



# **Productivity Commission (Repeals, Transitional and Consequential Amendments) Act 1998**

No. 15, 1998

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**An Act to repeal the *Economic Planning Advisory Commission Act 1983* and the *Industry Commission Act 1989*, to deal with transitional and consequential matters arising from the repeals and from the enactment of the *Productivity Commission Act 1998***

[Assented to 16 April 1998]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Productivity Commission (Repeals, Transitional and Consequential Amendments) Act 1998*.

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## **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

## **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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Repeal of Acts**

### ***Economic Planning Advisory Commission Act 1983***

#### **1 The whole of the Act**

Repeal the Act.

### ***Industry Commission Act 1989***

#### **2 The whole of the Act**

Repeal the Act.

## **Schedule 2—Transitional provisions and consequential amendments**

### **Part 1—Transitional provisions relating to the Economic Planning Advisory Commission Act 1983 and the Industry Commission Act 1989**

#### **1 Definitions**

In this Schedule, unless the contrary intention appears:

*commencement day* means the day on which this Act commences.

*EPAC* means the Economic Planning Advisory Commission.

*EPAC Act* means the *Economic Planning Advisory Commission Act 1983*.

*IC* means the Industry Commission.

*IC Act* means the *Industry Commission Act 1989*.

*PC* means the Productivity Commission.

*PC Act* means the *Productivity Commission Act 1998*.

#### **2 Inquiries by IC**

- (1) If the IC had begun but not completed an inquiry or report under the IC Act before commencement day, the PC may complete the inquiry or report as if it had been begun under the PC Act.
- (2) If the IC had not completed its hearings in relation to an inquiry under the IC Act before commencement day, the PC is taken to be required to hold hearings under the PC Act for the purposes of the inquiry.
- (3) If the IC had completed an inquiry under the IC Act but had not begun a report on the inquiry before commencement day, the PC may make the report as if the inquiry had been held under the PC Act.

### **3 Staff**

A person who, immediately before commencement day, was a member of the staff of EPAC or the IC is taken, from commencement day, to be a member of the staff of the PC.

### **4 Contracts**

- (1) In any contract, agreement or arrangement, or in any other instrument, a reference to EPAC or the IC is taken to be a reference to the PC.
- (2) Subitem (1) does not apply in relation to matters that occurred before commencement day.

### **5 Appropriations**

- (1) Money that has been appropriated under an Act for the purposes of EPAC or the IC is taken to have been appropriated for the purposes of the PC.
- (2) Subitem (1) does not apply to money that has been spent before commencement day.

### **6 Annual report**

The first annual report of the PC under section 10 of the PC Act must include a report on the operations of EPAC and the IC during the financial year to which the report relates.

### **7 Protection of witnesses**

A person who gave evidence, made a statement or produced a document at a hearing before the IC, is entitled to the same protection as if the person had done so at a hearing before the PC.

### **8 Records**

- (1) On commencement day records of the IC become records of the PC and any information or documents that were treated as confidential by the IC must be treated as confidential by the PC until the PC determines, with the consent of the person who supplied the information or documents, that the circumstances that originally required their confidentiality no longer apply.

## **Schedule 2 Transitional provisions and consequential amendments**

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- (2) If a direction given by the IC under paragraph 17(2)(b) of the IC Act was in effect immediately before commencement day, it has effect after that day as if it were a direction given by the PC under subsection 53(1) of the PC Act.

### **9 Regulations**

The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the EPAC Act and the IC Act and the enactment of this Act and the PC Act.

## **Part 2—Consequential amendments of other Acts**

### ***Biological Control Act 1984***

#### **10 Section 11**

Repeal the section.

#### **11 Paragraph 19(1)(f)**

Repeal the paragraph, substitute:

- (f) arrange for the Minister who administers the *Productivity Commission Act 1998* to refer the recommendation to the Productivity Commission for inquiry and report.

#### **12 Paragraph 56(1)(e)**

Omit “Industries Assistance Commission”, substitute “Productivity Commission”.

### ***Bounty (Computers) Act 1984***

#### **13 Subsection 5(8)**

Repeal the subsection.

### ***Bounty (Machine Tools and Robots) Act 1985***

#### **14 Section 9**

Repeal the section.

***Development Allowance Authority Act 1992***

**15 Paragraph 16(2)(a)**

Omit "Industry", substitute "Productivity".

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*[Minister's second reading speech made in—  
House of Representatives on 4 December 1996  
Senate on 13 February 1997]*

(185/96)