



Statute Stocktake Act 1999

No. 118, 1999



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An Act to repeal redundant Acts, to make consequential amendments, and for related purposes

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Statute Stocktake Act 1999

No. 118, 1999

An Act to repeal redundant Acts, to make consequential amendments, and for related purposes

[Assented to 22 September 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Statute Stocktake Act 1999*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.
- (2) However, if on that day the *Taxation Administration Act 1953* does not contain a section 8AAB, the amendment of that Act by Part 6 of Schedule 2 to this Act does not commence until immediately after that section is inserted in that Act.

3 Schedule(s)

- (1) Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The repeal of an Act by this section does not affect the operation of any amendment of another Act made by the repealed Act.

4 Repeal of Merchant Shipping Act, 1894 (Imperial)

- (1) So far as the Imperial Act known as the Merchant Shipping Act, 1894 (as amended or affected by any other Imperial Act or Act of the Commonwealth) forms part of the law of the Commonwealth or of an external Territory, it is repealed.
- (2) Section 8 of the *Acts Interpretation Act 1901* applies in relation to the repeal as if the Imperial Act had been an Act of the Parliament.

Schedule 1—Acts repealed

Part 1—Repeal

1 Repeal of Acts

The Acts specified in this Part are repealed.

Advisory Council for Inter-government Relations Act 1976

Airline Equipment (Loan Guarantee) Act 1972

Airline Equipment (Loan Guarantee) Act 1974

Airline Equipment (Loan Guarantee) Act 1976

Airline Equipment (Loan Guarantee) Act 1977

Airline Equipment (Loan Guarantee) Act 1978

Airline Equipment (Loan Guarantee) Act (No. 2) 1978

Airline Equipment (Loan Guarantee) Act 1980

Airlines Agreement (Termination) Act 1990

Airlines Equipment (Loan Guarantee) Act 1981

Apple and Pear Export Charge Act 1976

Apple and Pear Levy Act 1976

Appropriation (Urban Public Transport) Act 1974

Appropriation (Urban Public Transport) Act 1976

Appropriation (Urban Public Transport) Act 1977

Australian Bicentennial Authority Act 1980

*Australian Bicentennial Road Development Trust Fund Act
1982*

*Australian Horticultural Corporation (Transitional
Provisions and Consequential Amendments) Act
1987*

