Date Introduced: 27 October 1981
House: House of Representatives

Short Digest of Bill

Purpose

To correct printing and drafting errors that have been found to exist in a number of Acts, to repeal Acts the operation of which is exhausted or which are no longer required, and to make a number of technical or minor amendments to existing legislation. There are also some provisions going to matters of substance which will be dealt with under the heading "Main Provisions".

Main Provisions

(a) The Aboriginal Councils and Associations Act 1976 is amended by clauses 3 to 7 of the Bill. The effect of these amendments is that Aboriginal Councils and Associations will, with the consent of the Minister, be able to dispose of, without constraint, those interests in an estate or interests in land which were previously only capable of being disposed of to another Aboriginal Corporation. These provisions are not relevant to land held by an Aboriginal Land Trust or land held in escrow by an Aboriginal Land Council under the Aboriginal Land Rights (Northern Territory) Act 1976.

(b) The Australian Capital Territory Evidence (Temporary Provisions) Act 1971 is amended by clause 12 of the Bill. The Evidence Ordinance 1971 which was disallowed by the Senate operates in the ACT and has the status of an Act of the Commonwealth Parliament by virtue of the Australian Capital Territory Evidence (Temporary Provisions) Act 1971. The effect of the amendment is that the provisions of the Evidence Ordinance, as adopted by the Act, will now be capable of being amended or repealed by an Ordinance of the Territory.
(c) Procedural matters relating to the Supreme Court of the ACT are dealt with in amendments to the Australian Capital Territory Supreme Court Act 1933 contained in clauses 14, 15, and 16 of the Bill. These matters are the mode of taking of the oath of allegiance by new judges, the manner of delivery of reserved judgements of the Full Court and the institution of prosecutions for indictable offences. Additionally clause 17 inserts a new Section 53A in the Act providing for fixation by the Court, at its discretion, of an amount of interest to accompany any judgement for a pecuniary amount.

(d) Part VII of the Bill (Clauses 19 to 27) amends the Australian Overseas Projects Corporation Act 1978 to rectify what are stated in the 2nd reading speech to be "legislative deficiencies which have become apparent in the course of the Corporation's operations". The amendments will enable the Corporation to become involved in projects concerned solely with the supply of services, to engage directly in negotiations on overseas projects with overseas clients at the request of the Australian Government and under prescribed circumstances to act at the request of an authority of the Commonwealth or a State Government. Clause 27 inserts a new Section 43 in the Act replacing the concept of "maximum contingent liability" with one of "assessed not commercial risk".

(e) Following a request made by the South Australian Government Part VIII of the Bill by clauses 29 to 30 will transfer all matters pending before the South Australian Court of Insolvency to the Federal Court. Similar provisions are made in respect of the Victorian Court of Insolvency which has in fact been inactive for a number of years.

(f) The amendments to the Commonwealth Electoral Act 1918 contained in Part IX of the Bill are of significance. The effects the amendments are that British subjects who have resided in Australia for 3 years will no longer be eligible to vote or to be elected as a member of either House of Parliament, the criteria henceforth being Australian Citizenship. A saving provision in respect of British subjects already enrolled as electors is contained in the amendment to Section 39 (b) (ii) of the Act.
The Designs Amendment Act 1981 is amended by Part XI of the Bill. The most significant of these amendments is contained in clause 40 which provides that a separate application for design registration is to be made in respect of each article for which design protection is sought. The clause also limits the type of amendments which may be made to an application for design registration subsequently to the lodging of the application.

The amendments contained in Parts XIII and XVII of the Bill relate to offences under the Minerals (Submerged Lands) Amendment Act 1981 and the Petroleum (Submerged Lands) Amendment Act 1980. The effect of the amendments is that such offences shall be indicable offences unless the defendant and the prosecutor consent to summary jurisdiction. Where an offence is dealt with summarily the maximum penalty is 2 years imprisonment, or a fine of $10,000 or both.

Consequent upon the merger of CAGEO with the ACTU in September 1981 Parts XV and XVIII of the Bill modify the National Labour Consultative Council Act 1977 and the Trade Union Training Authority Act 1975 to provide replacement for CAGEO representatives on the National Labour Consultative Council, the Australian Council for Union Training and on each of the State Councils for Union Training. The replacements on the national bodies being ACTU representatives and on State Councils being TLC representatives.

For further information, if required, contact:

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