



Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023

No. 74, 2023

An Act to update references to prescribed forms in, and to make minor and technical 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. 74, 2023

An Act to update references to prescribed forms in, and to make minor and technical amendments of, the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes

[Assented to 20 September 2023]

The Parliament of Australia enacts:

1 Short title

This Act is the *Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023*.

No. 74, 2023 *Statute Law Amendment (Prescribed Forms and Other Updates) Act* 1
2023

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
Provisions	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.	20 September 2023
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
3. Schedules 2 to 6	The 28th day after this Act receives the Royal Assent.	18 October 2023

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Prescribed forms

Agricultural and Veterinary Chemicals (Administration) Act 1992

1 Section 69EAA (definition of *approved form*)

Omit “or prescribed by the regulations”.

Airports Act 1996

2 Subsection 142(5)

Omit “be in the prescribed form”, substitute “contain the information prescribed by the regulations”.

3 Application provision

The amendment of the *Airports Act 1996* made by this Schedule applies in relation to certificates given after the commencement of this item.

Australian Radiation Protection and Nuclear Safety Act 1998

4 Subsection 62(3)

Omit “the form prescribed by the regulations”, substitute “the form approved in an instrument under subsection (3A)”.

5 After subsection 62(3)

Insert:

(3A) The CEO may, by notifiable instrument, approve a form for the purposes of subsection (3).

6 Application provision

The amendments of the *Australian Radiation Protection and Nuclear Safety Act 1998* made by this Schedule apply in relation to identity cards issued after the commencement of this item.

Australian Security Intelligence Organisation Act 1979

7 Subsection 38(1)

Omit “information, in the prescribed form,”, substitute “prescribed information”.

8 Subsection 38A(2)

Omit “information, in the form prescribed for the purposes of subsection 38(1),”, substitute “prescribed information”.

9 Application provision

The amendments of the *Australian Security Intelligence Organisation Act 1979* made by this Schedule apply in relation to notices given after the commencement of this item.

Banking Act 1959

10 Subsection 69(3)

Omit “and any regulations under subsection (3A)”.

11 Subsection 69(3A)

Repeal the subsection.

Building Energy Efficiency Disclosure Act 2010

12 Paragraph 35(2)(a)

Repeal the paragraph, substitute:

(a) satisfy the requirements prescribed by the regulations; and

13 Application provision

The amendment of the *Building Energy Efficiency Disclosure Act 2010* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

Carbon Credits (Carbon Farming Initiative) Act 2011

14 Paragraphs 76(4)(a), (b) and (d)

Omit “regulations or the”.

15 Subsections 76(9) and (10)

Omit “regulations or”.

16 Paragraph 197(2)(a)

Omit “be in the form prescribed by the regulations or”, substitute “satisfy the requirements prescribed by”.

Competition and Consumer Act 2010

17 Paragraph 133A(2)(a)

Repeal the paragraph, substitute:

(a) contain the information prescribed by the regulations; and

18 Paragraph 154C(2)(a)

Repeal the paragraph, substitute:

(a) contain the information prescribed by the regulations; and

19 Application provision

The amendments of sections 133A and 154C of the *Competition and Consumer Act 2010* made by this Schedule apply in relation to identity cards issued after the commencement of this item.

Copyright Act 1968

20 Subsection 135AEA(3)

Repeal the subsection (not including the note), substitute:

(3) The claim must contain the information prescribed by the regulations.

21 Subsection 135ZZQ(1)

Omit “in the prescribed form”.

22 Subsection 135ZZQ(1)

After “identity card must”, insert “satisfy the requirements prescribed by the regulations and must”.

23 Application provisions

- (1) The amendment of section 135AEA of the *Copyright Act 1968* made by this Schedule applies in relation to claims made after the commencement of this item.
- (2) The amendments of section 135ZZQ of the *Copyright Act 1968* made by this Schedule apply in relation to identity cards issued after the commencement of this item.

***Corporations (Aboriginal and Torres Strait Islander) Act
2006***

24 Subsection 447-5(1)

Omit “in the form prescribed by the regulations”.

25 Subsection 447-5(1)

After “identity card must”, insert “contain the information prescribed by the regulations and must”.

26 Application provision

The amendments of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* made by this Schedule apply in relation to identity cards issued after the commencement of this item.

Court Security Act 2013

27 Paragraph 12(2)(a)

Repeal the paragraph, substitute:

- (a) contain the information prescribed by the regulations; and

28 Application provision

The amendment of the *Court Security Act 2013* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

Customs Act 1901**29 Subsection 4(1) (definition of *Export entry advice*)**

Repeal the definition.

30 Subsection 114C(1)

Omit “in a manner and form specified in the regulations”, substitute “satisfying the requirements prescribed by the regulations”.

31 Subsection 114C(2)

Omit “regulations specifying the form of an export entry advice must include in the information set out in that advice a number (the ***export entry advice number***) by which the advice can be identified”, substitute “the regulations must require an export entry advice to contain an export entry advice number by which the advice can be identified”.

32 Section 126

Omit “such form”, substitute “the approved form”.

33 Paragraph 130B(2A)(b)

Omit “prescribed form”, substitute “approved form”.

34 Application provision

The amendments of section 114C of the *Customs Act 1901* made by this Schedule apply in relation to export entry advices given after the commencement of this item.

Defence Trade Controls Act 2012**35 Paragraphs 40(2)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) satisfy the requirements prescribed by the regulations; and

36 Application provision

The amendment of the *Defence Trade Controls Act 2012* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

Designs Act 2003

37 Subsection 33(4)

Omit “be in the form prescribed by the regulations”, substitute “satisfy the requirements prescribed by the regulations”.

