

SOCIAL WELFARE COMMISSION (REPEAL) ACT 1976

No. 96 of 1976

An Act to repeal the *Social Welfare Commission Act 1973*, and for related purposes.

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

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| Short title. | 1. This Act may be cited as the <i>Social Welfare Commission (Repeal) Act 1976</i> . ¹ |
| Commence-
ment. | 2. This Act shall come into operation on the day on which it receives the Royal Assent. ¹ |
| Repeal. | 3. The <i>Social Welfare Commission Act 1973</i> is repealed. |
| Definitions. | 4. In this Act, unless the contrary intention appears—
“commencing day” means the day on which this Act comes into operation;
“Commission” and “Commissioner” have the same respective meanings as they had for the purposes of the repealed Act immediately before the commencing day;
“repealed Act” means the <i>Social Welfare Commission Act 1973</i> or that Act as amended by the <i>Statute Law Revision Act 1973-1974</i> . |
| Transfer of
assets,
liabilities,
&c. | 5. On the commencing day—
(a) any rights, property or assets that immediately before that day were vested in the Commission are, by force of this section, vested in the Commonwealth; and
(b) the Commonwealth becomes, by force of this section, liable to pay and discharge any debts, liabilities or obligations of the Commission that existed immediately before that day. |
| Engage-
ments,
arrange-
ments and
contracts. | 6. An engagement, arrangement or contract entered into by the Commission on behalf of the Commonwealth and in force immediately before the commencing day is not affected by the repeal of the <i>Social Welfare Commission Act 1973</i> , but that engagement, arrangement or contract has effect on and after the commencing day as if any reference in the engagement, arrangement or contract to—
(a) the Commission;
(b) the Chairman of the Commission; or |

(c) a Committee appointed under section 17 of the repealed Act, were (except in relation to matters that occurred before that day) a reference to the Minister or to a person authorized by the Minister.

7. Where a document was, immediately before the commencing day, in the possession or custody of—

- (a) a Commissioner;
- (b) a member of a Committee appointed under section 17 of the repealed Act; or
- (c) a member of the staff of the Commission,

Disposal of documents in possession of Commissioner, &c.

by reason of his office or employment under or for the purposes of the repealed Act (including a document drawn up by, or under the instructions of, the Commissioner or member), the Minister or a person authorized by the Minister for the purpose may, by writing signed by him, give directions as to the disposal of the document.

8. (1) This section applies to—

Secrecy.

- (a) every person who has been a Commissioner, a member of a Committee appointed under section 17 of the repealed Act or a member of the staff of the Commission; and
- (b) a person who is, or has been, an officer of the Australian Public Service.

(2) Subject to this section, a person to whom this section applies shall not, either directly or indirectly—

- (a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person acquired by the first-mentioned person by reason of his office or employment under or for the purposes of the repealed Act or by virtue of the operation of this Act; or
- (b) produce to any person a document relating to the affairs of another person furnished for the purposes of the repealed Act or under an engagement, arrangement or contract referred to in section 6 of this Act.

Penalty: \$1000 or imprisonment for 3 months.

(3) Sub-section (2) does not apply in relation to—

- (a) any act or thing done for purposes connected with the operation of this Act; or
- (b) any act or thing done in the performance of the duties of a person as an officer of the Australian Public Service.

(4) The Minister may, by writing signed by him, authorize the doing by a person of an act or thing that, but for the authorization, would be a contravention of sub-section (2) if the Minister is satisfied that the doing of the act or thing is necessary for the proper planning or administration of a social welfare program or is otherwise in the public interest.

- (5) A person to whom this section applies shall not be required—
- (a) to produce in a court any document relating to the affairs of another person of which he has the possession or custody by reason of his office or employment under or for the purposes of the repealed Act or of which he has the possession or custody, or to which he has access, by virtue of the operation of this Act; or
 - (b) to divulge or communicate to a court any information concerning the affairs of another person obtained by him by reason of his office or employment under or for the purposes of the repealed Act or by virtue of the operation of this Act.
- (6) In this section—
- “court” includes any tribunal, authority or person having power to require the production of documents or the answering of questions;
- “produce” includes permit access to and “production” has a corresponding meaning.
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NOTE

1. Act No. 96, 1976; assented to 29 September 1976.