the Australian Electoral Office.

The first amendment to section 14 is the insertion of proposed sub-section 14(1A) which will allow limitations, in the instrument of appointment, of the circumstances of a particular acting appointment.

Paragraph 14(2) (a) is proposed to be amended to allow the instrument of appointment to specify the remuneration and allowances that may be payable to a particular acting appointee.

The proposed amendment of sub-section 14(3) is consequential on the insertion of proposed sub-section 14(1A).

Sub-section 14(4) is omitted and new sub-sections 14(4) and (4A) inserted in its place. Proposed sub-section 14(4) provides that an acting appointee may, in writing, resign that acting appointment and that such resignation has effect as from the delivery of the written notification of resignation to the Governor-General. Proposed 14(4A) clarifies that the provisions of section 8 of the Act relating to the leave of absence of an officer appointed under the Act apply equally to an acting appointee.

Sub-section 14(6) is omitted and replaced. The proposed sub-section 14(6) extends the validating of actions of an acting appointee to include where the occasion for his

appointment had not arisen, there was a defect or irregularity in or in connexion with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.

The final amendment inserts new section 15A relating to annual reports.

Proposed sub-section 15A(1) imposes an obligation on the Chief Australian Electoral Officer to furnish to the Minister, as soon as practicable after 30 June each year, a report on the operations of the Office during the year that expired on that date.

Proposed sub-section 15A(2) provides a copy of the report must be laid in the Parliament by the Minister within 15 sitting days of him receiving it.

The provisions of proposed section 34C of the Acts Interpretation Act 1901, outlined above, will apply to the furnishing and tabling of these reports.

Amendments of Australian Federal Police Act 1979.

The purpose of the proposed amendments of section 36 of the Act is to ensure that, for the future, in the selection of members of the Australian Federal Police for promotion to a vacancy within a rank, consideration may be given to the characteristics or requirements of the vacant position and to the qualifications and specialist experience of members applying for that position. The amendments enhance the 'efficiency' definition in paragraph 36(2)(a) by recognising that not all positions in a given rank require the discharge of identical duties.

By virtue of sub-clause 2(2) these amendments shall come into operation on such date as is fixed by Proclamation.

Amendments of Bank Account Debits Tax Administration Act 1982.

The first amendment of this Act omits sub-sections 6(1), (2) and (4) and substitutes proposed sub-sections 6(1) and (4) the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

The second amendment is to sub-section 29(1) to ensure that High Court Rules in force immediately before the commencement of the Act apply, mutatis mutandis, to proceedings on an objection under the Act that are commenced in a specified Supreme Court.

By virtue of sub-clause 2(3) the amendment to sub-section 29(1) shall be deemed to have come into operation on 31 December 1982.

Amendments of Barley Research Act 1980

The proposed amendments to sub-sections 7(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple & Pear Export Charge Collection Act 1976.

Amendment of Broadcasting and Television Act 1942

This amendment makes a drafting correction to sub-paragraph 92F(3)(a)(v).

Amendment of Canned Fruits Levy Collection Act 1979

The proposed amendment to sub-section 5(1) is similar in effect to that made to sub-section 6(1) of the Apple & Pear Export Charge Collection Act 1976.

Amendment of Christmas Island Act 1958

The proposed amendments to section 10 are similar in effect, mutatis mutandis, to those made to section 10 of the Ashmore and Cartier Islands Acceptance Act 1933.

Amendments of Civil Aviation (Carriers' Liability) Act 1959

There are drafting amendments to section 19, sub-section 25(2) and the definition of "the Air Navigation Regulations" in sub-section 26(1) to correct the citation of the Acts mentioned in those provisions.

Amendment of Civil Aviation (Damage by Aircraft) Act 1958

Sub-section 9(5) which extended the operation of the Act to the Territory of Papua and the Territory of New Guinea is omitted.

Amendments of Cocos (Keeling) Islands Act 1955

The proposed amendments to section 13 are similar in effect, mutatis mutandis, to those made to section 10 of the Ashmore and Cartier Islands Acceptance Act 1933.

Amendments of Commonwealth Electoral Act 1918

Section 32 of the Act allows for the Commonwealth and the States to enter into joint roll arrangements - that is, arrangements for the preparation, alteration and revision of rolls with the intent that the rolls may be used as electoral rolls for State as well as Commonwealth elections. A significant consequence of such an arrangement is that a person eligible for Commonwealth and State enrolment may secure both by completing a single common enrolment claim card and there is no other unnecessary duplication of enrolment activity and of staff and financial resources. The current provisions allow of arrangements with the States (and there are such arrangements with New South Wales, Victoria, South Australia subdivisions Tasmania) which provide that Commonwealth and State subdivisions should, as far as practicable, be coterminous - a requirement which is seen to be essential if there is to be a single official and printed roll for Commonwealth and State purposes.

The proposed amendment of sub-section 32(1) extends the existing provisions by enabling the Commonwealth and the States to enter into arrangements for the joint preparation, alteration and revision of electoral rolls without the requirement of single joint Commonwealth and State subdivisional electoral rolls. The amendment is designed to ensure that, inter alia, with the concurrence of the State concerned, in those cases where there is no agreement to have coterminous subdivisions, eligible electors will still be in a position to secure both Commonwealth and State enrolment by the completion of a single enrolment claim card.

The proposed amendment of sub-section 32(2) extends the provisions of section 32 to the Northern Territory.

Amendments of Commonwealth Employees (Redeployment and
Retirement) Act 1979

The first amendment of this Act is a drafting amendment to sub-paragraph 9(2)(b)(ii).

The second and third amendments clarify that the reference to 'the Board' in sub-section 20(1) and sub-section 21(1) respectively are references to 'the Public Service Board'.