38 Subsection 45(3)

Omit “be in the form prescribed by the regulations”, substitute “contain the information prescribed by the regulations”.

39 Subsection 45(4)

Omit “be in the form prescribed by the regulations”, substitute “satisfy the requirements prescribed by the regulations”.

40 Subsection 47(3)

Omit “is in the form prescribed by the regulations”, substitute “satisfies the requirements prescribed by the regulations”.

41 Paragraph 47(4)(b)

Omit “is in the form”, substitute “satisfies the requirements”.

42 Paragraph 49(3)(c)

Omit “be made in a form prescribed by the regulations”, substitute “contain the information prescribed by the regulations”.

43 Subsection 52(4)

Omit “, in the form prescribed by the regulations, stating”, substitute “that satisfies the requirements prescribed by the regulations and that states”.

44 Paragraph 67(3)(a)

Omit “, in the form prescribed by the regulations,”.

45 Paragraph 67(3)(a)

After “design”, insert “that contains the information prescribed by the regulations”.

46 Paragraph 67(3)(c)

Omit “, in the form prescribed by the regulations, stating”, substitute “that satisfies the requirements prescribed by the regulations and that states”.

47 Subsection 68(3)

Omit “, in the form prescribed by the regulations, stating”, substitute “that satisfies the requirements prescribed by the regulations and that states”.

48 Application provisions

- (1) The amendments of section 33, subsection 45(4), section 52, paragraph 67(3)(c) and section 68 of the *Designs Act 2003* made by this Schedule apply in relation to notices published after the commencement of this item.
- (2) The amendments of subsection 45(3) and paragraph 67(3)(a) of the *Designs Act 2003* made by this Schedule apply in relation to certificates issued after the commencement of this item.
- (3) The amendment of subsection 47(3) of the *Designs Act 2003* made by this Schedule applies in relation to applications made after the commencement of this item.
- (4) The amendment of section 49 of the *Designs Act 2003* made by this Schedule applies in relation to offers made after the commencement of this item.

Fuel Quality Standards Act 2000**49 Paragraph 39(2)(a)**

Repeal the paragraph, substitute:

- (a) satisfy the requirements prescribed by the regulations; and

50 Application provision

The amendment of the *Fuel Quality Standards Act 2000* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

Great Barrier Reef Marine Park Act 1975

51 Subsection 45(1)

Omit “the form prescribed containing”, substitute “the form approved in an instrument under subsection (1A) and that contains”.

52 After subsection 45(1)

Insert:

(1A) The CEO may, by notifiable instrument, approve a form for the purposes of subsection (1).

53 Application provision

The amendments of the *Great Barrier Reef Marine Park Act 1975* made by this Schedule apply in relation to identity cards issued after the commencement of this item.

Health Insurance Act 1973

54 Subsection 40(1)

Omit “the prescribed form”, substitute “the approved form”.

55 At the end of subsection 40(1)

Add “The application must be signed in accordance with the regulations.”.

56 Subsection 41(1)

Omit “the prescribed form”, substitute “the approved form”.

57 At the end of subsection 41(1)

Add “The application must be signed in accordance with the regulations.”.

58 Application provision

The amendments of the *Health Insurance Act 1973* made by this Schedule apply in relation to applications made after the commencement of this item.

International Air Services Commission Act 1992**59 Paragraph 14(1)(c)**

Omit “paragraph 12(2)(b); and”, substitute “paragraph 12(2)(b).”.

60 Paragraph 14(1)(d)

Repeal the paragraph.

61 Subsection 14(2)

Repeal the subsection.

62 Paragraph 21(2)(c)

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

63 Paragraph 21(2)(d)

Repeal the paragraph.

64 Subsection 21(3)

Repeal the subsection.

***Maritime Transport and Offshore Facilities Security Act
2003*****65 Subsection 61A(2)**

Omit “The regulations may prescribe requirements in relation to the form and content of the application, and the way in which the application is made.”.

66 Subsection 79A(2)

Omit “The regulations may prescribe requirements in relation to the form and content of the application, and the way in which the application is made.”.

67 Subsection 81(2)

Omit “The regulations may prescribe requirements in relation to the form and content of the application, and the way in which the application is made.”.

68 Subsection 100X(2)

Omit “The regulations may prescribe requirements in relation to the form and content of the application, and the way in which the application is made.”.

Migration Act 1958

69 Paragraph 140W(2)(a)

Repeal the paragraph, substitute:

- (a) must be in the approved form and may include additional information that is not set out in the form; and

70 Subsection 274(3)

Repeal the subsection, substitute:

- (3) A document for the purposes of subsection (2):
 - (a) must be in the approved form; and
 - (b) must contain a photograph of the person concerned (if available); and
 - (c) must state, to the best of the Secretary’s or Australian Border Force Commissioner’s knowledge, the name and nationality of the person concerned; and
 - (d) may include such other information as the Secretary or Australian Border Force Commissioner thinks appropriate.

71 Application provisions

- (1) The amendment of section 140W of the *Migration Act 1958* made by this Schedule applies in relation to identity cards issued after the commencement of this item.
- (2) The amendment of section 274 of the *Migration Act 1958* made by this Schedule applies in relation to documents given after the commencement of this item.

***National Environment Protection Measures
(Implementation) Act 1998***

72 Subsection 40(1)

Omit “in the prescribed form”, substitute “in writing”.

National Greenhouse and Energy Reporting Act 2007

73 After paragraph 15(a)

Insert:

(aa) be in a form approved by the Regulator; and

74 Paragraph 15(d)

Repeal the paragraph, substitute:

(d) comply with any requirements prescribed by the regulations.

75 Subsection 20(2)

Repeal the subsection, substitute:

(2) The registered corporation or the other person may apply to the Regulator for a determination under subsection (3). The application must:

(a) be in a form approved by the Regulator; and

(b) comply with any requirements prescribed by the regulations.

