

ADMINISTRATIVE CHANGES (CONSEQUENTIAL PROVISIONS) ACT 1976

No. 91 of 1976

An Act to amend certain Acts in consequence of certain Administrative Changes, and to provide for related matters.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

- Short title. 1. This Act may be cited as the *Administrative Changes (Consequential Provisions) Act 1976*.¹
- Commence-
ment. 2. (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.¹
- (2) The amendments of the *Administrative Appeals Tribunal Act 1975* made by this Act shall be deemed to have come into operation on the date of commencement of that Act.
- (3) The amendments of the *Child Care Act 1972* made by this Act shall be deemed to have come into operation on 23 June 1976.
- (4) The amendments of the *Cities Commission (Repeal) Act 1975* made by this Act shall be deemed to have come into operation on the date of commencement of that Act.
- (5) The amendment of the *National Health Amendment Act 1976* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.¹
- (6) The amendments of the *Roads Grants Act 1974* made by this Act shall be deemed to have come into operation on the date of commencement of the *Roads Acts Amendment Act 1976*.
- (7) The amendments of each other Act specified in the Schedule made by this Act shall be deemed to have come into operation on 22 December 1975.
- Amendment
of Acts. 3. The Acts specified in the Schedule are amended as set out in the Schedule.
- Validity of
actions
under Acts
amended by
this Act. 4. (1) Subject to sub-sections (2) and (3), any act or thing done or purporting to have been done under, by virtue of or in pursuance of a provision of an Act, being a provision specified in the Schedule, on or after the date on which that provision is deemed to have been amended

by this Act and before the commencement of this section shall be deemed to have been done under, by virtue of or in pursuance of that provision as so amended.

(2) Nothing in this Act shall be taken to affect the continued operation of the order made on 22 December 1975 under section 19B of the *Acts Interpretation Act* 1901 in relation to any reference in an Act or instrument, being a reference not amended by this Act.

(3) Nothing in this Act invalidates any act or thing done before the commencement of this section, being an act or thing that would have been valid if this Act had not been passed.

SCHEDULE

Section 3

AMENDMENT OF ACTS

Acts	Provisions	Amendments
<i>Administrative Appeals Tribunal Act</i> 1975	Schedule—clauses 10 (1) (a) and (2), 11 (1) and (2) and 26 (1) and (2)	Omit “Police and Customs”, substitute “Business and Consumer Affairs”.
	Schedule—clauses 10 (1) (b) and (2) (b)	Omit “Agriculture” (wherever occurring), substitute “Primary Industry”.
<i>Aged or Disabled Persons Homes Act</i> 1954	Section 10H (1)	Omit “Department of Social Services”, substitute “Department of Social Security”.
<i>Aged Persons Hostels Act</i> 1972	Section 6 (3)	Omit “Social Services”, substitute “Social Security”.
<i>Aliens Act</i> 1947	Section 4 (1) (definition of “officer”)	Omit “Immigration”, substitute “Immigration and Ethnic Affairs”.
<i>Aluminium Industry Act</i> 1960	Section 8	Omit “National Development”, substitute “National Resources”.
<i>Atomic Energy Act</i> 1953	Section 19 (2)	(a) Omit “, the Territory of Papua and the Territory of New Guinea, or any of those Territories.”. (b) Omit “of State for Territories”, substitute “administering the <i>Norfolk Island Act</i> 1957”.
<i>Australian Citizenship Act</i> 1948	Section 5 (1) (definitions of “Australian consulate” and “the Secretary”)	Omit “Immigration”, substitute “Immigration and Ethnic Affairs”.
<i>Australian Housing Corporation Act</i> 1975	Sections 3 (5), 12 (1) (a), 14 (4) and 37 (2)	Omit “Housing and Construction”, substitute “Environment, Housing and Community Development”.
<i>Australian Industry Development Corporation Act</i> 1970	Section 8A (6) (e) Sections 11 (1), (2), (3) and (4) (a) and (4) (b), 16, 19 (5) and 21A	Omit “Minerals and Energy”, substitute “National Resources”. (a) Omit “Minerals and Energy” (wherever occurring), substitute “National Resources”. (b) Omit “Manufacturing Industry” (wherever occurring), substitute “Industry and Commerce”.
<i>Australian National Airlines Act</i> 1945	Section 21 (3)	Omit “Services and Property”, substitute “Administrative Services”.

