Date introduced: 16 April 1986
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P., Attorney-General

DIGEST OF BILL

Purpose

To amend or repeal a number of Commonwealth statutes.

Background

The Bill continues the Government's practice of introducing an omnibus Bill in each Session to make a large number of non-contentious amendments.

Outline

The Bill will amend 54 Commonwealth statutes and repeal 87. The majority of the amendments are of a formal or minor nature. The amendments are set out in Schedule 1 of the Bill while Schedule 2 contains the list of Acts to be repealed. The majority of the Acts to be repealed have completed the task they were enacted to perform and accordingly can now be terminated.

Main Provisions

For detailed analysis of the clauses of the Bill refer to the Explanatory Memorandum.

Acts Amended

Clause 3 states that the Acts specified in Schedule 1 will be amended as set out in that Schedule. The more noteworthy amendments relate to the following Acts.
Advance Australia Logo Protection Act 1984

Paragraph 18(3)(b) of this Act will be amended to make it clear that the annual report of the Advance Australia company will only disclose the aggregate, rather than individual, amount received for granting licences to logo users.

Antarctic Treaty (Environment Protection) Act 1980

At present no permit can be granted for the landing of aircraft in specially protected areas. Paragraph 19(1)(e) of this Act will be amended to enable the Minister responsible to grant such permits.

Archives Act 1983

Currently the Minister can give Commonwealth records to a person only for a purpose specified by Regulation. Sub-section 26(2) of this Act will be amended so that the reference to 'purpose specified in the regulations' is changed to 'circumstances as specified in the regulations'.

Audit Act 1901

A new Division 3A of Part XI will be inserted into this Act and will deal with financial provisions relating to public authorities and certain other government bodies. Proposed sub-section 63MB(1) of this Act provides the Auditor-General with the power to set auditing standards to be complied with by auditors who audit such bodies. The Auditor-General will be allowed to make a report to be tabled in Parliament at any time on the quality of audits (proposed sub-sections 63MB(2) and 63MB(3)). Proposed section 63MC provides the Auditor-General with the discretionary power to personally audit the accounts and records of a privately audited body. Where the Auditor-General decides to conduct an audit personally, no fee can be charged (proposed sub-section 63Q(1)).

Australian Capital Territory Electricity Supply Act 1962
Norfolk Island Act 1979
Northern Territory (Self-Government) Act 1978
Overseas Telecommunications Act 1946
Pipeline Authority Act 1973
Postal Services Act 1975
Snowy Mountains Engineering Corporation Act 1970
Snowy Mountains Hydro-electric Power Act 1949
Telecommunications Act 1975
Each of the above Acts will be amended in the same way, that is, by:

1) providing for the Minister for Finance to lend moneys to the body on such terms and conditions as the Minister determines;

2) clarifying the power of the body to borrow or raise money by a range of modern financing techniques; and

3) allowing the body to give security over its assets for the repayment of moneys borrowed.

Overseas Telecommunication Act 1946
Postal Services Act 1975

Both these Acts will be further amended to allow the respective Commissions, with the Minister's approval, to participate in the formation of companies and to enter into partnerships, profit-sharing agreements and agreements for the provision of technical services.

Australian Institute of Marine Science Act 1972

The Institute will be required to prepare estimates of expenditure for submission to the Minister and the Institute's money will have to be expended in accordance with the estimate (proposed section 40). Such estimates need only relate to money received by appropriation from the Parliament for the specified purpose of the Act. Accordingly, grants and other moneys received from time to time under schemes or projects need not be taken into account when preparing an estimate.

Crimes Act 1914

It is proposed that comprehensive provisions relating to police powers to arrest without a warrant will be incorporated into the Crimes Act 1900 (NSW) which will be applicable to the Australian Capital Territory (ACT). Accordingly, paragraph 8A(a) of the Crimes Act 1914 will be amended so as to exclude its operation in the ACT.

The penalty for an offence against section 29D of this Act, defrauding the Commonwealth, will be doubled to a $100 000 fine or 10 years imprisonment or both. Similarly,
the penalty for an offence against section 85A of this Act, conspiring to defraud the Commonwealth, will be quadrupled to a $200,000 fine or 20 years imprisonment or both.

**Crimes (Taxation Offences) Act 1980**

The penalty for an offence against this Act, namely certain income tax and sales tax offences, will be doubled to a $100,000 fine or imprisonment for 10 years or both.

**Family Law Act 1975**

The Institute of Family Studies (the Institute) will be amended so as to bring it into line with other similar national research bodies. The Institute's name will be changed to the 'Australian Institute of Family Studies' (proposed sub-section 114B(1)). The Attorney-General will be able to refer matters to the Institute and request that any particular matter be given priority (proposed sub-section 114B(3)). Proposed section 114MB requires the Institute to prepare an annual estimate of expenditure and expenditure must be in accordance with the estimate. Entering into contracts involving payments of more than $100,000 will need the approval of the Attorney-General (proposed section 114MC) and the Institute will be exempt from taxation (proposed section 114MF).

**Insurance (Agents and Brokers) Act 1984**

Sub-section 26(4) of this Act will be amended to provide a wider range of permissible investment of funds held by insurance brokers and agents on behalf of clients. The type of investment permitted will be prescribed by regulation.

**Navigation Act 1912**

Part II of this Act deals with punishments, such as forfeiture of wages, fines and terms of imprisonment for desertion or insubordination, for offences committed by seamen. This Bill will repeal these provisions and give the Marine Council scope to deal with any matter referred to it by way of enforcing a self-regulatory code of conduct.

**Public Service Act 1922**

Sub-section 25(7) of this Act will be amended so as to require the approval of the Joint Committee on Public
Accounts for guidelines on the content of departmental annual reports.

Radiocommunications Act 1983

An inspector will be able to enter unoccupied premises or vehicles without a warrant where it is believed, on reasonable grounds, that a transmitter is being used unlawfully and that the use of the transmitter is interfering with radiocommunications that are essential to human life (proposed section 72A). If the equipment is seized and subsequently remains in the Department's possession for 12 months, a Court may authorise the Minister to dispose of the equipment (amended section 73). Instead of naming the inspector as the informant, prosecutions will be allowed in the Minister's name (proposed section 81A).

Acts Repealed


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

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