76 Subsection 58(1)

Omit “in the form specified by the regulations”, substitute “that satisfies the requirements prescribed by the regulations”.

77 Application provisions

- (1) The amendments of sections 15 and 20 of the *National Greenhouse and Energy Reporting Act 2007* made by this Schedule apply in relation to applications made after the commencement of this item.
- (2) The amendment of section 58 of the *National Greenhouse and Energy Reporting Act 2007* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

National Health and Medical Research Council Act 1992

78 Subsection 12(2)

Omit “, in the manner and form specified in the regulations”, substitute “on the NHMRC’s website”.

79 At the end of subsection 12(2)

Add:
; and (c) including the information prescribed by the regulations.

80 Paragraph 12(3)(a)

Omit “, in the manner and form specified in the regulations”, substitute “on the NHMRC’s website”.

81 Subparagraph 12(3)(a)(iii)

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

82 At the end of paragraph 12(3)(a)

Add:
(iv) including the information prescribed by the regulations;
or

83 Paragraph 12(3)(b)

Repeal the paragraph, substitute:
(b) publish a notice on the NHMRC’s website:
(i) stating that it no longer proposes to provide the recommendation to the CEO; and
(ii) including the information prescribed by the regulations.

84 Paragraph 13(d)

Omit “, in the manner and form specified in the regulations”, substitute “on the NHMRC’s website”.

85 At the end of paragraph 13(d)

Add:
(iv) including the information prescribed by the regulations;
and

86 Subsection 14(2)

Omit “, in the manner and form specified in the regulations”, substitute “on the NHMRC’s website”.

87 At the end of subsection 14(2)

Add:

; and (d) including the information prescribed by the regulations.

88 Subsection 14(4)

Omit “, in the manner and form specified in the regulations”, substitute “on the NHMRC’s website”.

89 At the end of subsection 14(4)

Add:

; and (d) including the information prescribed by the regulations.

90 Subsection 14(6)

Omit “, in the manner and form specified in the regulations”, substitute “on the NHMRC’s website”.

91 At the end of subsection 14(6)

Add:

; and (d) including the information prescribed by the regulations.

92 Subsection 14B(2)

Repeal the subsection, substitute:

- (2) If the Council or Committee proposes to dispense with the requirement for all or any of the steps set out in section 12 or 13 or subsection 14A(2), the Council or Committee must publish a notice on the NHMRC’s website, within the period specified in the regulations, that:
 - (a) states its reasons for so proposing; and
 - (b) includes the information prescribed by the regulations.

93 Application provision

The amendments of the *National Health and Medical Research Council Act 1992* made by this Schedule apply in relation to notices published after the commencement of this item.

National Health Security Act 2007

94 Paragraph 64(2)(a)

Repeal the paragraph, substitute:

- (a) must satisfy the requirements prescribed by the regulations;
and

95 Application provision

The amendment of the *National Health Security Act 2007* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

National Measurement Act 1960

96 Subsection 18MB(1)

Omit “in the form prescribed by the regulations”.

97 At the end of subsection 18MB(1)

Add:

- ; and (c) contain the information prescribed by the regulations.

98 Application provision

The amendments of the *National Measurement Act 1960* made by this Schedule apply in relation to identity cards issued after the commencement of this item.

Payment Systems and Netting Act 1998

99 Paragraph 8(2)(a)

Omit “prescribed form”, substitute “form approved in an instrument under subsection (3)”.

100 At the end of section 8

Add:

- (3) The Reserve Bank may, by notifiable instrument, approve a form for the purposes of paragraph (2)(a).

101 Paragraph 11(2)(a)

Omit “prescribed form”, substitute “form approved in an instrument under subsection (3)”.

102 At the end of section 11

Add:

- (3) The Reserve Bank may, by notifiable instrument, approve a form for the purposes of paragraph (2)(a).

103 Section 17

Repeal the section.

104 Application provision

The amendments of the *Payment Systems and Netting Act 1998* made by this Schedule apply in relation to applications made after the commencement of this item.

Protection of Movable Cultural Heritage Act 1986

105 Subsection 3(1)

Insert:

approved form, in relation to a provision of this Act, means a form approved in an instrument under section 3A for the purposes of that provision.

106 After section 3

Insert:

3A Approved forms

The Minister may, by notifiable instrument, approve a form for the purposes of a provision of this Act.

107 Subsection 10(2)

Omit “in the prescribed form, or, if no form is prescribed, the form approved by the Minister”, substitute “in the approved form”.

108 Subsection 10A(3)

Omit “in the prescribed form, or, if no form is prescribed, the form approved by the Minister”, substitute “in the approved form”.

109 Subsection 11(1)

Omit “in the prescribed form, or if no form is prescribed, the form approved by the Minister”, substitute “in the approved form”.

110 Subsection 12(2)

Omit “in the prescribed form or, if no form is prescribed, the form approved by the Minister”, substitute “in the approved form”.

111 Subsection 12(4)

Omit “in the prescribed form or, if no form is prescribed, the form approved by the Minister”, substitute “in the approved form”.

112 Subsection 13(3)

Omit “in the prescribed form, or, if no form is prescribed, the form approved by the Minister”, substitute “in the approved form”.

113 Application provisions

- (1) The amendments of sections 10 and 10A, subsection 12(2) and section 13 of the *Protection of Movable Cultural Heritage Act 1986* made by this Schedule apply in relation to applications made after the commencement of this item.
- (2) The amendment of section 11 of the *Protection of Movable Cultural Heritage Act 1986* made by this Schedule applies in relation to permits granted after the commencement of this item.

