Date Introduced: 10 May 1984
House: House of Representatives
Presented by: Hon. M. Duffy, M.P., Minister for Communications and Minister Representing the Attorney-General

Short Digest of Bill

Purpose

To make a number of non-contentious amendments to various Acts, including changed arrangements for administrative review under the Student Assistance Act 1973 and National Health Act 1973, parliamentary scrutiny of Christmas Island regulations and more specific criteria for assessing eligibility of enterprises for financing by Management and Investment Companies (MICs).

Background

Examples of statutory amendments appropriate to a Statute Law (Miscellaneous Provisions) Bill include the removal of outmoded or redundant provisions and the amendments required by a change of name or identity for offices or organizations mentioned in legislation. The Bill makes changes of the latter type for names of representative organizations in the Commonwealth Employment Service Act 1978, and introduces the new name "Scout Association of Australia" in the Boy Scouts' Association Act 1924.

The Distillation Act 1901 and Spirits Act 1906 are amended to change definitions of various beverages, for conformity with State Government legislation and the recommendations of the National Health and Medical Research Council. A Customs Collector is empowered to approve fortification of wine for export.

The Excise Act 1901 is amended to introduce new sections 163A, 165 to 170, permitting Ministerial by-laws to be made. The provision is analogous to the by-law facility under the Customs Act 1901, and will permit later Excise Tariff proposals to specify that the applicable excise rate be that determined by by-law. The 1983/84 Budget announced six-monthly indexation of certain excise duties [see Digest for Excise Tariff Amendment Bill 1984].
Delegation provisions for decisions under the Airports (Business Concessions) Act 1959 and the Community Employment Act 1983 are extended, in the latter case to any officer of the Department. The Christmas Islands Act 1958 is amended to require tabling of regulations made under laws in force in the Territory other than Commonwealth Acts, including Ordinances of the Colony of Singapore. The Territorial boundaries under the Coral Sea Islands Act 1969 are amended to accommodate proposed jurisdiction boundaries agreed between Australia and other countries in the region.

The Acts Interpretation Act 1901 contains a number of definitions of general usefulness, including the term "the Minister", to be availed of, following amendment, in the Science and Industry Endowment Act 1926. Definitions in terms of other "countries" in the Family Law Act 1975 are amended to "jurisdictions" to reflect the situation obtaining in, e.g. the USA, where each State is a separate jurisdiction for purposes of family law.

Substantive changes

The Management and Investment Companies Act 1983 sets out five criteria to be evinced by businesses suitable for MIC funding. Amendments would render sufficient satisfaction of three of the criteria, and permit the MIC Licensing Board to delegate this certification. A loophole which might permit an unapproved tax concession is closed.

Amendments to the Broadcasting and Television Act 1942 removes qualifications to the limitations in Division 3 of Part IV of the Act on persons holding directorships in broadcasting stations, on provisions relating to shareholdings in companies having a broadcasting licence and on provisions relating to shares held on trust. In some cases, the qualification to be removed exempts from the limitation shares acquired or held prior to December 1969.

The Complaints (Australian Federal Police) Act 1981 is amended in section 87 relating to secrecy. Secrecy is extended to cover members of the AFP generally, not only investigators, and is extended to cover information about any other investigations besides the one at hand. A discretion for the AFP Commissioner to disclose information in the interest of the AFP or the public generally is introduced.

Regulations under the Meat Inspection Act 1983 may prescribe what meat is fit for human consumption and what is unfit. Trade and commerce in meat for which no standard specifying its fitness or unfitness has been prescribed is
presently prohibited, but would be permitted following passage of amendments in the Bill.

A new section 35A is added to the Federal Court of Australia Act 1976 permitting the Registrar to exercise certain powers relating to costs and to pre-hearing matters such as service of process and the administering of interrogatories.

A new sub-section 44(2A) is added to the Judiciary Act 1903 to permit the High Court to remit to the Federal Court all or parts of matters coming before it under paragraph 75(iii) of the Constitution because the Commonwealth is a party to the proceedings or proximate to a party.

Administrative review

The Customs Act 1901 is amended for notification to parties affected by decisions of rights of appeal and review. A new section 273GAA specifies the circumstances where written notification of the decision is to be provided including the findings of fact on which the decision is based. The new provisions cover warehouse licences, certain other licences, issue of Certificates of Clearance or refusal to permit export.

The National Health Act 1953 is amended by the substitution of a new section 105AAA, to provide an internal review mechanism in respect of certain decisions concerning the Isolated Patients' Travel and Accommodation Assistance Scheme (IPTAAS). The amendment is expected to reduce the number of appeals on these matters to the Administrative Appeals Tribunal.

A new division 5 is added to Part V of the Student Assistance Act 1973 to permit further review by the Administrative Appeals Tribunal following a review by a Student Assistance Review Tribunal.

Appeals in certain circumstances from the decision of the Registrar, relating to entry of associated trade marks in the Register, under the Trade Marks Act 1955 are permitted by amendment to section 36 of the Act.

Offences etc.

Amendments to the Navigation Act 1912 include penalties for offences specified in relations under section 258 of the Act for the prevention of collisions or giving effect to the Prevention of Collisions Convention.
The Protection of the Sea (Prevention of Pollution from Ships) Act 1983 is amended to preserve substantial penalties for breaches of section 9 when the ship is in a "special area", a term defined in Regulation 1 of Annex I to the 1973 International Convention for the Prevention of Pollution from Ships as a sea area where particular reasons require special mandatory methods for the prevention of oil pollution.

The Sex Discrimination Act 1984 is amended to provide a penalty for the offence of disclosing particulars of a complaint made under the Act.

Personnel matters

The Bill amends the following Acts:

Aboriginal Land Rights (Northern Territory) Act 1976, for the appointment of several, rather than one, Commissioner.

Administrative Appeals Tribunal Act 1975, affecting superannuation entitlements of members of the Tribunal, and application of judge's pension legislation to presidential members.

Australian Tourist Commission Act 1967, for increase in membership from 10 to 12.

Australian Wine and Brandy Corporation Act 1980, for a 2-year extension to the existing maximum 3-year term for members.

Overseas Telecommunications Act 1946, for salary determination in respect of officers and the general manager, and retirement at 60 years with elective retirement at 55 years.

Financial matters

The following Acts are amended:

Apple and Pear Stabilization Act 1971, for payment of funds in the Beurre Bosc Stabilization Fund to the Australian Apple and Pear Corporation, for pear research.

Commonwealth Inscribed Stock Act 1911, to permit inscription of stock in the name of a person as trustee, and facilitate holding of stock by an unincorporated association. Issue of bearer securities is henceforth prohibited.
Maritime College Act 1978, for determination by the Academic Salaries Tribunal of salary payable to members of the College Council.

Defence Service Homes Act 1918, for consistency of audit requirements with other legislation.

Postal Services Act 1975, to permit borrowing by issue of Commonwealth-guaranteed securities.

Other amendments

The Insurance Act 1973 is amended to align tests for relatedness of bodies corporate with provisions in the Life Insurance Act 1945 and the Companies Act 1981. A number of other amendments to various Acts are also made by the Bill.

Main Provisions

Amendments to various Acts are set out in a Schedule to the Bill, with commencement provisions for specific amendments in clause 2, the default date for commencement being 28 days after Royal Assent. Clauses 5 and 6 make transitional arrangements, while clause 4 repeals the Hide and Leather Industries Legislation Repeal Act 1955.

For further information, if required, contact:

1 June 1984

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