

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 September, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act relating to administrative changes in connection with the Ministry, Departments and officers of Departments; and for this purpose to enable orders to be made affecting the construction of certain references in Acts, instruments, contracts and agreements and containing other provisions incidental to or consequential on any such administrative changes.

BE

Administrative Changes.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Administrative Changes Act, 1976". Short title.

2. (1) In this Act, except in so far as the context or Interpre- subject-matter otherwise indicates or requires— tation.

10 "administrative change" means—

- (a) a requirement of the kind referred to in section 3 (1) (a);
- 15 (b) the fact of there ceasing to be a Minister, Department or officer of a particular description;
- (c) the transfer of the administration of an Act, or a part of an Act, from a Minister to another Minister; or
- 20 (d) the transfer of a function from a Minister, Department or officer to another Minister, Department or officer, respectively;

"Department" means a Department of the Government, and includes—

- (a) any part of such a Department; and
- 25 (b) any part of the Public Service consisting of persons appointed or employed under and subject to the Public Service Act, 1902.

but does not include the Police Force or any part of the Police Force;

"description"

Administrative Changes.

“description” includes a title;

“Minister” means a Minister of the Crown;

“officer” means an officer, employee or member of a Department;

5 “order” means an order under this Act;

“reference”, in relation to a Minister, Department or officer, includes a reference that (whether by or under this or any other Act) is to be read or construed as, or taken to be, or deemed to be, or otherwise treated as, a reference to that Minister, Department or officer;

10

“statutory instrument” means an instrument made under an Act or under an instrument made under an Act, and includes a regulation, rule, by-law or ordinance made under an Act.

15

(2) A reference in this Act to a superseded authority is, in relation to an administrative change referred to in—

(a) paragraph (a) of the definition of “administrative change” in subsection (1)—a reference to a Minister, Department or officer, a reference to whom or which by a particular description is to be construed in accordance with provisions referred to in section 3 (1) (a);

20

(b) paragraph (b) of that definition—a reference to a Minister, Department or officer of a description referred to in that paragraph; or

25

(c) paragraph (c) or (d) of that definition—a reference to a Minister, Department or officer from whom or which a transfer referred to in that paragraph was effected.

30

Administrative Changes.

3. (1) The Governor may make orders containing—

Power
to make
orders.

- 5 (a) provisions requiring a reference in any Act or
statutory instrument, or in any other instrument,
or in any contract or agreement, to a Minister,
Department or officer by a description specified
therein to be construed as a reference to a Minister,
Department or officer, respectively, by another
description specified therein; or
- 10 (b) such other provisions as in the opinion of the Gover-
nor are necessary or convenient to be made for the
purpose of dealing with matters that are incidental
to or consequential on an administrative change
or on the making of an order,

or both.

15 (2) The provisions referred to in subsection (1) (b)
that may be made in relation to an administrative change may
include—

- (a) provisions of a transitional or savings nature,
including—
- 20 (i) provisions for the carrying on or completion
of anything commenced by, or under the
authority of, or in relation to, the superseded
authority;
- 25 (ii) provisions for the continuity of any body
constituted by, or having amongst its
members, the superseded authority; and
- (iii) provisions for the substitution, in any legal
proceedings, of a Minister or officer for the
superseded authority; and
- 30 (b) provisions for the transfer of any property, rights
and liabilities held, enjoyed or incurred by the
superseded authority.

4.

Administrative Changes.

4. (1) An order shall—

Provisions
ancillary
to orders.

- (a) be published in the Gazette; and
- (b) take effect from the date of its publication in the Gazette, or from—
 - 5 (i) an earlier date (whether before, on or after the date of commencement of this Act); or
 - (ii) a later date,
specified in the order.

(2) An order may be made so as to differ in its appli-
10 cation according to specified factors.

(3) An order may be made so as to apply to or in
respect of—

- (a) any subject-matter, or all subject-matter, or any class of subject-matter, specified in the order; or
- 15 (b) any subject-matter, or all subject-matter, or any class of subject-matter, so specified, other than any subject-matter or class of subject-matter so specified.

5. (1) An order does not invalidate anything done or
20 omitted to be done before the date of its publication in the Gazette. Limitations on operation of orders.

