



Primary Industries and Energy Legislation Amendment Act 1992

No. 17 of 1992

**An Act to amend various Acts relating to matters dealt
with by the Department of Primary Industries and Energy,
and for related purposes**

[Assented to 10 April 1992]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

5 **1.** This Act may be cited as the *Primary Industries and Energy
Legislation Amendment Act 1992*.

*Primary Industries and Energy Legislation
Amendment No. 17, 1992*

Commencement

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Part 5 of this Act commences, or is taken to have commenced, on 30 June 1992 or the day on which this Act receives the Royal Assent, whichever is the earlier. 5

**PART 2—AMENDMENTS OF THE MEAT INSPECTION ACT
1983**

Principal Act

3. In this Part, “Principal Act” means the *Meat Inspection Act 1983*¹. 10

Interpretation

4. Section 3 of the Principal Act is amended by omitting from subsection (1) the definition of “authorized officer” and substituting the following definition: 15
“ ‘authorised officer’ means a person appointed under section 32 to be an authorised officer;”.

Regulations with respect to inspection of meat

5. Section 20 of the Principal Act is amended by inserting in paragraph (2)(b) “, and the remission of fees so imposed” after “officers”. 20

Obstructing authorised officers

6. Section 27 of the Principal Act is amended by omitting “\$1,000 or imprisonment for 6 months, or both” and substituting “Imprisonment for 6 months”.

Persons to assist authorised officers 25

7. Section 28 of the Principal Act is amended by omitting from subsection (1) “\$1,000 or imprisonment for 6 months, or both” and substituting “Imprisonment for 6 months”.

Indictable offences

8. Section 29 of the Principal Act is amended: 30

- (a) by omitting from subsection (1) all the words after “punishable” and substituting “on conviction by a fine not exceeding \$20,000.”;
- (b) by omitting from subsection (3) all the words after “impose” and substituting “is a fine not exceeding \$5,000.”; 35
- (c) by omitting paragraphs (4)(c) to (f) (inclusive) and substituting the following paragraphs:

*Primary Industries and Energy Legislation
Amendment No. 17, 1992*

“(c) if the sentencing court is not a court of summary jurisdiction—imprisonment for a period not exceeding 5 years; or

5 (d) if the sentencing court is a court of summary jurisdiction—imprisonment for a period not exceeding 2 years.”.

Authorised officers

9. Section 32 of the Principal Act is amended by omitting “writing signed by the Secretary” and substituting “signed instrument”.

10 **Supply of any goods or services to authorised officers**

10. Section 35 of the Principal Act is amended:

(a) by omitting from subsection (1) “by the Secretary by writing signed” and substituting “in writing”;

15 (b) by omitting from subsection (1) “\$2,000 or imprisonment for 12 months, or both” and substituting “Imprisonment for 12 months”;

(c) by inserting after subsection (1) the following subsection:

20 “(1A) An authorised officer must not receive any goods or services supplied to him or her by the owner of prescribed premises, or an employee or agent of such a person, unless the supply of the goods or services has been approved in writing by the Secretary under subsection (1).

Penalty: Imprisonment for 12 months.”;

25 (d) by omitting from subsection (2) “subsection (1)” and substituting “this section”.

Saving—Meat Inspection (Fees) Orders

11. Order 18 of the Meat Inspection (Fees) Orders made under the Meat Inspection (Orders) Regulations has effect, and is taken to have always had effect, as if section 5 of this Act had commenced immediately before that order was made.

**PART 3—AMENDMENTS OF THE NATIONAL WATER
RESOURCES (FINANCIAL ASSISTANCE) ACT 1978**

Principal Act

35 12. In this Part, “**Principal Act**” means the *National Water Resources (Financial Assistance) Act 1978*².

Interpretation

13. Section 3 of the Principal Act is amended by inserting the following definition:

40 “**‘State’** includes the Australian Capital Territory and the Northern Territory.”.

*Primary Industries and Energy Legislation
Amendment No. 17, 1992*

Evidence of expenditure

14. Section 9 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraphs:

“(a) if the whole or a part of the expenditure was expended by the State—a statement in respect of that expenditure or that part, as the case requires, in accordance with a form approved by the Minister accompanied by a certificate of:

(i) the Auditor-General of the State; or

(ii) the head of the Department of the State responsible for the expenditure;

certifying that, in his or her opinion, the amount shown in the statement as having been expended was expended in accordance with an agreement; and

(aa) if the whole or a part of the expenditure was expended by an approved body—a statement in respect of that expenditure or that part, as the case requires, in accordance with a form approved by the Minister accompanied by a certificate of the chief executive officer of the approved body certifying that, in his or her opinion, the amount shown in the statement as having been expended was expended in accordance with an agreement; and”.

**PART 4—AMENDMENTS OF THE PETROLEUM
(SUBMERGED LANDS) ACT 1967**

Principal Act

15. In this Part, “Principal Act” means the *Petroleum (Submerged Lands) Act 1967*³.

Delegation

16. Section 8H of the Principal Act is amended by inserting “, or under an Act that incorporates this Act,” after “under this Act”.

**PART 5—AMENDMENTS OF THE WHEAT MARKETING ACT
1989**

Principal Act

17. In this Part, “Principal Act” means the *Wheat Marketing Act 1989*⁴.

Development

18. Section 49 of the Principal Act is amended by omitting from subsection (1) “1989 and before 1 July in each subsequent” and substituting “in each”.

Development

19. Section 54 of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsection:

*Primary Industries and Energy Legislation
Amendment No. 17, 1992*

“(1) The Board must, before 1 October in each calendar year, give to the Minister an annual operational plan relating to the period commencing on that date.”;

(b) by adding at the end the following subsections:

“(3) An annual operational plan must be consistent with the provisions of the relevant corporate plan.

“(4) An annual operational plan comes into force at the commencement of the period to which the plan relates.”.

20. Sections 55 and 56 of the Principal Act are repealed and the following section is substituted:

Variation

“55.(1) The Board may vary an annual operational plan at any time.

“(2) The Board must give a copy of any such variation to the Minister within 28 days after the day on which the variation is made.

“(3) A variation takes effect on the day on which the Board makes the variation.”.

Annual report

21. Section 89 of the Principal Act is amended:

(a) by omitting from the end of subparagraph (3)(b)(vii) “and”;

(b) by omitting subparagraph (3)(b)(viii) and substituting the following subparagraphs:

“(viii) variations to the corporate plan agreed to by the Minister during the year; and

(ix) variations to the applicable annual operational plan made by the Board during the year;”.

NOTES

1. No. 71, 1983, as amended. For previous amendments, see No. 72, 1984; No. 65, 1985; No. 141, 1987; and Nos. 99 and 111, 1988.
2. No. 5, 1978, as amended. For previous amendments, see No. 141, 1987.
3. No. 118, 1967, as amended. For previous amendments, see No. 1, 1968; Nos. 36 and 216, 1973; No. 57, 1974; No. 37, 1976; No. 80, 1980 (as amended by Nos. 79 and 176, 1981); No. 79, 1981; No. 80, 1982; Nos. 22 and 166, 1984; Nos. 80 and 132, 1985; Nos. 106 and 145, 1987; No. 127, 1988; Nos. 15 and 37, 1990; and No. 75, 1991.
4. No. 58, 1989, as amended. For previous amendments, see Nos. 16 and 134, 1990; and No. 26, 1991.

[*Minister's second reading speech made in—
House of Representatives on 29 November 1991
Senate on 26 February 1992*]