-
- (3) The amendment of subsection 12(4) of the *Protection of Movable Cultural Heritage Act 1986* made by this Schedule applies in relation to certificates granted after the commencement of this item.

Protection of the Sea (Civil Liability) Act 1981

114 Paragraph 16(2)(a)

Omit “the prescribed form”, substitute “the form approved in an instrument under subsection (2A)”.

115 After subsection 16(2)

Insert:

- (2A) The Minister may, by notifiable instrument, approve a form for the purposes of paragraph (2)(a).
- (2B) The Minister must cause the form to be published on the Authority’s website.

116 Paragraph 16(4)(a)

Omit “the prescribed form”, substitute “the form approved in an instrument under subsection (4A)”.

117 After subsection 16(4)

Insert:

- (4A) The Minister may, by notifiable instrument, approve a form for the purposes of paragraph (4)(a).
- (4B) The Minister must cause the form to be published on the Authority’s website.

118 Application provisions

- (1) The amendment of paragraph 16(2)(a) of the *Protection of the Sea (Civil Liability) Act 1981* made by this Schedule applies in relation to applications made after the commencement of this item.
- (2) The amendment of paragraph 16(4)(a) of the *Protection of the Sea (Civil Liability) Act 1981* made by this Schedule applies in relation to certificates issued after the commencement of this item.

Regulatory Powers (Standard Provisions) Act 2014

119 Paragraph 35(2)(a)

Repeal the paragraph, substitute:

- (a) satisfy the requirements prescribed by the regulations; and

120 Paragraph 76(2)(a)

Repeal the paragraph, substitute:

- (a) satisfy the requirements prescribed by the regulations; and

121 Application provision

The amendments of the *Regulatory Powers (Standard Provisions) Act 2014* made by this Schedule apply in relation to identity cards issued after the commencement of this item.

Renewable Energy (Electricity) Act 2000

122 Subsection 108(1)

Omit “in the form prescribed by the regulations”, substitute “that satisfies the requirements prescribed by the regulations”.

123 Application provision

The amendment of the *Renewable Energy (Electricity) Act 2000* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

Safety, Rehabilitation and Compensation Act 1988

124 Paragraph 102(1)(a)

Omit “in the prescribed form”, substitute “and satisfy the requirements prescribed by the regulations”.

125 Application provision

The amendment of the *Safety, Rehabilitation and Compensation Act 1988* made by this Schedule applies in relation to applications lodged after the commencement of this item.

Trade Marks Act 1995**126 Paragraph 52(2)(a)**

Omit “in the form prescribed by”, substitute “in accordance with”.

127 Paragraph 96(2)(a)

Omit “in the form prescribed by”, substitute “in accordance with”.

128 Subsection 136(3)

Repeal the subsection (not including the note), substitute:

- (3) The claim must contain the information prescribed by the regulations.

129 Application provisions

- (1) The amendments of sections 52 and 96 of the *Trade Marks Act 1995* made by this Schedule apply in relation to notices of opposition filed after the commencement of this item.
- (2) The amendment of section 136 of the *Trade Marks Act 1995* made by this Schedule applies in relation to claims made after the commencement of this item.

Transport Safety Investigation Act 2003**130 Paragraph 29(2)(a)**

Repeal the paragraph, substitute:

- (a) contain the information prescribed by the regulations; and

131 Application provision

The amendment of the *Transport Safety Investigation Act 2003* made by this Schedule applies in relation to identity cards issued after the commencement of this item.

Schedule 2—References to persons with disability

Family Law Act 1975

1 Paragraphs 66L(1)(b) and (2)(b) and 66VA(1)(b)

Omit “mental or physical”.

2 Subsection 110(1) (at the end of paragraphs (a) and (b) of the definition of *maintenance order*)

Add “or”.

3 Subsection 110(1) (paragraphs (c) and (d) of the definition of *maintenance order*)

Repeal the paragraphs, substitute:

- (c) an order or determination (however described) with respect to the maintenance of a child who has not attained the age of 18 years, if:
 - (i) the order or determination is expressed to continue in force until a day that is later than, or for a period that extends beyond, the day on which the child will attain that age; and
 - (ii) the provision of maintenance for the child is necessary to enable the child to complete a course of study, vocational training or an apprenticeship or to continue his or her education in any other way, or because the child is a child with disability; or
- (d) an order or determination (however described) with respect to the maintenance of a child who has attained the age of 18 years, if:
 - (i) the order or determination is expressed to continue in force until a day, or for a period, specified in the order or determination; and
 - (ii) the provision of maintenance for the child is necessary to enable the child to complete a course of study, vocational training or an apprenticeship or to continue

his or her education in any other way, or because the child is a child with disability; or

Social Security Act 1991

4 Subsection 10A(2) (definition of *disadvantaged person*)

Repeal the definition, substitute:

disadvantaged person has the same meaning as in the *Fringe Benefits Tax Assessment Act 1986*.

5 Section 19 (definition of *handicapped person*)

Repeal the definition.

6 Subsection 23(1) (definition of *handicapped person*)

Repeal the definition.

7 Paragraph 729(2)(e)

Omit “physical or mental”.

8 Subsection 1035(1)

After “set out in subsection (2)”, insert “of this section, the person is a person with disability, the person has turned 16”.

9 Subparagraph 1035(1)(a)(i)

Repeal the subparagraph.

10 Sub-subparagraph 1035(1)(a)(iii)(B)

Omit “physical or mental”.

11 Subparagraph 1035(1)(b)(i)

Repeal the subparagraph.

12 Sub-subparagraph 1035(1)(b)(iii)(B)

Omit “physical or mental”.

13 Subparagraph 1035(1)(c)(i)

Repeal the subparagraph.