The final amendment is to sub-paragraph 29(1)(d)(iii) and corrects the citation of an Act referred to in that sub-paragraph.

Amendments of Commonwealth Schools Commission Act 1973

The first amendment repeals section 6 of the Act providing for acting appointments and substitutes a proposed new section 6 which is similar in effect, mutatis mutandis, to the proposed section 14 of the Australian Electoral Office Act 1973.

The second amendment makes provision for the furnishing of annual reports of the Commission and is to similar effect, mutatis mutandis, to the proposed section 15A of the Australian Electoral Office Act 1973. The report for the Commission will operate on a calendar-year basis.

Amendments of Commonwealth Tertiary Education Commission
Act 1977.

The proposed amendments to section 16 in relation to acting appointments to the Commonwealth Tertiary Education Commission and section 35 in relation to acting appointments to the Universities Council, the Advanced Education Council or the Technical and Further Education Council, are similar in effect, mutatis mutandis, to those made to section 14 of the Australian Electoral Office Act 1973.

A proposed section 43A in relation to the furnishing of annual reports by the Commission is inserted which is to similar in effect, mutatus mutandis, to the proposed section 15A of the Australian Electoral Office Act 1973. The report for the Commission will operate on a calendar-year basis.

Amendments of Coral Sea Islands Act 1969

The proposed amendments to section 7 are similar in effect, mutatis mutandis, to those made to section 10 of the Ashmore and Cartier Islands Acceptance Act 1933.

Amendments of Cotton Research Act 1982

The proposed amendments to sub-sections 7(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Crimes (Aircraft) Act 1963

The purpose of the proposed amendment to sub-section 18(1) is to provide appropriate pecuniary penalties for corporations convicted of certain offences.

Sub-section 22(4) is repealed and replaced by a new sub-section 22(4) which provides that where a court of summary jurisdiction convicts a person the penalty that it may impose is :

- . in the case of a natural person, - a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years or both; or
- . in the case of a body corporate, - a fine not exceeding \$25,000.

Amendments of Customs Act 1901

The proposed amendment to sub-section 131A(1) is a drafting amendment.

Sub-section 131A(2) is proposed to be omitted because upon the commencement of the Wildlife Protection (Regulation of Exports and Imports) Act 1982 any necessary import regulation in relation to fish and other goods and products of the seas will be pursuant to that Act.

By virtue of sub-clause 2(4) the abovementioned amendment shall come into operation, or be deemed to come into operation, as the case may be, on the commencement of the Wildlife Protection (Regulation of Exports and Imports) Act 1982.

The proposed amendments to paragraph 164(3) (a), sub-section 164(7), sub-section 214A(3) and sub-section 214A(6) are drafting amendments.

By virtue of sub-clause 2(4) the abovementioned amendments shall be deemed to have come into operation at 8 o'clock in the evening by standard time in the Australian Capital Territory on 17 August 1982.

The proposed amendment to sub-section 273F(2) corrects a typographical error.

Amendments of Customs and Excise Amendment Act 1982.

The first amendment add a new sub-section 30(c) which should have been enacted in section 30 of the Customs and Excise Amendment Act 1982 and provides that entry for home consumption, on which import duty is payable, does not occur when goods are removed for warehousing purposes only.

By virtue of sub-clause 2(5) the amendment of section 30 shall come into operation, or be deemed to have come into operation, as the case may be, on the commencement of that section.

The second amendment repeals the amendments made by section 76 of the Customs and Excise Amendment Act 1982. The amendments affected by section 76 of the Act had already been made by section 15 of the Diesel Fuel Taxes Legislation Amendment Act 1982.

By virtue of sub-clause 2(5) the amendment of section 76 shall come into operation, or shall be deemed to have come into operation, as the case may be, on the commencement of that section.

The proposed amendment of section 76 also inserts a new paragraph 162C(1)(g) which brings within the jurisdiction of the Administrative Appeals Tribunal a decision of a collector for the purposes of section 61D.

Amendment of Dairy Industry Stabilization Act 1977

The proposed amendment of sub-section 6(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Dairy Industry Stabilization Amendment Act 1978

A change of a drafting nature only is made to section 4.

By virtue of sub-clause 2(6) this amendment is deemed to have come into operation on 1 July 1978.

Amendment of Dairy Products (Export Inspection Charge)
Collection Act 1982

The proposed amendment to sub-section 7(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Dairying Industry Research and Promotion Levy
Collection Act 1972

The proposed amendments of sub-sections 7(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Defence Act 1903

There are a large number of proposed amendments to the Act the majority of which are to establish more formalised administrative practices.

The proposed amendment to sub-section 10(1) provides that the Governor-General's power of appointment or promotion of Army officers can only be exercised by an instrument in writing.

The proposed amendment to sub-section 10A(1) makes a consequential change to reflect a rationalization of most delegation powers under the Act.

The next amendment repeals existing section 10C dealing with delegations and enacts new section 10C providing that an officer may, before the expiration of his current period of service, volunteer for a further period of service or permanent appointment and the Chief of the General Staff may, by instrument in writing, grant the further period of service or make the permanent appointment.

The proposed amendments to sub-section 17(2) and paragraph 17(3) (a) respectively provide that the Chief of General Staff may now only exercise his powers under those provisions by an instrument in writing.

The proposed amendment to sub-section 17(5) provides that the Governor-General may now only exercise his powers under that provision by an instrument in writing.

The proposed amendment to section 26 transfers from the Governor-General to the Chief of General Staff the power to retire an officer. Such power of retirement will now only be exercised by an instrument in writing.

The next amendment inserts new sub-section 26(2) which provides that a person is not a member of the Army or the Defence Force merely because his name is placed on the retired list.

