



Omnibus Repeal Day (Autumn 2014) Act 2014

No. 109, 2014

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

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Omnibus Repeal Day (Autumn 2014) Act 2014

No. 109, 2014

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

[Assented to 16 October 2014]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Omnibus Repeal Day (Autumn 2014) Act 2014*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	16 October 2014
2. Schedules 1 to 5	The day after this Act receives the Royal Assent.	17 October 2014
3. Schedule 6	The later of: (a) 1 July 2014; and (b) the day after this Act receives the Royal Assent.	17 October 2014 (paragraph (b) applies)
4. Schedule 7	The day after this Act receives the Royal Assent.	17 October 2014
5. Schedule 8	The later of: (a) 1 July 2014; and (b) the day after this Act receives the Royal Assent.	17 October 2014 (paragraph (b) applies)
6. Schedule 9, Part 1	The day after this Act receives the Royal Assent.	17 October 2014
7. Schedule 9, Part 2	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Part 2 of Schedule 5 to the <i>Aged Care (Living Longer Living Better) Act 2013</i> .	17 October 2014 (paragraph (a) applies)
8. Schedule 10	The day after this Act receives the Royal Assent.	17 October 2014

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedule(s)

Each Act 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—Agriculture

Dairy Produce Act 1986

1 Subsection 3(1)

Insert:

Infrastructure Department means the Department administered by the Infrastructure Minister.

2 Subsection 3(1)

Insert:

Infrastructure Minister means the Minister who administers the *Infrastructure Australia Act 2008*.

3 Subclause 86(2) of Schedule 2

Omit “Department of Employment, Workplace Relations and Small Business”, substitute “Infrastructure Department”.

Regional Forest Agreements Act 2002

4 Paragraph 3(b)

Omit “the Forest and Wood Products Action Agenda and”.

5 Section 4 (definition of *Forest and Wood Products Action Agenda*)

Repeal the definition.

6 Subparagraph 11(2)(a)(ii)

Omit “information; and”, substitute “information;”.

7 Subparagraph 11(2)(a)(iii)

Repeal the subparagraph.

8 Paragraphs 11(3)(c) and (d)

Repeal the paragraphs.

9 Subsections 11(7) to (10)

Repeal the subsections.

Schedule 2—Communications

Part 1—Repeal of Act

NRS Levy Imposition Act 1998

1 The whole of the Act

Repeal the Act.

Part 2—Amendments relating to access agreements

Competition and Consumer Act 2010

2 Section 152AC

Insert:

quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

3 Sections 152BEA and 152BEB

Repeal the sections, substitute:

152BEA Quarterly reports about access agreements

- (1) Within 30 days after the end of each quarter, a carrier or carriage service provider who supplies, or proposes to supply, a declared service must give the Commission a written statement setting out details of any access agreement in relation to the service in force at any time during that quarter.
- (2) The details that must be given under subsection (1) are:
 - (a) the parties to the agreement; and
 - (b) the service to which the agreement relates; and
 - (c) the date the agreement was entered into; and
 - (d) the period of the agreement; and
 - (e) if the agreement was varied during the quarter—the details referred to in paragraphs (a) to (d) and (g) in relation to the variation agreement; and
 - (f) if the agreement was terminated, rescinded or cancelled before the expiry of the agreement—the date the agreement was terminated, rescinded or cancelled; and
 - (g) such information (if any) about the agreement as is specified in an instrument in force under subsection (3).
- (3) The Commission may, by writing, specify information for the purposes of paragraph (2)(g).

- (4) An instrument under subsection (3) (including the instrument as amended) ceases to be in force 5 years after the day it is made (unless it is revoked sooner).
- (5) The Commission must publish an instrument under subsection (3) on the Commission's website.
- (6) An instrument under subsection (3) is not a legislative instrument.
- (7) The Commission may, by writing, require information in a statement given to the Commission under this section to be verified by statutory declaration.
- (8) This section does not limit section 155.

152BEB Commission may request copy of access agreement or variation agreement

- (1) The Commission may, by writing, request a carrier or carriage service provider who supplies, or proposes to supply, a declared service to provide a copy of either or both of the following:
 - (a) an access agreement in relation to the service;
 - (b) a variation agreement for an access agreement in relation to the service.

Note: The Procedural Rules may provide for the practice and procedure to be followed by the Commission in making a request under this subsection.

- (2) The carrier or carriage service provider must provide a copy of the document within 10 days after the day the request was made under subsection (1).
- (3) An instrument under subsection (1) is not a legislative instrument.
- (4) This section does not limit section 155.

4 Application of this Part

The amendments of the *Competition and Consumer Act 2010* made by this Part apply to access agreements in force at any time during:

- (a) the quarter in which this Part commences; and
- (b) later quarters.

Part 3—Amendments relating to investigations

Australian Communications and Media Authority Act 2005

5 Subsections 4(3) to (7)

Repeal the subsections, substitute:

- (3) An investigation under any of the following provisions of the *Broadcasting Services Act 1992* ends (subject to subsection (4) of this section) at the end of the day the ACMA completes the investigation:
 - (a) Part 11 or 13;
 - (b) clause 27 of Schedule 5, clause 38 of Schedule 6 or clause 44 of Schedule 7.
- (4) If the ACMA decides to prepare a report under section 178 of the *Broadcasting Services Act 1992* about an investigation under Part 13 of that Act, the investigation ends at the end of the day the ACMA completes the report.

Broadcasting Services Act 1992

6 Section 149

Repeal the section, substitute:

149 Investigation of complaints by the ACMA

The ACMA may investigate the complaint if the ACMA thinks that it is desirable to do so.

7 Section 151

Repeal the section, substitute:

151 Investigation of complaints relating to the ABC or SBS by the ACMA

The ACMA may investigate the complaint if the ACMA thinks that it is desirable to do so.

8 Subsection 152(3)

Repeal the subsection.

9 Clause 26 of Schedule 5

Repeal the clause.

10 Clause 27 of Schedule 5 (heading)

Repeal the heading, substitute:

27 ACMA may investigate matters

11 Clause 27 of Schedule 5

After “may”, insert “, on its own initiative or in response to a complaint made under Division 1,”.

12 Clause 1 of Schedule 6

Omit:

- | |
|--|
| <ul style="list-style-type: none">• The ACMA is to investigate complaints about datacasting licensees. |
|--|

substitute:

- | |
|--|
| <ul style="list-style-type: none">• The ACMA may investigate complaints about datacasting licensees. |
|--|

13 Clause 38 of Schedule 6

Repeal the clause, substitute:

38 Investigation of complaints by the ACMA

The ACMA may investigate the complaint if the ACMA thinks that it is desirable to do so.

14 Clause 43 of Schedule 7

Repeal the clause.

15 Clause 44 of Schedule 7 (heading)

Repeal the heading, substitute:

44 ACMA may investigate matters

16 Clause 44 of Schedule 7

After “may”, insert “, on its own initiative or in response to a complaint made under Division 1,”.

Interactive Gambling Act 2001

17 Section 20

Repeal the section.

18 Section 21 (heading)

Repeal the heading, substitute:

21 ACMA may investigate matters

19 Section 21

Before “The ACMA may”, insert “(1)”.

20 Section 21

After “may”, insert “, on its own initiative or in response to a complaint made under Division 1,”.

21 At the end of section 21

Add:

Internet content hosted in Australia—referral of complaint to an Australian police force

- (2) If a complaint relates to internet content hosted in Australia:
- (a) the ACMA must not investigate the complaint; and
 - (b) if the ACMA considers that the complaint should be referred to an Australian police force—the ACMA must:
 - (i) refer the complaint to a member of an Australian police force; and

Schedule 2 Communications

Part 3 Amendments relating to investigations

- (ii) give written notice to the complainant stating that the complaint has been so referred.
- (3) The manner in which a complaint may be referred under subsection (2) to a member of an Australian police force includes (but is not limited to) a manner ascertained in accordance with an arrangement between the ACMA and the chief (however described) of the police force concerned.
- (4) If a complaint is referred to a member of an Australian police force under subsection (2), the member may refer the complaint to a member of another Australian police force.
- (5) This section does not, by implication, limit the ACMA's powers to refer other matters to a member of an Australian police force.

22 Subsection 24(1) (note 1)

Repeal the note.

23 Subsection 24(1) (note 2)

Omit "Note 2", substitute "Note".