SCHEDULE—continued

Acts	Provisions	Amendments
<i>Bankruptcy Act 1966</i>	Section 10 (1) and (3)	Before "Attorney-General", insert "Minister or the".
	Sections 12 (1) (a), 17 (1) and (3), 18 (2), 254 (4), 295 (3), 305 (1) and (2) and 314	Omit "Attorney-General" (wherever occurring), substitute "Minister".
	Section 313 (2)	Omit "Attorney-General's", substitute "Minister's".
<i>Boy Scouts' Association Act 1924</i>	Sections 3 and 5	Omit "Attorney-General", substitute "Minister".
<i>Canned Fruits Export Marketing Act 1963</i>	Section 16 (b)	Omit "Customs and Excise", substitute "Business and Consumer Affairs".
<i>Child Care Act 1972</i>	Section 21 (1)	Omit "Secretary to the Department of Education", substitute "Permanent Head of the Department of Social Security".
	Section 21 (2) and (4)	Omit "Secretary", substitute "Permanent Head".
<i>Cities Commission (Repeal) Act 1975</i>	Sections 4 (definition of "authorized officer") and 7	Omit "Urban and Regional Development", substitute "Environment, Housing and Community Development".
<i>Civil Aviation (Carriers' Liability) Act 1959</i>	Section 9 (4)	Omit "External Affairs", substitute "Foreign Affairs".
<i>Commonwealth Police Act 1957</i>	Sections 4 (1) (a), 5 (2), (3) (b), (3) (c) and (4), 8 (1), 9 (2), 10 (1) and (2), 11, 12 (1) and 12 (3)	Omit "Attorney-General" (wherever occurring), substitute "Minister".
<i>Conciliation and Arbitration Act 1904</i>	Sections 54 (1) and 125 (2A), (6) and (8)	Omit "Labour", substitute "Employment and Industrial Relations".
<i>Consular Fees Act 1955</i>	Section 3 (b)	Omit "External Affairs", substitute "Foreign Affairs".
<i>Consular Privileges and Immunities Act 1972</i>	Sections 6 (1) (a), (1) (b) (i) and (ii) and (2) (c), and 7 (2) (c), (3) and (4) (a) and (b)	Omit "Customs and Excise", substitute "Business and Consumer Affairs".
<i>Continental Shelf (Living Natural Resources) Act 1968</i>	Section 5 (1)	(a) Omit the definitions of "Australia" and "Australian continental shelf", substitute— " 'Australia' includes the Territory of Ashmore and Cartier Islands; 'Australian continental shelf' means the continental shelf adjacent to the coast of Australia (including the continental shelf adjacent to the Territory of Ashmore and Cartier Islands); "
		(b) In the definition of "officer"— (i) Omit from paragraph (a) "to the Department of Primary Industry, or by the Secretary to the Department of External Territories, "; and (ii) Omit from paragraph (b) "to the Department of Primary Industry".
	Section 5 (4)	Omit the sub-section, substitute—