Australian Land Transport (Financial Assistance) Act 1985

Australian Space Council Act 1994

Canned Fruit Excise Act Repeal Act 1968

Commonwealth Legal Aid Act 1977

Companies (Acquisition of Shares—Fees) Act 1980

Companies (Fees) Act 1981

Customs Tariff (Rate Alteration) Act 1988

*Dairying Industry Research and Promotion Levy Collection
Act 1972*

*Dairying Industry Research and Promotion Levy Collection
Act 1978*

Defence (Transitional Provisions) Act 1946

Defence Transition (Residual Provisions) Act 1952

Diesel Fuel Tax Act (No. 1) 1957

Diesel Fuel Tax Act (No. 2) 1957

Diesel Fuel Taxation (Administration) Act 1957

Dried Sultana Production Underwriting Act 1982

Dried Vine Fruits Equalization Levy Act 1978

Dried Vine Fruits Stabilization Legislation Repeal Act 1981

Environment (Financial Assistance) Act 1977

Estate Duty Act 1914

Estate Duty Assessment Act 1914

Estate Duty Convention (United States of America) Act 1953

Exotic Animal Disease Control Act 1989

Futures Industry (Fees) Act 1986

Gift Duty Act 1941

Gift Duty Assessment Act 1941

Gift Duty Convention (United States of America) Act 1953

Horticultural Policy Council Act 1987

King Island Harbour Agreement Act 1973

King Island Shipping Service Agreement Act 1974

Matrimonial Causes Act 1971

National Roads Act 1974

New South Wales Grant (Chrysotile Corporation) Act 1978

Overseas Students Charge Act 1979

Overseas Students Charge Collection Act 1979

Overseas Students (Instalment Payments) Charge Act 1989

Overseas Students (Refunds) Act 1990

Overseas Students Tuition Assurance Levy Act 1993

Patents, Trade Marks, Designs and Copyright Act 1939

Petroleum Search Subsidy Act 1959

Queensland Beef Cattle Roads Agreement Act 1962

Re-establishment and Employment Act 1945

Roads Grants Act 1974

Securities Industry (Fees) Act 1980

States Grants (Beef Cattle Roads) Act 1968

States Grants (Hospital Operating Costs) Act 1976

States Grants (Nature Conservation) Act 1974

States Grants (Roads Interim Assistance) Act 1977

States Grants (Schools Assistance) Act 1976

States Grants (Schools Assistance) Act 1977

States Grants (Schools Assistance) Act 1978

States Grants (Schools Assistance) Act 1979

States Grants (Schools Assistance) Act 1980

States Grants (Schools Assistance) Act 1981

States Grants (Schools Assistance) Act 1982

States Grants (Schools Assistance) Act 1983

States Grants (Schools Assistance) Act 1984

States Grants (Schools Assistance) Act 1988

States Grants (TAFE Assistance) Act 1989

States Grants (Tertiary Education Assistance) Act 1977

States Grants (Tertiary Education Assistance) Act 1978

States Grants (Tertiary Education Assistance) Act 1981

States Grants (Tertiary Education Assistance) Act 1984

Steel Industry Authority Act 1983

Stevedoring Industry Charge Act 1947

Stevedoring Industry Charge Assessment Act 1947

Structural Adjustment (Loan Guarantees) Act 1974

Taxation (Unpaid Company Tax) Assessment Act 1982

Taxation (Unpaid Company Tax—Promoters) Act 1982

Taxation (Unpaid Company Tax—Vendors) Act 1982

Telecommunications (Interception—Carriers) Act 1992

Temple Society Trust Fund Act 1949

*Textiles, Clothing and Footwear Development Authority Act
1988*

Transport (Planning and Research) Act 1974

*Transport Planning and Research (Financial Assistance) Act
1977*

Tuberculosis Act 1948

Urban Public Transport (Research and Planning) Act 1974

Weipa Development Agreement Act 1965

Part 2—Saving provisions

2 Saving for the *Commonwealth Legal Aid Act 1977*

The repeal of the *Commonwealth Legal Aid Act 1977* does not affect an obligation to pay money under an arrangement made under section 21 of that Act.

3 Saving for the *Environment (Financial Assistance) Act 1977*

Despite the repeal of the *Environment (Financial Assistance) Act 1977*, a State must repay to the Commonwealth any amount the State would have been obliged to repay if that Act had not been repealed and had continued to be administered by the Minister for the Environment.

4 Saving for the *States Grants (Nature Conservation) Act 1974*

Despite the repeal of the *States Grants (Nature Conservation) Act 1974*, a State must repay to the Commonwealth any amount the State would have been obliged to repay if that Act had not been repealed.

5 Saving for States Grants (Schools Assistance) Acts

Despite the repeal of:

- (a) the *States Grants (Schools Assistance) Act 1978*; and
- (b) the *States Grants (Schools Assistance) Act 1979*; and
- (c) the *States Grants (Schools Assistance) Act 1980*; and
- (d) the *States Grants (Schools Assistance) Act 1981*; and
- (e) the *States Grants (Schools Assistance) Act 1982*; and
- (f) the *States Grants (Schools Assistance) Act 1983*; and
- (g) the *States Grants (Schools Assistance) Act 1984*; and
- (h) the *States Grants (Schools Assistance) Act 1988*;

the conditions to which grants under those Acts were subject, and any obligation to repay money to the Commonwealth arising from a failure to meet those conditions, apply as if the Acts had not been repealed.

6 Saving for the *Temple Society Trust Fund Act 1949*

Schedule 1 Acts repealed

Part 2 Saving provisions

Despite the repeal of section 7 of the *Temple Society Trust Fund Act 1949*, neither the Commonwealth nor any Minister who administered that Act are liable in connection with anything done or omitted to be done in relation to the Fund established by that Act or in relation to any payment of money under that Act.

Schedule 2—Amendment of other Acts consequential on repeal

Part 1—Amendment relating to the Australian Bicentennial Road Development Trust Fund Act 1982 and the Australian Land Transport (Financial Assistance) Act 1985

Australian Land Transport Development Act 1988

1 Section 33

Repeal the section, substitute:

33 Deduction of amounts repayable

The Minister may deduct from an amount payable out of the Reserve to a State, authority or organisation any amount repayable by the State, authority or organisation under this Act.

2 Section 40

Repeal the section.

3 Schedule 1

Repeal the Schedule.

Part 2—Amendment relating to the Commonwealth Legal Aid Act 1977

National Crime Authority Act 1984

4 Subsection 29B(7) (paragraph (a) of the definition of *legal aid officer*)

Repeal the paragraph, substitute:

- (a) a member, or member of staff, of an authority established by or under a law of a State or Territory for purposes including the provision of legal assistance; or

Public Service Act 1922

5 After subsection 87(6)

Insert:

(6AA) Subsection (6) continues to apply despite the repeal of the *Commonwealth Legal Aid Act 1977* as if:

- (a) section 3 and Part IV of that Act had not been repealed; and
- (b) any arrangement under subsection 21(1) of that Act that ceased to be in force only because of that repeal had not ceased to be in force because of that repeal.