The proposed amendment to section 27 transfers from the Governor-General to the Minister the power to extend the prescribed age for retirement in a particular case. Such extension must be made by an instrument in writing.

Proposed new section 32C provides empowers the Chief of Defence Force Staff to establish joint service units in the Defence Force.

The proposed amendment of sub-section 36(2) provides that an officer seeking an extension of his period of service must apply by an instrument in writing.

The proposed amendment to sub-section 44(1) provides that the discharge of a soldier is to be authorized by the Chief of General Staff or a delegate under proposed sub-section 120A(4).

Existing sub-section 44(2) which allowed the recognition of alternative grounds for the discharge of a soldier after his discharge has occurred is to be repealed and a new sub-section 44(2) to similar effect substitutes. However, under the new sub-section decisions are to be taken by the Chief of General Staff or his delegate.

Section 69 making provision for the entry onto land for the purposes of training is proposed to be repealed and similar provision is to be made by proposed paragraphs 124(1)(p), (qa) and (qaa) and sub-section 124(3c).

By virtue of sub-clause 2(7) (a) the repeal of section 69 shall come into operation, or be deemed to come into operation, as the case may be, on the commencement of section 38 of the Defence Force Re-organisation Act 1975.

Section 87 making provision for the Governor-General to delegate his powers under the Act is repealed and similar provision is to be made by proposed sub-sections 120A(1) and (2).

Existing sub-section 116D(2) which clarifies the definition of "corresponding ranks" for the purposes of Division 2 of Part IX A of the Act is repealed and substituted by proposed sub-sections 116D(2) and (3) clarifying an aspect of the power to make orders declaring corresponding ranks between members of the Defence Force and members of the forces of other countries.

By virtue of sub-clause 2(7) (b) the amendment of section 116D will come into operation on the 28th day after the day on which this Act receives the Royal Assent or the day fixed under sub-section 2(3) of the Defence Acts Amendment Act 1981, whichever is the later.

Proposed sub-section 116R(4) is to be inserted which includes, in the delegation powers in section 116R, two provisions for proposed section 120A making general provisions for delegations.

Proposed section 120A provides a general delegation power. Proposed sub-section 120A(1) provides for the Governor-General to delegate, by instrument in writing, his functions to appoint or promote officers to the Chief of Defence Force Staff or an officer of the Army.

Proposed sub-section 120A(2) provides for the Governor-General, by instrument in writing, to delegate his power to constitute courts-martial to an officer.

Proposed sub-section 120A(3) provides for the Minister, by instrument in writing, to delegate to an officer of the Army his power to extend the prescribed age of retirement of members of the Army.

Proposed sub-section 120A(4) provides for the Chief of the General Staff, by instruments in writing, to delegate to an officer of the Army his powers to -

- . grant an extension of period of service or grant a permanent appointment (see proposed sec.10C);
- . retire an officer (see. sec. 26); and
- . discharge a soldier (see. sec. 44).

Proposed sub-section 120A(5) provides that an instrument of delegation may be expressed either generally or otherwise.

Proposed sub-section 120A(6) provides that where a delegate exercises a power of delegation that exercise is deemed to be the exercise of the power by the person who made the delegation.

Proposed sub-section 120A(7) provides that the grant of a delegation does not preclude the grantor from exercising his statutory powers.

Proposed sub-section 120A(8) provides for the continuation of a delegation where the grantor has vacated the office which allowed him to make the delegation.

Proposed sub-section 120A(9) is an evidentiary aid to the validity of a delegation of power where such delegation is called into question in legal proceedings.

Proposed section 123G makes provision for the making of orders in relation to the control and administration of rifle ranges. The provision will allow the making of orders giving effect to the principle that rifle clubs should themselves be responsible for their affairs, subject to Government control over the location and safety aspects of rifle ranges and the possession and use of firearms in connection with these clubs.

Proposed sub-section 123G(1) provides for the Minister to make general orders for or in relation to the control and administration of rifle ranges.

Proposed sub-section 123G(2) indicates specific orders that might be made by the Minister.

Proposed sub-section 123 G(3) provides that the provisions of sections 48-50 inclusive of the Acts Interpretation Act 1901 relating to Parliamentary scrutiny of regulations shall apply to orders made under proposed sub-sections 123G(1) and (2) as if references in sections 48-50 to regulations were references to orders.

Proposed sub-section 123G(4) provides that orders made under the section are not to be deemed statutory rules for the purposes of the Statutory Rules Publication Act 1903.

Proposed sub-sections 123G(5) and (6) provide for the supremacy of orders under this proposed section over inconsistent State and Territory laws.

Section 124 of the Act is the regulation making power provision. Paragraphs 124(1) (j) (k) and (l) which deal in a limited way with the management of rifle clubs are repealed and replaced by more detailed regulation making provisions.

The proposed amendment of paragraph 124(1) (p) extends the power to regulate any naval, military or air-force operation or practice in or adjacent to Australia to relevant operations or practices of a foreign country.

Proposed new paragraphs 124(1) (qa) and (qaa) provide for the making of regulations for the entry and survey of lands for defence purposes and for the declaration and use of practice areas respectively.

The proposed amendment of paragraphs 124(1) (v) is a drafting amendment.

The proposed amendment of paragraph 124(1) (w) increases the maximum fine for breaches of the regulations.

Proposed new paragraphs 124(1) (x) provides penalties for breach of proposed section 123G.

Proposed sub-sections 124(3A) and (3B) provide for the supremacy of regulations made under paragraph 124(1) (ka) over inconsistent State or Territory laws.

Proposed sub-section 124(3C) provides for the payment of compensation in relation to any land entered and used for practice areas.

Amendments of Defence Force Re-organisation Act 1975

There are two amendments to this Act. One amendment repeals Part XII of the Act and the other repeals Schedule 9.