24 Application of this Part

The amendments made by this Part apply to complaints received by the ACMA on or after the commencement of this Part.

Part 4—Amendments relating to the Advanced Mobile Phone System

Telecommunications Act 1997

25 Section 5

Omit:

- | |
|---|
| <ul style="list-style-type: none">• The Advanced Mobile Phone System is to be phased out by 1 January 2000. |
|---|

26 Section 6 (table item 1)

Repeal the item.

27 Part 19

Repeal the Part.

**Part 5—Amendments relating to standard
agreements**

Telecommunications Act 1997

28 Sections 480, 480A and 481

Repeal the sections.

Part 6—Amendments relating to protected carrier information

Telecommunications Act 1997

29 Section 7 (definition of ACCC official)

Repeal the definition.

30 Section 7 (definition of ACMA official)

Repeal the definition.

31 Section 7 (definition of authorised information officer)

Repeal the definition.

32 Section 7 (definition of designated information)

Repeal the definition.

33 Section 7 (definition of designated request for proposal notice)

Repeal the definition.

34 Section 7 (definition of entrusted company officer)

Repeal the definition.

35 Section 7 (definition of entrusted public official)

Repeal the definition.

36 Section 7 (definition of protected carrier information)

Repeal the definition.

37 Section 7 (definition of restricted recipients rules)

Repeal the definition.

38 Part 27A

Repeal the Part.

39 Transitional—repeal of Part 27A of the *Telecommunications Act 1997*

Despite the repeal of:

- (a) Part 27A of the *Telecommunications Act 1997*; and
- (b) the definitions of *ACCC official* and *ACMA official* in section 7 of that Act;

by this Schedule, that Part and those definitions continue in force, subject to the modifications set out in the following table, as if those repeals had not happened.

Modifications of Part 27A of the <i>Telecommunications Act 1997</i>		
Item	Provision	Modification
1	section 531A	Omit the section.
2	section 531B (definition of <i>matter preparatory to the publication of a designated request for proposal notice</i>)	Omit the definition.
3	section 531B (paragraph (a) of the definition of <i>protected carrier information</i>)	Before “section 531F”, insert “repealed”.
4	section 531B (paragraph (b) of the definition of <i>protected carrier information</i>)	After “under”, insert “repealed”.
5	Sections 531C, 531D and 531E	Omit the sections.
6	Division 2	Omit the Division.
7	paragraphs 531G(2)(a) to (h)	Omit the paragraphs.
8	subsection 531G(3)	Omit the subsection.
9	paragraphs 531G(3A)(a) to (g)	Omit the paragraphs.
10	subsection 531G(3B)	Omit the subsection.
11	section 531H	Omit the section.
12	section 531J	Omit the section.
13	paragraphs 531K(2)(a) and (b) and (2A)(a)	Omit the paragraphs.
14	section 531M	The Minister must not appoint an SES employee under the section after the commencement of this item.

Modifications of Part 27A of the *Telecommunications Act 1997*

Item	Provision	Modification
15	sections 531N and 531Q	Omit the sections.

40 Transitional—determination

Despite the repeal of sections 531N and 531P of the *Telecommunications Act 1997* by this Schedule, the *Telecommunications (National Broadband Network—Restricted Recipients and Storage, Handling and Destruction of Protected Carrier Information) Rules 2008 (No. 1)* continue in force as if:

- (a) the repeal had not happened; and
- (b) the words “as in force before the repeal of section 531H of the Act” were added at the end of the definition of **Determination** in clause 3 of those Rules; and
- (c) the words “, before the repeal of section 531H of the Act,” were inserted after “information may” in subclause 4(1) of those Rules; and
- (d) the words “, before the repeal of paragraph 531K(2)(a) of the Act,” were inserted after “information may” in subclause 4(2) of those Rules.

41 Transitional—undertakings

- (1) Despite the amendments of the *Telecommunications Act 1997* made by this Part, an undertaking that was given:
 - (a) before the commencement of this item; and
 - (b) for the purposes of a determination under subsection 531H(4) of that Act;continues to apply, after the commencement of this item, as if:
 - (c) those amendments had not been made; and
 - (d) the determination had continued in force.
- (2) Despite the amendments of the *Telecommunications Act 1997* made by this Part, an undertaking that was given:
 - (a) before the commencement of this item; and
 - (b) for the purposes of rules under subsection 531N(1) of that Act;

Schedule 2 Communications

Part 6 Amendments relating to protected carrier information

continues to apply, after the commencement of this item, as if:

- (c) those amendments had not been made; and
- (d) the rules had continued in force.

Part 7—Amendments relating to protection schemes for residential customers

Telecommunications Act 1997

42 Paragraph 1(m) of Schedule 4

Repeal the paragraph.

Telecommunications (Consumer Protection and Service Standards) Act 1999

43 Section 4

Omit:

- | |
|---|
| <ul style="list-style-type: none">• Provision is made for the protection of residential customers of carriage service providers against failure by the providers to supply standard telephone services. |
|---|

44 Part 7

Repeal the Part.

Part 8—Amendments relating to the Universal Service Regime

Telecommunications (Consumer Protection and Service Standards) Act 1999

45 Subsection 5(2) (definition of *approved ATS marketing plan*)

Repeal the definition.

46 Subsection 5(2) (definition of *approved policy statement*)

Repeal the definition.

47 Subsection 5(2) (definition of *approved standard marketing plan*)

Repeal the definition.

48 Subsection 5(2) (definition of *competing universal service provider*)

Repeal the definition.

49 Subsection 5(2) (definition of *contestable service obligation*)

Repeal the definition.

50 Subsection 5(2) (definition of *draft ATS marketing plan*)

Repeal the definition.

51 Subsection 5(2) (definition of *draft policy statement*)

Repeal the definition.

52 Subsection 5(2) (definition of *draft standard marketing plan*)

Repeal the definition.

53 Subsection 5(2) (definition of *standard contestability arrangements*)

Repeal the definition.

54 Section 8

Omit:

- | |
|---|
| <ul style="list-style-type: none">(e) the determination of contestable service obligations for particular universal service areas;(f) requirements for the approval of, and compliance with, policy statements and marketing plans of universal service providers; |
|---|

55 Section 8

Omit:

- | |
|--|
| <ul style="list-style-type: none">(m) the maintenance by the ACMA of Registers, and the delegation of the Minister's powers under this Part to the ACMA. |
|--|

substitute:

- | |
|--|
| <ul style="list-style-type: none">(m) the delegation of the Minister's powers under this Part to the ACMA. |
|--|

56 Subsection 11(3)

Repeal the subsection.

57 Subsection 11(4)

Omit "(whether or not it is a contestable service obligation)".

58 Subsection 11A(1)

Repeal the subsection, substitute:

- (1) For the purposes of this Part, a *universal service provider* means a primary universal service provider (see section 12A).

59 Subsection 11A(3)

Repeal the subsection.

60 Paragraph 11B(1)(a)

Repeal the paragraph, substitute:

- (a) the Minister determines under section 12A that a carrier or carriage service provider (the *current provider*) is the primary universal service provider for a universal service area (the *relevant area*) in respect of a service obligation; and

61 Paragraph 11B(2)(a)

Repeal the paragraph, substitute:

- (a) either:
 - (i) the Minister revokes or varies a determination under section 12A so that a person (the *former provider*) ceases to be a universal service provider for a universal service area (the *relevant area*) in respect of a service obligation; or
 - (ii) a person (the *former provider*) otherwise ceases to be a universal service provider for a universal service area (the *relevant area*) in respect of a service obligation; and

62 Subparagraph 11B(2)(b)(i)

Omit “or (ii)”.

63 Subparagraph 11B(2)(b)(ii)

Omit “(a)(iii)”, substitute “(a)(ii)”.

64 Subsection 11B(2A)

Omit “or the approval, revocation or variation under section 13B”.

65 Subparagraph 11B(3)(a)(ii)

Omit “, or the approval under section 13B was given, (as the case may be)”.

66 Subsection 11B(4) (note 1)

Omit “subsection 12C(1)”, substitute “section 12C”.

67 Sections 11C, 11D, 11E and 11F

Repeal the sections.

68 Section 12C

Repeal the section, substitute:

12C Obligations of primary universal service providers

A primary universal service provider for a universal service area in respect of a service obligation must fulfil that service obligation, so far as it relates to that area.

