



# **National Residue Survey Administration Act 1992**

**Act No. 243 of 1992 as amended**

This compilation was prepared on 19 July 2012  
taking into account amendments up to Act No. 82 of 2012

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

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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**An Act to establish a Special Account for the  
purpose of conducting a National Residue Survey,  
and for related purposes**

**Part 1—Preliminary**

**1 Short title** [see Note 1]

This Act may be cited as the *National Residue Survey  
Administration Act 1992*.

**2 Commencement**

This Act commences on 1 July 1993.

**3 Act binds Crown**

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

## Part 2—Interpretation

### 4 Interpretation

In this Act:

**Account** means the National Residue Survey Account continued in existence by section 6.

**applicable products** means:

- (a) food products; or
  - (b) products of a primary industry; or
  - (c) any other products that are of a kind used as inputs to the production of products referred to in paragraph (a) or (b);
- whether or not the products have been subjected to any process.

**National Residue Survey Levy** means levy of that name payable under:

- (a) the *National Residue Survey (Customs) Levy Act 1998*; or
- (b) the *National Residue Survey (Excise) Levy Act 1998*.

**process**, in relation to a product, means the performance of any operation in relation to the product, and includes, but is not limited to, the harvesting, chilling, freezing, drying, bottling, packing, canning or preserving of the product.

**products of a primary industry** means products that result from any of the following:

- (a) agriculture or the cultivation of land;
- (b) the maintenance of animals for commercial purposes;
- (c) fishing or aquaculture;
- (d) hunting or trapping;
- (e) horticulture;
- (f) any other primary industry activity.

**Secretary** means Secretary of the Department.

## **Part 3—National Residue Survey Account**

### **6 National Residue Survey Account**

- (1) There is continued in existence the National Residue Survey Account.

Note: The Account was established by subsection 5(3) of the *Financial Management Legislation Amendment Act 1999*.

- (2) The Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

### **7 Credit of amounts to National Residue Survey Account**

There must be credited to the Account:

- (a) amounts appropriated by Parliament for the purposes of the National Residue Survey; and
- (b) in respect of each amount of National Residue Survey Levy collected by or on behalf of the Commonwealth—an amount equal to that amount of levy; and
- (c) in respect of each amount of penalty collected by or on behalf of the Commonwealth in connection with National Residue Survey Levy—an amount equal to that amount of penalty; and
- (d) amounts equal to amounts paid to the Commonwealth for the purposes of the National Residue Survey or the Account; and
- (e) amounts equal to income from the investment of an amount standing to the credit of the Account.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

### **8 Debits from Account**

- (1) Amounts standing to the credit of the Account may be debited for the following purposes:
  - (a) making payments for purposes related to:
    - (i) the monitoring and reporting of the level of contaminants in applicable products; and

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- (ii) the testing, either on a random basis or in specific cases, of applicable products or the environment for the purpose of tracing the sources of contaminants and determining the causes of contamination; and
    - (iii) the testing and reporting of the level of contaminants in applicable products or the environment, and any associated activities, for the purpose of investigating the potential sources, and determining the potential causes, of such contaminants; and
    - (iv) the prevention of contamination in, and the management of risks associated with, contamination of applicable products;
  - (b) if an amount that was credited to the Account was given by a person or body to the Commonwealth for a particular purpose but has not been fully spent for that purpose—repaying the unspent amount to the person or body.
- (2) Amounts may be debited from the Account equal to expenditure incurred by the Commonwealth in relation to:
- (a) the collection and recovery of amounts referred to in paragraph 7(b) or (c); or
  - (b) the administration of paragraph 7(b) or (c); or
  - (c) the carrying out of any activities of kinds referred to in paragraph (1)(a) or any related activities.
- (3) An amount that has been credited to the Account under an Appropriation Act may be debited from the Account.
- (4) Without limiting the generality of subsection (2), the reference in that subsection to *expenditure incurred* includes a reference to:
- (a) remuneration and allowances paid to staff; and
  - (b) other expenditure incurred in relation to the provision of staff or the provision of the services of staff; and
  - (c) expenditure incurred in relation to surveys conducted for the purpose of monitoring the level of contaminants; and
  - (d) expenditure incurred in relation to the provision of accommodation or administrative support.