The repeal of these provisions is consequential on the repeal of the Defence Force (Papua New Guinea) Retirement Benefits Act 1973 by clause 5 of this Bill which was amended by Part XII and Schedule 9.

Amendment of Domicile Act 1982

Sub-section 5(1) provides that the domicile of a person at a time before the commencement of the Act shall be determined as if the Act had not been enacted.

The amendment is intended to ensure that the domicile of a person before the commencement of the Act is not changed as a consequence of simultaneous amendment of the special provisions as to domicile in the Family Law Act 1975 and Marriage Act 1961 by the Domicile (Consequential Provisions) Act 1982.

By virtue of sub-clause 2(8) the amendment will be deemed to have come into operation on 1 July 1982.

Amendment of Dried Fruit (Export Inspection Charge)
Collection Act 1981

The proposed amendment of sub-section 6(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Dried Fruits Levy Collection Act 1971

The proposed amendments of sub-sections 7(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Dried Vine Fruits Equalization Act 1978

The proposed amendment of section 10(1)(a) will extend the period for payment of equalization levy from one and a half months after fruit leaves the packers' custody to three and a half months. The extension is expected to provide sufficient time for the proceeds of sales to be received before the levy is due for payment.

The proposed amendments of sub-section 12(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Edible Oils (Export Inspection Charge) Collection
Act 1982

The proposed amendment of sub-section 7(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Eggs (Export Inspection Charge) Collection Act
1982

The proposed amendment of sub-section 7(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Environment Protection (Alligator Rivers Region)
Act 1978

The proposed amendment of paragraph 18(1)(e) reduces the number of appointees to the Co-ordinating Council for the Alligator Rivers that may be made by the Northern Territory Government from 2 members to 1 member.

By virtue of sub-clause 2(9) this amendment shall come into operation on a date to be Proclaimed.

Amendments of Estate Duty Assessment Act 1914

Section 7 is repealed and replaced by a proposed new section 7 the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

Amendment of Export Control (Miscellaneous Amendments) Act 1982

This proposed amendment repeals "PART XV - Amendment of the Honey (Export Inspection Charge) Collection Act 1982" the operation of which was dependent on the coming into operation of the Honey Export Inspection Charge Bill introduced into Parliament during the Autumn Sitzings 1982. The latter Bill lapsed with the dissolution of the Parliament and is not to be re-introduced.

Amendments of Fish (Export Inspection Charge) Collection Act
1981

The proposed amendment to sub-section 6(1) is similar in effect to that made by sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Fishing Industry Research Act 1969

The proposed amendments to paragraph 11(1)(d) and section 12 omit the express reference in those provisions to the Department of Primary Industry.

Amendment of Gift Duty Assessment Act 1941

Section 9 is repealed and replaced by a proposed section 9 the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

Amendment of Governor-General Act 1974

The proposed amendment to section 3 clarifies that the sum appropriated from Consolidation Revenue annually to the Governor-General is not a salary.

By virtue of sub-clause 2(10) this amendment shall be deemed to have come into operation on 9 June 1982.

Amendment of Grain (Export Inspection Charge) Collection Act
1979

The proposed amendment of sub-section 6(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Heard Island and McDonald Islands Act 1953

The proposed amendments to section 11 are similar in effect, mutatis mutandis, to those made to section 10 of the Ashmore and Cartier Islands Acceptance Act 1933.

Amendment of Honey Export Charge Collection Act 1973

The proposed amendment of sub-section 6(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Honey Industry Act 1962

The first proposed amendment repeals paragraph 16(f) and replaces it by a new paragraph 16(f) which expands the Australian Honey Boards functions to provide for it to exercise other functions conferred by the Act or regulations.

The second proposed amendment is to paragraph 23A(a) and provides that the Australian Honey Board may borrow money from the Reserve Bank for the purpose of making advances to the owners of honey or to perform any function which may be provided for by regulations made under the provisions of section 16(f). It is intended that a Regulation will be drawn up to provide for satisfactory security on the advances.

Amendment of Honey Levy Collection Act 1962

The proposed amendment of sub-section 8(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Income Tax Assessment Act 1936

Section 14 is repealed and replaced by a proposed new section 14 the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

The proposed amendment to sub-paragraph 78(1)(a)(xvi) replaces a reference to the now defunct Department of Productivity with a reference to the Commonwealth. The Duke of Edinburgh Study Conference Account is now maintained by the Department of Employment and Industrial Relations on behalf of the Commonwealth.

The proposed amendments of sub-paragraph 221zc (5)(b)(i) correct drafting errors. By virtue of sub-clause 2(11)(a) the amendments shall be deemed to have come into operation on 13 December 1982.

The proposed amendment to paragraph 251D(1)(a) replaces a reference to "Commonwealth Sub-Treasury" with a reference to "State Office of the Department" and reflects administrative re-arrangements of the Department of Finance.

Amendment of Industrial Research and Development Incentives
Act 1976

The proposed amendment of sub-section 35(1A) limits the disqualification to entitlement to the payment of a projects grant to any directions made by the Minister under section 19.

The first proposed amendment of sub-section 35(1B) is consequential on the proposed amendment to sub-section 35(1A).

The second proposed amendment of sub-section 35(1B) is a drafting amendment.

The proposed amendment of sub-section 35(3) is consequential upon the other proposed amendments.

Amendments of Judiciary Act 1903

Sub-section 68(1) applies State or Territory criminal laws and procedures to persons charged with Commonwealth offences committed within the State or Territory or whose trial may lawfully be held there for offences committed elsewhere.

Sub-section 68(2) confers jurisdiction on State or Territory Courts to deal with persons charged with Commonwealth offences committed within the State or Territory or whose trial may lawfully be held there for offences committed elsewhere.