69 Subsection 12EA(1)

Repeal the subsection, substitute:

- (1) If a person is a primary universal service provider for a universal service area in respect of a service obligation because of subsection 12E(2), the Minister must not determine any other person to be a primary universal service provider for that area in respect of that service obligation.

70 Subsection 12EB(5)

Repeal the subsection.

71 Subsection 12EC(4)

Repeal the subsection.

72 Subsection 12ED(5)

Repeal the subsection.

73 Subsection 12EE(4)

Repeal the subsection.

74 Subsection 12EF(4)

Repeal the subsection.

75 Subsection 12EG(4)

Repeal the subsection.

76 Subsection 12EH(3)

Repeal the subsection.

77 Subdivisions C, D and E of Division 5 of Part 2

Repeal the Subdivisions.

78 Division 6 of Part 2

Repeal the Division.

79 Subsection 14(1)

Omit “(whether or not it is a contestable service obligation)”.

80 Subsection 16(4)

Repeal the subsection, substitute:

- (4) The circumstances that may be specified include, but are not limited to, the types or amount of equipment, goods or services that are supplied to persons in a universal service area.

81 Subsection 16(5)

Omit “or 13D (whichever is applicable)”.

82 Section 23

Repeal the section.

Part 9—Amendments relating to consultation requirements and variation of instruments

Broadcasting Services Act 1992

83 Subsection 120(3)

Repeal the subsection.

84 Section 130Z

Repeal the section.

85 Clause 76 of Schedule 5

Repeal the clause.

Interactive Gambling Act 2001

86 Subsection 44(3) (note)

Repeal the note.

87 Subsection 45(2) (note)

Repeal the note.

88 Subsection 46(4) (note)

Repeal the note.

89 Subsection 47(4) (note)

Repeal the note.

90 Subsection 50(1) (note)

Repeal the note.

91 Section 52

Repeal the section.

Radiocommunications Act 1992

92 At the end of subsection 30(1)

Add:

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

93 At the end of subsection 32(1)

Add:

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

94 Section 34

Repeal the section.

95 Section 35

Omit “, and revocations and variations under section 34,”.

96 Section 37

Omit “under section 34”, substitute “in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*”.

97 Subsections 38(1), 39(1) and 39A(2)

Omit “written instrument”, substitute “legislative instrument”.

98 Section 40

Repeal the section.

99 Subsection 42(1)

After “time,”, insert “by legislative instrument,”.

100 At the end of subsection 132(1)

Add:

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

101 Section 134

Repeal the section, substitute:

134 Varying class licences

To avoid doubt, the power to vary a class licence in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* includes the power to vary the licence by:

- (a) including one or more further conditions; or
- (b) revoking any conditions of the licence.

102 Section 135

Repeal the section.

103 Paragraph 150(a)

Omit “under section 134”.

104 Paragraph 150(b)

Omit “under section 135”.

Telecommunications Act 1997

105 Section 451

Repeal the section.

Part 10—Amendments relating to completed reviews

Broadcasting Services Act 1992

106 Subsections 43C(4), (4A), (4B) and (4C)

Repeal the subsections.

107 Section 103ZJ

Repeal the section.

108 Section 115A

Repeal the section.

109 Division 4 of Part 10A

Repeal the Division.

110 Clause 95 of Schedule 5

Repeal the clause.

111 Clause 118 of Schedule 7

Repeal the clause.

Competition and Consumer Act 2010

112 Division 13 of Part XIB

Repeal the Division.

113 Sections 151DC and 151DD

Repeal the sections.

Interactive Gambling Act 2001

114 Section 68

Repeal the section.

National Broadband Network Companies Act 2011

115 Section 100A

Repeal the section.

Part 11—Amendments relating to publication requirements

Division 1—Amendments

Australian Broadcasting Corporation Act 1983

116 Paragraphs 24B(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) on the Department’s website; and
- (b) in one or more other forms that are readily accessible by potential applicants.

117 At the end of subsection 24B(3)

Add:

Example: Publication in a form mentioned in paragraph (b) could be publication on a website other than the Department’s website.

Radiocommunications Act 1992

118 Subsection 33(1)

Omit “in the *Gazette*”, substitute “on the ACMA’s website”.

119 Paragraph 33(1)(b)

Repeal the paragraph, substitute:

- (b) set out the draft plan; and

120 Paragraph 33(1)(c)

Omit “notice; and”, substitute “notice.”.

121 Paragraph 33(1)(d)

Repeal the paragraph.

122 Section 43

Repeal the section.

123 Section 78

Omit “cause to be published in the *Gazette*”, substitute “publish on its website”.

124 Subsection 136(1)

Omit “in the *Gazette*”, substitute “, in accordance with subsection (2A),”.

125 Paragraph 136(1)(c)

Repeal the paragraph, substitute:
(c) sets out the licence and the proposed variation; and

126 Paragraph 136(1)(d)

Omit “notice; and”, substitute “notice.”.

127 Paragraph 136(1)(e)

Repeal the paragraph.

128 Subsection 136(2)

Omit “in the *Gazette*”, substitute “, in accordance with subsection (2A),”.

129 Paragraph 136(2)(b)

Repeal the paragraph, substitute:
(b) sets out the licence; and

130 Paragraph 136(2)(c)

Omit “notice; and”, substitute “notice.”.

131 Paragraph 136(2)(d)

Repeal the paragraph.

132 After subsection 136(2)

Insert:

(2A) A notice under subsection (1) or (2) must be published:
(a) on the ACMA’s website; and

Schedule 2 Communications

Part 11 Amendments relating to publication requirements

(b) in one or more other forms that are readily accessible by the public.

Example: Publication in a form mentioned in paragraph (b) could be publication on a website other than the ACMA's website.

133 Subsection 136(5)

Omit "or (2)", substitute ", (2) or (2A)".

134 Paragraph 153C(2)(a)

Repeal the paragraph, substitute:

(a) prepare a written notice stating that the declaration has been made; and

135 Subparagraph 153C(2)(b)(ii)

Repeal the subparagraph, substitute:

(ii) publish a copy of the notice on the ACMA's website.

136 Paragraph 153C(2)(c)

Repeal the paragraph.

137 Subsection 153C(4)

Repeal the subsection.

138 Subparagraph 153G(1)(b)(ii)

Repeal the subparagraph, substitute:

(ii) publish a copy of the notice on the ACMA's website.

139 Subsection 153G(5)

Repeal the subsection.

140 Subsection 153G(6) (definition of *State*)

Repeal the definition.

141 Subsection 191(1)

Omit "in the *Gazette*", substitute "on the ACMA's website".

142 Paragraph 191(1)(c)

Omit "notice; and", substitute "notice.".

143 Paragraph 191(1)(d)

Repeal the paragraph.

Special Broadcasting Service Act 1991

144 Paragraphs 43(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) on the Department's website; and
- (b) in one or more other forms that are readily accessible by potential applicants.

145 At the end of subsection 43(3)

Add:

Example: Publication in a form mentioned in paragraph (b) could be publication on a website other than the Department's website.

Telecommunications Act 1997

146 Subsection 450(3)

Omit "in one or more newspapers circulating generally in the capital city of each State", substitute "on the ACMA's website".

147 Subsection 450(5) (definition of State)

Repeal the definition.

148 Subsection 460(1)

Repeal the subsection, substitute:

- (1) Before making a numbering plan, the ACMA must publish on its website a notice:
 - (a) stating that the ACMA has prepared a draft of the plan; and
 - (b) setting out the draft; and
 - (c) inviting interested persons to give written comments about the draft to the ACMA within 90 days after the publication of the notice.

149 Subsection 460(3)

Repeal the subsection, substitute:

(3) If the ACMA is of the opinion:

(a) that a variation of a numbering plan:

(i) will affect a number issued to a customer of a carriage service provider; and

(ii) is not a variation that, under a written declaration made by the ACMA under this subparagraph, is taken to be a minor variation; or

(b) that it is in the public interest that the public should be consulted about a variation of a numbering plan;

the ACMA must publish on its website a notice:

(c) stating that the ACMA has prepared a draft of the variation; and

(d) setting out the draft; and

(e) inviting interested persons to give written comments about the draft to the ACMA within 30 days after the publication of the notice.

150 Subsection 460(5)

Repeal the subsection.

