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LEGISLATIVE RESEARCH SERVICE
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO.2) 1986

Date introduced: 15 October 1986
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P.,
Attorney-General

DIGEST OF BILL

Purpose

This is an omnibus Bill that will implement some minor policy and administrative changes; and update, clarify and correct existing legislation.

Main Provisions

The major amendments in the Bill relate to the following Acts:

Air Navigation (Charges) Act 1952

Amendments to the Act will ensure that a statutory lien over an aircraft will not apply to debts that have been waived or written off under any other law.

Australian Capital Territory Supreme Court Act 1933

The amendment to this Act will make it clear that an ACT Ordinance has the authority to permit Judges of the ACT Supreme Court to make Rules of Court on particular matters.

Australian Trade Commission Act 1985

Amendments will allow the Commission to insure an overseas investment made by an Australian business via a company in which the business has a substantial holding. At present, the Act only allows the Commission to insure a direct overseas investment.

Bankruptcy Act 1966

Amendments will form the Official Trustee in Bankruptcy into a corporation. The Secretary to the Department of the Attorney-General will be the Official Trustee. An Official Receiver who acts on behalf of the Official Trustee will be required to follow directions given by the Official Trustee. The Official Trustee will assume the obligations of the Investment Board which will be abolished.

Biological Control Act 1984

Amendments will bring this Act into line with the co-operative Commonwealth, State and Northern Territory scheme on biological control. The Industries Assistance Commission will be able to hold public inquiries into proposed biological control programs for State, Northern Territory and Commonwealth biological control authorities.

Commonwealth Places (Application of Laws) Act 1970

The amendment deals with offences against State laws which have been committed on Commonwealth places in the States. The Director of Public Prosecutions will be empowered to proceed against persons who have been charged with these offences.

Crimes Act 1914

The amendment will make it clear that the Act does not limit the operation of any Territory law relating to search in connection with an offence against a Territory law.

Family Law Act 1975

Amendments will allow regulations to be made to enable hearings of petitions for maintenance remitted from courts of the United States of America which have reciprocal arrangements with Australia. At present, Australian courts with jurisdiction under the Act may deal only with final orders of USA courts.

Insurance Act 1973

Amendments will make it clear that current account balances due to a company from related companies will not be treated as assets for solvency purposes unless they have

been approved by the Insurance Commissioner for this purpose. A company will not be able to use the trust mechanism to place assets outside the ambit of the Insurance Commissioner's powers of approval.

Insurance (Agents and Brokers) Act 1984

The Act provides that for a misrepresentation to be in breach of the Act, it must be made wilfully with the intention that it will be acted upon. Amendments will remove this requirement and replace it with the requirement that the statement must be false or misleading and made with intent to deceive.

Migration Act 1958

Amendments will extend the application of the Act to the Territory of the Cocos (Keeling) Islands and to the Coral Sea Islands Territory.

Ombudsman Act 1976

Amendments will make it clear that when exercising the discretion not to investigate a certain complaint, the Ombudsman may have regard to all the circumstances and not just those relating to the particular complaint.

Postal Service Act 1975

The amendment will make it an offence to unlawfully send a prescribed narcotic substance, within the meaning of the Customs Act 1901, through the post or by courier. The penalty will be \$5,000 or imprisonment for 2 years or both.

Removal of Prisoners (Australian Capital Territory) Act 1968

Amendments will enable ACT offenders to have their non-parole periods reduced by remission in New South Wales, in addition to their sentences. Prisoners sentenced by ACT courts to 3 years or less will be able to have their non-parole periods reduced by remission in New South Wales. At common law, a prisoner who escapes while serving a term of imprisonment cannot be detained once the term has expired. An amendment will make it clear that when a prisoner escapes from custody, the sentence period will not run until the prisoner is returned to custody.

Trade Practices Act 1974

It will be made clear that the ability of a company to exert a substantial degree of influence over another company will not be limited to companies that are engaged in market activities.

A corporation will be prohibited from providing a credit or debit facility to a customer unless the customer requests it.

Wheat Marketing Act 1984

An amendment will enable the Australian Wheat Board to treat wheat sown after 1 January in a year but delivered to the Board prior to 1 October, as wheat of a season commencing on 1 October. This will have effect from 29 November 1979, being the date of Royal Assent to the Wheat Marketing Act 1979.

For further information, if required, contact the Law and Government Group.

19 February 1987

Bills Digest Service
LEGISLATIVE RESEARCH SERVICE

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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