

1996

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Primary Industries and Energy Legislation Amendment Bill (No. 2) 1996**

**No.     , 1996**

*(Primary Industries and Energy)*

**A Bill for an Act to amend the law relating to  
primary industries and energy, to repeal certain  
Acts, and for related purposes**



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1     **A Bill for an Act to amend the law relating to**  
2     **primary industries and energy, to repeal certain**  
3     **Acts, and for related purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *Primary Industries and Energy*  
7                     *Legislation Amendment Act (No. 2) 1996*.

8     **2 Commencement**

9                     (1) Subject to this section, this Act commences on the day on which it  
10                     receives the Royal Assent.

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1 (2) Schedule 1 commences immediately after the commencement of  
2 section 3.

3 (3) Schedule 3 is taken to have commenced on 15 March 1995.

### 4 **3 Closure of accounts and fund**

#### 5 *Fishing Industry Act 1956*

6 (1) The Fisheries Development Trust Account established under  
7 subsection 4(1) of the *Fishing Industry Act 1956* is closed.

#### 8 *Fishing Industry Research Act 1969*

9 (2) The Fishing Industry Research Trust Account established under  
10 subsection 6(1) of the *Fishing Industry Research Act 1969* is  
11 closed.

#### 12 *Fishing Industry Research and Development Act 1987*

13 (3) The Fishing Industry Research and Development Trust Fund  
14 established under subsection 30(1) of the *Fishing Industry*  
15 *Research and Development Act 1987* is closed.

### 16 **4 Schedule(s)**

17 Subject to section 2, each Act that is specified in a Schedule to this  
18 Act is amended or repealed as set out in the applicable items in the  
19 Schedule concerned, and any other item in a Schedule to this Act  
20 has effect according to its terms.

# **Schedule 1—Repeal of Acts**

## **1 Repeal of Acts**

The Acts specified in this Schedule are repealed.

*Apple and Pear Export Underwriting Act 1981*

*Beef Industry (Incentive Payments) Act 1977*

*Coal Production (War-time) Act Repeal Act 1948*

*Dairy Industry Stabilization Act 1977*

*Dairy Industry Stabilization Levy Act 1977*

*Drought Assistance (Primary Producers) Act 1982*

*Fishing Industry Act 1956*

*Fishing Industry Research Act 1969*

*Fishing Industry Research and Development Act 1987*

*International Sugar Agreement Act 1978*

*Rural Industries Research Act 1985*

*Wheat Tax Act 1957*

*Wheat Tax Act 1979*

*Wheat Tax (Permit) Act 1984*

1     ***Wheat Tax (Permit) Collection Act 1984***

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4     *Primary Industries and Energy Legislation Amendment Bill (No. 2) 1996*   No.   ,  
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**Schedule 2—Amendment of the Agricultural  
and Veterinary Chemicals  
(Administration) Act 1992**

**1 Section 9A**

Repeal the section, substitute:

**9A NRA to comply with policies of Governments of Commonwealth,  
States and participating Territories**

If there is an agreement in force between the Government of the Commonwealth and the Governments of all or any of the States and participating Territories for the purposes of this Act and the Agvet Codes, the NRA must, in the performance of its functions and the exercise of its powers, comply with any policies of those Governments determined under the agreement.

**2 Paragraph 10(2)(a)**

Omit “of the Governments of the Commonwealth, the States and the participating Territories that are determined under an agreement”.

**3 Paragraph 58(2)(a)**

After “Commonwealth”, insert “under this Act,”.

**4 Subsection 69C(1)**

After “agreement”, insert “or arrangement”.

**5 Paragraph 69C(2)(a)**

Omit “the NRA” (first occurring), substitute “a relevant agency”.

**6 Subparagraph 69C(2)(a)(i)**

After “agreement”, insert “or arrangement”.

**7 Subparagraph 69C(2)(a)(iii)**

Omit “NRA”, substitute “agency”.

1     **8 Subsection 69C(3)**

2             Omit “The NRA”, substitute “A relevant agency”.

3     **9 Subsection 69C(4)**

4             Omit “The NRA may”, substitute “A relevant agency may”.

5     **10 Subsection 69C(4)**

6             Omit “NRA” (second occurring), substitute “agency”.

7     **11 Paragraph 69C(4)(a)**

8             Repeal the paragraph, substitute:

- 9                 (a) the terms of the relevant international agreement or  
10                 arrangement; and

11    **12 Subsection 69C(5)**

12             Omit “for a contravention of this subsection”.

13    **13 At the end of section 69C**

14             Add:

- 15                 (6) In this section:

16                     *relevant agency* means the Department or NRA.

17    Note:     The heading to section 69C is altered by omitting “**International obligations**” and  
18             substituting “**Reporting**”.

