



Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2013

No. 17, 2013

**An Act to amend various Acts relating to
agriculture, fisheries and forestry, and for related
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 17, 2013

An Act to amend various Acts relating to agriculture, fisheries and forestry, and for related purposes

[Assented to 27 March 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Agriculture, Fisheries and Forestry
Legislation Amendment Act (No. 1) 2013*.

Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2013 *No. 17, 2013*

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	27 March 2013
2. Schedules 1 and 2	The day after this Act receives the Royal Assent.	28 March 2013
3. Schedule 3	The 28th day after this Act receives the Royal Assent.	24 April 2013
4. Schedules 4, 5 and 6	The day after this Act receives the Royal Assent.	28 March 2013
5. Schedule 7	The 28th day after this Act receives the Royal Assent.	24 April 2013
6. Schedule 8	The day after this Act receives the Royal Assent.	28 March 2013

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Label integrity program

Wine Australia Corporation Act 1980

1 Subsection 4(1) (definition of *direct sale*)

Repeal the definition.

2 Subsection 39F(1) (note 2)

Repeal the note, substitute:

Note 2: See section 39G (which deals with when certain details are not required to be kept) and section 39H (which deals with details required under section 39F).

3 Subsection 39F(3)

Omit “(except as provided by subsection 39G(2))”.

4 Subsections 39G(2) and (3)

Repeal the subsections, substitute:

Suppliers and receivers, and their agents, not required to keep certain records

(2) If:

(a) a person:

(i) supplies or receives wine goods that are packaged in a container for the purpose of sale of the wine goods to a consumer; or

(ii) is an agent who, on behalf of a person covered by subparagraph (i), takes possession of wine goods that are packaged in a container for the purpose of sale of the wine goods to a consumer; and

(b) before the wine goods are sold to a consumer, the person has not taken any steps to change or affect any label claims made about the wine goods;

the person is not required to keep a record showing details required under paragraphs 39F(1)(e) to (l) in relation to that supply, receipt or taking possession of the wine goods.

5 Paragraph 39J(1)(c)

Omit “39G or”.

6 Application

- (1) The amendments made by this Schedule apply in relation to a supply, receipt or taking possession of wine goods that occurs on or after the commencement of this Schedule.
- (2) If:
 - (a) apart from this item, a person would have been required by section 39F of the old Act to keep a record showing details required under paragraph 39F(1)(e), (f), (g), (h), (i), (j), (k) or (l) of the old Act in relation to wine goods; and
 - (b) the person would not be required to keep such a record in relation to the wine goods on or after the commencement of this Schedule;then, despite Division 2 of Part VIA of the old Act, the person is taken not to have been required to keep the record.
- (3) If, apart from this item, a person was required by subsection 39G(2) of the old Act to keep a record in relation to wine goods then, despite Division 2 of Part VIA of the old Act, the person is taken not to have been required to keep the record.
- (4) In this item:

old Act means the *Wine Australia Corporation Act 1980* as in force immediately before the commencement of this Schedule.

Schedule 2—Vintage

Wine Australia Corporation Act 1980

1 Subsection 4(2A)

Omit “1 July”, substitute “1 September”.

Schedule 3—Conditions

Fisheries Management Act 1991

1 Subsection 22(3) (note)

Repeal the note, substitute:

Note: For further provisions relating to conditions imposed on fishing rights see subsections (4), (4A), (5) and (5A) and sections 42, 42A and 42B.

2 After subsection 22(4)

Insert:

(4A) It is also a condition of a fishing right relating to a fishery that the holder of the right comply with a direction under section 41A that relates to the fishery.

3 Subsection 22(5)

After “subsection (3)”, insert “or (4A)”.

4 Subsection 32(5) (note)

Repeal the note, substitute:

Note: For further provisions relating to conditions imposed on fishing permits see subsections (6), (7A) and sections 42, 42A and 42B.

5 Subsection 32(7A)

Repeal the subsection, substitute:

(7A) It is also a condition of a fishing permit relating to a fishery that the holder of the permit comply with a direction under section 41A that relates to the fishery.