## **Part 5—Miscellaneous**

### **10 Report by Minister**

As soon as practicable after the end of each financial year, the Minister is to cause a report to be laid before each House of the Parliament setting out details of the operation of the Account including:

- (a) amounts credited to the Account during that financial year; and
- (b) amounts debited from the Account during that financial year; and
- (c) financial statements relating to the Account for that financial year; and
- (d) a description of activities undertaken in relation to the National Residue Survey during that financial year.

### **11 Release of information**

- (1) Subject to subsection (2), information collected under activities referred to in section 8 using amounts debited from the Account that identifies a particular person may not be released to any other person.
- (2) Information of a kind mentioned in subsection (1) may be released:
  - (a) to authorities of the Commonwealth, of a State or of a Territory that are responsible for the monitoring or regulation of agricultural or veterinary chemical residues and contaminants in applicable products or the environment for the purpose of such monitoring or regulation or the management of associated risks; and
  - (b) to a person whom the Secretary has approved in writing to be an appropriate person to be granted access to the information.
- (3) The Secretary may approve a person to be an appropriate person for the purposes of paragraph (2)(b) only if the Secretary is satisfied that the person requires the relevant information to enable the person to monitor, regulate or manage agricultural or veterinary

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chemical residues or contaminants in applicable products or the environment.

- (4) An approval is to specify:
- (a) each person who may be granted access to the relevant information under paragraph (2)(b); and
  - (b) the purpose or purposes for which the information can be used.
- (5) A person to whom information is released under paragraph (2)(b) commits an offence if the information is used otherwise than for a purpose specified in the approval.

Penalty: Imprisonment for 12 months.

- (6) This section does not affect the operation of section 27 of the *Primary Industries Levies and Charges Collection Act 1991*.
- (7) The Secretary may, in writing, delegate to an APS employee in the Department the power to give approvals under paragraph (2)(b).
- (8) A delegate is, in the exercise of a delegated power, subject to the directions of the Secretary.

### 13 Regulations

The Governor-General may make regulations 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.

**Table of Acts****Notes to the *National Residue Survey Administration Act 1992*****Note 1**

The *National Residue Survey Administration Act 1992* as shown in this compilation comprises Act No. 243, 1992 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions see Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>National Residue Survey Administration Act 1992</i>	243, 1992	24 Dec 1992	1 July 1993	
<i>National Residue Survey Administration (Meat Chickens) Amendment Act 1994</i>	128, 1994	21 Oct 1994	21 Oct 1994	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1994</i>	129, 1994	21 Oct 1994	S. 3: Royal Assent (a)	—
<i>National Residue Survey Administration Amendment Act 1995</i>	75, 1995	30 June 1995	1 July 1995	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 1039–1052): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (b)	—
<i>National Residue Survey Administration Amendment Act 1998</i>	31, 1998	17 Apr 1998	Schedule 1: 1 Feb 1994 Schedules 2 and 3: 1 Aug 1998 (see <i>Gazette</i> 1998, No. S382) Remainder: Royal Assent	Sch. 2 (item 8)
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003</i>	38, 2003	2 May 2003	Schedule 3: 3 May 2003	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 Feb 2005	S. 4 and Schedule 1 (items 202–207, 496): Royal Assent	S. 4 and Sch. 1 (item 496)
<i>Financial Framework Legislation Amendment Act (No. 2) 2012</i>	82, 2012	28 June 2012	Schedule 1 (items 75, 76): 29 June 2012	—

**Act Notes**

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- (a) The *National Residue Survey Administration Act 1992* was amended by section 3 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1994*, subsection 2(1) of which provides as follows:
  - (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (b) The *National Residue Survey Administration Act 1992* was amended by Schedule 2 (items 1039–1052) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
  - (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.



