ADMINISTRATIVE CHANGES (CONSEQUENTIAL PROVISIONS) BILL 1978

Date Introduced: 25 May 1978
House: Senate
Presented by: Senator the Honourable P.D. Durack, Attorney-General

Short Digest of Bill

Purpose

To make necessary textual changes to legislation following the administrative changes of 20 December 1977 and to write into statute the "deemed" changes made by the Orders under sections 19B and 19BA of the Acts Interpretation Act 1901 made on or after 20 December 1977.

Background

Following the general election last year substantial changes were made to the Administrative Arrangements. Details were published in the Gazette in the form of an Order by the Governor-General, dated 20 December 1977. The most significant change was the establishment of a Department of Finance to take administrative responsibility for governmental expenditure review, collection and analysis of forward estimates and administration of the Public Account. The Treasury, which formerly performed this function, has now been assigned responsibility for general macroeconomic policy, debt management and the like.

By Orders of the same date, made under sections 19B and 19BA of the Acts Interpretation Act, the Governor-General directed that the new arrangements were to be deemed to be substituted in the relevant legislation. The major effect of the Bill is to put into the relevant legislation the necessary textual changes to take account of the new arrangements.

Provisions

Sub-clause 3(1) provides that the specified section of the Acts listed in Schedule 1 are amended by substituting "Minister for Finance" in place of "Treasurer". Those Acts are primarily administered by some Minister other than the Treasurer or Minister for Finance but the provisions to be amended concern matters related to finance and so are properly the responsibility of the Minister for Finance. There is a need therefore to specify the Minister for Finance in those provisions so as to distinguish them from other
provisions administered by the Minister with departmental responsibility for the Act.

Schedule 2 and sub-clause 3(2) operate to substitute "Minister" for "Treasurer". Under the provisions of the Acts Interpretation Act "Minister" in an Act means the Minister responsible under the Administrative Arrangements Order. This has the effect of transferring responsibility for the administration of the provisions listed in the Schedule from the Treasurer to the Minister administering the Act.

Clause 4 up-dates Schedules of the names of Departments and their Permanent Heads in the Public Service Act 1922.

Clause 5 makes a necessary adjustment to sub-section 62B(2) of the Audit Act 1901 giving corporate personality to the Minister for Finance rather than the Treasurer, thereby enabling that Minister to exercise his power of investment.

Clause 6 provides for a number of saving provisions made necessary because of the change of functions from Treasurer to Minister for Finance, particularly in the Audit Act and in Regulations and directions under that Act.

Clause 7 makes a necessary saving in relation to payments and other actions by the Treasurer before 20 December 1977 in respect of statutory corporations that need to be treated, after that date, as having been made by the Minister for Finance.

Clause 8 provides that the various Orders under the Acts Interpretation Act to which the changes made by the Bill relate will cease to apply upon commencement of the Act, except insofar as they affect Regulations or Directions. The Attorney-General explains in the Second Reading Speech that this is to ensure that any oversight in the large number of Regulations and Directions which need to be checked will not result in gaps in the legislation. This will be dealt with later by way of amending Regulations or Directions.