(2) To the extent to which an order takes effect from a date that is earlier than the date of its publication in the Gazette, the order does not operate so as—

- 25 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

(b)

Administrative Changes.

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

5 (3) A provision of the kind referred to in section
3 (1) (a) does not apply to or in respect of any Act or
statutory instrument, or any other instrument, or any contract
or agreement, enacted, made or entered into after the date of
publication in the Gazette of the order in which the provision
10 is contained, or the date on which the provision takes effect,
whichever is the later.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976
[8c]

No. , 1976.

A BILL

Relating to administrative changes in connection with the Ministry, Departments and officers of Departments; and for this purpose to enable orders to be made affecting the construction of certain references in Acts, instruments, contracts and agreements and containing other provisions incidental to or consequential on any such administrative changes.

[Mr F. J. WALKER—8 September, 1976.]

BE

Administrative Changes.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Administrative Changes Act, 1976". Short title.

2. (1) In this Act, except in so far as the context or Interpre- subject-matter otherwise indicates or requires— tation.

10 "administrative change" means—

- (a) a requirement of the kind referred to in section 3 (1) (a);
- 15 (b) the fact of there ceasing to be a Minister, Department or officer of a particular description;
- (c) the transfer of the administration of an Act, or a part of an Act, from a Minister to another Minister; or
- 20 (d) the transfer of a function from a Minister, Department or officer to another Minister, Department or officer;

"Department" means a Department of the Government, and includes—

- (a) any part of such a Department; and
- 25 (b) any part of the Public Service consisting of persons appointed or employed under and subject to the Public Service Act, 1902,

but does not include the Police Force or any part of the Police Force;

"description"

Administrative Changes.

“description” includes a title;

“Minister” means a Minister of the Crown;

“officer” means an officer, employee or member of a
Department;

5 “order” means an order under this Act;

“reference”, in relation to a Minister, Department or
officer, includes a reference that (whether by or
under this or any other Act) is to be read or con-
strued as, or taken to be, or deemed to be, or other-
wise treated as, a reference to that Minister,
10 Department or officer;

“statutory instrument” means an instrument made under
an Act or under an instrument made under an Act,
and includes a regulation, rule, by-law or ordinance
made under an Act.
15

(2) A reference in this Act to a superseded authority
is, in relation to an administrative change referred to in—

(a) paragraph (a) of the definition of “administrative
change” in subsection (1)—a reference to a
20 Minister, Department or officer, a reference to
whom or which by a particular description is to
be construed in accordance with provisions referred
to in section 3 (1) (a);

(b) paragraph (b) of that definition—a reference to a
25 Minister, Department or officer of a description
referred to in that paragraph; or

(c) paragraph (c) or (d) of that definition—a reference
to a Minister, Department or officer from whom or
which a transfer referred to in that paragraph was
30 effected.

Administrative Changes.

3. (1) The Governor may make orders containing— Power
to make
orders.

5 (a) provisions requiring a reference in any Act or
statutory instrument, or in any other instrument,
or in any contract or agreement, to a Minister,
Department or officer by a description specified
therein to be construed as a reference to a Minister,
Department or officer, respectively, by another
description specified therein; or

10 (b) such other provisions as in the opinion of the Gover-
nor are necessary or convenient to be made for the
purpose of dealing with matters that are incidental
to or consequential on an administrative change
or on the making of an order,

or both.

15 (2) The provisions referred to in subsection (1) (b)
that may be made in relation to an administrative change may
include—

(a) provisions of a transitional or savings nature,
including—

20 (i) provisions for the carrying on or completion
of anything commenced by, or under the
authority of, or in relation to, the superseded
authority;

25 (ii) provisions for the continuity of any body
constituted by, or having amongst its
members, the superseded authority; and

(iii) provisions for the substitution, in any legal
proceedings, of a Minister or officer for the
superseded authority; and

30 (b) provisions for the transfer of any property, rights
and liabilities held, enjoyed or incurred by the
superseded authority.

Administrative Changes.