14 Sub-subparagraph 1035(1)(c)(iii)(B)

Omit “physical or mental”.

15 Subparagraph 1035(1)(d)(i)

Repeal the subparagraph.

16 Sub-subparagraph 1035(1)(d)(ii)(B)

Omit “physical or mental”.

17 Subparagraph 1035(1)(e)(i)

Repeal the subparagraph.

18 Sub-subparagraph 1035(1)(e)(ii)(B)

Omit “physical or mental”.

19 Subparagraph 1035(1)(f)(i)

Repeal the subparagraph.

20 Sub-subparagraph 1035(1)(f)(ii)(B)

Omit “physical or mental”.

21 Subparagraph 1035(1)(g)(i)

Repeal the subparagraph.

22 Sub-subparagraph 1035(1)(g)(ii)(B)

Omit “physical or mental”.

23 Subparagraph 1035(1)(h)(i)

Repeal the subparagraph.

24 Sub-subparagraph 1035(1)(h)(iii)(B)

Omit “physical or mental”.

25 Paragraph 1035A(1)(a)

Repeal the paragraph, substitute:

- (a) the person is a person with disability; and
- (aa) the person has turned 16; and

26 Paragraph 1035A(1)(b)

Omit “physical or mental”.

27 Subsection 1039AA(4)

Repeal the subsection, substitute:

- (4) Subsection (1) does not apply to a person who, while in Australia, becomes a person with disability who has turned 16.

Veterans’ Entitlements Act 1986

28 Subsection 104(1) (table item 3)

Omit “Handicapped”, substitute “Incapacitated”.

29 Subsection 104(1) (table item 3)

Omit “handicap”, substitute “incapacity”.

30 Subsection 104(1) (table item 10)

Omit “Handicapped”, substitute “Incapacitated”.

31 Subsection 104(1) (table item 10)

Omit “handicap”, substitute “incapacity”.

Schedule 3—References to Northern Territory legislation

Aboriginal Land Rights (Northern Territory) Act 1976

1 Subsection 44(2)

Omit “*Commercial Arbitration Act* of the Northern Territory”, substitute “*Commercial Arbitration (National Uniform Legislation) Act 2011* (NT)”.

Fair Work Act 2009

2 Paragraphs 27(1A)(h) and 351(3)(h)

Omit “*Anti-Discrimination Act* of the Northern Territory”, substitute “*Anti-Discrimination Act 1992* (NT)”.

Lands Acquisition (Northern Territory Pastoral Leases) Act 1981

3 Subsection 3(1) (paragraph (a) of the definition of *mining interest*)

Omit “*Mining Act* of the Northern Territory”, substitute “*Mineral Titles Act 2010* (NT)”.

Mutual Recognition Act 1992

4 Item 21 of Schedule 2

Omit “*Classification of Publications and Films Act* of the Northern Territory”, substitute “*Classification of Publications, Films and Computer Games Act 1985* (NT)”.

5 Item 32 of Schedule 2

Omit “*Ozone Protection Act* of the Northern Territory”, substitute “*Waste Management and Pollution Control Act 1998* (NT)”.

6 Paragraph 34(a) of Schedule 2

Omit “*Environment Protection (Beverage Containers and Plastic Bags) Act*”, substitute “*Environment Protection (Beverage Containers and Plastic Bags) Act 2011*”.

Native Title Act 1993

7 Paragraph 251C(3)(a)

Omit “*Crown Lands Act of the Northern Territory*”, substitute “*Crown Lands Act 1992 (NT)*”.

8 Paragraph 251C(3)(c)

Omit “constituted under section 29 of the *Local Government Act* of the Northern Territory”, substitute “within the meaning of the *Local Government Act 1993 (NT)*”.

9 Subclause 44(1) of Schedule 1

Omit “*Special Purposes Leases Act of the Northern Territory*”, substitute “*Special Purposes Leases Act 1953 (NT)*”.

10 Subclause 44(2) of Schedule 1

Omit “*Mining (Gove Peninsula Nabalco Agreement) Act of the Northern Territory*”, substitute “*Mining (Gove Peninsula Nabalco Agreement) Act 1968 (NT)*”.

11 Subclause 46(7) of Schedule 1

Omit “*Crown Lands Act of the Northern Territory*”, substitute “*Crown Lands Act 1992 (NT)*”.

12 Subclause 46(14) of Schedule 1

Omit “*Crown Lands Act of the Northern Territory*”, substitute “*Crown Lands Act 1992 (NT)*”.

Offshore Petroleum and Greenhouse Gas Storage Act 2006

13 Section 643 (definition of Territory PSLA)

Omit “*Petroleum (Submerged Lands) Act* of the Northern Territory”, substitute “*Petroleum (Submerged Lands) Act 1981 (NT)*”.

Surveillance Devices Act 2004

14 Subsection 6(1) (paragraph (i) of the definition of preventative detention order law)

Omit “*Terrorism (Emergency Powers) Act*”, substitute “*Terrorism (Emergency Powers) Act 2003*”.

Telecommunications (Interception and Access) Act 1979

15 Subsection 5(1) (paragraph (i) of the definition of preventative detention order law)

Omit “*Terrorism (Emergency Powers) Act*”, substitute “*Terrorism (Emergency Powers) Act 2003*”.

16 Paragraph 5D(4)(i)

Omit “*Criminal Code Act* of the Northern Territory”, substitute “*Criminal Code Act 1983 (NT)*”.

Trans-Tasman Mutual Recognition Act 1997

17 Clause 11 of Schedule 2 (table item headed “Firearms and other prohibited or offensive weapons”)

Omit “*Firearms Act 1992*”, substitute “*Firearms Act 1997*”.