Superannuation Act 1976

6 After section 3

Insert:

3AA Operation despite repeal of *Commonwealth Legal Aid Act 1977*

This Act continues to apply despite the repeal of the *Commonwealth Legal Aid Act 1977* as if:

- (a) section 3 and Part IV of that Act had not been repealed; and
- (b) any arrangement under subsection 21(1) of that Act that ceased to be in force only because of that repeal had not ceased to be in force because of that repeal.

Part 3—Amendment relating to companies, futures and securities legislation

ANL Act 1956

7 Section 61 (paragraph (c) of the definition of tax)

Repeal the paragraph.

Australian Industry Development Corporation Act 1970

8 Subsection 29X(2) (paragraph (c) of the definition of tax)

Repeal the paragraph.

Commonwealth Banks Restructuring Act 1990

9 Subsection 77(4) (paragraph (c) of the definition of tax)

Repeal the paragraph.

Commonwealth Serum Laboratories Act 1961

10 Section 31 (paragraph (c) of the definition of tax)

Repeal the paragraph.

Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980

11 Paragraph 3(1)(d)

Repeal the paragraph.

12 Paragraph 3(1)(f)

Omit “, (d)”.

Snowy Mountains Engineering Corporation Act 1970

13 Section 39M (paragraph (c) of the definition of tax)

Schedule 2 Amendment of other Acts consequential on repeal

Part 3 Amendment relating to companies, futures and securities legislation

Repeal the paragraph.

**Part 4—Amendment relating to the Defence
(Transitional Provisions) Act 1946 and the
Defence Transition (Residual Provisions)
Act 1952**

Trans-Tasman Mutual Recognition Act 1997

14 Clause 3 of Schedule 1

Omit:

Defence (Transitional Provisions) Act 1946 of the Commonwealth

Defence Transition (Residual Provisions) Act 1952 of the Commonwealth

Veterans' Entitlements Act 1986

**15 Subsection 5E(1) (subparagraph (b)(iii) of the definition of
war widow)**

Repeal the subparagraph.

**Part 5—Amendment relating to primary industry
levies and charges**

Primary Industries Levies and Charges Collection Act 1991

**16 Subsection 28(9) (paragraph (c) of the definition of
relevant decision)**

Repeal the paragraph.

Part 6—Amendment relating to other tax legislation

Administrative Decisions (Judicial Review) Act 1977

17 Paragraph (e) of Schedule 1

Omit “*Estate Duty Assessment Act 1914*”.

18 Paragraph (e) of Schedule 1

Omit “*Gift Duty Assessment Act 1941*”.

19 Paragraph (e) of Schedule 1

Omit “*Taxation (Unpaid Company Tax) Assessment Act 1982*”.

20 Saving provision

The amendments made by items 17, 18 and 19 do not allow a decision made under the *Estate Duty Assessment Act 1914*, the *Gift Duty Assessment Act 1941* or the *Taxation (Unpaid Company Tax) Assessment Act 1982* to be reviewed under the *Administrative Decisions (Judicial Review) Act 1977*.

Commonwealth Inscribed Stock Act 1911

21 Section 52C

Repeal the section.

Freedom of Information Act 1982

22 Schedule 3

Omit “*Gift Duty Assessment Act 1941*, subsections 10(2) and (5)”.

23 Schedule 3

Omit “*Stevedoring Industry Charge Assessment Act 1947*, subsections 10(2) and (5)”.

Income Tax Assessment Act 1936

24 Subsection 78B(7)

Omit “are” (second and third occurring), substitute “were”.

Taxation Administration Act 1953

25 Subsection 8AAB(5) (table item 18)

Repeal the item.

26 Paragraphs 8J(2)(h) and (j)

Repeal the paragraphs.

27 Paragraph 8J(2)(k)

Omit “the *Taxation (Unpaid Company Tax) Assessment Act 1982* or of”.

28 Subsection 13J(6)

Repeal the subsection.

Taxation (Interest on Overpayments and Early Payments) Act 1983

29 Subsection 3(1) (paragraphs (d) and (e) of the definition of *relevant tax*)

Repeal the paragraphs.

30 Subsection 3(1) (paragraph (h) of the definition of *relevant tax*)

Repeal the paragraph.

31 Subsection 3(1) (paragraph (j) of the definition of *relevant tax*)

Repeal the paragraph.

32 Subparagraph 12(1)(a)(ii)

Omit “, (h), (j)”.