**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. 152, 1997; No. 31, 1998; No. 8, 2005
<b>Part 2</b>	
S. 4 .....	am. No. 152, 1997; No. 31, 1998; No. 38, 2003; No. 8, 2005
S. 5 .....	rep. No. 31, 1998
<b>Part 3</b>	
Heading to Part 3 .....	rs. No. 152, 1997
S. 6 .....	rs. No. 152, 1997; No. 8, 2005
Heading to s. 7 .....	am. No. 152, 1997
S. 7 .....	am. No. 129, 1994; No. 152, 1997 rs. No. 8, 2005
Heading to s. 8 .....	am. No. 152, 1997
S. 8 .....	am. No. 129, 1994; No. 152, 1997; No. 38, 2003 rs. No. 8, 2005 am. No. 82, 2012
<b>Part 4</b>	
S. 9 .....	am. No. 75, 1995; No. 31, 1998 rep. No. 31, 1998
S. 10 .....	am. No. 152, 1997 rs. No. 8, 2005
S. 11 .....	am. No. 152, 1997 rs. No. 38, 2003 am. No. 8, 2005
S. 12 .....	rep. No. 152, 1997
Schedule .....	am. No. 128, 1994; No. 75, 1995 rep. No. 31, 1998

**Table A**

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**Table A**

**Application, saving or transitional provisions**

*National Residue Survey Administration Amendment Act 1998* (No. 31, 1998)

**Schedule 2**

**8 Transitional—pre-commencement levies**

- (1) Despite the repeals made by Schedule 3, a repealed Act specified in the second column of the table in subitem (3) continues to apply, in relation to the corresponding matter specified in the third column of that table, as if those repeals had not been made.
- (2) Despite the amendments and repeals made by this Schedule and Schedule 3, the *National Residue Survey Administration Act 1992* and the *Primary Industries Levies and Charges Collection Act 1991* continue to apply, in relation to National Residue Survey Levy imposed:
  - (a) by a repealed Act specified in the second column of the table in subitem (3); and
  - (b) in respect of the corresponding matter specified in the third column of that table;
 as if those amendments and repeals had not been made.
- (3) The table is as follows:

<b>Pre-commencement levies</b>		
<b>Item</b>	<b>Repealed Act</b>	<b>Matter in respect of which the repealed Act continues to apply</b>
1	<i>National Residue Survey (Aquatic Animal Export) Levy Act 1992</i>	Aquatic animals or aquatic animal products exported from Australia before the commencement of Schedule 1 to the <i>National Residue Survey (Customs) Levy Act 1998</i>
2	<i>National Residue Survey (Buffalo Slaughter) Levy Act 1997</i>	Buffaloes slaughtered before the commencement of subclause 1(1) of Schedule 11 to the <i>National Residue Survey (Excise) Levy Act 1998</i>

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<b>Pre-commencement levies</b>		
<b>Item</b>	<b>Repealed Act</b>	<b>Matter in respect of which the repealed Act continues to apply</b>
3	<i>National Residue Survey (Cattle Export) Levy Act 1997</i>	Cattle exported from Australia before the commencement of Schedule 2 to the <i>National Residue Survey (Customs) Levy Act 1998</i>
4	<i>National Residue Survey (Cattle Transactions) Levy Act 1997</i>	Either: (a) a transaction entered into before the commencement of Schedule 1 to the <i>National Residue Survey (Excise) Levy Act 1998</i> by which the ownership of cattle is transferred; or (b) the delivery or slaughter of cattle before the commencement of that Schedule
5	<i>National Residue Survey (Coarse Grains) Levy Act 1992</i>	Leviable coarse grain delivered or processed before the commencement of Schedule 2 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
6	<i>National Residue Survey (Dairy Produce) Levy Act 1992</i>	Any of the following: (a) relevant dairy produce supplied by the producer before the commencement of Schedule 3 to the <i>National Residue Survey (Excise) Levy Act 1998</i> ; (b) relevant dairy produce delivered to a manufacturer by the producer before the commencement of that Schedule; (c) relevant dairy produce produced by a manufacturer, and used by the manufacturer, before the commencement of that Schedule
7	<i>National Residue Survey (Dried Fruits) Levy Act 1992</i>	Dried fruits received before the commencement of Schedule 4 to the <i>National Residue Survey (Excise) Levy Act 1998</i>

