



Export Inspection and Meat Charges Collection Act 1985

Act No. 27 of 1985 as amended

This compilation was prepared on 16 October 2001
taking into account amendments up to Act No. 115 of 2001

The text of any of those amendments not in force
on that date is appended in the Notes section

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An Act to make provision for the collection of the charges imposed by the *Export Inspection (Establishment Registration Charges) Act 1985*, the *Export Inspection (Quantity Charge) Act 1985*, the *Export Inspection (Service Charge) Act 1985* and the *Domestic Meat Premises Charge Act 1993*

1 Short title [see Note 1]

This Act may be cited as the *Export Inspection and Meat Charges Collection Act 1985*.

2 Commencement

This Act shall come into operation on 1 July 1985.

3 Interpretation

- (1) In this Act, unless the contrary intention appears:

animal means any member, alive or dead, of the animal kingdom (other than a human).

animal reproductive material means:

- (a) an embryo, egg or sperm of an animal; or
- (b) any other part, or product, of an animal from which another animal could be produced.

authorised agent means the person appointed by a person under subsection 8(1) to be the authorised agent of the last-mentioned person.

authorised officer has the same meaning as in the *Export Control Act 1982*.

authorised person means a person who is, by virtue of an appointment made under section 14, an authorised person for the purposes of the provision in which the expression appears.

charge means:

- (a) establishment registration charge; or
- (b) quantity charge; or
- (c) service charge; or
- (d) domestic meat premises charge.

dairy produce means milk and includes milk products.

domestic meat premises charge means a charge imposed by the *Domestic Meat Premises Charge Act 1993*.

dried fruit means fruit from which part of the natural moisture content has been removed by means of evaporation or dehydration and includes dried fruit products.

dried fruit product means a product one of the major components of which is dried fruit.

edible game offal means the:

- (a) liver;
- (b) kidney; or
- (c) heart;

of a game animal that has been separated from the carcase of the animal.

egg product means a product one of the major components of which is eggs or a constituent part of eggs.

eggs means eggs of hens of the species *Gallus gallus* or any other species, or class of species, of bird, that is prescribed for the purposes of this definition and includes egg products.

establishment means an establishment that is registered for operations associated with the preparation of prescribed commodities.

establishment registration charge means a charge imposed by the *Export Inspection (Establishment Registration Charges) Act 1985*.

export control orders means orders or regulations made under the *Export Control Act 1982*.

export permit means a permit of that name provision for the granting of which is made for the purposes of section 7 of the *Export Control Act 1982* in export control orders.

exporter, in relation to a prescribed commodity, means the person in whose name an export permit in respect of that prescribed commodity is granted.

external export inspection service means an export inspection service that is provided at a place other than an establishment.

fish means:

- (a) the whole of an aquatic animal; or
- (b) a part of an aquatic animal other than the shell of the animal where the shell has been separated from the remainder of the animal;

whether alive or dead, processed or unprocessed and includes fish products, but does not include the whole, or any part, of an aquatic mammal.

fish product means a product one of the major components of which is fish.

fruit juice means the unfermented juice of fruit, whether or not that juice contains a food additive, and includes the pulp of fruit and fruit juice concentrate.

fruit product means a product one of the major components of which is a fruit or a constituent part of a fruit but does not include fruit juice.

game animal means a wild animal, other than a bird or rabbit, that has been killed in its habitat by a shot from a firearm.

game meat means any part of a game animal, other than edible game offal, intended for human consumption.

game meat product means a food that has been processed beyond boning, slicing or trimming, other than soup, that is suitable for human consumption, being a food that.