The proposed amendments to sub-section 68(1) and (2) are primarily of a drafting nature consequential upon the principal amendment which is effected by new sub-section 68(5).

Sub-section 68(5), which provides that in relation to offences committed elsewhere than in a State or Territory, the jurisdiction conferred by sub-section (2) is conferred notwithstanding any limits as to locality of the jurisdiction of the court concerned under the law of the State or Territory, is repealed and sub-sections 68(5), (5A) (5B) and (5C) inserted.

Proposed new sub-section (5) provides that subject to sub-section (5A) the jurisdiction conferred on a court of a State or Territory by sub-section (2) or sub-section (7) is conferred notwithstanding any limits as to locality of the jurisdiction of that court under the law of that State or Territory.

The effect of this sub-section is to confer jurisdiction on a court of a State or Territory to deal (otherwise than by trial on indictment) with an offence against any Commonwealth law committed outside the normal territorial jurisdiction of those courts.

Sub-section 68(7) confers jurisdiction on State or Territory Courts and applies State or Territory procedure where a person who pleads guilty in proceedings before a court of summary jurisdiction to a charge for which he could be prosecuted on indictment, is committed to a court having jurisdiction to try offences on indictment, to be sentenced or otherwise dealt with without being tried in that court.

Proposed sub-section (5A) provides that a court of a State on which jurisdiction in relation to the summary conviction of persons charged with offences against the laws of the Commonwealth is conferred by sub-section (2) may, where it is satisfied that it is appropriate to do so, having regard to all the circumstances, including the public interest, decline to exercise that jurisdiction in relation to an offence against a law of the Commonwealth committed in another State.

This sub-section provides a safeguard in that it gives the court a discretion to decline to deal with a particular matter where it considers it appropriate to do so.

Proposed sub-section (5B) is a definition section and defines 'State' as including 'Territory' for the purposes of proposed sub-section (5A).

Proposed sub-section (5C) provides that the jurisdiction conferred on a court of a State or Territory by sub-section (2) in relation to the trial and conviction on indictment of persons charged with offences against the laws of the Commonwealth, being offences committed elsewhere than in a State or Territory, is conferred notwithstanding any limits as to locality of the jurisdiction of that court under the law of that State or Territory.

This sub-section enables the court, where jurisdiction is conferred by sub-section (2), to deal with indictable offences against the laws of the Commonwealth which have been committed elsewhere than in a State or Territory. The sub-section substantially re-enacts repealed sub-section (5).

By virtue of sub-clause 2(12), the amendments shall come into operation on the day this Bill receives the Royal Assent.

Amendment of Live-stock Export Charge Collection Act 1977

The proposed amendment of sub-section 6(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Live-stock Slaughter (Export Inspection Charge)
Collection Act 1979

The proposed amendments of sub-sections 8(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Live-stock Slaughter Levy Collection Act 1964

The proposed amendments to sub-sections 9(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Meat Chicken Levy Collection Act 1969

The proposed amendment of sub-section 5(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Meat Research Act 1960

The proposed amendment of sub-paragraph 8(2) (a) (i) corrects a drafting error.

By virtue of sub-clause 2(13) this amendment shall be deemed to have come into operation on 2 July 1979.

Amendments of Naval Defence Act 1910

The proposed amendment of sub-section 8(1) provides that the Governor-General's powers to appoint or promote naval officers can be exercised only by an instrument in writing.

The proposed amendment of sub-section 9(1) is consequential on the insertion of proposed section 44B providing generally for powers of delegation. Most specific powers of delegation, e.g. section 11, are accordingly repealed.

The proposed new section 11 is similar in effect, mutatis mutandis, the new section 10C of the Defence Act 1903.

The proposed amendments of sub-section 13(2) and paragraph 13(3)(a) relating to the acceptance of a resignation of an officer provide that the Chief of Naval Staff is now to exercise his powers under those provisions by an instrument in writing.

The proposed amendment of sub-section 13(5) provides that the Governor-General's power to accept or refuse a resignation for a naval officer is now to be exercised by an instrument in writing.

The proposed amendment of section 17 transfers from the Governor-General to the Minister the power to extend the prescribed age of retirement in a particular case. This power is now to be exercised by an instrument in writing.

The proposed amendment of section 17A transfers from the Governor-General to the Chief of Naval Staff the power to place names of officers on retired lists. The exercise of this power is now to be by an instrument in writing.

The proposed insertion of section 17A(2) is similar in effect, mutatis mutandis, to proposed sub-section 26(2) of the Defence Act 1903.

The proposed amendment of sub-section 25(2) provides that a sailor volunteering to serve for a further period is now to seek such further period by an instrument in writing.

The proposed amendment of sub-section 30(2) provides that a subsequent substitution of a different ground of discharge for a sailor who has been discharged must now be authorised by the Chief of Naval Staff or his delegate.

The proposed repeal of section 44E removes a specific delegation power.

Proposed section 44A provides general powers of delegation. The proposed section is similar in effect, mutatis mutandis, to proposed section 120A of the Defence Act 1903.

The proposed amendment of paragraph 45(1)(e) increases from \$200 to \$500 the maximum fine for breaches of regulations made under the Act.

Amendments of Navigation Act 1912

The proposed amendment of section 32 deletes references to "at a port in Australia" and "from a person" in relation to the prohibition of demanding or receiving payment for the supplying of seamen.

The proposed insertion of sub-sections 124(3) and (4) provide for the Minister to make orders in relation to matters covered by the regulations. Such orders are to be tabled in, and may be disallowed by, the Parliament pursuant to section 426 of the Act.