4. (1) An order shall—
- (a) be published in the Gazette; and
- (b) take effect from the date of its publication in the Gazette, or from—
- 5 (i) an earlier date (whether before, on or after the date of commencement of this Act); or
- (ii) a later date, specified in the order.
- (2) An order may be made so as to differ in its appli-
10 cation according to specified factors.
- (3) An order may be made so as to apply to or in respect of—
- (a) any subject-matter, or all subject-matter, or any class of subject-matter, specified in the order; or
- 15 (b) any subject-matter, or all subject-matter, or any class of subject-matter, so specified, other than any subject-matter or class of subject-matter so specified.
5. (1) An order does not invalidate anything done or
20 omitted to be done before the date of its publication in the Gazette.
- (2) To the extent to which an order takes effect from a date that is earlier than the date of its publication in the Gazette, the order does not operate so as—
- 25 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

Provisions ancillary to orders.

Limitations on operation of orders.

(b)

Administrative Changes.

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.
- 5 (3) A provision of the kind referred to in section
3 (1) (a) does not apply to or in respect of any Act or
statutory instrument, or any other instrument, or any contract
or agreement, enacted, made or entered into after the date of
publication in the Gazette of the order in which the provision
10 is contained, or the date on which the provision takes effect,
whichever is the later.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[8c]

ADMINISTRATIVE CHANGES BILL, 1976

EXPLANATORY NOTE

THE object of this Bill is to facilitate the making of administrative changes in connection with the Ministry, Departments and Departmental officers.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation. One of the definitions is that of “administrative change”, which is defined as meaning—

- (a) a requirement referred to in clause 3 (1) (a), i.e., a requirement (contained in an order under the proposed Act) that a reference to a Minister, Department or officer by a particular description be construed as a reference to a Minister, Department or officer by another description;
- (b) the fact of there ceasing to be a Minister, Department or officer of a particular description;
- (c) the transfer of the administration of an Act to another Minister; or
- (d) the transfer of a function to another Minister, Department or officer.

Clause 3 authorises the Governor to make orders containing provisions of either or both of the following kinds:—

- (a) provisions requiring references in an Act, instrument, contract or agreement to a Minister, Department or officer by a particular description to be construed as references to a Minister, Department or officer by another description;
- (b) other provisions that are incidental to or consequential on an administrative change (as defined in clause 2, referred to above), including transitional and savings provisions.

Clause 4 contains ancillary provisions relating to orders. Clause 4 (1) provides that an order is to take effect on the date of its publication in the Gazette, or from an earlier or later date specified in the order. Clause 4 (2) and clause 4 (3) enable an order to differ according to circumstances or to be limited according to subject-matter.

Clause 5 limits the operation of orders. Clause 5 (1) provides that an order does not invalidate past acts or omissions. Clause 5 (2) provides that an order does not prejudicially affect the existing rights of a person (other than the State), or impose liabilities on a person (other than the State) in respect of past acts and omissions. Clause 5 (3) provides that provisions of the kind referred to in clause 3 (1) (a) operate only in relation to Acts, instruments, etc., in existence at the date of gazettal or when the order takes effect (whichever is the later).

AMENDMENTAL CHANGES BILL 1978

EXPLANATORY NOTES

The purpose of this Bill is to amend the provisions of the Income Tax Act, 1961, relating to the assessment of income of individuals and firms.

Clause 1 provides for the amendment of section 14 of the Act, which relates to the assessment of income of individuals and firms. The proposed amendment is to insert a new clause (d) in section 14, which reads as follows: "(d) any income derived from the business of a profession or vocation, whether or not such business is carried on in India."

Clause 2 provides for the amendment of section 15 of the Act, which relates to the assessment of income of individuals and firms. The proposed amendment is to insert a new clause (e) in section 15, which reads as follows: "(e) any income derived from the business of a profession or vocation, whether or not such business is carried on in India."

Clause 3 provides for the amendment of section 16 of the Act, which relates to the assessment of income of individuals and firms. The proposed amendment is to insert a new clause (f) in section 16, which reads as follows: "(f) any income derived from the business of a profession or vocation, whether or not such business is carried on in India."

Clause 4 provides for the amendment of section 17 of the Act, which relates to the assessment of income of individuals and firms. The proposed amendment is to insert a new clause (g) in section 17, which reads as follows: "(g) any income derived from the business of a profession or vocation, whether or not such business is carried on in India."

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 61, 1976.

