Date Introduced: 13 September 1984
House: House of Representatives
Presented by: Hon. M.T. Duffy, M.P., Minister for Communications and Minister Representing the Attorney-General

Short Digest of Bill

Purpose

To make minor amendments to a large number of Acts, including amendments to the Copyright Act 1968, the National Crime Authority Act 1984, the Trade Practices Act 1974; amending legislation applying to the Australian Public Service for designation of departmental heads, and changing eligibility of members for Aboriginal Councils.

Major Changes

The Bill makes amendments in copyright and trade practices law, and also in relation to law enforcement agencies. The Copyright Act 1968 is amended so that the status of "central records authority", "educational institution" or "institution assisting handicapped readers" will be determined administratively rather than through subordinate legislation (proposed new section 10A). The Copyright Act permits certain photocopying by educational institutions and institutions assisting handicapped readers which would otherwise be in breach of the Act. A record of this copying must be kept and the institution can elect to keep this record within its own central records authority. Copying done, by or for a Parliamentary Library to assist a member of a Parliament is to be specifically exempted from copyright provisions (proposed new section 48A). Preparation of copies of a copyright work made in a large print, Braille, photographic or sound version for handicapped readers is facilitated by a new exemption for reproductions used in the making of such copies (new provisions to be inserted in section 53D of the Act).

At present, requests for photocopying by users of libraries must be in writing (section 49). A new provision is introduced to make an exception for people in remote localities.
The Patents Act 1952 is amended, including a provision to accommodate amendments to the Patent Cooperation Treaty.

The Trade Practices Act 1974 is amended by adding a new section 65A. The amendment follows two decisions on section 52 of the Act which prohibits "misleading and deceptive conduct". These decisions applied section 52 to the content of media comment. Until this time it was thought that the section only extended to the media in relation to misleading advertising. The new section exempts "information providers" from enumerated sections of the Trade Practices Act, except in relation to 1) advertisements and 2) other media material if the information provider is associated with or has an interest in the goods or services discussed.

The Director of Public Prosecutions Act 1983 is amended so that the Director may carry on prosecutions commenced by a Special Prosecutor, where the Special Prosecutor's appointment has terminated. The National Crime Authority Act 1984 is amended to clarify certain provisions following the large number of amendments made during the passage of the legislation through Parliament.

The Act is also amended to take account of complementary State legislation.

The High Court and the Federal Court will be empowered to award interest on damages in respect of the period prior to judgment, through amendment to the Judiciary Act 1903 and the Federal Court of Australia Act 1976 respectively.

The Public Service Reform Act 1984 renamed departmental heads "Secretaries". A number of Acts are amended by the Bill consistently with this change in titles. These amendments are contained in Schedule 2. The Public Service Reform Act 1984 is itself amended, including a not yet proclaimed subsection of the Act which is amended to require that annual departmental Reports contain information on the implementation of industrial democracy.

The Commonwealth Employees (Redeployment and Retirement) Act 1979 and the Merit Protection (Australian Government Employees) Act 1984 are amended to extend the class of authorities to which their provisions apply. Responsibility for its own employment structure is transferred to the Commonwealth Teaching Service by amending the Commonwealth Teaching Service Act 1972.
The Aboriginal Councils and Associations Act 1976 is amended so that non-Aboriginal spouses of Aboriginals may be eligible for membership of Aboriginal associations. Membership extension to 30 June 1986 is permitted for members of the Australian Wine and Brandy Corporation (amendment to Australian Wine and Brandy Corporation Act 1980). The composition of the Overseas Telecommunications Commission is changed by increasing the number of commissioners to seven. Specific provision is made for cases of conflict of interest involving members of the Commission (amendment to Overseas Telecommunications Act 1946).

The Archives Act 1983 is amended to permit Commonwealth institutions to be charged for certain services. The Telecommunications Act 1975 is amended to remove restrictions on property transfer by Telecom; restrictions from which Australia Post is already exempt.

The distinction is removed between computer software and processes involving material products in the definition of "industrial research and development" (amendment to Industrial Research and Development Incentives Act 1976).

Use of excisable goods in the manufacture of other excisable goods is facilitated by amendment permitting such goods to be moved, altered or interfered with prior to entry for home consumption (amendment to the Excise Act 1901).

The self-governing status of the Northern Territory is recognised in amendments to the Crimes Act 1914, while amendments to the Defence Act 1901 and the Naval Defence Act 1910 exclude State and Territory liquor licensing laws from messes and similar places.

Amendments to the Overseas Students Charge Act 1979 and the associated collection Act, permit certain temporary entry permits to extend beyond a calendar year. Another amendment makes it clear that a student who is not required to personally attend an institution in which he or she is enrolled, is not required to pay a charge.

Provisions

The provisions of the Bill are to commence at various times set out in the sub-clauses of clause 2. The amendments to some 70 Commonwealth Acts are set out in Schedule 1 to the Bill. The major Schedule 1 changes are discussed above.
Alteration of the title of departmental heads to "Secretary" involves a large number of textual amendments to certain Acts. These amendments are set out in Schedule 2 to the Bill.

Schedule 3 sets out a number of Bounty Acts which the Bill repeals. The Bounty (Steel Products) Act 1983, a temporary bounty introduced for payment during 1983 pending a Government decision on the steel industry, is repealed.

The Remuneration Act 1974, which operated for certain offices pending determinations of the Remuneration Tribunal, is repealed by Schedule 3. Clause 5 of the Bill repeals the Queensland Meat Inspection Agreement Act 1932, following the making of a new agreement on export meat inspection services in Queensland.

For further information, if required, contact:

12 December 1984

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Reference