- (a) has been prepared from game meat or edible game offal; or
- (b) contains in excess of 5% by mass of game meat or edible game offal.

grain means:

- (a) the grain of wheat, oats, barley or sorghum or of any other cereal that is prescribed for the purposes of this definition; and
- (b) the seeds of lupins or field peas or of any other leguminous plant that are prescribed for the purposes of this definition.

killing or processing plant has the same meaning as in the *Domestic Meat Premises Charge Act 1993*.

meat and **meat product** have the same respective meanings as in the *Meat Export Charge Act 1984*.

milk product means a product one of the major components of which is milk or a constituent part of milk.

poultry means domesticated fowl, ducks, geese or turkeys.

poultry meat means a part of poultry that is intended for human consumption.

poultry meat product means a food that has been processed beyond boning, slicing or trimming, other than soup, that is suitable for human consumption, being a food that:

- (a) has been prepared from poultry meat; or
- (b) contains in excess of 5% by mass of poultry meat.

preparation, in relation to prescribed commodities, includes:

- (a) the slaughter or killing of animals, or the dressing of carcasses, from which prescribed commodities are obtained;
- (b) the processing, packing or storage of prescribed commodities;
- (c) the treatment of prescribed commodities; or
- (d) the handling or loading of prescribed commodities.

prescribed commodity means:

- (a) dairy produce;
- (b) eggs;
- (c) fruit;
- (d) fruit juice;
- (e) fruit products;

- (f) fish;
- (g) grain;
- (ga) live animals;
- (gb) animal reproductive material;
- (h) meat;
- (j) meat products;
- (k) edible game offal;
- (m) game meat;
- (n) game meat products;
- (o) poultry meat;
- (p) poultry meat products;
- (q) rabbit meat;
- (r) rabbit meat products;
- (s) vegetables;
- (t) vegetable juice; or
- (u) vegetable products.

prescribed office means an office of the Department, being an office that is prescribed for the purposes of this Act.

quantity charge means the charge imposed by the *Export Inspection (Quantity Charge) Act 1985*.

rabbit includes a hare.

rabbit meat means a part of a rabbit that is intended for human consumption.

rabbit meat product means a food that has been processed beyond boning, slicing or trimming, other than soup, that is suitable for human consumption, being a food that:

- (a) has been prepared from rabbit meat; or
- (b) contains in excess of 5% by mass of rabbit meat.

registered occupier, in relation to an establishment, means the person in whose name the establishment is registered.

requester, in relation to an external export inspection service, means the person who requested the service.

Secretary means the Secretary to the Department.

service charge means the charge imposed by the *Export Inspection (Service Charge) Act 1985*.

vegetable juice means the unfermented juice of vegetables, whether or not that juice contains a food additive, and includes the pulp of vegetables and vegetable juice concentrate.

vegetable product means a product one of the major components of which is a vegetable or a constituent part of a vegetable but does not include vegetable juice.

- (2) A reference in this Act to the registration of an establishment is a reference to the registration of an establishment in accordance with export control orders and includes a reference to the renewal of the registration of an establishment in accordance with export control orders.

3A Provision of export inspection services

- (1) For the purposes of this Act, but subject to this section:
- (a) where an authorised officer attends an establishment in connection with the *Export Control Act 1982* or export control orders, an export inspection service shall be taken to have been provided at the establishment during the attendance; and
 - (b) where, at the request of a person, an authorised officer attends a place (other than an establishment):
 - (i) in connection with the *Export Control Act 1982* or export control orders; and
 - (ii) in relation to a prescribed commodity;
an export inspection service shall be taken to have been provided at that place, during the attendance, in relation to the prescribed commodity.
- (2) Subsection (1) does not apply to an attendance if the attendance is of a kind declared by the regulations to be an attendance to which this section does not apply.

3B Act to bind Crown

This Act binds the Crown in right of each of the States, of the Northern Territory and of Norfolk Island.

3C Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

4 When charge due for payment

Amounts of charge are due for payment as required by the regulations.

5 Manner of payment

- (1) The payment of an amount of quantity charge on a prescribed commodity in respect of which an export permit is granted shall be made at the prescribed office at which the return referred to in section 6 relating to that prescribed commodity is lodged.
- (2) The payment of an amount of service charge in respect of the provision of an export inspection service shall be made at the prescribed office at which the return referred to in section 6A relating to the service is lodged.
- (3) The payment of an amount of establishment registration charge may be made at any prescribed office.
- (4) The payment of an amount of domestic meat premises charge may be made at any prescribed office.