An Act relating to administrative changes in connection with the Ministry, Departments and officers of Departments; and for this purpose to enable orders to be made affecting the construction of certain references in Acts, instruments, contracts and agreements and containing other provisions incidental to or consequential on any such administrative changes. [Assented to, 2nd November, 1976.]

BE

Administrative Changes.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Administrative Changes Act, 1976".

Interpre- **2.** (1) In this Act, except in so far as the context or
tation. subject-matter otherwise indicates or requires—

"administrative change" means—

- (a) a requirement of the kind referred to in section 3 (1) (a);
- (b) the fact of there ceasing to be a Minister, Department or officer of a particular description;
- (c) the transfer of the administration of an Act, or a part of an Act, from a Minister to another Minister; or
- (d) the transfer of a function from a Minister, Department or officer to another Minister, Department or officer, respectively;

"Department" means a Department of the Government, and includes—

- (a) any part of such a Department; and
- (b) any part of the Public Service consisting of persons appointed or employed under and subject to the Public Service Act, 1902,

but does not include the Police Force or any part of the Police Force;

"description"

Administrative Changes.

“description” includes a title;

“Minister” means a Minister of the Crown;

“officer” means an officer, employee or member of a Department;

“order” means an order under this Act;

“reference”, in relation to a Minister, Department or officer, includes a reference that (whether by or under this or any other Act) is to be read or construed as, or taken to be, or deemed to be, or otherwise treated as, a reference to that Minister, Department or officer;

“statutory instrument” means an instrument made under an Act or under an instrument made under an Act, and includes a regulation, rule, by-law or ordinance made under an Act.

(2) A reference in this Act to a superseded authority is, in relation to an administrative change referred to in—

- (a) paragraph (a) of the definition of “administrative change” in subsection (1)—a reference to a Minister, Department or officer, a reference to whom or which by a particular description is to be construed in accordance with provisions referred to in section 3 (1) (a);
- (b) paragraph (b) of that definition—a reference to a Minister, Department or officer of a description referred to in that paragraph; or
- (c) paragraph (c) or (d) of that definition—a reference to a Minister, Department or officer from whom or which a transfer referred to in that paragraph was affected.

Administrative Changes.

Power
to make
orders.

3. (1) The Governor may make orders containing—

- (a) provisions requiring a reference in any Act or statutory instrument, or in any other instrument, or in any contract or agreement, to a Minister, Department or officer by a description specified therein to be construed as a reference to a Minister, Department or officer, respectively, by another description specified therein ; or
- (b) such other provisions as in the opinion of the Governor are necessary or convenient to be made for the purpose of dealing with matters that are incidental to or consequential on an administrative change or on the making of an order,

or both.

(2) The provisions referred to in subsection (1) (b) that may be made in relation to an administrative change may include—

- (a) provisions of a transitional or savings nature, including—
 - (i) provisions for the carrying on or completion of anything commenced by, or under the authority of, or in relation to, the superseded authority ;
 - (ii) provisions for the continuity of any body constituted by, or having amongst its members, the superseded authority ; and
 - (iii) provisions for the substitution, in any legal proceedings, of a Minister or officer for the superseded authority ; and
- (b) provisions for the transfer of any property, rights and liabilities held, enjoyed or incurred by the superseded authority.

Administrative Changes.

- 4.** (1) An order shall—
- (a) be published in the Gazette; and
- (b) take effect from the date of its publication in the Gazette, or from—
- (i) an earlier date (whether before, on or after the date of commencement of this Act); or
- (ii) a later date,
specified in the order.
- (2) An order may be made so as to differ in its application according to specified factors.
- (3) An order may be made so as to apply to or in respect of—
- (a) any subject-matter, or all subject-matter, or any class of subject-matter, specified in the order; or
- (b) any subject-matter, or all subject-matter, or any class of subject-matter, so specified, other than any subject-matter or class of subject-matter so specified.
- 5.** (1) An order does not invalidate anything done or omitted to be done before the date of its publication in the Gazette.
- (2) To the extent to which an order takes effect from a date that is earlier than the date of its publication in the Gazette, the order does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

Provisions
ancillary
to orders.

Limitations
on opera-
tion of
orders.