The proposed amendment of sub-section 187A(1) provides a substitute definition of "classification certificate" as a consequence of the insertion of proposed section 187BA.

Proposed new section 187BA extends the existing section by allowing the Minister to approve, by instrument in writing, a standard of classification certificate issued by a survey authority.

Amendment of Navigation Amendment Act 1979

The proposed amendment of section 109 repeals a previous transitional provision in relation to the complement of ships and inserts a new section 109. The effect of the proposed amendment is to delete superfluous transitional provisions in relation to crew complements of ships.

Amendment of Norfolk Island Act 1979

Norfolk Island enactments can provide for regulations to be made by either the Administrator of the Territory or the Minister. In its 68th report the Senate Standing Committee on Regulations and Ordinances agreed that regulations made by the Administrator should be subject to disallowance by the Norfolk Island Legislative Assembly (this will be provided for by a local enactment) while regulations made by the Minister should be subject to disallowance by the Parliament. It is this latter aspect that is provided for in the proposed amendments.

The proposed new section 28A is similar in effect, mutatis mutandis, to the amendments made to section 10 of the Ashmore and Cartier Islands Acceptance Act 1933.

Amendments of Oilseeds Levy Collection and Research Act 1977

The proposed amendments of sub-sections 7(1) and (3) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Overseas Telecommunications Act 1946

Section 45 of the Act provides power for the Commission to borrow funds and to provide security over its assets for the repayment of borrowings.

Proposed sub-section 45(3A) provides that a borrowing of funds and the giving of a security may be effected by the issue of securities of such kind as are prescribed.

Proposed sub-section 45(4A) provides that where a borrowing is made by the issue of prescribed securities the repayment of the borrowing is guaranteed by the Commonwealth.

The proposed amendment of sub-section 52(1) is a drafting change consequential on the insertion of new sub-section 52(4).

Proposed sub-section 52(4) provides that no Commonwealth or State stamp or similar duty is payable on securities issued by the Commission to effect a borrowing.

Amendments of Parliamentary Allowances Act 1952

The proposed amendment to section 2 makes a drafting change.

Existing section 3A provides an interpretation as to when a parliamentarian is elected. The section is repealed and replaced by a new section 3A which is to similar effect. It also defines 'member' to include both senators and members of the House of Representatives.

Existing section 4 which provided for the calculation of allowance for a Senator is repealed and replaced by a new section 4 which provides that the allowance payable to members are to be determined by the Remuneration Tribunal established under the Remuneration Tribunals Act 1973.

Existing section 5 which provides for the calculation of allowances for members of the House of Representatives is repealed.

Proposed new sub-section 5(1) provides the basis of calculation of allowances payable to a senator having regard to his date of election or appointment.

Proposed sub-section 5(2) provides that the cessation of payment of allowances for a senator whose term is shortened by the dissolution of Parliament and who is a candidate at the next election occurs on the day preceeding the day fixed for polling at that election.

New sub-section 5(3) clarifies that these provisions do not apply to any allowance payable to a senator for holding a particular office, or performing particular functions in the Parliament or the Senate.

Proposed new section 5A is similar in effect, mutatis mutandis, for members of the House of Representatives, as those made for senators under proposed new section 5.

The proposed amendment of section 13 effects a drafting change.

By virtue of sub-clause 2(14) these amendments shall be deemed to have come into operation on the commencement of sections 169 and 170 of the Statute Law (Miscellaneous Amendments) Act (No.1) 1982.

Amendments of Parliamentary Counsel Act 1970

Section 3 of the Act sets out the functions of the Office of Parliamentary Counsel. The proposed amendment of section 3 removes the functions of -

- . drafting of Ordinances, regulations, rules, proclamations and other legislative instruments;
- . drafting of other instruments, being instruments that are to have or be given force law or are otherwise related to legislation;
- . making arrangements for the printing of laws of the Commonwealth and Territories of the Commonwealth including the reprinting of such laws with amendments.

Proposed new section 16A relating to annual reports is inserted. The proposed section is similar in effect, mutatis mutandis, to that made by proposed sub-section 15A of the Australian Electoral Office Act 1973.

Amendments of Pay-roll Tax (Territories) Assessment Act 1971

A new section 7A is inserted which is similar in effect, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

Amendments of Pig Slaughter Levy Collection Act 1971

The proposed amendments to sub-sections 7(1) and (2) are similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendment of Postal Services Act 1975

The proposed amendments to section 32 in relation to acting appointments as Managing Director and section 39 in relation to acting appointments as Chief General Manager have similar effect, mutatis mutandis, to those made to section 14 of the Australian Electoral Office Act 1973.

Proposed new section 100A is inserted which imposes a penalty of \$10,000 or imprisonment for 5 years, or both, on a person who sends an article by post with the intention of inducing the false belief that the article contains some form of explosive or other substance or that such a substance is or will be deposited in any place.

Amendments of Poultry Industry Assistance Act 1965

To streamline administrative procedure of payments to the States it is proposed to amend the Act to enable a delegated officer to authorise individual payments of assistance, the classes of which are in accordance with purposes of the legislation and approved by the Minister from time to time.

Proposed new sub-section 7A(1) provides a general power of delegation of the Ministers' powers under sections 6A, 6AA, and 6B.

Proposed sub-section 7A(2) provides that the exercise of a power by a delegate shall be deemed to be the exercise of the power by the Minister.

Proposed sub-section 7A(3) clarifies that the Minister may still exercise a power even though he has granted a delegation in respect of that power.

Amendment of Poultry Industry Levy Collection Act 1965

The proposed amendment to sub-section 8(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Protection of the Sea (Civil Liability) Act 1981.

Section 19 of the Act provides for applications to the Administrative Appeals Tribunal for review of a refusal to issue an insurance certificate or the cancellation of an insurance certificate. That section is repealed and a new section 19 inserted.