6 Returns in respect of quantity charge

- (1) The exporter of a prescribed commodity or of prescribed commodities, being a prescribed commodity or prescribed commodities in respect of which quantity charge is imposed, shall, in relation to the prescribed commodity or the prescribed commodities in respect of which an export permit was, or export

permits were, granted in any month, submit a return to the Secretary containing such particulars as are required by the regulations to be specified in the return.

6A Returns in respect of service charge

- (1) Where an export inspection service was provided at an establishment during any month, being a service in respect of which service charge is imposed, the registered occupier of the establishment shall submit a return to the Secretary in respect of that month containing such particulars as are required by the regulations to be specified in the return.
- (2) Where an external export inspection service was provided during any month at the request of a person, being a service in respect of which service charge is imposed, the requester shall submit a return to the Secretary in respect of that month containing such particulars as are required by the regulations to be specified in the return.

7 Execution and lodgment of returns

Returns under sections 6 and 6A shall be signed, and submitted to the Secretary, as required by the regulations.

8 Authorized agents

- (1) A person who is required to provide a return to the Secretary under section 6 or 6A, may, by writing, appoint a person to be the first-mentioned person's authorized agent for the purpose of signing that return.
- (2) The instrument of appointment of an authorized agent:
 - (a) shall be in accordance with the prescribed form; and
 - (b) when completed, shall be lodged at the prescribed office, or at each prescribed office, at which returns of the person who appointed the agent are to be lodged.

9 Records to be kept

- (1) An exporter of a prescribed commodity shall, in respect of each export permit granted to the exporter in relation to that prescribed commodity, keep, or cause to be kept, such records as will enable the exporter to prepare such returns as are required to be provided by the exporter under subsection 6(1).

Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.

- (1A) A person shall keep, or cause to be kept, such records as will enable the person to prepare such returns as are required to be provided by the person under section 6A.

Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.

- (2) Records kept pursuant to subsection (1) or (1A) in relation to the grant of an export permit or the provision of an export inspection service shall be retained by the exporter, the registered occupier or the requester, as the case requires, for a period of 3 years from the date on which the export permit was granted or the export inspection service was provided, as the case may be.

Penalty:

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.

- (3) An offence under this section is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

10 Offences relating to returns etc.

- (1) A person shall not refuse or fail to submit a return or provide information that is required by or under this Act or the regulations to be submitted or provided.

- (1A) Subsection (1) does not apply if the person has a reasonable excuse.

Section 11

Note: The defendant bears an evidential burden in relation to the matter in subsection (1A). See subsection 13.3(3) of the *Criminal Code*.

(1B) An offence under subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(2) A person is not excused from submitting a return or providing information that the person is required by or under this Act or the regulations to submit or provide on the ground that the return or information might tend to incriminate the person, but any return or information so submitted or provided is not admissible in evidence against the person in:

- (a) criminal proceedings other than proceedings for an offence against subsection (1) of this section or an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Act; or
- (b) proceedings for recovery of a penalty payable under section 11.

Penalty:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; or
- (b) in the case of a body corporate—\$5,000.

11 Penalty for non-payment

- (1) Where the liability of a person to pay any charge is not discharged on or before the day on which the charge is due for payment, there is payable by that person to the Commonwealth by way of penalty, in addition to that charge, an amount calculated at the rate of 20% per annum upon that charge or upon such part of that charge as from time to time remains unpaid, to be computed from the time when that charge became due for payment.
- (2) The Minister or, subject to subsection (3), an authorized person may, in a particular case, for a reason that the Minister or the authorized person, as the case may be, in his or her discretion, thinks sufficient, remit the whole or a part of an amount payable under this section.
- (3) The power under subsection (2) to remit the whole or a part of an amount payable under this section shall not be exercised by an

authorized person in a case where the amount payable before any remission exceeds the prescribed amount.