18 Clause 11 of Schedule 2 (table item headed “Fireworks”)

Omit “*Dangerous Goods Act 1980*”, substitute “*Dangerous Goods Act 1998*”.

19 Clause 11 of Schedule 2 (table item headed “Gas appliances”)

Omit “*Dangerous Goods Act*, to”, substitute “*Dangerous Goods Act 1998*, to”.

20 Clause 11 of Schedule 2 (table item headed “Hazardous substances, industrial chemicals and dangerous goods”)

Omit “*Poisons and Dangerous Drugs Act*”, substitute “*Medicines, Poisons and Therapeutic Goods Act 2012*”.

21 Clause 11 of Schedule 2 (table item headed “Hazardous substances, industrial chemicals and dangerous goods”)

Omit “*Dangerous Goods Act*”, substitute “*Dangerous Goods Act 1998*”.

22 Clause 11 of Schedule 2 (table item headed “Hazardous substances, industrial chemicals and dangerous goods”)

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

23 Clause 11 of Schedule 2 (table item headed “Indecent material”)

Omit “*Classification of Publications and Films Act 1985*”, substitute “*Classification of Publications, Films and Computer Games Act 1985*”.

24 Clause 11 of Schedule 2 (table item headed “Ozone protection”)

Omit “*Ozone Protection Act 1990*”, substitute “*Waste Management and Pollution Control Act 1998*”.

25 Clause 11 of Schedule 2 (table item headed “Therapeutic goods”)

Omit “*Poisons and Dangerous Drugs Act*”, substitute “*Medicines, Poisons and Therapeutic Goods Act 2012*”.

Uranium Royalty (Northern Territory) Act 2009

26 Section 3

Omit “*Mineral Royalty Act* of the Northern Territory”, substitute “*Mineral Royalty Act 1982 (NT)*”.

27 Section 4 (paragraph (a) of the definition of *Northern Territory royalty law*)

Omit “*Mineral Royalty Act* of the Northern Territory”, substitute “*Mineral Royalty Act 1982 (NT)*”.

28 Section 4 (definition of *responsible Northern Territory Minister*)

Omit “*Mineral Royalty Act* of the Northern Territory”, substitute “*Mineral Royalty Act 1982 (NT)*”.

29 Subsection 6(1) (table, heading to column headed “*Provision(s) of the Mineral Royalty Act of the Northern Territory*”)

Omit “*Mineral Royalty Act of the Northern Territory*”, substitute “*Mineral Royalty Act 1982 (NT)*”.

30 Subsection 6(1) (table item 3, column headed “*Modification(s)*”)

Omit “*Mineral Royalty Act* of the Northern Territory”, substitute “*Mineral Royalty Act 1982 (NT)*”.

Work Health and Safety Act 2011

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

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

Schedule 4—Other amendments of principal Acts

Air Navigation Act 1920

1 Subsection 15A(8) (note)

Repeal the note.

Airports Act 1996

2 Paragraph 76(1A)(b)

Omit “specify”, substitute “must specify”.

A New Tax System (Family Assistance) Act 1999

3 Subsection 3(1) (definition of *percentage range*) (the definition of *percentage range* inserted by item 9 of Schedule 2 to the *Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Act 2010*)

Repeal the definition.

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

4 Subsection 184(1B)

Omit “the AUSTRAC CEO”, substitute “an authorised officer”.

5 Subsection 184(1C)

Omit “The AUSTRAC CEO”, substitute “An authorised officer”.

6 Subsection 184(1C)

Omit “AUSTRAC CEO” (second occurring), substitute “authorised officer”.

7 Paragraph 184(1C)(d)

Omit “AUSTRAC CEO”, substitute “authorised officer”.

Australian Communications and Media Authority Act 2005

8 Subparagraph 10(1)(o)(ii)

Omit “or Schedule 5 or 7”.

Australian Postal Corporation Act 1989

9 Paragraph 90J(6)(ca)

Repeal the paragraph, substitute:

(ca) the *Independent Commission Against Corruption Act 2012* (SA); or

10 Paragraph 90LC(5)(ca)

Repeal the paragraph, substitute:

(ca) the *Independent Commission Against Corruption Act 2012* (SA); or

Commonwealth Electoral Act 1918

11 Subsection 194(1B) (the subsection (1B) inserted by item 13 of Schedule 1 to the *Electoral Legislation Amendment (Contingency Measures) Act 2021*)

Repeal the subsection.

12 After subsection 194(1C)

Insert:

(1D) Despite paragraphs (1)(d), (da), (db) and (f), if the postal vote certificate is not printed on the envelope but the postal vote certificate is to be placed in the envelope:

(a) the requirement referred to in paragraph (1)(d) for the person voting to fasten the envelope after placing the ballot paper in the envelope does not apply; and

- (b) the person voting, or a person acting on behalf of that person under paragraph (1)(f), must declare, on the postal vote certificate, that, subject to paragraph (a) of this subsection, the requirements referred to in paragraphs (1)(a), (b) and (d) were satisfied before the close of the poll; and
- (c) the authorised witness must declare, on the postal vote certificate, that the requirements referred to in paragraphs (1)(a) to (c) were satisfied before the close of the poll; and
- (d) the person voting, or a person acting on behalf of that person under paragraph (1)(f), must, in the presence of the authorised witness, place the postal vote certificate in the envelope and fasten the envelope.

13 Form DB of Schedule 1 (before the heading)

Insert:

Definition of *qualification checklist* in subsection 4(1); paragraph 170(1)(d)

Customs Act 1901

14 Section 153XC

Omit “*Singaporean originating goods*”, substitute “Singaporean originating goods”.

15 Section 153Y

Omit “*US originating goods*”, substitute “US originating goods”.

16 Section 153Z

Omit “*Thai originating goods*”, substitute “Thai originating goods”.