**Table A**

<b>Pre-commencement levies</b>		
<b>Item</b>	<b>Repealed Act</b>	<b>Matter in respect of which the repealed Act continues to apply</b>
8	<i>National Residue Survey (Game Animals) Levy Act 1992</i>	Game animals processed at a processing establishment before the commencement of Schedule 5 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
9	<i>National Residue Survey (Grain Legumes) Levy Act 1992</i>	Leviable grain legumes delivered or processed before the commencement of Schedule 6 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
10	<i>National Residue Survey (Honey Export) Levy Act 1992</i>	Honey exported from Australia before the commencement of Schedule 3 to the <i>National Residue Survey (Customs) Levy Act 1998</i>
11	<i>National Residue Survey (Honey) Levy Act 1992</i>	Either: (a) honey sold before the commencement of Schedule 7 to the <i>National Residue Survey (Excise) Levy Act 1998</i> ; or (b) honey used before the commencement of that Schedule in the production of other goods
12	<i>National Residue Survey (Horse Slaughter) Levy Act 1992</i>	Horses slaughtered before the commencement of Schedule 8 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
13	<i>National Residue Survey (Horticultural Products Export) Levy Act 1992</i>	Horticultural products exported from Australia before the commencement of Schedule 4 to the <i>National Residue Survey (Customs) Levy Act 1998</i>
14	<i>National Residue Survey (Horticultural Products) Levy Act 1992</i>	Either: (a) horticultural products sold or used before the commencement of Schedule 9 to the <i>National Residue Survey (Excise) Levy Act 1998</i> ; or (b) horticultural products presumed to be produced in Australia before the commencement of that Schedule

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**Table A**

<b>Pre-commencement levies</b>		
<b>Item</b>	<b>Repealed Act</b>	<b>Matter in respect of which the repealed Act continues to apply</b>
15	<i>National Residue Survey (Laying Chicken) Levy Act 1992</i>	Laying chickens hatched before the commencement of Schedule 10 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
16	<i>National Residue Survey (Livestock Slaughter) Levy Act 1992</i>	Deer or pigs slaughtered before the commencement of Schedule 11 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
17	<i>National Residue Survey (Meat Chicken) Levy Act 1992</i>	Meat chickens hatched before the commencement of Schedule 12 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
18	<i>National Residue Survey (Oilseeds) Levy Act 1992</i>	Leviable oilseeds delivered or processed before the commencement of Schedule 13 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
19	<i>National Residue Survey (Ratite Slaughter) Levy Act 1997</i>	Ratites slaughtered before the commencement of Schedule 14 to the <i>National Residue Survey (Excise) Levy Act 1998</i>
20	<i>National Residue Survey (Sheep, Lambs and Goats Export) Levy Act 1997</i>	Sheep, lambs or goats exported from Australia before the commencement of Schedule 5 to the <i>National Residue Survey (Customs) Levy Act 1998</i>
21	<i>National Residue Survey (Sheep, Lambs and Goats Transactions) Levy Act 1997</i>	Either: (a) a transaction entered into before the commencement of Schedule 15 to the <i>National Residue Survey (Excise) Levy Act 1998</i> by which the ownership of sheep, lambs or goats is transferred; or (b) the delivery or slaughter of sheep, lambs or goats before the commencement of that Schedule
22	<i>National Residue Survey (Wheat) Levy Act 1992</i>	Wheat delivered or processed before the commencement of Schedule 16 to the <i>National Residue Survey (Excise) Levy Act 1998</i>

**Table A**

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*Financial Framework Legislation Amendment Act 2005* (No. 8, 2005)

**4 Saving of matters in Part 2 of Schedule 1**

- (1) If:
- (a) a decision or action is taken or another thing is made, given or done; and
  - (b) the thing is taken, made, given or done under a provision of a Part 2 Act that had effect immediately before the commencement of this Act;
- then the thing has the corresponding effect, for the purposes of the Part 2 Act as amended by this Act, as if it had been taken, made, given or done under the Part 2 Act as so amended.

- (2) In this section:

***Part 2 Act*** means an Act that is amended by an item in Part 2 of Schedule 1.

**Schedule 1**

**496 Saving provision—Finance Minister’s determinations**

If a determination under subsection 20(1) of the *Financial Management and Accountability Act 1997* is in force immediately before the commencement of this item, the determination continues in force as if it were made under subsection 20(1) of that Act as amended by this Act.