151 Subsection 463(1)

Omit “written instrument”, substitute “legislative instrument”.

152 Subsection 464(1)

Repeal the subsection, substitute:

(1) Before determining or varying an allocation system under section 463, the ACMA must publish on its website a notice:

(a) stating that the ACMA has prepared a draft of the plan or variation; and

(b) setting out the draft; and

(c) inviting interested persons to give written comments about the draft to the ACMA within 30 days after the publication of the notice.

153 Subsection 464(4)

Repeal the subsection.

Division 2—Application and transitional provisions

154 Application of amendments—subsection 24B(3) of the *Australian Broadcasting Corporation Act 1983*

The amendments of subsection 24B(3) of the *Australian Broadcasting Corporation Act 1983* made by this Part apply in relation to an invitation made after the commencement of this item.

155 Application of amendments—subsection 33(1) of the *Radiocommunications Act 1992*

The amendments of subsection 33(1) of the *Radiocommunications Act 1992* made by this Part do not apply in relation to a spectrum plan or a frequency band plan, if a notice relating to a draft of the plan was published under that subsection before the commencement of this item.

156 Application of amendments—subsection 136(1) of the *Radiocommunications Act 1992*

The amendments of subsection 136(1) of the *Radiocommunications Act 1992* made by this Part do not apply in relation to a variation of a class licence, if a notice relating to the variation was published under that subsection before the commencement of this item.

157 Application of amendments—subsection 136(2) of the *Radiocommunications Act 1992*

The amendments of subsection 136(2) of the *Radiocommunications Act 1992* made by this Part do not apply in relation to a revocation of a class licence, if a notice relating to the revocation was published under that subsection before the commencement of this item.

158 Application of amendments—section 153C of the *Radiocommunications Act 1992*

The amendments of section 153C of the *Radiocommunications Act 1992* made by this Part apply in relation to a declaration, if a copy of the declaration was given to the ACMA under that section after the commencement of this item.

159 Application of amendments—subsections 153G(1) and (6) of the *Radiocommunications Act 1992*

The amendments of subsections 153G(1) and (6) of the *Radiocommunications Act 1992* made by this Part do not apply in relation to the giving of a recommendation if, before the commencement of this item, the ACMA complied with paragraphs 153G(1)(a) and (b) of that Act in relation to the recommendation.

160 Application of amendments—subsection 191(1) of the *Radiocommunications Act 1992*

The amendments of subsection 191(1) of the *Radiocommunications Act 1992* made by this Part do not apply in relation to the making of a declaration if, before the commencement of this item, the ACMA published a notice under that subsection in relation to the declaration.

161 Application of amendments—subsection 43(3) of the *Special Broadcasting Service Act 1991*

The amendments of subsection 43(3) of the *Special Broadcasting Service Act 1991* made by this Part apply in relation to an invitation made after the commencement of this item.

162 Application of amendments—section 450 of the *Telecommunications Act 1997*

The amendments of section 450 of the *Telecommunications Act 1997* made by this Part apply in relation to an instrument made under subsection 450(1) of that Act after the commencement of this item.

163 Application of amendments—section 460 of the *Telecommunications Act 1997*

- (1) The amendments of section 460 of the *Telecommunications Act 1997* made by this Part, so far as they concern the making of a numbering plan, do not apply in relation to the making of a numbering plan if, before the commencement of this item, the ACMA complied with paragraph 460(1)(a) of that Act in relation to the making of the plan.
- (2) The amendments of section 460 of the *Telecommunications Act 1997* made by this Part, so far as they concern the variation of a numbering plan, do not apply in relation to the variation of a numbering plan if,

before the commencement of this item, the ACMA complied with paragraph 460(3)(c) of that Act in relation to the variation.

164 Transitional—declaration under subparagraph 460(3)(a)(ii) of the *Telecommunications Act 1997*

- (1) This item applies to a declaration if:
 - (a) the declaration was made under subparagraph 460(3)(a)(ii) of the *Telecommunications Act 1997*; and
 - (b) the declaration was in force immediately before the commencement of this item.
- (2) The declaration has effect, after the commencement of this item, as if it had been made under subparagraph 460(3)(a)(ii) of the *Telecommunications Act 1997* as amended by this Part.

165 Application of amendments—section 464 of the *Telecommunications Act 1997*

The amendments of section 464 of the *Telecommunications Act 1997* made by this Part do not apply in relation to a determination or variation of an allocation system if, before the commencement of this item, the ACMA complied with paragraph 464(1)(a) of that Act in relation to the determination or variation.

Part 12—Amendments relating to consequential and transitional provisions

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983

166 Subsection 2(1)

Omit “2,” substitute “2 and”.

167 Subsection 2(1)

Omit “and section 24”.

168 Section 9

Repeal the section.

169 Subsection 11(1)

Omit “(1)”.

170 Subsections 11(2) to (5)

Repeal the subsections.

171 Sections 12 to 14 and 16 to 59

Repeal the sections.

172 Subsection 60(1)

Repeal the subsection.

173 Subsection 60(2)

After “made by”, insert “former”.

174 Sections 61 to 71

Repeal the sections.

***Australian Communications and Media Authority
(Consequential and Transitional Provisions) Act
2005***

175 Subsection 2(1) (table items 2 to 9)

Repeal the items.

176 Schedules 1 to 3

Repeal the Schedules.

177 Subitem 1(1) of Schedule 4

Repeal the following definitions:

- (a) definition of *asset*;
- (b) definition of *assets official*;
- (c) definition of *financial liability*;
- (d) definition of *land*;
- (e) definition of *land registration official*.

178 Part 2 of Schedule 4

Repeal the Part.

179 Items 9 and 11 of Schedule 4

Repeal the items.

180 Subitems 12(3) to (5) of Schedule 4

Before “Schedule 1”, insert “former”.

181 Items 13 to 21 of Schedule 4

Repeal the items.

Broadcasting Services Act 1992

**182 Subsection 6(1) (note 1 at the end of the definition of
licence area)**

Omit “Note 1”, substitute “Note”.

183 Subsection 6(1) (note 2 at the end of the definition of licence area)

Repeal the note.

Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992

184 Section 4

Repeal the following definitions:

- (a) definition of *former commercial radio licence*;
- (b) definition of *former commercial television licence*;
- (c) definition of *former limited licence*;
- (d) definition of *former public radio licence*;
- (e) definition of *former remote radio licence*;
- (f) definition of *former remote television licence*;
- (g) definition of *former retransmission permit*;
- (h) definition of *former supplementary radio licence*;
- (i) definition of *former term*;
- (j) definition of *new Act*;
- (k) definition of *Radcom Act*.

185 Sections 5 to 16, 18, 20 to 24 and 26 to 30

Repeal the sections.

186 Schedules 1 and 2

Repeal the Schedules.

Competition and Consumer Act 2010

187 Paragraph 19(6)(c) of Schedule 2

Repeal the paragraph.

***Radiocommunications (Transitional Provisions and
Consequential Amendments) Act 1983***

188 Sections 3 and 4

Repeal the sections.

189 Schedule

Repeal the Schedule.

***Radiocommunications (Transitional Provisions and
Consequential Amendments) Act 1992***

190 Sections 8 to 10, 12 and 13

Repeal the sections.

191 Subsection 14(1)

Repeal the subsection.

192 Schedule

Repeal the Schedule.

Radio Licence Fees Act 1964

193 Subsection 4(1) (definition of *licence*)

Repeal the definition, substitute:

licence means a commercial radio broadcasting licence allocated or renewed, whether before, on or after the commencement of this definition, under the *Broadcasting Services Act 1992*.

194 Subsection 4(1) (definition of *Transitional Provisions Act*)

Repeal the definition.

195 Subsection 6(3)

Repeal the subsection, substitute:

(3) If a licensee has:

- (a) on or after the day on which the *Radio Licence Fees Amendment Act 1997* received the Royal Assent; and
- (b) in accordance with subsection 205B(2) of the *Broadcasting Services Act 1992*;

adopted an accounting period ending on a day other than 30 June, the reference in subsection (2) of this section to 30 June is, in relation to the licence, to be read as a reference to that other day.

Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989

196 Subsection 2(3)

Repeal the subsection.

197 Subsection 2(4)

Omit “or a provision of Part 5”.

198 Parts 2 to 8

Repeal the Parts.

