



## **Statute Update (Winter 2017) Act 2017**

**No. 93, 2017**

**An Act to make various technical and minor amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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No. 93, 2017

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**An Act to make various technical and minor amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes**

*[Assented to 23 August 2017]*

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Statute Update (Winter 2017) Act 2017*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	23 August 2017
2. Schedule 1, Part 1	The 28th day after this Act receives the Royal Assent.	20 September 2017
3. Schedule 1, Part 2	At the same time as the <i>Australian Border Force Act 2015</i> commenced.	1 July 2015
4. Schedules 2 to 4	The 28th day after this Act receives the Royal Assent.	20 September 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments of principal Acts**

### **Part 1—General amendments**

#### ***Antarctic Treaty (Environment Protection) Act 1980***

##### **1 Schedule 1**

Omit “Antartic”, substitute “Antarctic”.

Note: This item fixes a typographical error.

##### **2 Schedule 3**

Omit “activites”, substitute “activities”.

Note: This item fixes a typographical error.

#### ***Australian Communications and Media Authority Act 2005***

##### **3 Subsection 25(1) (heading)**

Repeal the heading, substitute:

*Period specified in instrument of appointment*

Note: This item amends a heading to better reflect the contents of the subsection.

##### **4 Paragraph 53(2)(k)**

Omit “or Schedule 5 or 7 to that Act”.

Note: This item omits a redundant reference.

#### ***Broadcasting Services Act 1992***

##### **5 Section 61CN (heading)**

Repeal the heading, substitute:

##### **61CN ACMA review of approved local content plan**

Note: This item amends a heading to better reflect the contents of the section.

#### ***Commerce (Trade Descriptions) Act 1905***

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## 6 Subsection 12(2)

Omit “is guilty of”, substitute “commits”.

Note: This item changes “is guilty of an offence” to “commits an offence”, for consistency with current drafting practice.

## *Compensation (Japanese Internment) Act 2001*

### 7 Section 3 (definition of *Review Tribunal*)

Repeal the definition, substitute:

*Review Tribunal* means the Administrative Appeals Tribunal.

Note: This item omits a redundant reference.

## *Crimes Act 1914*

### 8 Paragraph 19APA(1)(d)

Omit “paragraph 19AN(1)(c)”, substitute “paragraph 19AN(c)”.

Note: This item fixes an incorrect cross-reference.

### 9 Paragraph 19APA(1)(d)

Omit “paragraph (a)”, substitute “paragraph (c)”.

Note: This item fixes an incorrect cross-reference.

## *Dairy Produce Act 1986*

### 10 Subclause 37R(2) of Schedule 2

Omit “or the Administrative Review Tribunal (as the case may be)”.

Note: This item omits a redundant reference.

## *Fair Work Act 2009*

### 11 Paragraph 20(2)(a)

Omit “full time employee”, substitute “full-time employee”.

Note: This item fixes a typographical error.



### ***Higher Education Support Act 2003***

#### **12 Clause 1 of Schedule 1A (note)**

Omit “43(3) to (5)”, substitute “43(3) to (7)”.

Note: This item inserts a cross-reference that was overlooked in a prior amendment of the *Higher Education Support Act 2003*.

#### **13 Clause 40 of Schedule 1A (note 2)**

Omit “43(3) to (5)”, substitute “43(3) to (7)”.

Note: This item inserts a cross-reference that was overlooked in a prior amendment of the *Higher Education Support Act 2003*.

### ***Legislation Act 2003***

#### **14 Section 13 (heading)**

Repeal the heading, substitute:

#### **13 Construction of legislative instruments and notifiable instruments**

Note: This item amends a heading to better reflect the contents of the section.

### ***Long Service Leave (Commonwealth Employees) Act 1976***

#### **15 Subsection 13(1) (definition of *Australian Staffing Assistance Group*)**

Omit “body established under that name by the *Papua New Guinea (Staffing Assistance) Act 1973*”, substitute “body formerly established under that name by the *Papua New Guinea (Staffing Assistance) Act 1973*”.

Note: This item clarifies a reference to a body that no longer exists.

### ***My Health Records Act 2012***

#### **16 Subsection 64(3)**

Omit “healthcare recipient only-notes”, substitute “healthcare recipient-only notes”.

Note: This item fixes a reference to an incorrect concept.

***Primary Industries Research and Development Act 1989***

**17 Subsection 89(3)**

Repeal the subsection.