(b)

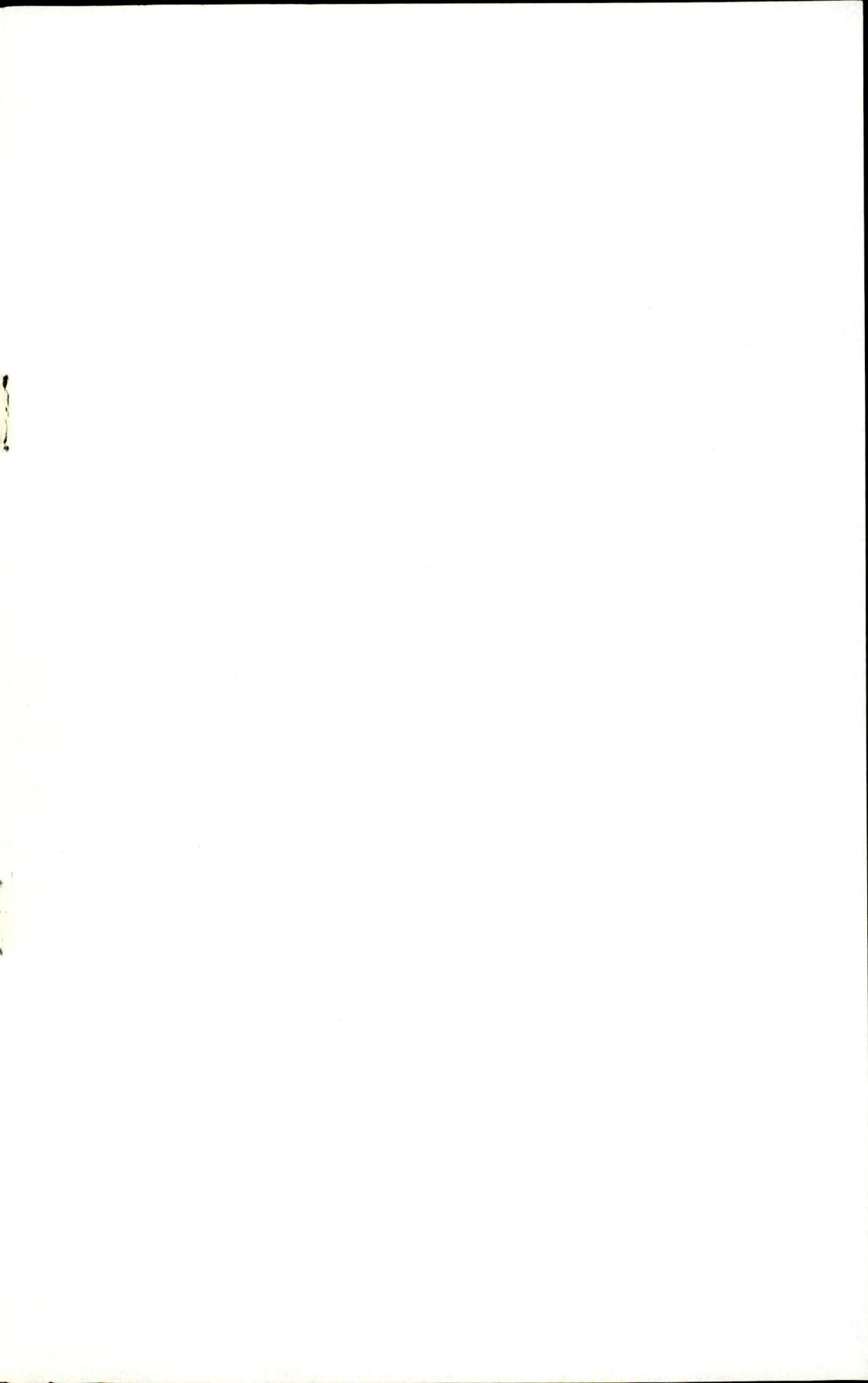
Administrative Changes.