199 Sections 70, 71, 74, 75, 78 to 84, 86, 87, 89 and 90

Repeal the sections.

200 Schedule

Repeal the Schedule.

Television Licence Fees Act 1964

201 Subsection 4(1) (definition of *licence*)

Repeal the definition, substitute:

licence means a commercial television broadcasting licence allocated or renewed, whether before, on or after the commencement of this definition, under the *Broadcasting Services Act 1992*.

202 Subsection 4(1) (definition of *Transitional Provisions Act*)

Repeal the definition.

203 Subsection 6(3)

Repeal the subsection, substitute:

(3) If a licensee has:

- (a) on or after the day on which the *Television Licence Fees Amendment Act 1997* received the Royal Assent; and
- (b) in accordance with subsection 205B(2) of the *Broadcasting Services Act 1992*;

adopted an accounting period ending on a day other than 30 June, the reference in subsection (2) of this section to 30 June is, in relation to the licence, to be read as a reference to that other day.

Part 13—Amendments relating to the National Relay Service

Telecommunications (Consumer Protection and Service Standards) Act 1999

204 Subsection 2(1)

Omit “(1) Subject to this section, this”, substitute “This”.

205 Subsection 2(2)

Repeal the subsection.

206 Section 4

Omit:

- Provision is made for the National Relay Service (NRS). The NRS provides persons who are deaf or who have a hearing and/or speech impairment with access to a standard telephone service on terms, and in circumstances, that are comparable to the access other Australians have to a standard telephone service.
- The NRS provisions in this Act are to be replaced by alternative contractual arrangements under the *Telecommunications Universal Service Management Agency Act 2012*.

207 Part 3

Repeal the Part.

Part 14—Other amendments

Broadcasting Services Act 1992

208 Subsection 62(1)

Repeal the subsection, substitute:

Notification by licensee—general

- (1) Each commercial television broadcasting licensee, commercial radio broadcasting licensee and datacasting transmitter licensee must, within 3 months after the end of each financial year, give to the ACMA written notice of the name of each person who was a director of the licensee at the end of that financial year.

209 Subsection 62(2)

Omit “The details are to be provided”, substitute “The notice is to be”.

210 Subsection 62(2A)

Repeal the subsection, substitute:

Notification by restricted datacasting licensee

- (2A) Each restricted datacasting licensee must, within 3 months after the end of each financial year that ends during the digital radio moratorium period for the licence area of a commercial radio broadcasting licence, give to the ACMA written notice of the name of each person who was a director of the restricted datacasting licensee at the end of that financial year.

211 Subsection 62(2B)

Omit “The details are to be provided”, substitute “The notice is to be”.

212 Subsection 62(3)

Repeal the subsection, substitute:

Notification by publisher of newspaper

- (3) If:

- (a) a newspaper is associated with the licence area of a commercial television broadcasting licence or a commercial radio broadcasting licence; and
 - (b) the publisher of the newspaper is a company;
- the publisher must, within 3 months after the end of each financial year, give to the ACMA written notice of the name of each person who was a director of the company at the end of that financial year.

213 Subsection 62(4)

Omit “The details are to be provided”, substitute “The notice is to be”.

214 Application of amendments—section 62 of the *Broadcasting Services Act 1992*

The amendments of section 62 of the *Broadcasting Services Act 1992* made by this Part apply in relation to a financial year that ends after the commencement of this item.

215 Subsections 63(1), (2A) and (3)

Omit “5 days”, substitute “10 days”.

216 Application of amendments—section 63 of the *Broadcasting Services Act 1992*

The amendments of section 63 of the *Broadcasting Services Act 1992* made by this Part apply in relation to the notification by a person of an event, if the person becomes aware of the event after the commencement of this item.

217 Subsections 64(1), (2A) and (3)

Omit “5 days”, substitute “10 days”.

218 Application of amendments—section 64 of the *Broadcasting Services Act 1992*

The amendments of section 64 of the *Broadcasting Services Act 1992* made by this Part apply in relation to the notification by a person of a position, if the person becomes aware of the position after the commencement of this item.

219 Section 65

Repeal the section.

220 Section 65A

Omit “, 64 or 65”, substitute “or 64”.

221 Section 65B

Omit “, 64 and 65”, substitute “and 64”.

222 Subparagraph 205B(1)(c)(i)

Omit “an audited balance-sheet and an audited profit and loss account”, substitute “a balance-sheet and a profit and loss account”.

223 After subsection 205B(4)

Insert:

(4A) For the purposes of the application of subparagraph (1)(c)(i) to a licensee:

- (a) a balance-sheet must be an audited balance-sheet; and
- (b) a profit and loss account must be an audited profit and loss account;

unless the licensee is included in a class of licensees specified by the ACMA in a legislative instrument.

224 Clause 5H of Schedule 4

Repeal the clause.

Interactive Gambling Act 2001

225 Paragraphs 61EA(1)(c) and (2)(c)

Repeal the paragraphs.

226 Section 61EC

Repeal the section.

227 Application of amendment—pre-1 October 2003 events

Despite the repeal of section 61EC of the *Interactive Gambling Act 2001* by this Part, that section continues to apply, in relation to an advertisement published in connection with an event completed before 1 October 2003, as if that repeal had not happened.

228 Section 61EG

Repeal the section.

229 Application of amendment—pre-1 July 2003 advertisements

Despite the repeal of section 61EG of the *Interactive Gambling Act 2001* by this Part, that section continues to apply, in relation to an advertisement that was published before 1 July 2003, as if that repeal had not happened.

230 Section 61EH

Repeal the section.

231 Application of amendment—pre-1 July 2003 display of signs

Despite the repeal of section 61EH of the *Interactive Gambling Act 2001* by this Part, that section continues to apply, in relation to an advertising sign covered by that section, as if that repeal had not happened.

232 Sections 61FB and 61FC

Repeal the sections.

Radiocommunications Act 1992

233 Subsection 132(4)

Repeal the subsection.

234 Application of amendment—class licences

The repeal of subsection 132(4) of the *Radiocommunications Act 1992* by this Part applies to a class licence issued after the commencement of this item.

235 Section 164

Repeal the section.

236 Application of amendment—standards

The repeal of section 164 of the *Radiocommunications Act 1992* by this Part applies to a standard made after the commencement of this item.

Special Broadcasting Service Act 1991

237 Sections 78, 79 and 82

Repeal the sections.

238 Subsection 85(1)

Omit “(1)”.

239 Subsection 85(2)

Repeal the subsection.

240 Section 88

Repeal the section.

241 Section 89

Omit “section 69”, substitute “repealed section 69 of this Act”.

242 Sections 90, 91 and 92

Repeal the sections.

Telecommunications Act 1997

243 Subparagraph 27(7)(d)(ii) of Schedule 3

Repeal the subparagraph.

244 Clause 55 of Schedule 3

Repeal the clause.

245 Paragraph 1(z) of Schedule 4

Repeal the paragraph.

Telecommunications (Consumer Protection and Service Standards) Act 1999

246 Section 4

Omit:

- | |
|---|
| <ul style="list-style-type: none">• The Minister may direct Telstra to take action directed towards ensuring that Telstra complies with this Act. |
|---|

247 Section 159

Repeal the section.

Schedule 3—Defence

Part 1—Repeals of Acts

Approved Defence Projects Protection Act 1947

1 The whole of the Act

Repeal the Act.

Commonwealth and State Housing Agreement (Service Personnel) Act 1990

2 The whole of the Act

Repeal the Act.

War Service Estates Act 1942

3 The whole of the Act

Repeal the Act.

Part 2—Other amendment

Defence (Special Undertakings) Act 1952

4 Section 27

Repeal the section.

Schedule 4—Employment

Construction Industry Reform and Development Act 1992

1 The whole of the Act

Repeal the Act.

Schedule 5—Environment

Part 1—Repeal of Act

Sea Installations Levy Act 1987

1 The whole of the Act

Repeal the Act.

2 Application of this Part

The repeal of the *Sea Installations Levy Act 1987* by this Part does not apply in relation to a permit in force at the commencement of this Part while that permit remains in force.

Part 2—Sea installations amendments

Customs Act 1901

3 Subsection 4(1) (definition of *Permit*)

Repeal the definition.

4 Paragraphs 58A(2)(d), (3)(d), (4)(d) and (5)(d)

Omit “the holder of the permit for the installation or, if there is no such holder,”.