Note: This item repeals a redundant subsection.

***Radio Licence Fees Act 1964***

**18 Paragraph 6(3)(a)**

Omit “the day on which the *Radio Licence Fees Amendment Act 1997* received the Royal Assent”, substitute “8 October 1997”.

Note: This item replaces a reference to the day on which a repealed Act received the Royal Assent with the actual date of Royal Assent.

***Telecommunications (Interception and Access) Act 1979***

**19 Paragraph 5D(4)(aa)**

Repeal the paragraph.

Note: This item repeals a redundant paragraph.

**20 Paragraph 5D(4)(b)**

Omit “Division 1A of Part IV of the *Crimes Act 1900* of New South Wales”, substitute “Part 4AC of the *Crimes Act 1900* of New South Wales”.

Note: This item fixes an incorrect cross-reference to provisions of a New South Wales Act.

***Television Licence Fees Act 1964***

**21 Paragraph 6(3)(a)**

Omit “the day on which the *Television Licence Fees Amendment Act 1997* received the Royal Assent”, substitute “8 October 1997”.

Note: This item replaces a reference to the day on which a repealed Act received the Royal Assent with the actual date of Royal Assent.

***Work Health and Safety Act 2011***

**22 Section 4 (paragraph (b) of the definition of *corresponding WHS law*)**

Omit “the *Work Health and Safety Act 2011* of Victoria”, substitute “the *Occupational Health and Safety Act 2004* of Victoria”.

Note: This item fixes an incorrect cross-reference to provisions of a Victorian Act.

**23 Section 4 (paragraph (d) of the definition of *corresponding WHS law*)**

Omit “the *Work Health and Safety Act 2011* of Western Australia”, substitute “the *Occupational Safety and Health Act 1984* of Western Australia”.

Note: This item fixes an incorrect cross-reference to provisions of a Western Australian Act.

**24 Section 4 (paragraph (e) of the definition of *corresponding WHS law*)**

Omit “the *Work Health and Safety Act 2011* of South Australia”, substitute “the *Work Health and Safety Act 2012* of South Australia”.

Note: This item fixes an incorrect citation of a short title of a South Australian Act.

**25 Section 4 (paragraph (f) of the definition of *corresponding WHS law*)**

Omit “the *Work Health and Safety Act 2011* of Tasmania”, substitute “the *Work Health and Safety Act 2012* of Tasmania”.

Note: This item fixes an incorrect citation of a short title of a Tasmanian Act.

**26 Section 4 (paragraph (h) of the definition of *corresponding WHS law*)**

Omit “the *Work Health and Safety Act 2011* of the Northern Territory”, substitute “the *Work Health and Safety (National Uniform Legislation) Act* of the Northern Territory”.

Note: This item fixes an incorrect citation of a Northern Territory Act.

## Part 2—Other amendments

### *Carriage of Goods by Sea Act 1991*

#### **27 Paragraph 4(a) of Article 1 of Schedule 1A**

Omit “Chief Executive Officer of Customs”, substitute  
“Comptroller-General of Customs”.

Note: This item fixes a reference to an incorrect concept.

## **Schedule 2—Amendments consequential on the Acts and Instruments (Framework Reform) Act 2015**

### ***Australian River Co. Limited Act 2015***

#### **1 Subitem 15(3) of Schedule 1**

Repeal the subitem, substitute:

- (3) Subsection 12(2) (retrospective application of legislative instruments) of the *Legislation Act 2003* does not apply to rules made for the purposes of paragraph (2)(a) or (b) of this item.

### ***Australian Small Business and Family Enterprise Ombudsman Act 2015***

#### **2 Subsection 20(1) (note)**

Repeal the note, substitute:

- Note 1: Section 42 (disallowance) of the *Legislation Act 2003* does not apply to the direction: see regulations made for the purposes of paragraph 44(2)(b) of that Act.
- Note 2: Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* does not apply to the direction: see regulations made for the purposes of paragraph 54(2)(b) of that Act.

### ***Biosecurity Act 2015***

#### **3 Subsections 42(3), 44(3), 45(3), 49(2), 50(2), 51(4), 110(3), 112(3), 113(7), 115(1), 173(5), 174(5) and 182(6)**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

#### **4 Sections 228 and 234**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

**5 Subsection 256(3)**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

**6 Subsections 365(4), 369(1), 384(4), 388(1), 395(4), 397(1), 398(2), 443(2), 444(2), 445(2), 475(2), 476(2) and 477(2)**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

**7 Subsection 543(1) (note)**

Repeal the note, substitute:

Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* do not apply to the directions (see regulations made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that Act).