17 Section 153ZIA

Omit “*New Zealand originating goods*”, substitute “New Zealand originating goods”.

18 Section 153ZJA

Omit “*Chilean originating goods*”, substitute “Chilean originating goods”.

19 Section 153ZKA

Omit “*AANZ originating goods*”, substitute “AANZ originating goods”.

20 Section 153ZLA

Omit “*Malaysian originating goods*”, substitute “Malaysian originating goods”.

21 Section 153ZLJA

Omit “*Indonesian originating goods*”, substitute “Indonesian originating goods”.

22 Section 153ZMA

Omit “*Korean originating goods*”, substitute “Korean originating goods”.

23 Section 153ZNA

Omit “*Japanese originating goods*”, substitute “Japanese originating goods”.

24 Section 153ZPA

Omit “*Hong Kong originating goods*”, substitute “Hong Kong originating goods”.

Data Availability and Transparency Act 2022

25 Paragraph 14(4)(d)

After “and the individual”, insert “or body corporate”.

26 Application provision

The amendment of paragraph 14(4)(d) of the *Data Availability and Transparency Act 2022* made by this Part applies in relation to a use of data that occurs on or after the commencement of this item.

27 Subsection 34(1)

Omit “subsection (5)”, substitute “subsection (4)”.

28 Paragraph 122(b)

Repeal the paragraph, substitute:

- (b) the decision has been affirmed under paragraph 120(1)(a);
- (c) the decision has been varied under paragraph 120(1)(b);
- (d) the decision was made in substitution for another decision under paragraph 120(1)(c).

Disability Discrimination Act 1992

29 Paragraph 9(2)(a)

Omit “persons”, substitute “person”.

Export Control Act 2020

30 Section 12 (definition of *Federal Circuit Court*)

Repeal the definition.

31 Section 12 (paragraph (c) of the definition of *issuing officer*)

Omit “Federal Circuit Court”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

32 Section 12 (paragraph (b) of the definition of *relevant court*)

Omit “Federal Circuit Court”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

Fair Work Act 2009

33 After section 789GC

Insert:

789GCA When employer qualifies for the jobkeeper scheme

For the purposes of this Part, an employer qualifies for the jobkeeper scheme at a time if, under the jobkeeper payment rules,

the employer qualifies for the jobkeeper scheme for the fortnight in which the time occurs.

34 Section 789GCA

Repeal the section.

35 Subclauses 48(5) and (6) of Schedule 1

Omit “(2)”, substitute “(3)”.

36 Subclause 49(1) of Schedule 1

Omit “section” (wherever occurring), substitute “clause”.

37 Clauses 49A and 50 of Schedule 1

Omit “this section”, substitute “this clause”.

Fair Work (Registered Organisations) Act 2009

38 Section 6 (paragraph (d) of the definition of *authorised official*)

Repeal the paragraph.

39 Subdivision BB of Division 4 of Part 2 of Chapter 5

Repeal the Subdivision.

40 Paragraph 337BB(4)(d)

Repeal the paragraph.

Family Law Act 1975

41 Section 59 (heading)

Repeal the heading, substitute:

59 Remarriage

42 Subsection 61C(2)

Omit “re-marrying”, substitute “remarrying”.

43 Section 71 (definition of *re-marriage*)

Repeal the definition, substitute:

remarriage, in relation to a person who was a party to a purported marriage that is void, means marriage.

44 Subsections 82(4) and (6)

Omit “re-marriage” (wherever occurring), substitute “remarriage”.

45 Subsection 104(9)

Omit “re-marry”, substitute “remarry”.

Federal Circuit and Family Court of Australia Act 2021

46 Section 156

Omit “Federal Circuit Court”, substitute “Federal Circuit”.

47 Section 156 (note 1)

Omit “Federal Circuit Court”, substitute “Federal Circuit”.

48 Subsection 191(3) (note)

Omit “section 149”, substitute “section 117”.

49 Section 228

Omit “Federal Circuit Court”, substitute “Federal Circuit”.

Federal Safety Commissioner Act 2022

50 Subsections 39(4) and 120(3)

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

Foreign Influence Transparency Scheme Act 2018

51 Section 44 (heading)

Omit “in the register”, substitute “on the register”.

Higher Education Support Act 2003

52 Section 104-42 (heading)

Omit “FEE-HELP balance”, substitute “HELP balance”.

My Health Records Act 2012

53 Subsection 69A(4)

Omit “it”, substitute “the System Operator”.

National Anti-Corruption Commission Act 2022

54 Section 7 (after the heading)

Insert:

In this Act:

National Disability Insurance Scheme Act 2013

55 Subsection 209(8) (table item 4, column headed “Description”, paragraph (m))

Omit “73W(b)”, substitute “73W(b);”.

National Vocational Education and Training Regulator Act 2011

56 Subsection 160(1)

Before “Regulator’s powers”, insert “the”.

57 Paragraph 169(1)(b)

Before “National VET Regulator”, insert “the”.

58 Subsection 171(2)

Before “Regulator’s powers”, insert “the”.

Offshore Petroleum and Greenhouse Gas Storage Act 2006

59 Subparagraphs 590A(3)(b)(ii) and 596A(7)(b)(ii)

Omit “Federal Circuit Court”, substitute “Federal Circuit and Family Court of Australia (Division 2)”.

Radiocommunications Act 1992

60 Subparagraph 27(1)(ba)(iii)

Repeal the subparagraph, substitute:

(iii) the Independent Commission Against Corruption of South Australia; or

Seafarers Rehabilitation and Compensation Act 1992

61 Subsection 66(1)

Omit “notice of claim”, substitute “notice or claim”.