SCHEDULE—continued

Acts	Provisions	Amendments
		“(4) In this Act— (a) a reference to the Minister is a reference to the Minister of State for Primary Industry; (b) a reference to the Secretary is a reference to the Secretary to the Department of Primary Industry; and (c) a reference to the Department is a reference to the Department of Primary Industry.”
	Section 6	Repeal the section.
	Section 6A (1)	(a) Omit “to the Department of Primary Industry”. (b) Omit “of State for Primary Industry” (wherever occurring).
	Section 6A (2)	Omit the sub-section.
	Section 10 (1)	(a) Omit “a Minister of State, or the Secretary to a Department, on whom powers or functions are conferred by this Act”, substitute “the Minister or the Secretary”. (b) Omit “those”, substitute “his”.
	Section 10 (1A)	Omit the sub-section.
	Section 10 (2)	Omit the sub-section.
	Sections 11, 12, 13, 13A, 18 (6), 20 (1B), 21, 22 and 23	Omit “appropriate” (wherever occurring).
	Sections 13 (10) and 20 (1)	Omit “of State for Primary Industry”.
	Section 20 (1A)	Omit “of State for External Territories”.
<i>Copyright Act 1968</i>	Section 135 (6)	Omit “Customs and Excise”, substitute “Business and Consumer Affairs”.
<i>Customs Act 1901</i>	Section 4 (1) (definition of “The Customs”)	Omit “Customs and Excise”, substitute “Business and Consumer Affairs”.
<i>Delivered Meals Subsidy Act 1970</i>	Section 11 (1)	Omit “Department of Social Services”, substitute “Department of Social Security”.
<i>Diplomatic Privileges and Immunities Act 1967</i>	Sections 8 (2) and (3) (a) and (b) and 9 (2) and (3) (a) and (b)	Omit “Customs and Excise”, substitute “Business and Consumer Affairs”.
<i>Excise Act 1901</i>	Section 4 (1) (definition of “The Customs”)	Omit “Customs and Excise”, substitute “Business and Consumer Affairs”.
<i>Export Incentive Grants Act 1971</i>	Section 4 (1) (definition of “the Secretary”) Section 8 (7) and (8)	Omit “Trade and Industry”, substitute “Overseas Trade”. Omit “to the Department of Overseas Trade”.
<i>Fisheries Act 1952</i>	Section 4	(a) In the definition of “Australian boat”, omit “(other than Papua New Guinea)” (wherever occurring). (b) After the definition of “carrying”, insert— “ ‘Department’ means the Department of Primary Industry;”. (c) In the definition of “officer”— (i) omit from paragraph (a) “of Agriculture or by the Secretary to the Department of the Special Minister of State”; and

SCHEDULE—continued

Acts	Provisions	Amendments
		(ii) omit from paragraph (b) "of Agriculture".
		(d) In the definition of "the Minister", omit all the words after "State" (first-occurring), substitute "for Primary Industry".
		(e) In the definition of "the Secretary", omit "of Agriculture".
	Section 6A (3)	Omit the sub-section.
	Section 6 A (4)	Omit "of State for Agriculture" and "of Agriculture" (wherever occurring).
	Section 6A (5)	Omit "of Agriculture".
	Sections 9 (9) and 17 (2)	Omit "of State for Agriculture".
	Section 10 (e) and (f)	Omit "other than Papua New Guinea".
<i>Health Insurance Act</i> 1973	Section 131 (1)	Omit "Social Security", substitute "Health".
<i>Health Insurance Com- mission Act</i> 1973	Section 3	(a) Omit the definition of "Director-General". (b) After the definition of "part-time Commissioner", insert— " 'Permanent Head' means the Permanent Head of the Department of Health;".
	Sections 10 (1) (d) and 13 (4)	Omit "Director-General", substitute "Permanent Head".
<i>Homes Savings Grant Act</i> 1964	Sections 4 (1) (definition of "the Secretary"), 7 and 8	Omit "Housing and Construction" (wherever occurring) substitute "Environment, Housing and Community Development".
	Section 31 (1)	Omit the sub-section, substitute— "(1) All courts shall take judicial notice of the signature of any person who holds or has held the office of Secretary to the Department of Housing, Secretary to the Department of Housing and Construction, Secretary to the Department of Environment, Housing and Community Development or Regional Director, and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to any official document, and any such document purporting to be so signed is <i>prima facie</i> evidence in all courts of the facts and statements contained in the document."
<i>Industrial Research and Development Grants Act</i> 1967	Section 23 (3)	Omit "Trade and Industry", substitute "Industry and Commerce".
<i>Industries Assistance Commission Act</i> 1973	Sections 23 (5) (a) and (b) and 24 (3) (a)	Omit "Customs and Excise", substitute "Business and Consumer Affairs".
<i>Migration Act</i> 1958	Sections 5 (1) (definition of "officer") and 47 (1) and (2)	Omit "Immigration", substitute "Immigration and Ethnic Affairs".
<i>National Capital Develop- ment Commission Act</i> 1957	Section 13 (1)	(a) Omit "of State for the Interior". (b) Omit "Works" (wherever occurring), substitute "Construction". (c) Omit "of the Interior" (wherever occurring), substitute "of the Capital Territory".

