Short Digest of Bill

Purpose

To amend a number of Acts, in a minor way or to correct drafting errors, where the amendments are not controversial or contentious.

Background

A Statute Law (Miscellaneous Provisions) bill is an omnibus bill which makes drafting or administrative changes which are minor or non-contentious, to a large number of Acts.

The insertion of section 15AA in the Acts Interpretation Act 1901 by means of the Statute Law Revision Act 1981 may have been considered a minor change at the time but proved of some significance in subsequent legal proceedings.

The policy of the present Government with respect to Statute Law (Miscellaneous Provisions) Bill is stated in the Second Reading speech. The contents of such a bill should be restricted to drafting changes which are routine, or of minor policy significance. Disqualifications for inclusion comprise long and complex drafting, a relevance to a contentious matter, involvement of substantial policy issues, or that the amendment applies to legislation for taxation, appropriation or the national companies code.

The present Bill differs in format from previous bills in that the amendments to be made are set out in a schedule to the Bill rather than in separate clauses. Control over the drafting of this and similar bills is expected to be thereby enhanced.

Outline

Amendments to be made by the Bill under clauses 3 and 4 are set out in Schedule 2 in relation to formal
amendments to the Excise Act 1901 and in Schedule 1 in relation to a large number of Acts.

Main Provisions

The commencement date for the Bill's various provisions is set out in clause 2, and certain transitional provisions, including those relating to proceedings in progress under the Trade Practices Act 1974, are contained in clause 7.


The numerous amendments of Schedule 1 are set out by alphabetical order of the relevant Acts. A summary of more significant amendments is included as a Supplement to the Second Reading Speech (Hansard, Senate, 18 May 1983, p. 547).

Amendments relevant to the territories include full membership for the Northern Territory on the Advisory Council for Inter-government Relations, Parliamentary scrutiny of delegated legislation made under Ordinances of all Australian external territories and a reduction from two to one in the number of certain Northern Territory appointees to the Alligator Rivers Co-ordinating Committee.

Amendments relevant to judicial and legislative functions include removal of subordinate legislation drafting from the functions of the Office of Parliamentary Council, provisions for State and Territory courts to try certain offences committed outside their respective territorial limits, and application of High Court rules in Supreme Court appeals under the Bank Account Debits Tax Administration Act 1982.

Drafting changes to the Special Prosecutors Act 1982 and the Protection of the Sea (Civil Liability) Act 1981 respectively cater for the "customising" of Special Prosecutor functions on each appointment, and require certain Ministerial decisions, reviewable by the Administrative Appeals Tribunal, to be accompanied by a notice to that effect.

Amendments to the Trade Practices Act 1974 provide for Federal Court injunctions in wider terms than simple restraint of conduct, and exclude from Federal Court jurisdiction proceedings under section 163A in respect of
certain consumer claims against manufacturers and importers for which the procedure of that section, providing a mere declaration of rights, is inappropriate.

Declining effectiveness of penalty fines through inflation is corrected in respect of breaches of the Navigation Act 1920, breaches, including offences by corporations, of the Crimes (Aircraft) Act 1963, and breaches by bomb hoaxers of the Postal Services Act 1975.

Drafting dependencies of superannuation legislation upon recently repealed sections of the Parliamentary Allowances Act 1952 are corrected.

Commonwealth Government staff transferred from State Public Services are affected by long service leave transfer provisions set out in amendments to the Public Service Act 1922. In addition to minor personnel matters, more up-to-date provisions regulating rifle practice etc. are added to the Defence Act 1903. Certain borrowing powers of the Overseas Telecommunications Commission are confirmed by legislative enactment.

Education matters are raised in respect of appointments to the Commonwealth Schools Commission and Tertiary Education Commission, and certification of certain "English as a second language" courses under the States Grant (Schools Assistance) Act 1981.

Amendments to the Acts Interpretation Act 1901, discussed in the Second Reading Speech, require reporting within six months and tabling of the report within a further 15 sitting days by certain Government bodies. A number of Acts are amended similarly in respect of provisions for annual reports.

Amendments to the Commonwealth Electoral Act 1918 extend a dual (Commonwealth/State) enrolment function to electors' enrolment cards. Amendments to the Domicile Act 1982 prevent retrospective operation of certain recent domicile provisions in other Acts.

Industry legislation affected by the Bill includes various levy and export charge Acts where penalty interest on late payment is increased from 10 per cent to 20 per cent, provisions for security for advances under the Honey

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