Security of Critical Infrastructure Act 2018

62 Subsections 49(3A) and (3B)

Omit “authorised applicant”, substitute “authorised person”.

Space (Launches and Returns) Act 2018

63 Subsection 31(1) (paragraph (a) of the penalty)

Omit “year”, substitute “years”.

64 Subsection 41(1) (paragraph (a) of the penalty)

Omit “year”, substitute “years”.

Sydney Airport Curfew Act 1995

65 Section 3

Insert:

international airline licence means an international airline licence granted as mentioned in subsection 12(1) of the *Air Navigation Act 1920*.

66 Section 3

Insert:

noise certificate has the meaning given by the regulations.

67 Paragraph 12(1)(a)

Omit “granted under the Air Navigation Regulations”.

68 Paragraph 12(2)(a)

Omit “approved under the Air Navigation Regulations”, substitute “prescribed by the regulations”.

69 Paragraph 12(2)(b)

Omit “if the take-off or landing is after the time on the day specified under subsection (3)—”.

70 Paragraph 12(2)(c)

Repeal the paragraph.

71 Subsection 12(3)

Repeal the subsection.

72 Subsection 12(4)

Omit “granted under the Air Navigation Regulations”.

73 Paragraph 15(4)(b)

Omit “within the meaning of the Air Navigation (Aircraft Noise) Regulations”.

74 Subsection 15(7)

Repeal the subsection.

75 Transitional provision

- (1) A reference in the *Sydney Airport Curfew Act 1995* to a noise certificate is taken to be a reference to a noise certificate within the meaning of the *Air Navigation (Aircraft Noise) Regulations 2018*.
- (2) Subitem (1) of this item ceases to have effect on the commencement of the first regulations made for the purposes of the definition of **noise certificate** in section 3 of the *Sydney Airport Curfew Act 1995*.
- (3) A reference in paragraph 12(2)(a) of the *Sydney Airport Curfew Act 1995*, as amended by this Schedule, to a timetable prescribed by the regulations is taken to be a reference to a timetable that is approved under Part 5 of the *Air Navigation Regulation 2016*.
- (4) Subitem (3) of this item ceases to have effect on the commencement of the first regulations made for the purposes of paragraph 12(2)(a) of the *Sydney Airport Curfew Act 1995*, as amended by this Schedule.

Trade Marks Act 1995

76 Readers guide (list of terms defined in section 6)

Insert “PPSA security interest”.

77 Readers guide (list of terms defined in section 6)

Insert “World Trade Organization”.

Schedule 5—Repeals of obsolete Acts and spent provisions

Part 1—Repeals of obsolete Acts

Division 1—Repeals

Evidence Act 1905

1 The whole of the Act

Repeal the Act.

Migration (Health Services) Charge Act 1991

2 The whole of the Act

Repeal the Act.

Wool International Act 1993

3 The whole of the Act

Repeal the Act.

Wool International Privatisation Act 1999

4 The whole of the Act

Repeal the Act.

Division 2—Consequential amendments

Migration Act 1958

5 Paragraph 504(1)(h)

Repeal the paragraph.

Part 2—Repeals of spent provisions

Agricultural and Veterinary Chemicals (Administration) Act 1992

6 Part 9

Repeal the Part.

Australian Capital Territory Government Service (Consequential Provisions) Act 1994

7 Part 4

Repeal the Part.

8 Sections 22, 23 and 27

Repeal the sections.

9 Schedules 1, 2 and 3

Repeal the Schedules.

Health Insurance Act 1973

10 Subsection 3AA(6)

Repeal the subsection.

Health Insurance Commission (Reform and Separation of Functions) Act 1997

11 Division 2 of Part 2

Repeal the Division.

Long Service Leave (Commonwealth Employees) Act 1976

12 Section 24A

Repeal the section.

Patents Act 1990

13 Section 144

Repeal the section.

14 Subsection 145(2)

Repeal the subsection, substitute:

- (2) Subsection (1):
 - (a) applies despite anything to the contrary in that contract or in any other contract; and
 - (b) does not affect any right that a person has, apart from that subsection, to terminate a contract.

15 Section 146

Repeal the section.

Privacy Act 1988

16 Subsection 36(4)

Repeal the subsection, substitute:

- (4) It is the duty of members of the staff of the Commissioner to provide appropriate assistance to a person who:
 - (a) wishes to make a complaint; and
 - (b) requires assistance to formulate the complaint.

Social Security Act 1991

17 Paragraph 8(8)(e)

Repeal the paragraph.

18 Divisions 12A and 14 of Part 2.13A

Repeal the Divisions.

19 Paragraph 1223ABAAB(2)(e)

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

20 Paragraph 1223ABAAB(2)(h)

Repeal the paragraph.

21 Application provision

The repeal of paragraph 1223ABAAB(2)(h) of the *Social Security Act 1991* made by this Schedule does not apply in relation to a determination made under Part 3 of the Administration Act before the commencement of this item.

Special Broadcasting Service Act 1991

22 Section 53

Repeal the section.

23 Paragraph 58(1)(b)

Omit “53 or”.

Trade Representatives Act 1933

24 Section 11B

Repeal the section.

Veterans’ Entitlements Act 1986

25 Paragraph 5H(8)(I)

Repeal the paragraph.

Schedule 6—Amendments of amending Acts

Acts and Instruments (Framework Reform) Act 2015

1 Subitem 169(2) of Schedule 1

After “the commencement”, insert “of”.

Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017

2 Item 110 of Schedule 1

Repeal the item.

Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014

3 Item 11 of Schedule 4

Repeal the item.

Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998

4 Item 21 of Schedule 2

Repeal the item.

[Minister’s second reading speech made in—
House of Representatives on 1 June 2023
Senate on 14 June 2023]

(71/23)