SCHEDULE—continued

Acts	Provisions	Amendments
<i>National Health Act 1953</i>	Section 4 (1)	(a) After the definition of "Committee of Inquiry", insert— " 'Department' means the Department of Health;". (b) After the definition of "dependant", insert— " 'Director' means— (a) in relation to a State or the Northern Territory—the officer for the time being holding the office, or performing the duties, of Director of Health for that State or Territory under the <i>Public Service Act 1922</i> ; and (b) in relation to the Australian Capital Territory—the Permanent Head;". (c) After the definition of "pensioner", insert— " 'Permanent Head' means the Permanent Head of the Department of Health;". (d) In the definitions of "restricted membership organization" and "the common form of pensioner medical service agreement", omit "of the Department of Social Security".
	Section 5	Omit "Director-General of Health", substitute "Permanent Head".
	Section 6 (1)	Omit "administering any part of this Act".
	Section 6 (2) and (3)	Omit "Director-General of Health", substitute "Permanent Head".
	Section 6 (3) (a)	Omit the paragraph, substitute— " (a) a Director; or".
	Section 6 (3) (b)	Omit "of Health".
	Section 6 (4)	Omit the sub-section.
	Section 8	Repeal the section.
	Section 11A	Repeal the section.
	Section 31	Repeal the section.
	Sections 38 (1) and 66 (1)	Omit the definition of "Permanent Head".
	Sections 70 (1) (b) and 75 (1)	Omit "of Social Security".
	Section 84 (1)	Omit the definitions of "Director" and "Director-General".
	Sections 90 (1), (3), (4) and (5), 92 (1), 92A (1) (e), 94 (1), (2), (3) and (4), 95 (4), (5) and (6), 98 (1), (2), (3) and (4), 101 (1) (a), 102, 103 (5) (a), 104 (1), 104A (1), 107 (1), 108 (1) and (2), 109, 111, 112B, 113 (1) and (2), 114, 116, 125 (2), 133 (1), (2), (4) and (5), 134 (3), 134A (1) and (3), 138, 139 (1) and 139A (1)	Omit "Director-General" (wherever occurring), substitute "Permanent Head".
	Sections 101 (1) (a), 113 (2) and 115 (1) and (2)	Omit "Commonwealth Department of Health", substitute "Department".

SCHEDULE—continued

Acts	Provisions	Amendments
	Sections 105A and 132A	Repeal the sections.
<i>National Health Amendment Act 1976</i>	Section 3	Omit paragraph (b), substitute the following paragraphs:— “(b) by inserting in sub-section (1), after the definition of “Committee of Inquiry”, the following definition:— “‘contributor’, in relation to a medical benefits fund or a hospital benefits fund conducted by a registered organization, means a person who is a contributor to that fund in accordance with the rules of that organization;”; “(ba) by inserting in sub-section (1), after the definition of “Department”, the following definition:— “‘dependant’, in relation to a contributor to a medical benefits fund or a hospital benefits fund conducted by a registered organization, means a person who is a dependant of that contributor in accordance with the rules of that organization;”.
<i>National Roads Act 1974</i>	Section 6 (6)	Omit “Urban and Regional Development”, substitute “Environment, Housing and Community Development”.
<i>National Service Act 1951</i>	Section 4 (1) (definitions of “the Department” and “the Secretary”)	Omit “Labour”, substitute “Employment and Industrial Relations”.
<i>Navigation Act 1912</i>	Sections 300 (1) and 424 (2) (a)	Omit “Shipping and Transport”, substitute “Transport”.
<i>Nursing Homes Assistance Act 1974</i>	Sections 3 (1) (definition of “Permanent Head”) and 35 (1)	Omit “Social Security”, substitute “Health”.
<i>Passports Act 1938</i>	Section 5 (1) (definition of “officer”)	Omit “Immigration”, substitute “Foreign Affairs”.
<i>Patents Act 1952</i>	Sections 10 (1), 59 (1), 82, 99, 112 (2), 130 (2), 131 (1), 158 (1) (c) and 174 (4)	Omit “Attorney-General”, substitute “Minister”.
	Section 125 (7)	Omit “Attorney-General of the Commonwealth or of the State”, substitute “Minister or by the Attorney-General of the State”.
	Section 129 (1)	(a) Omit “Attorney-General” (first occurring), substitute “Commonwealth”. (b) Omit “the Attorney-General in trust for”.