33 Saving provision

The amendment made by item 32 does not cause a person to become entitled to interest.

**Part 7—Amendment relating to the Matrimonial
Causes Act 1971**

Family Law Act 1975

34 Subsection 3(3)

Omit “applies”, substitute “applied”.

Schedule 2 Amendment of other Acts consequential on repeal

Part 8 Amendment relating to the States Grants (Roads Interim Assistance) Act 1977

**Part 8—Amendment relating to the States Grants
(Roads Interim Assistance) Act 1977**

States Grants (Roads) Act 1977

35 Subsection 35(4)

Repeal the subsection.

Part 9—Amendment relating to the Tuberculosis Act 1948

Aged or Disabled Persons Care Act 1954

36 Subsection 2(1) (sub-subparagraph (d)(ii)(D) of the definition of *eligible person*)

Omit “State; or”, substitute “State.”.

37 Subsection 2(1) (sub-subparagraph (d)(ii)(E) of the definition of *eligible person*)

Repeal the sub-subparagraph.

38 Application

The amendments made by items 36 and 37 apply only for the purpose of working out whether someone is an eligible person at a time after the commencement of this item.

39 Subsection 2(1) (paragraph (e) of the definition of *hostel*)

Omit “State; or”, substitute “State.”.

40 Subsection 2(1) (paragraph (f) of the definition of *hostel*)

Repeal the paragraph.

41 Application

The amendments made by items 39 and 40 apply only for the purpose of working out whether premises are a hostel at a time after the commencement of this item.

National Health Act 1953

42 Subsection 4(1) (paragraph (d) of the definition of *nursing home*)

Omit “or” (last occurring).

43 Subsection 4(1) (paragraph (e) of the definition of *nursing home*)

Repeal the paragraph.

44 Application

The amendments made by items 42 and 43 apply only for the purpose of working out whether premises are a nursing home at a time after the commencement of this item.

45 Subsection 4(1) (paragraph (ba) of the definition of pensioner)

Omit “or” (last occurring).

46 Subsection 4(1) (paragraph (c) of the definition of pensioner)

Repeal the paragraph.

Nursing Homes Assistance Act 1974

47 Subsection 3(3A)

Repeal the subsection.

48 Application

The amendment made by item 47 applies only for the purpose of working out whether premises are a nursing home at a time after the commencement of this item.

Part 10—Amendment relating to the Re-establishment and Employment Act 1945

Income Tax Assessment Act 1936

49 Paragraph 23(kb)

Repeal the paragraph.

50 Subsection 221A(1) (paragraph (e) of the definition of *salary or wages*)

Repeal the paragraph.

51 Application

The amendments made by items 49 and 50 apply to assessments for years of income starting after the year of income containing the day on which this item commences.

Public Service Act 1922

52 Subsection 7(1) (paragraph (a) of the definition of *returned soldier*)

Repeal the paragraph, substitute:

- (a) a person who is a member of the Forces (as that term was defined in section 139 of the *Re-establishment and Employment Act 1945* immediately before its repeal); or

Tradesmen's Rights Regulation Act 1946

53 Section 6 (definition of *member of the Forces*)

Repeal the definition, substitute:

member of the Forces has the meaning given by section 4 or 139 of the *Re-establishment and Employment Act 1945* immediately before the repeal of that Act.

54 Section 6 (definition of *the war*)

Repeal the definition, substitute:

the war has the meaning given by section 4 or 139 of the *Re-establishment and Employment Act 1945* immediately before the repeal of that Act.

55 Subsection 7A(1)

After “*Re-establishment and Employment Act 1945-1952*”, insert “(immediately before its repeal)”.

56 Paragraph 41(3)(b)

Omit “is”, substitute “was”.

57 Subsection 41(3A)

After “*Re-establishment and Employment Act 1945-1952*”, insert “(immediately before its repeal)”.

58 Section 42

Omit “Part III of the *Re-establishment and Employment Act 1945-1952* or”.

59 Section 42

Omit “Part or”.

Part 11—Amendment relating to the Merchant Shipping Act, 1894 (Imperial)

Navigation Act 1912

60 Subsection 6(1) (definition of *the Merchant Shipping Act*)

Repeal the definition.

61 Subsection 263(1)

Omit “Notwithstanding anything contained in subsection 419(4) of the Merchant Shipping Act, in”, substitute “In”.

62 Subsection 264(3)

Omit “Notwithstanding anything contained in subsection 422(2) of the Merchant Shipping Act, in”, substitute “In”.

*[Minister’s second reading speech made in—
House of Representatives on 30 March 1999
Senate on 9 August 1999]*

(69/99)