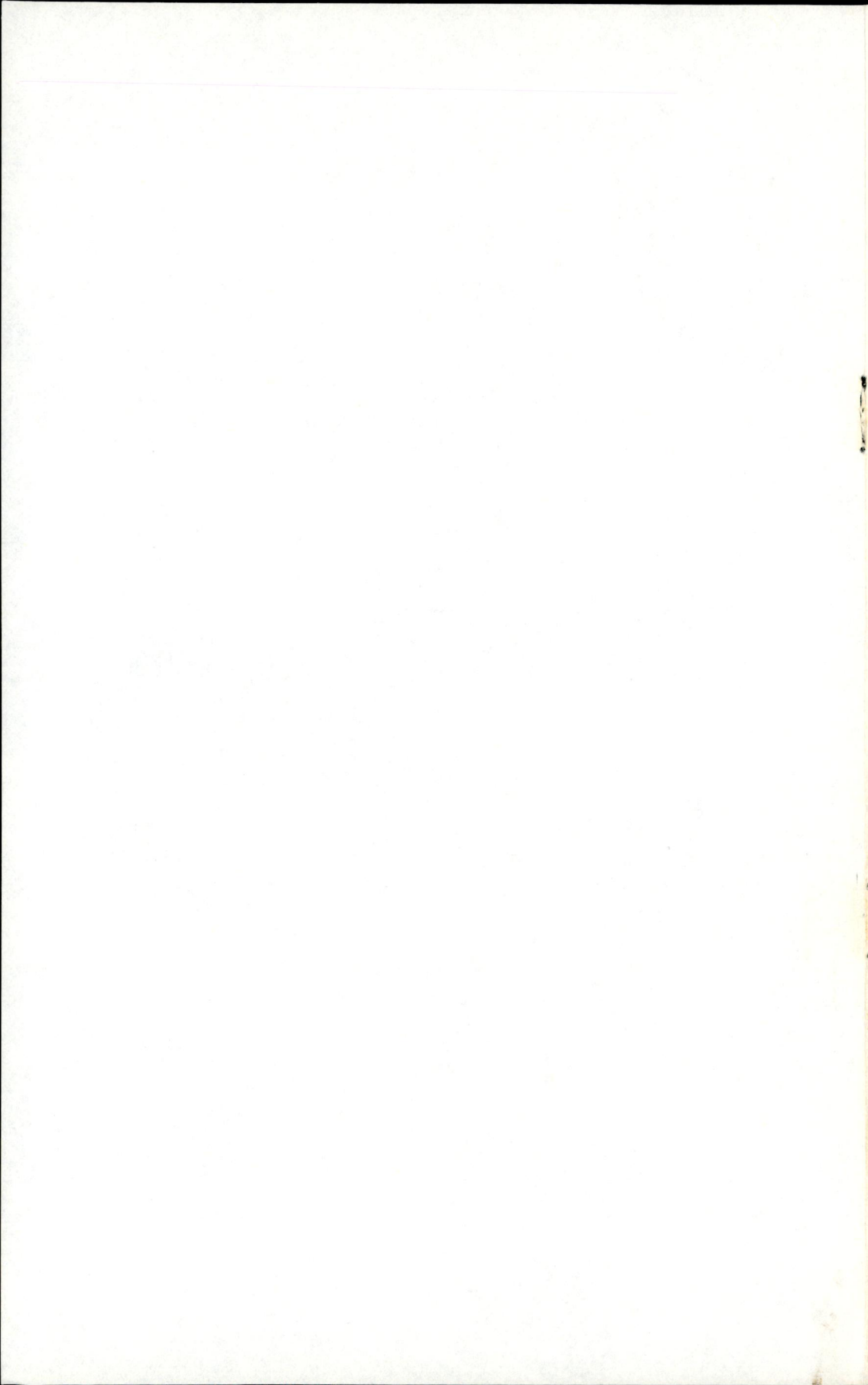
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(3) A provision of the kind referred to in section 3 (1) (a) does not apply to or in respect of any Act or statutory instrument, or any other instrument, or any contract or agreement, enacted, made or entered into after the date of publication in the Gazette of the order in which the provision is contained, or the date on which the provision takes effect, whichever is the later.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 October, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 61, 1976.

An Act relating to administrative changes in connection with the Ministry, Departments and officers of Departments; and for this purpose to enable orders to be made affecting the construction of certain references in Acts, instruments, contracts and agreements and containing other provisions incidental to or consequential on any such administrative changes. [Assented to, 2nd November, 1976.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Administrative Changes.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Administrative Changes Act, 1976".