SCHEDULE—continued

Acts	Provisions	Amendments
<i>Patents, Trade Marks, Designs and Copyright Act 1939</i>	Section 9 (1)	Omit "Attorney-General", substitute "Minister".
<i>Pay-roll Tax Assessment Act 1941</i>	Sections 11 (7) and (8) and 16A (1) (definition of "the Secretary")	Omit "Trade and Industry", substitute "Overseas Trade".
<i>Petroleum Search Subsidy Act 1959</i>	Sections 3 (definition of "the Secretary") and 10A (1)	Omit "Minerals and Energy", substitute "National Resources".
<i>Pig Meat Promotion Act 1975</i>	Sections 9 (1) (b) and 10	Omit "Agriculture", substitute "Primary Industry".
<i>Pig Slaughter Levy Collection Act 1971</i>	Section 3 (definition of "the Secretary")	Omit "Agriculture", substitute "Primary Industry".
<i>Pipeline Authority Act 1973</i>	Sections 3 (1) (definition of "Secretary") and 6 (1) (b)	Omit "Minerals and Energy", substitute "National Resources".
<i>Postal and Telecommunications Commissions (Transitional Provisions) Act 1975</i>	Section 29 (1) (a) and (b)	After "Department", insert "or the Postal and Telecommunications Department".
<i>Prices Justification Act 1973</i>	Section 31 (4)	Omit "Attorney-General", substitute "Minister".
<i>Racial Discrimination Act 1975</i>	Sections 2 (3), 28 (2), 32, 34 (2) (a), 35, 36, 41 (1) and 46	Omit "Attorney-General" (wherever occurring), substitute "Minister".
<i>Removal of Prisoners (Territories) Act 1923</i>	Sections 8A (14) (b) and 10A (5) (b)	Omit "External Territories", substitute "Administrative Services".
<i>Repatriation Act 1920</i>	Sections 8A and 8B	Omit "and Compensation" (wherever occurring).
<i>Roads Grants Act 1974</i>	Section 4	Omit "A Minister" and "a Minister" (wherever occurring), substitute "The Minister" and "the Minister" respectively.
<i>Sales Tax Assessment Act (No. 5) 1930</i>	Sections 6A (3) (b) and 6B (5) (b)	Omit "Customs and Excise", substitute "Business and Consumer Affairs".
<i>Science and Industry Research Act 1949</i>	Section 32	Repeal the section.
<i>Seamen's Compensation Act 1911</i>	Section 13 (1)	Omit "Customs and Excise", substitute "Business and Consumer Affairs".
<i>Seamen's War Pensions and Allowances Act 1940</i>	Section 14 (3)	Omit "and Compensation".
<i>Ship Construction Bounty Act 1975</i>	Section 25 (1)	Omit "Transport", substitute "Industry and Commerce".
<i>Stevedoring Industry (Temporary Provisions) Act 1967</i>	Sections 6K (1) (f) and 6M	Omit "Labour" (wherever occurring), substitute "Employment and Industrial Relations".
<i>Supply and Development Act 1939</i>	Section 4 (definition of "the Department")	Omit "Manufacturing Industry", substitute "Industry and Commerce".
<i>Temple Society Trust Fund 1949</i>	Section 5 (1) (a)	Omit "Immigration", substitute "Immigration and Ethnic Affairs".
<i>Trade Marks Act 1955</i>	Section 10 (1) Section 103 (2)	Omit "Attorney-General", substitute "Minister". Omit "Trade and Customs", substitute "Business and Consumer Affairs".

SCHEDULE—continued

Acts	Provisions	Amendments
<i>Tradesmen's Rights Regulation Act 1946</i>	Section 6 (definition of "the Department")	Omit "Labour", substitute "Employment and Industrial Relations".
<i>Trade Union Training Authority Act 1975</i>	Section 3 (definitions of "Department" and "Secretary")	Omit "Labour and Immigration", substitute "Employment and Industrial Relations".

NOTE

1. Act No. 91, 1976; assented to 20 September 1976.