Sea Installations Act 1987

5 At the end of paragraph 3(a)

Add “and”.

6 Paragraph 3(b)

Omit “installations; and”, substitute “installations.”.

7 Paragraph 3(c)

Repeal the paragraph.

8 Subsection 4(1) (definition of *approved form*)

Repeal the definition.

9 Subsection 4(1) (definition of *contravention*)

Repeal the definition.

10 Subsection 4(1) (definition of *environment related work*)

Repeal the definition.

11 Subsection 4(1) (definition of *exemption certificate*)

Repeal the definition.

12 Subsection 4(1) (definition of *installation levy*)

Repeal the definition.

13 Subsection 4(1) (definition of *Levy Act*)

Repeal the definition.

14 Subsection 4(1) (definition of *licence*)

Omit “(other than a permit granted under section 17)”.

15 Subsection 4(1) (definition of *modify*)

Repeal the definition.

16 Subsection 4(1) (definition of *permit*)

Repeal the definition.

17 Subsection 4(1) (definition of *permitted sea installation*)

Repeal the definition.

18 Subsection 4(1) (definition of *representative*)

Repeal the definition.

19 Subsection 4(1) (definition of *special condition*)

Repeal the definition.

20 Subsection 4(1) (definition of *unauthorised installation*)

Repeal the definition.

21 Subsection 4(1) (definition of *vary*)

Repeal the definition.

22 Paragraph 7(1)(b)

Repeal the paragraph, substitute:

- (b) the contact is not for the purpose of work on that other installation;

23 Section 10

Repeal the section.

24 Parts II to IV

Repeal the Parts.

25 At the end of paragraph 51(1)(a)

Add “and”.

26 Paragraph 51(1)(b)

Omit “the holder of the permit for the installation or, if there is no such holder,”.

27 At the end of paragraph 51(2)(a)

Add “and”.

28 Paragraph 51(2)(b)

Omit “the holder of the permit for the installation or, if there is no such holder,”.

29 At the end of paragraph 51(3)(a)

Add “and”.

30 Paragraph 51(3)(b)

Omit “the holder of the permit for the installation or, if there is no such holder,”.

31 Sections 52, 53 and 54

Repeal the sections.

32 Subsection 55(1)

Omit “an unauthorised”, substitute “a sea”.

33 Subsection 55(2)

Repeal the subsection.

34 Subsection 55(3)

Omit “or (2)”.

35 Sections 56 and 58

Repeal the sections.

36 Paragraph 62(2)(a)

Repeal the paragraph.

37 Subsection 62(3)

Omit “permitted sea installation, being a part that was shown in the plans accompanying the application for the permit to be”, substitute “sea installation that is”.

38 Subsection 65(1)

Omit “section 14, 15 or 16, subsection 51(1), (2) or (3), section 52, 53, 55, 57, 58 or 78”, substitute “subsection 51(1), (2) or (3) or section 55 or 57”.

39 Paragraph 65(4)(a)

Omit “section 14, 15 or 16, subsection 51(1), (2) or (3) or section 52, 53, 55, 58 or 78”, substitute “subsection 51(1), (2) or (3) or section 55”.

40 Part VIII

Repeal the Part.

41 Section 72

Repeal the section.

42 Subsection 75(1)

After “review of”, insert “any of the following”.

43 Paragraphs 75(1)(a) to (n)

Repeal the paragraphs.

44 Paragraphs 75(1)(q) and (s)

Repeal the paragraphs.

45 Paragraph 75(1)(u)

Omit “62(7);”, substitute “62(7).”.

46 Paragraphs 75(1)(w) and (y)

Repeal the paragraphs.

47 Subsection 77(1)

Omit “(1)”.

48 Paragraph 77(1)(f)

Repeal the paragraph.

49 Subsection 77(2)

Repeal the subsection.

50 Section 78

Repeal the section.

51 Schedule

Omit “*Civil Aviation (Damage by Aircraft) Act 1958*”.

52 Schedule

Omit “*Civil Aviation (Offenders on International Aircraft) Act 1970*”.

53 Schedule

Omit “*Crimes (Aircraft) Act 1963*”.

54 Schedule

Omit “*Crimes (Hijacking of Aircraft) Act 1972*”.

55 Schedule

Insert in its appropriate alphabetical position, determined on a letter-by-letter basis:

Extradition Act 1988

56 Schedule

Omit “*Extradition (Commonwealth Countries) Act 1966*”.

57 Schedule

Omit “*Extradition (Foreign States) Act 1966*”.

58 Schedule

Omit “*Tradesmen’s Rights Regulation Act 1946*”, substitute “*Tradespersons’ Rights Regulation Act 1946*”.

59 Application of this Part

The amendments and repeals made by this Part (other than the repeal of section 38 of, and the amendments of the Schedule to, the *Sea Installations Act 1987*) do not apply in relation to a permit or an exemption certificate in force at the commencement of this Part while that permit or certificate remains in force.

Part 3—Ozone amendments

Division 1—Heel allowance percentage amendments

Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995

60 After subsection 3A(6)

Insert:

- (6A) Subsection (6B) applies for the purposes of:
- (a) this section and any other section of this or any other Act that relates to this section; and
 - (b) any regulations made under this or any other Act that relate to this section.
- (6B) The quantity of an SGG that is taken to be imported is the quantity actually imported reduced by the heel allowance percentage for the SGG.

61 After subsection 4(4)

Insert:

- (4A) For the purposes of this section, the quantity of a substance that is taken to be imported is the quantity of the substance that is actually imported reduced by the heel allowance percentage for the substance.

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

62 Section 7

Insert:

heel allowance percentage for a substance means the percentage prescribed by the regulations for the substance for the purposes of this definition.

63 After subsection 18(1)

Insert:

- (1A) For the purposes of subsection (1), the quantity of HCFCs that is taken to be involved in regulated HCFC activities engaged in by a licensee in a period is the quantity of HCFCs that is actually involved in regulated HCFC activities engaged in by the licensee in the period reduced by the heel allowance percentage for HCFCs.

***Ozone Protection and Synthetic Greenhouse Gas
(Manufacture Levy) Act 1995***

64 After subsection 3A(4)

Insert:

- (4A) Subsection (4B) applies for the purposes of:
- (a) this section and any other section of this or any other Act that relates to this section; and
 - (b) any regulations made under this or any other Act that relate to this section.
- (4B) The quantity of an SGG that is taken to be manufactured is the quantity actually manufactured reduced by the heel allowance percentage for the SGG.

65 After subsection 4(3)

Insert:

- (3A) For the purposes of this section, the quantity of a substance that is taken to be manufactured is the quantity of the substance that is actually manufactured reduced by the heel allowance percentage for the substance.

66 Application of amendments

The amendments made by this Division apply to the first quarter beginning after the commencement of this Division, and later quarters.

Division 2—Low volume import exemption amendments

Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995

67 Subsection 4A(3)

After “paragraph 13(6A)(b)”, insert “or (c)”.

68 Subsection 4B(2)

After “paragraph 13(6A)(b)”, insert “or (c)”.

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

69 At the end of subsection 13(6A)

Add:

; or (c) the following conditions are satisfied:

- (i) the total number of ODS equipment and SGG equipment imported by the person in a period prescribed by the regulations, or specified in a legislative instrument made by the Minister, is no more than the number prescribed by the regulations or specified in a legislative instrument made by the Minister;
- (ii) the person, the equipment, and the importation, meet the conditions (if any) prescribed by the regulations or specified in a legislative instrument made by the Minister.

70 Paragraph 46A(3)(b)

After “paragraph 13(6A)(b)”, insert “or (c)”.

Division 3—Other amendments

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

71 Subsection 21(1)

Repeal the subsection, substitute:

- (1) A licensee may, at any time, surrender a licence by giving the Minister written notice that the licence is surrendered.

72 After subsection 46(1)

Insert:

(1AA) If:

- (a) a person holds a licence; and
- (b) the person was not required to give a report under subsection (1) in relation to a quarter;

the person must, before the 15th day after the end of the quarter, give the Minister a report in accordance with the regulations.

73 Subsection 46(1A)

Omit “Subsection (1) does”, substitute “Subsections (1) and (1AA) do”.

74 Subsection 46(2)

After “subsection (1)”, insert “or (1AA)”.