Interpre- **2.** (1) In this Act, except in so far as the context or
tation. subject-matter otherwise indicates or requires—

 "administrative change" means—

- (a) a requirement of the kind referred to in section 3 (1) (a) ;
- (b) the fact of there ceasing to be a Minister, Department or officer of a particular description ;
- (c) the transfer of the administration of an Act, or a part of an Act, from a Minister to another Minister ; or
- (d) the transfer of a function from a Minister, Department or officer to another Minister, Department or officer, respectively ;

 "Department" means a Department of the Government, and includes—

- (a) any part of such a Department ; and
- (b) any part of the Public Service consisting of persons appointed or employed under and subject to the Public Service Act, 1902,

but does not include the Police Force or any part of the Police Force ;

 "description"

Administrative Changes.

“description” includes a title;

“Minister” means a Minister of the Crown;

“officer” means an officer, employee or member of a Department;

“order” means an order under this Act;

“reference”, in relation to a Minister, Department or officer, includes a reference that (whether by or under this or any other Act) is to be read or construed as, or taken to be, or deemed to be, or otherwise treated as, a reference to that Minister, Department or officer;

“statutory instrument” means an instrument made under an Act or under an instrument made under an Act, and includes a regulation, rule, by-law or ordinance made under an Act.

(2) A reference in this Act to a superseded authority is, in relation to an administrative change referred to in—

- (a) paragraph (a) of the definition of “administrative change” in subsection (1)—a reference to a Minister, Department or officer, a reference to whom or which by a particular description is to be construed in accordance with provisions referred to in section 3 (1) (a);
- (b) paragraph (b) of that definition—a reference to a Minister, Department or officer of a description referred to in that paragraph; or
- (c) paragraph (c) or (d) of that definition—a reference to a Minister, Department or officer from whom or which a transfer referred to in that paragraph was effected.

Administrative Changes.

Power
to make
orders.

3. (1) The Governor may make orders containing—

- (a) provisions requiring a reference in any Act or statutory instrument, or in any other instrument, or in any contract or agreement, to a Minister, Department or officer by a description specified therein to be construed as a reference to a Minister, Department or officer, respectively, by another description specified therein; or
- (b) such other provisions as in the opinion of the Governor are necessary or convenient to be made for the purpose of dealing with matters that are incidental to or consequential on an administrative change or on the making of an order,

or both.

(2) The provisions referred to in subsection (1) (b) that may be made in relation to an administrative change may include—

- (a) provisions of a transitional or savings nature, including—
 - (i) provisions for the carrying on or completion of anything commenced by, or under the authority of, or in relation to, the superseded authority;
 - (ii) provisions for the continuity of any body constituted by, or having amongst its members, the superseded authority; and
 - (iii) provisions for the substitution, in any legal proceedings, of a Minister or officer for the superseded authority; and
- (b) provisions for the transfer of any property, rights and liabilities held, enjoyed or incurred by the superseded authority.

Administrative Changes.

4. (1) An order shall—

Provisions
ancillary
to orders.

- (a) be published in the Gazette; and
- (b) take effect from the date of its publication in the Gazette, or from—
 - (i) an earlier date (whether before, on or after the date of commencement of this Act); or
 - (ii) a later date,
specified in the order.

(2) An order may be made so as to differ in its application according to specified factors.

(3) An order may be made so as to apply to or in respect of—

- (a) any subject-matter, or all subject-matter, or any class of subject-matter, specified in the order; or
- (b) any subject-matter, or all subject-matter, or any class of subject-matter, so specified, other than any subject-matter or class of subject-matter so specified.

5. (1) An order does not invalidate anything done or omitted to be done before the date of its publication in the Gazette.

Limitations
on operation
of
orders.

(2) To the extent to which an order takes effect from a date that is earlier than the date of its publication in the Gazette, the order does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

(b)

Administrative Changes.

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(3) A provision of the kind referred to in section 3 (1) (a) does not apply to or in respect of any Act or statutory instrument, or any other instrument, or any contract or agreement, enacted, made or entered into after the date of publication in the Gazette of the order in which the provision is contained, or the date on which the provision takes effect, whichever is the later.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 2nd November, 1976.*