**8 Subsection 618(7)**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

***Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015***

**9 Subitem 1(5) of Schedule 3**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

***Income Tax Assessment Act 1997***

**10 Paragraph 418-70(2)(a)**

Omit “Division 2 of Part 4 of the *Legislative Instruments Act 2003*”, substitute “the *Legislation Act 2003*”.

**11 Subsection 418-90(6)**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

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**12 Subsection 960-412(2) (note 1)**

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.

***Migration Act 1958***

**13 Subsection 5(1AD)**

Omit “subsection 44(2) of the *Legislative Instruments Act 2003*”, substitute “regulations made for the purposes of paragraph 44(2)(b) of the *Legislation Act 2003*”.

## **Schedule 3—Repeals of spent and obsolete provisions**

### ***Defence Act 1903***

#### **1 Section 122A**

Repeal the section.

### ***Medibank Private Sale Act 2006***

#### **2 Item 57 of Schedule 2**

Repeal the item.

#### **3 Paragraph 58(5)(a) of Schedule 2**

Omit “item 20 or 57 would”, substitute “item 20 would, or the former item 57 did.”.

Note: This item is consequential on item 2.

### ***Plant Health Australia (Plant Industries) Funding Act 2002***

#### **4 Section 13**

Repeal the section.

Note: This item is consequential on item 5.

#### **5 Schedule 1**

Repeal the Schedule.

### ***Prohibition of Human Cloning for Reproduction Act 2002***

#### **6 Section 7**

Repeal the section.

Note: This item is consequential on item 7.

#### **7 Schedule 1**

Repeal the Schedule.

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## ***Tobacco Advertising Prohibition Act 1992***

### **8 Subparagraph 6(3)(a)(i)**

Omit “, 18”.

Note: This item is consequential on item 12.

### **9 Section 7**

Omit “, 18”.

Note: This item is consequential on item 12.

### **10 Paragraph 15(1)(a)**

Omit “, 18”.

Note: This item is consequential on item 12.

### **11 Subsections 15(2) and (3)**

Omit “, 18”.

Note: This item is consequential on item 12.

### **12 Section 18**

Repeal the section.

### **13 Section 29 (heading)**

Repeal the heading, substitute:

### **29 Applications for the purposes of subsection 9(5)**

Note: This item is consequential on item 12.

### **14 Subsection 29(1)**

Repeal the subsection, substitute:

- (1) A person may apply to the Minister to have a particular class of products specified in a notice under subsection 9(5).

Note: This item is consequential on item 12.

### **15 Subsection 29(8)**

Omit “whichever of subsections 9(5) and 18(2) is applicable”, substitute “subsection 9(5)”.

### Schedule 3 Repeals of spent and obsolete provisions

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Note: This item is consequential on item 12.

#### **16 Subsection 29(9)**

Omit “or 18(2)”.

Note: This item is consequential on item 12.

#### **17 Section 30**

Omit “, 17(2), 18(2) or 18(3)”, substitute “or 17(2)”.

Note: This item is consequential on item 12.

#### **18 Paragraph 33(b)**

Omit “, in so far as that section relates to applications under paragraph 29(1)(a)”.

Note: This item is consequential on items 12 and 14.

#### **19 Saving**

The repeal and substitution of subsection 29(1) of the *Tobacco Advertising Prohibition Act 1992* by this Schedule does not affect the validity of an application made under that subsection before the commencement of this Schedule.

Note: This item relates to item 14.

## **Schedule 4—Repeals of spent Acts**

### ***Aboriginal Land Rights (Northern Territory) Amendment (Township Leasing) Act 2007***

#### **1 The whole of the Act**

Repeal the Act.

### ***Governor-General Amendment Act 2003***

#### **2 The whole of the Act**

Repeal the Act.

### ***Stevedoring Industry Act 1961***

#### **3 The whole of the Act**

Repeal the Act.

### ***Stevedoring Industry (Temporary Provisions) Act 1968***

#### **4 The whole of the Act**

Repeal the Act.

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[*Minister's second reading speech made in—  
House of Representatives on 25 May 2017  
Senate on 17 August 2017*]

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(90/17)