12 Export permits not to be granted if charge unpaid

(1) Where:

- (a) an export permit has been granted to a person in respect of a prescribed commodity; and
- (b) the person has not paid the amount of the quantity charge required to be paid in respect of that prescribed commodity by the day on which that amount is required, under section 4, to be paid;

no further export permit shall be granted to the person until that amount of charge, and the penalty (if any) payable in respect of the late payment of that amount, has been paid in full.

- (2) Where a person has not paid the amount of any establishment registration charge or service charge by the day on which that amount is required, under section 4, to be paid, no export permit shall be granted to the person until that amount of charge, and the penalty (if any) payable in respect of the late payment of that charge, has been paid in full.

12A Withdrawal of services

- (1) If the amount of any domestic meat premises charge has not been paid by the day on which it is required to be paid, the Secretary may issue a direction under subsection (2).
- (2) The Secretary may, in writing, direct that specified services under:
 - (a) the *Meat Inspection Act 1983*; or
 - (b) regulations or orders made under that Act;are not to be provided, in relation to the killing or processing plant in respect of which the charge has not been paid, by authorised officers within the meaning of that Act.
- (3) Despite anything in the *Meat Inspection Act 1983*, the authorised officers must comply with any direction that is in force.

13 Recovery of charge

The following amounts may be recovered by the Commonwealth as debts due to the Commonwealth:

- (a) an amount of charge that is due for payment;
- (b) an amount payable by way of penalty under section 11.

14 Appointment of authorized persons

The Secretary may, by writing signed by the Secretary, appoint a person to be an authorized person, or persons included in a class of persons to be authorized persons, for the purposes of a specified provision of this Act.

15 Access to premises

- (1) An authorized person may, with the consent of the occupier of any premises, enter those premises for the purpose of performing the functions of an authorized person under this section.
- (2) Where an authorized person has reason to believe that there are on any premises examinable documents, the authorized person may make an application to a Justice of the Peace for a warrant authorizing the authorized person to enter the premises for the purpose of performing the functions of an authorized person under this section.
- (3) If, on an application under subsection (2), the Justice of the Peace is satisfied, by information on oath or affirmation, that:
 - (a) there is reasonable ground for believing that there are on the premises examinable documents; and
 - (b) the issue of the warrant is reasonably required for the purposes of this Act;

the Justice of the Peace may issue a warrant authorizing the authorized person, with such assistance as the authorized person thinks necessary, to enter the premises during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of performing the functions of an authorized person under this section.

- (4) A Justice of the Peace shall not issue a warrant under subsection (3) unless:
 - (a) an affidavit has been provided to the Justice of the Peace setting out the grounds on which the issue of the warrant is being sought; and
 - (b) the applicant or some other person has given to the Justice of the Peace, either orally or by affidavit, such further information (if any) as the Justice of the Peace requires concerning the grounds on which the issue of the warrant is being sought.
 - (5) Where a Justice of the Peace issues a warrant under subsection (3), the Justice of the Peace shall specify in writing which of the grounds specified in the affidavit provided in accordance with subsection (4) the Justice of the Peace has relied on to justify the issue of the warrant and particulars of any other grounds relied on by the Justice of the Peace to justify the issue of the warrant.
 - (6) A warrant issued under subsection (3) shall specify a day, not being a day later than one month after the day of issue of the warrant, upon which the warrant ceases to have effect.
 - (7) Where an authorized person has entered any premises pursuant to subsection (1) or pursuant to a warrant issued under subsection (3), the authorized person may perform the functions of an authorized person under this section.
 - (8) A person shall not obstruct or hinder an authorized person acting pursuant to subsection (1) or (7) or pursuant to a warrant issued under subsection (3).
- Penalty: \$1,000 or imprisonment for 6 months, or both.
- (8A) Subsection (8) does not apply if the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (8A). See subsection 13.3(3) of the *Criminal Code*.
 - (8B) In subsection (8), strict liability applies to the physical element of circumstance, that the authorized person is acting pursuant to subsection (1) or (7) or to a warrant issued under subsection (3).

