Date Introduced: 27 May 1981
House: Senate
Presented by: Senator the Hon. P.D. Durack, Q.C.

Purpose

To make various statute law revision amendments.

Background and Provisions

The Explanatory Memorandum circulated by the Attorney-General sets out details of all amendments. Some of these are noted below.

Administrative Appeals Tribunal

The Schedule to the Administrative Appeals Tribunal Act 1975 confers jurisdiction on the Tribunal to deal with specified matters under a variety of Acts. The practice now is to include these provisions in the Act containing the provisions about which jurisdiction is conferred and Part II of the Bill repeals these Parts of the Schedule. Parts IV, V, VIII, XI, XII, XIV, XIX, XX insert the relevant provisions either with no change or minor changes into the specific Acts.

Australian Army Reserve

Amendments made by Part X to the Defence Act 1903 and by Parts III and XV to the Air Force Act 1923 and the Naval Defence Act 1910 stem from the Millar Committee Report on the Citizen Military Forces in 1974. The immediate reserve of army units is to be renamed the Active Australian Army Reserve (its availability for service being unchanged) and the Reserve Citizen Military Forces are to be renamed the Inactive Australian Army Reserve. For the Australian Air Force Reserve there is to be an Air Force Active Reserve, an Air Force General Reserve and an Air Force Specialist Reserve. The Australian Naval Reserve is not divided into elements in the amending provisions. The Attorney-General says in his Second Reading Speech that this is because this is covered by regulations. There are also provisions for Emergency Forces. Parts III, X and XV also contain provisions about availability for service, calling
out in times of emergency and so on. Schedule 2 makes consequential amendments to other Acts.

Schools and Tertiary Education Commissions

These bodies are to be renamed the Commonwealth Schools Commission and Commonwealth Tertiary Education Commission and Parts XVIII and XXI and Schedule 3 implement the changes and make consequential amendments to other Acts.

Acts Interpretation Act 1901

A new section 15AA is inserted in the Act by Schedule 1. It states that in interpreting provisions, regard shall be had to a construction that would promote the object or purpose underlying an Act (whether stated in the Act or not) over one that would not. How the object or purpose is to be ascertained if not stated must depend on the ordinary rules of construction for sub-section 15AA(2) states that the new requirement does not mean that any more reliance can be placed on extraneous material than is already the case.

Repeals

Schedule 4 repeals old Acts such as Supply and Appropriation Acts, old Bounty Acts.

For further information, if required, contact:

13 August 1981

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