19    **14 Subsection 69D(1)**

20             After “foreign country”, insert “and upon payment of the prescribed fee  
21             (if any)”.

22    **15 After subsection 69D(1)**

23             Insert:

- 24                 (1A) If the NRA refuses to give a certificate under subsection (1), it  
25                 must:

- 26                     (a) give written notice of its refusal to the person who applied  
27                     for the certificate; and

- 1 (b) include in the notice brief particulars of the reasons for the  
2 refusal.
- 3 (1B) Application may be made to the Administrative Appeals Tribunal  
4 for review of a decision of the NRA refusing to give a certificate  
5 under subsection (1).
- 6 (1C) A notice given under subsection (1A) must include a statement to  
7 the effect that:
- 8 (a) subject to the *Administrative Appeals Tribunal Act 1975*,  
9 application may be made by or on behalf of a person whose  
10 interests are affected by the decision to the Administrative  
11 Appeals Tribunal for a review of the decision to which the  
12 notice relates; and
- 13 (b) unless subsection 28(4) of that Act applies, application may  
14 be made in accordance with section 28 of that Act by or on  
15 behalf of a person whose interests are affected by the  
16 decision for a statement in writing setting out the findings on  
17 material questions of fact, referring to the evidence or other  
18 material on which those findings were based and giving the  
19 reasons for the decision.
- 20 (1D) A failure to comply with subsection (1C) in relation to a decision  
21 does not affect the validity of the decision.

22 **16 At the end of section 69E**

- 23 Add:
- 24 (3) From the returns given to the NRA in relation to a year ending on  
25 30 June, the NRA must prepare a statement or statements setting  
26 out the total quantities of each active constituent that were  
27 imported into, manufactured in, or exported from, Australia by all  
28 persons during the year and give the statement or statements to the  
29 Department.

**Schedule 3—Amendment of the Agricultural  
and Veterinary Chemicals Code Act  
1994**

**1 Paragraph 32(2)(b)**

Repeal the paragraph, substitute:

(b) requiring the person, within a period stated in the notice that ends not earlier than 28 days after the day on which the notice is given, to give to the NRA:

(i) any information of a kind stated in the notice of which the person is aware and which is relevant to the reconsideration; or

(ii) any information of which the person is aware that is relevant to the reconsideration; and

**2 Subsection 59(1)**

Omit “under section 33 or”, substitute “under paragraph 32(2)(b) or section 33 or made under section 159”.

**3 Subsection 103(1)**

After “that batch”, insert “in this jurisdiction”.

**4 Section 156**

Repeal the section, substitute:

**156 The making of single applications or the giving of single notices  
under the Agvet Codes of all jurisdictions**

(1) This section facilitates the administration, on a national basis, of the Agvet Codes of all jurisdictions by permitting the making of a single application, or the giving or publication of a single notice, under the Agvet Codes of all jurisdictions.

(2) If an application is expressed to be made under the Agvet Codes (rather than under the Agvet Code of a particular jurisdiction), it has effect as an application under the relevant provision of the

1                   Agvet Code of this jurisdiction in addition to any effect that it may  
2                   have under the Agvet Code of any other jurisdiction.

- 3                   (3) If a notice is expressed to be given or published by the NRA under  
4                   the Agvet Codes (rather than under the Agvet Code of a particular  
5                   jurisdiction), it has effect as a notice given or published under the  
6                   relevant provision of the Agvet Code of this jurisdiction in addition  
7                   to any effect that it may have under the Agvet Code of any other  
8                   jurisdiction.

9                   **5 After paragraph 180(c)**

10                  Insert:

- 11                  (ca) any information (other than particulars of trials or laboratory  
12                  experiments) given to the NRA by the person to whom the  
13                  notice was given is taken to have been given by the person to  
14                  the NRA under subsection 32(2) of that Code;

15                  **6 Paragraph 180(d)**

16                  Omit “or other information”.

**Schedule 4—Amendment of the Fisheries  
Management Act 1991**

**1 After section 167**

Insert:

**167A Compensation for acquisition of property**

- (1) If, apart from this section, the operation of this Act would result in the acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay reasonable compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may apply to the Federal Court to determine a reasonable amount of compensation.
- (3) The jurisdiction of the Federal Court is exclusive of the jurisdiction of all other courts except that of the High Court.
- (4) Any damages or compensation recovered, or other remedy given, in a proceeding begun otherwise than under this section must be taken into account in assessing compensation payable in a proceeding begun under this section and arising out of the same event or transaction.
- (5) In this section:  
  
*acquisition of property* and *just terms* have the same meaning as in paragraph 51(xxxi) of the Constitution.

1  
2 **Schedule 5—Amendment of the Farm**  
3 **Household Support Act 1992**

4 **1 Paragraph 8A(2)(b)**

5 After “issued”, insert “, for a specified period,”.

6 **2 At the end of section 8A**

7 Add:

8 *Period of effect of certificate*

9 (3) A certificate only has effect for the period specified in it.

10 **3 Subsection 43(1)**

11 After “farm household support” (first occurring), insert “or drought  
12 relief payment”.

13 **4 Subsection 43(1)**

14 After “farm household support” (second occurring), insert “or drought  
15 relief payment (as the case requires)”.

1  
2 **Schedule 6—Amendment of the Imported**  
3 **Food Control Act 1992**

4 **1 Section 3 (definition of *authorised officer*)**

5 After “an officer of AQIS”, insert “or other person”.

6 **2 Section 3 (definition of *authorised officer*)**

7 Omit “this”, substitute “the first mentioned”.

8 **3 Section 40**

9 After “an officer of AQIS”, insert “or other person”.



1 **Schedule 7—Amendment of the Quarantine**  
2 **Act 1908**

3 **1 After paragraph 87(1)(s)**

4 Insert:

- 5 (sa) enabling a person who is alleged to have contravened a  
6 provision of this Act or of the regulations to pay to the  
7 Commonwealth, as an alternative to prosecution, a penalty of  
8 not more than 10 penalty units;