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (9) The functions of an authorized person under this section are to search for, inspect, take extracts from, and make copies of, any examinable documents for the purpose of ascertaining whether the provisions of this Act, and the regulations made under this Act, have been or are being complied with.

- (10) In this section:

examinable documents mean any documents relating to the provision of an export inspection service, to the granting of an export permit, or to the submission of a return under this Act.

occupier, in relation to premises, includes the person in charge of the premises.

16 Reconsideration and review of decisions

- (1) In this section, unless the contrary intention appears:

decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

relevant decision means:

- (a) a decision of an authorised person under subsection 11(2); or
- (b) a decision of the Secretary under section 12A.

reviewable decision means:

- (a) a decision of the Minister under subsection 11(2); or
- (b) a decision of the Minister under subsection (4) of this section.

- (2) A person affected by a relevant decision who is dissatisfied with the decision may, within 21 days after the day on which the decision first comes to the notice of the person, or within such further period as the Minister (either before or after the expiration of that period), by notice in writing served on the person, allows, by notice in writing given to the Minister, request the Minister to reconsider the decision.
- (3) There shall be set out in the request the reasons for making the request.

- (4) The Minister shall, within 45 days after the receipt of the request, reconsider the relevant decision and may make a decision:
 - (a) in substitution for the relevant decision whether in the same terms as the relevant decision or not; or
 - (b) revoking the relevant decision.
- (5) Where, as a result of a reconsideration under subsection (4), the Minister makes a decision in substitution for or revoking the relevant decision, the Minister shall, by notice in writing served, either personally or by post, on the person who made the request under subsection (2) for the reconsideration, inform the person of the result of the reconsideration, set out findings on material questions of fact, refer to the evidence or other material on which those findings were based and give the reasons for his or her decision.
- (6) An application may be made to the Administrative Appeals Tribunal for a review of a reviewable decision.
- (7) Where a relevant decision is made and the person who made the relevant decision gives to a person whose interests are affected by the decision notice in writing of the making of the decision, that notice shall include a statement to the effect that a person affected by the decision:
 - (a) may, if the person is dissatisfied with the decision, seek a reconsideration of the decision by the Minister in accordance with subsection (2); and
 - (b) may, subject to the *Administrative Appeals Tribunal Act 1975*, if the person is dissatisfied with a decision of the Minister upon that reconsideration, make application to the Administrative Appeals Tribunal for review of that decision.
- (8) Where the Minister makes a reviewable decision and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of a person whose interests are affected by the decision.

- (9) Any failure to comply with the requirements of subsection (7) or (8) in relation to a decision does not affect the validity of the decision.

16A Powers to make export control orders imposing fees not affected by charge

The imposition of charge does not affect the power to make export control orders relating to the imposition of fees in connection with the performance of services by authorised officers.

16B Delegation by Secretary

The Secretary may, by signed instrument, delegate the power conferred on the Secretary under section 12A to an officer of the administrative unit, known as the Australian Quarantine and Inspection Service, in the Department.

17 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;

and, in particular:

- (c) prescribing the manner for the determination of the weight or the volume of a prescribed commodity;
- (d) prescribing the form of warrant for the purposes of section 15; and
- (e) providing for the remission or refund of charge in specified circumstances.