Proposed sub-section 19(1) re-enacts the old provision.

Proposed sub-section 19(2) provides that where there is a refusal to issue an insurance certificate or a decision to cancel an insurance certificate, as the case may be, the Minister shall give notice to a person whose interests are affected by the decision informing that person that an application for review may be made to the Administrative Appeals Tribunal.

Proposed sub-section 19(3) provides that a failure to give the notice does not affect the validity of the decision.

Amendments of Public Service Act 1922

Sub-section 81ZV(2) defines "conditions of employment" for the purposes of the section and the proposed amendment extends that definition to include long service leave and other leave.

Under section 84D the Public Service Board may determine the terms and conditions of employment of officers and employees. Sub-section 82D(4) specifies particular areas in which a determination may be made and proposed new sub-paragraph 82D(4)(a)(vii) extends that power to rent to be paid by officers or employees where they occupy Commonwealth premises.

Section 89 which provides for the charging of rent from officers occupying Commonwealth premises is repealed and replaced by a new section 89 dealing with the conditions of occupancy of residential premises. Such conditions are to be determined by the Minister administering the Department controlling the premises. Such determinations are to be by instrument in writing.

By virtue of sub-clause 2(15) the amendment of subsection 81ZV(2) shall be deemed to have come into operation on 1 March 1983 and the other amendments will come into operation on a date fixed by Proclamation.

Amendments of Public Service Acts Amendment Act 1982

Section 22 of this Act, which has yet to be proclaimed to commence operation, omitted the existing provisions for the appointment of Permanent Heads and made new provision for such appointments.

The proposed amendment of sub-section 39(4), dealing with dual appointments of Permanent Heads, removes references to the operation of the sub-section for acting appointments.

Sub-section 77(4) was a provision in identical terms to section 39(4) and the same proposed amendment is being made to sub-section 77(4).

By virtue of sub-clause 2(16) the amendment of section 22 comes into operation on the date that that section is proclaimed to commence and the amendment of sub-section 77(4) shall be deemed to have commenced on 5 November 1982.

Amendments of Public Works Committee Act 1969

The proposed amendments to sub-sections 18(3) and (8A) are consequential on the changes made by the Administrative Arrangements Order of 11 March 1983.

The first proposed amendment of sub-section 19(2) makes a drafting correction.

The second proposed amendment of sub-section 19(2) is consequential on the changes made by the Administrative Arrangements Order of 11 March 1983.

Amendments of Remuneration Tribunals Act 1973

The proposed amendment of the definition of Chairman in sub-section 3(1) is consequential on the proposed specific provisions for acting appointments in section 4A.

Proposed new sub-section 4(7) provides that the validity of the exercise of the Tribunal's powers and the performance of any of its functions is not effected by a vacancy in the membership of the Tribunal.

Proposed new sub-section 4(8) is consequential on the proposed specific provisions for acting appointments in section 4A.

The proposed new section 4A makes provision for acting appointments and has similar effect, mutatis mutandis, to those made to section 14 of the Australian Electoral Office Act 1973.

Proposed new sections 12AA and 12G deal with annual reports and are similar in effect, mutatis mutandis, to the proposed section 15A of the Australian Electoral Office Act 1973.

Amendment of Repatriation Legislation Amendment Act 1982

This is a machinery amendment consequential to the amendment to sub-section 6(1) contained in Schedule 12 of the Statute Law (Miscellaneous Amendments) Act (No. 2) 1982 which deleted the definition of "Department".

By virtue of sub-clause 2(17) this amendment is deemed to have come into operation on 28 October 1982.

Amendments of Sales Tax Assessment Act (No. 1) 1930

Section 9 is repealed and replaced by a new section 9 the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

Amendments of Shipping Registration Act 1981

The proposed amendment of sub-section 78(1) is consequential upon the insertion of proposed sub-sections 78(3) and (4).

Proposed new sub-sections 78(3) and (4) make provision for the review of certain decisions by the Administrative Appeals Tribunal and are similar in effect, mutatis mutandis, to proposed sub-sections 19(2) and (3) of the Protection of the Sea (Civil Liability) Act 1981.

Paragraphs 78(2) (b) (c) and (d) are to be repealed and replaced by new paragraphs 78(2) (b) and (c). The amendments are only a recasting of the existing provisions.

Amendment of Special Prosecutors Act 1982

Section 16 of the Act deals with the appointment of acting Special Prosecutors. The proposed amendment of sub-section 16(4) clarifies that the functions that an acting Special Prosecutor will perform are those specified in the instrument of appointment of the Special Prosecutor in whose place he is acting.

By virtue of sub-clause 2(18) this amendment is deemed to have come into operation on 21 September 1982.

Amendments of States Grants (Schools Assistance) Act 1981

The proposed amendments of sub-section 10(2), paragraph 25(2) (b) and paragraph 26(2) (b) enable the certification of grants where courses in English as a second language were commenced by government and non-government authorities in 1982 but completion extended beyond that year. The replaced phrases would have only accommodated the certification of courses carried out entirely in 1982.

By virtue of sub-clause 2(19) these amendments shall be deemed to have come into operation on 19 November 1981.

Amendments of States Grants (Schools Assistance) Act 1982

The proposed amendments of sub-section 12(2), paragraph 27(2) (b) and paragraph 28(2) (b) enable the certification of grants where courses in English as a second language are commenced by government and non-government authorities in 1983 but completion extends beyond that year. The replaced phrases would have only accommodated the certification of courses carried out entirely in 1983.

By virtue of sub-clause 2(20) these amendments shall be deemed to have come into operation on 13 December 1982.