75 Subsection 46(2C)

After “subsection (1)”, insert “or (1AA)”.

76 After subsection 46A(4)

Insert:

Controlled substances licensees—nil reports

(4A) If:

- (a) a person holds a controlled substances licence; and
- (b) the person was not required to give a report under subsection (1), (2) or (4) in relation to a quarter;

the person must, before the 15th day after the end of the quarter, give the Minister a report in accordance with the regulations.

ODS/SGG equipment licensees—nil reports

(4B) If:

- (a) a person holds an ODS/SGG equipment licence; and
- (b) the person was not required to give a report under subsection (3) in relation to a quarter;

the person must, before the 15th day after the end of the quarter, give the Minister a report in accordance with the regulations.

77 Paragraph 46A(5)(a)

Omit “or (4)”, substitute “, (4), (4A) or (4B)”.

78 Subsection 46A(7)

Omit “and (4)”, substitute “, (4), (4A) and (4B)”.

79 Application of amendments in this Division

The amendments to sections 46 and 46A of the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* made by this Division apply to the first quarter beginning after the commencement of this Division, and later quarters.

80 Part VI of Schedule 1

Omit:

CH₂Br₂

Substitute:

CH₂Br₂

| 1.00

81 Part VII of Schedule 1

Omit:

CH₃Br

| 0.7

Substitute:

CH₃Br

| 0.6

82 Paragraph 10(1)(b) of Schedule 4

Repeal the paragraph, substitute:

- (b) the equipment is designed to operate by solely using:
 - (i) a CFC refrigerant; or
 - (ii) an HCFC refrigerant; or
 - (iii) either a CFC refrigerant or an HCFC refrigerant; or

Part 4—Water amendment

Water Act 2007

83 Section 255AA

Repeal the section.

Schedule 6—Finance

Appropriation Act (No. 1) 2010-2011

1 The whole of the Act

Repeal the Act.

Appropriation Act (No. 1) 2011-2012

2 The whole of the Act

Repeal the Act.

Appropriation Act (No. 2) 2010-2011

3 The whole of the Act

Repeal the Act.

Appropriation Act (No. 2) 2011-2012

4 The whole of the Act

Repeal the Act.

Appropriation Act (No. 3) 2010-2011

5 The whole of the Act

Repeal the Act.

Appropriation Act (No. 3) 2011-2012

6 The whole of the Act

Repeal the Act.

Appropriation Act (No. 4) 2010-2011

7 The whole of the Act

Repeal the Act.

Appropriation Act (No. 4) 2011-2012

8 The whole of the Act

Repeal the Act.

Appropriation Act (No. 5) 2011-2012

9 The whole of the Act

Repeal the Act.

Appropriation Act (No. 6) 2011-2012

10 The whole of the Act

Repeal the Act.

***Appropriation (Parliamentary Departments) Act (No. 1)
2010-2011***

11 The whole of the Act

Repeal the Act.

***Appropriation (Parliamentary Departments) Act (No. 1)
2011-2012***

12 The whole of the Act

Repeal the Act.

Schedule 7—Industry

Part 1—Repeals of Acts

ACIS Administration Act 1999

1 The whole of the Act

Repeal the Act.

ACIS (Unearned Credit Liability) Act 1999

2 The whole of the Act

Repeal the Act.

Part 2—Other amendments

Automotive Transformation Scheme Act 2009

3 Section 4 (definition of AC/S)

After “in the”, insert “former”.

Customs Act 1901

4 Paragraph 163(3)(b)

After “under the”, insert “former”.

5 Paragraph 168(2)(b)

After “under the”, insert “former”.

Schedule 8—Prime Minister

Part 1—Repeal of Act

Coordinator-General for Remote Indigenous Services Act 2009

1 The whole of the Act

Repeal the Act.

2 Transfer of records and documents to the Department

- (1) This item applies to any records or documents that were in the possession of the Coordinator-General immediately before the commencement of this item.
- (2) The records and documents are to be transferred to the Department after the commencement of this item.

Note: The records and documents are Commonwealth records for the purposes of the *Archives Act 1983*.

3 Transitional—annual reports

Despite the repeal of the *Coordinator-General for Remote Indigenous Services Act 2009* by this Schedule, section 28 of that Act continues to apply in respect of the year ending on 30 June 2014 but the Secretary of the Department (not the Coordinator-General) is required to prepare and give the report.

Part 2—Other amendments

Indigenous Education (Targeted Assistance) Act 2000

4 Section 17A

Repeal the section.

5 Transitional—reports

Despite the repeal of section 17A of the *Indigenous Education (Targeted Assistance) Act 2000* by this Schedule:

- (a) that section continues to apply in respect of the funding year that started on 1 January 2013; and
- (b) that section continues to apply as if the period between 1 January 2014 and 30 June 2014 were the final funding year.

Schedule 9—Social Services

Part 1—Repeals of Acts

Commonwealth and State Housing Agreement Act 1945

1 The whole of the Act

Repeal the Act.

Housing Agreement Act 1956

2 The whole of the Act

Repeal the Act.

Housing Agreement Act 1961

3 The whole of the Act

Repeal the Act.

Housing Agreement Act 1966

4 The whole of the Act

Repeal the Act.

Housing Agreement Act 1973

5 The whole of the Act

Repeal the Act.

Housing Agreement Act 1974

6 The whole of the Act

Repeal the Act.

Housing Assistance Act 1973

7 The whole of the Act

Repeal the Act.

Housing Assistance Act 1978

8 The whole of the Act

Repeal the Act.

Housing Assistance Act 1981

9 The whole of the Act

Repeal the Act.

Housing Assistance Act 1984

10 The whole of the Act

Repeal the Act.

Housing Assistance Act 1989

11 The whole of the Act

Repeal the Act.

Housing Assistance Act 1996

12 The whole of the Act

Repeal the Act.

13 Saving provision

- (1) Despite the repeal of an Act made by this Part, an agreement in force under that Act immediately before the commencement of this item continues in force on and after that commencement.
- (2) Despite the repeal of an Act made by this Part:

Schedule 9 Social Services

Part 1 Repeals of Acts

- (a) the Act continues to apply, on and after the commencement of this item, in relation to a payment (including a loan) made by the Commonwealth under the Act, or under an agreement under the Act, before that commencement; and
- (b) without limiting paragraph (a), any provisions of the Act relating to the terms or conditions of that payment, or to the repayment of that payment (including interest), continue to apply on and after that commencement.

Part 2—Other amendments

Aged Care Act 1997

14 Section 5-1

Omit:

- the *aged care service in question—*places must have been allocated in respect of the service (see Part 2.2). In addition, decisions can be made under Part 2.5 allowing places in a residential care service to become *extra service places (enabling higher fees to be charged for those places), and a residential care service can become certified under Part 2.6 (enabling *accommodation payments, *accommodation contributions, *accommodation bonds and *accommodation charges to be charged);

substitute:

- the *aged care service in question—*places must have been allocated in respect of the service (see Part 2.2). In addition, decisions can be made under Part 2.5 allowing places in a residential care service to become *extra service places (enabling higher fees to be charged for those places);

15 Section 5-2 (table item 6)

Repeal the item.

16 Paragraph 32-4(1)(d)

Repeal the paragraph, substitute:

- (d) if, at the time of the application, residential care is being provided through the residential care service—the service meets its *accreditation requirement (see section 42-4); and

17 Subsection 32-9(3)

Repeal the subsection (including the example), substitute:

- (3) The day on which the *extra service status becomes effective must not be before the day on which the notice is given. The day may be specified by reference to conditions that must be satisfied in order for extra service status to become effective.

18 Paragraph 33-1(e)

Repeal the paragraph.

19 Paragraph 35-1(2)(c)

Omit “, *certification”.

20 Part 2.6

Repeal the Part.

21 Subparagraph 44-28(2)(a)(ii)

Repeal the subparagraph.

22 Paragraph 52G-2(d)

Repeal the paragraph, substitute:

- (d) accommodation payment must not be charged if it is prohibited under Part 4.4 (see paragraph 66-1(j));

23 Paragraph 52G-6(d)

Repeal the paragraph, substitute:

- (d) accommodation contribution must not be charged if it is prohibited under Part 4.4 (see paragraph 66-1(j));

24 Subsection 52H-2(1)

Omit “(1)”.

25 Subsection 52H-2(2)

Repeal the subsection.