Table of Acts**Notes to the *Export Inspection and Meat Charges Collection Act 1985*****Note 1**

The *Export Inspection and Meat Charges Collection Act 1985* as shown in this compilation comprises Act No. 27, 1985 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 24 November 2000 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Export Inspection Charge Collection Act 1985</i>	27, 1985	22 May 1985	1 July 1985	
<i>Export Inspection Charges (Miscellaneous Amendments) Act 1985</i>	115, 1985	21 Oct 1985	1 Jan 1986 (see <i>Gazette</i> 1985, No. S560)	—
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	S. 3: 1 Mar 1988 (see <i>Gazette</i> 1988 No. S59) (a)	S. 5(1)
<i>Export Inspection Charges Collection Amendment Act 1987</i>	158, 1987	26 Dec 1987	15 Feb 1990 (see s. 2 and <i>Gazette</i> 1990, No. S32)	—
<i>Export Inspection Charges Collection Amendment Act 1988</i>	25, 1988	11 May 1988	1 Jan 1989 (see s. 2 and <i>Gazette</i> 1988, No. S399)	S. 7
<i>Export Inspection Charges Laws Amendment Act 1993</i>	101, 1993	22 Dec 1993	1 Jan 1994	—
<i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i>	137, 2000	24 Nov 2000	Ss. 1-3 and Schedule 1 (items 1, 4, 6, 7, 9-11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419) [see Table A]
<i>Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Act 2001</i>	115, 2001	18 Sept 2001	16 Oct 2001	S. 4 [see Table A]

Act Notes

- (a) The *Export Inspection and Meat Charges Collection Act 1985* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(13) of which provides as follows:
- (13) The amendments of the *Export Inspection Charges Collection Act 1985* made by this Act shall come into operation on a day to be fixed by Proclamation for the purposes of this subsection.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 115, 1985; No. 158, 1987; No. 101, 1993
S. 1.....	am. No. 115, 1985; No. 101, 1993
S. 2.....	am. No. 115, 1985
S. 3.....	rs. No. 115, 1985 am. No. 158, 1987; No. 25, 1988; No. 101, 1993
S. 3A	ad. No. 115, 1985 rs. No. 25, 1988
S. 3B	ad. No. 115, 1985
S. 3C	ad. No. 115, 2001
S. 4.....	am. No. 115, 1985 rs. No. 158, 1987
S. 5.....	am. No. 115, 1985; No. 101, 1993
S. 6.....	am. No. 115, 1985; No. 141, 1987
S. 6A	ad. No. 115, 1985 am. No. 141, 1987; No. 25, 1988
S. 7.....	am. No. 115, 1985 rs. No. 141, 1987
S. 8.....	am. No. 115, 1985
S. 9.....	am. No. 115, 1985; No. 25, 1988; No. 115, 2001
S. 10.....	am. No. 115, 1985; No. 137, 2000; No. 115, 2001
S. 11.....	am. No. 115, 1985; No. 141, 1987
S. 12.....	am. No. 115, 1985
S. 12A	ad. No. 115, 1985 rep. No. 158, 1987 ad. No. 101, 1993
S. 14.....	am. No. 141, 1987
S. 15.....	am. No. 115, 1985; No. 115, 2001
S. 16.....	am. No. 101, 1993
S. 16A	ad. No. 115, 1985
S. 16B	ad. No. 101, 1993

Table A

Table A

Application, saving or transitional provisions

Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences)
Act 2000 (No. 137, 2000)

Schedule 2

418 Transitional—pre-commencement offences

- (1) Despite the amendment or repeal of a provision by this Schedule, that provision continues to apply, after the commencement of this item, in relation to:
- (a) an offence committed before the commencement of this item; or
 - (b) proceedings for an offence alleged to have been committed before the commencement of this item; or
 - (c) any matter connected with, or arising out of, such proceedings;
- as if the amendment or repeal had not been made.
- (2) Subitem (1) does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

419 Transitional—pre-commencement notices

If:

- (a) a provision in force immediately before the commencement of this item required that a notice set out the effect of one or more other provisions; and
 - (b) any or all of those other provisions are repealed by this Schedule; and
 - (c) the first-mentioned provision is amended by this Schedule;
- the amendment of the first-mentioned provision by this Schedule does not affect the validity of such a notice that was given before the commencement of this item.
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Table A

Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Act 2001 (No. 115, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.