Amendments of Statute Law (Miscellaneous Amendments) Act
(No.2) 1982

The proposed amendment of section 182 corrects a typographical error.

The proposed amendment of Schedule 3 corrects a drafting error.

By virtue of sub-clause 2(21) these amendments are deemed to have come into operation on 20 October 1982.

Amendments of Stevedoring Industry Charge Assessment Act 1947

Section 9 is repealed and replaced by a proposed new section 9 providing for annual reports the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

Amendments of Taxation Administration Act 1953

Section 140 is repealed and replaced by a proposed new section 140 relating to annual reports the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

Amendments of Tobacco Charges Assessment Act 1955

Proposed section 9A is inserted in the Act and its effect is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

Amendment of Trade Practices Act 1974

Section 80 provides for the granting of an injunction to restrain a person from engaging in certain conduct.

Sub-section 80(1) is repealed and replaced by new sub-section 80(1) which provides that, where on the application of the Minister, the Trade Practices Commission or any other person the Court is satisfied that a person has engaged in, or proposes to engage in, conduct that constitutes or would constitute or be in certain ways related to a contravention of a provision of Parts IV or V of the Act the Court may grant an injunction in such terms as it determines to be appropriate having regard to all relevant matters. This sub-section is subject to sub-section 80(1A) (which prevents a person other than the Minister or the Trade Practices Commission seeking an injunction in major cases).

The effect of the amendment is to widen the Court's power to grant injunctive relief which is at present generally limited to restraining a contravention of the Act. The amended provision will enable the Court to grant more effective injunctive relief, including mandatory injunctions and other injunctive relief.

Sub-sections 80(4) and (5) are repealed and replaced. Proposed sub-section 80(4) substantially reproduces the provisions of the present sub-sections 80(4) and (5), subject to amendments to reflect the enhanced power of the Court under new sub-section 80(1).

Proposed new sub-section 80(5) makes like provision with respect to mandatory injunctions as new sub-section 80(4) makes with respect to injunctions restraining conduct.

Section 80AA makes provision for the court to order a stay in the operation of an injunction in certain circumstances. The proposed amendment of paragraph 80AA(1) (a) ensures that the paragraph will continue to apply to an injunction made under section 80 of the Act. The amendment is consequential on the amendment to section 80.

Section 80A makes provision for the court to order the disclosure of certain specified information by a person or the undertaking of certain corrective advertising.

The proposed amendment of sub-section 80A(1) is consequential on the amendment of sub-section 80(1) and ensures that the specific grant of injunctive power given to the Court by this sub-section cannot be used to read down the general power conferred by new sub-section 80(1).

The proposed amendment of paragraph 163A(1) (a) excludes Divisions 2A and 3 of Part V of the Act from the power of the Federal Court to make declarations as to the meaning or operation of the Act. Division 2 of Part V which deals with rights conferred against sellers is already excluded from the Court's power to make declarations. Division 2A deals with rights against manufacturers and importers which are analogous to those conferred against sellers. Division 3 is ancillary to Divisions 2 and 2A. A declaration under section 163A ensures similar treatment to similar provisions and related provisions.

Amendment of Wine Grapes Levy Collection Act 1979

The proposed amendment to sub-section 5(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

Amendments of Wool Industry Act 1972

Under the Wool Industry Act 1972, the Australian Wool Corporation is responsible for the overall administration of the Market Support Fund. This is a large and costly activity for woolgrowers, and the purpose of the proposed amendments is to improve the efficiency and administrative operations of the Fund. This is achieved in three areas -

- (i) the basis of calculation of refunds due to wool growers;
- (ii) allowing the Corporation to make refunds in certain circumstances; and
- (iii) modifying the secrecy provisions of the Act in relation to collectors of the wool tax.

The proposed amendment of sub-section 5(1) is similar in effect to that made to sub-section 6(1) of the Apple and Pear Export Charge Collection Act 1976.

The proposed amendment of sub-section 42J(5) clarifies that a refund in respect of wool can be made to the producer of the wool on the submission of only one account by specified persons.

Proposed sub-section 42J(5A) makes similar provision as is made by sub-section 42J(5) except that it applies to the submission of a number of accounts.

The proposed amendment of sub-section 42J(6) makes a drafting correction as a consequence of the amendment of section 42J(5) and the insertion of proposed section 42J(5A).

The proposed amendments of paragraph 42K(7) are -

- . a drafting change to paragraph 42K(7) (a) as a consequence of the insertion of proposed paragraph 42K(7) (c); and
- . the insertion of paragraph 42K(7) (c) which enables a registered person to have refunds paid on his behalf by the Wool Corporation provided that the Corporation, having considered the number of payments involved and having satisfied itself that the cost to him would be disproportionate to the refund, agrees to it.

The proposed amendment of sub-section 42L(2) places an obligation on the Wool Corporation to inform a registered person, on whose behalf it proposed making refunds, that it will make those refunds to his woolgrower clients.

The proposed amendment of sub-section 42N(1) clarifies that a person can make claims for payment in respect of wool from a registrar person or the Wool Corporation because of the Corporation's power to make payment to a woolgrower on behalf of a registered person.

Proposed sub-sections 42AA(4) & (5) allows authorised officers of the Corporation to divulge information to the Commissioner of Taxation for the purposes of the Wool Tax Act and extends the secrecy provisions of section 42AA to the Commissioner of Taxation and his officers.

Amendments of Wool Tax (Administration) Act 1964

A new section 7A is proposed to be inserted the effect of which is similar, mutatis mutandis, to that made by the amendments of the Australian Capital Territory Taxation (Administration) Act 1969.

SCHEDULE 2

Formal Amendments of the Excise Act 1901

This Schedule effects numerous drafting or citation amendments to provisions of the Excise Act 1901.