26 Section 52J-4

Repeal the section.

27 Paragraph 63-1(1)(j)

Repeal the paragraph.

28 Paragraph 66-1(i)

Repeal the paragraph.

29 Paragraph 66A-4(1)(a)

Omit “, certification”.

30 Paragraph 68-1(2)(d)

Repeal the paragraph.

31 Section 85-1 (table items 34, 35 and 36)

Repeal the items.

32 Section 96-1 (table item 8)

Repeal the item.

33 Clause 1 of Schedule 1 (definition of *certified*)

Repeal the definition.

Aged Care (Transitional Provisions) Act 1997

34 Paragraph 44-5A(2)(c)

Repeal the paragraph.

35 Paragraph 44-6(2)(c)

Repeal the paragraph.

36 Subsection 44-6(2)

Omit “However, the care recipient must have *entered the residential care service after the residential care service was certified.”.

37 Paragraph 44-8A(2)(b)

Repeal the paragraph.

38 Paragraphs 44-12(4)(b) and (c)

Repeal the paragraphs.

39 Paragraph 57-2(1)(a)

Repeal the paragraph.

40 Subsection 57-16(1)

Omit “(1)”.

41 Subsection 57-16(2)

Repeal the subsection (including the notes).

42 At the end of section 57-16

Add:

Note: However, under sections 57-18 and 57-20, amounts representing income derived and retention amounts are payable from the date a care recipient * enters a residential care service or a flexible care service.

43 Subsection 57-18(6) (paragraph (a) of the definition of *due date*)

Repeal the paragraph, substitute:

- (a) in relation to an *accommodation bond payable by a care recipient for *entry to a residential care service—the day on which the care recipient entered the residential care service; or

44 Paragraph 57-20(4)(b)

Repeal the paragraph.

45 Paragraph 57A-2(1)(h)

Omit “or 57A-8 (which deals with *certification of the residential care service)”.

46 Section 57A-8

Repeal the section.

47 Clause 1 of Schedule 1 (definition of *certified*)

Repeal the definition.

Schedule 10—Treasury

Part 1—Repeals of Acts

International Monetary Agreements Act 1965

1 The whole of the Act

Repeal the Act.

International Monetary Agreements Act 1970

2 The whole of the Act

Repeal the Act.

International Monetary Fund (Quota Increase) Act 1983

3 The whole of the Act

Repeal the Act.

International Monetary Fund (Quota Increase and Agreement Amendments) Act 1991

4 The whole of the Act

Repeal the Act.

Payment of Tax Receipts (Victoria) Act 1996

5 The whole of the Act

Repeal the Act.

States (Works and Housing) Assistance Act 1982

6 The whole of the Act

Repeal the Act.

States (Works and Housing) Assistance Act 1983

7 The whole of the Act

Repeal the Act.

States (Works and Housing) Assistance Act 1984

8 The whole of the Act

Repeal the Act.

States (Works and Housing) Assistance Act 1985

9 The whole of the Act

Repeal the Act.

States (Works and Housing) Assistance Act 1988

10 The whole of the Act

Repeal the Act.

11 Saving provision

Despite the repeal of an Act made by item 6, 7, 8, 9 or 10:

- (a) the Act continues to apply, on and after the commencement of this item, in relation to a payment (including a loan) made by the Commonwealth under the Act before that commencement; and
- (b) without limiting paragraph (a), the provisions of the Act relating to the terms or conditions of that payment, or to the repayment of that payment (including interest), continue to apply on and after that commencement.

Part 2—Amendments relating to Education Expenses Tax Offset

A New Tax System (Family Assistance) (Administration) Act 1999

12 Section 169B

Repeal the section.

Income Tax Assessment Act 1997

13 Subdivision 61-M

Repeal the Subdivision.

14 Section 67-23 (table item 12)

Repeal the item.

15 Section 960-265 (table item 4A)

Repeal the item.

Social Security (Administration) Act 1999

16 Section 208A

Repeal the section.

Student Assistance Act 1973

17 Section 356A

Repeal the section.

Taxation Administration Act 1953

18 Section 45-340 in Schedule 1 (method statement, step 1, paragraph (db))

Repeal the paragraph.

19 Section 45-375 in Schedule 1 (method statement, step 1, paragraph (cb))

Repeal the paragraph.

Part 3—Amendments relating to Sugar Industry Reform Program

Income Tax Assessment Act 1936

20 Subsection 170(10AA) (table item 1A)

Repeal the item.

Income Tax Assessment Act 1997

21 Section 10-5 (table item headed “sugar industry exit grants”)

Repeal the item.

22 Section 11-15 (table item headed “agricultural industry exit grants”)

Omit:

sugar industry exit grants 53-10

23 Section 15-65

Repeal the section.

24 Section 53-10 (table item 4B)

Repeal the item.

25 Section 53-10 (note 2)

Repeal the note.

26 Paragraph 118-37(1)(f)

Repeal the paragraph.

27 Transitional—amendment of assessments

Despite the repeals made by this Part, the following provisions continue to apply, on and after the commencement of this Part, in relation to amounts paid by way of a sugar industry exit grant before that commencement:

Schedule 10 Treasury

Part 3 Amendments relating to Sugar Industry Reform Program

- (a) table item 1A in subsection 170(10AA) of the *Income Tax Assessment Act 1936*;
- (b) section 15-65 of the *Income Tax Assessment Act 1997*.

Part 4—Amendments relating to Financial Services Reform roll-over

Income Tax Assessment Act 1997

28 Section 108-50 (note)

Omit “, section 124-725 (about a roll-over for a prospecting or mining entitlement) and sections 124-895, 124-915 and 124-920 (about roll-overs for FSR transitions)”, substitute “and section 124-725 (about a roll-over for a prospecting or mining entitlement)”.

29 Subsection 108-75(2) (table item 3)

Omit “or 124-O”, substitute “or former Subdivision 124-O”.

30 Section 109-55 (table items 6A, 7A and 7B)

Repeal the items.

31 Section 112-115 (table item 14BA)

Repeal the item.

32 Subsection 124-5(1) (note 1)

Omit “Note 1”, substitute “Note”.

33 Subsection 124-5(1) (note 2)

Repeal the note.

34 Subsection 124-5(2) (note)

Omit “The consequences of the new owner roll-overs in Subdivision 124-O (about FSR transitions) are set out in that Subdivision.”.

35 Subsection 124-10(3) (note 1)

Omit “and Subdivision 124-O (about FSR transitions)”.

36 Subsection 124-10(3) (note 2)

Omit “, Subdivision 124-L (about prospecting and mining) and Subdivision 124-O (about FSR transitions)”, substitute “and Subdivision 124-L (about prospecting and mining)”.

37 Subsection 124-15(5) (note)

Repeal the note.

38 Subdivision 124-O

Repeal the Subdivision.

39 Subsection 152-45(1A)

Before “section 124-880, 124-885 or 124-890”, insert “former”.

40 Subsection 152-45(1A) (note 1)

Repeal the note, substitute:

Note 1: Former Subdivision 124-O provided a roll-over for certain CGT assets that came to an end as a result of an FSR transition.

41 Subsection 152-45(1B)

Before “section 124-900, 124-905 or 124-910”, insert “former”.

42 Subsection 152-45(1B) (note 1)

Repeal the note, substitute:

Note 1: Former Subdivision 124-O provided a roll-over for certain CGT assets that came to an end as a result of an FSR transition.

43 Subsection 152-115(1A)

Before “section 124-880, 124-885 or 124-890”, insert “former”.

44 Subsection 152-115(1A) (note)

Repeal the note, substitute:

Note: Former Subdivision 124-O provided a roll-over for certain CGT assets that came to an end as a result of an FSR transition.

45 Subsection 152-115(1B)

Before “section 124-900, 124-905 or 124-910”, insert “former”.

46 Subsection 152-115(1B) (note)

Repeal the note, substitute:

Note: Former Subdivision 124-O provided a roll-over for certain CGT assets that came to an end as a result of an FSR transition.

**Part 5—Amendments relating to Superannuation
Safety Reform roll-over**

Income Tax Assessment Act 1997

47 Section 112-150 (table item 9)

Repeal the item.

48 Subdivision 126-F

Repeal the Subdivision.

*[Minister's second reading speech made in—
House of Representatives on 19 March 2014
Senate on 27 March 2014]*