6 Subsection 33(3) (note)

Repeal the note, substitute:

Note: For further provisions relating to conditions imposed on scientific permits see subsections (4), (5A) and section 42A.

7 Subsection 33(5A)

Repeal the subsection, substitute:

- (5A) It is also a condition of a scientific permit relating to a fishery that the holder of the permit comply with a direction under section 41A that relates to the fishery.

8 At the end of subsection 34(4)

Add:

- Note: For further provisions relating to conditions imposed on foreign fishing licences see subsections (5), (6A) and sections 42, 42A and 42B.

9 Subsection 34(6A)

Repeal the subsection, substitute:

- (6A) It is also a condition of a foreign fishing licence relating to a fishery that the holder of the licence comply with a direction under section 41A that relates to the fishery.

10 At the end of subsection 40(3)

Add:

- Note: For further provisions relating to conditions imposed on foreign master fishing licences see subsections (4), (4A) and section 42B.

11 Subsection 40(4A)

Repeal the subsection, substitute:

- (4A) It is also a condition of a foreign master fishing licence relating to a fishery that the holder of the licence comply with a direction under section 41A that relates to the fishery.

12 Subsection 41A(2)

Omit “engaged in any part of the fishery”, substitute “engaged in in the fishery”.

13 Application of items 2, 5, 7, 9 and 11

The amendments made by items 2, 5, 7, 9 and 11 of this Schedule apply, on and after the commencement of this item, in relation to:

- (a) fishing rights, fishing permits, scientific permits, foreign fishing licences and foreign master fishing licences, whether granted before, on or after the commencement of this item; and

- (b) directions issued under section 41A of the *Fisheries Management Act 1991* whether before, on or after the commencement of this item.

Schedule 4—Delegation

Fisheries Administration Act 1991

1 After paragraph 92(3)(e)

Insert:

or (f) a primary stakeholder in a fishery under a co-management arrangement for the fishery;

2 Paragraph 93(1)(e)

Omit “1984; or”, substitute “1984;”.

3 Paragraph 93(1)(f)

Repeal the paragraph.

Schedule 5—Remission of penalty amount

Primary Industries Levies and Charges Collection Act 1991

1 Section 16

Repeal the section, substitute:

16 Remission of penalty

If an amount of penalty becomes payable under section 15 because an amount of levy or charge in respect of particular collection products remains unpaid after the time when it becomes due for payment, the Secretary may remit the whole or a part of that amount of penalty.

2 Subsection 28(9) (paragraph (a) of the definition of *relevant decision*)

Omit “subsection 16(1)”, substitute “section 16”.

3 Application

- (1) The amendments made by this Schedule apply in relation to an amount of penalty that:
 - (a) became payable before the commencement of this item and in respect of which there had, immediately before the commencement of this item, been no decision to remit, or to refuse to remit, under subsection 16(1) of the old Act, the whole or part of that amount; or
 - (b) becomes payable on or after the commencement of this item.
- (2) In this item:

old Act means the *Primary Industries Levies and Charges Collection Act 1991* as in force immediately before the commencement of this Schedule.

Schedule 6—Technical amendments

Export Control Act 1982

1 Section 3

Insert:

authorised officer means a person appointed under section 20 to be an authorised officer.

2 Section 3 (definition of *authorized officer*)

Repeal the definition.

3 Section 3 (paragraph (a) of the definition of *officer assisting*)

Omit “authorized”, substitute “authorised”.

4 Section 3 (paragraph (b) of the definition of *officer assisting*)

Omit “authorized” (wherever occurring), substitute “authorised”.

5 Subsection 6(1)

Omit “authorized”, substitute “authorised”.

6 Subparagraph 7(3A)(b)(iv)

Omit “authorized”, substitute “authorised”.

7 Section 10

Omit “authorized”, substitute “authorised”.

8 Subsections 10A(1) and (2) and 10B(1), (2) and (3)

Omit “authorized”, substitute “authorised”.

9 Paragraph 10B(4)(a)

Omit “authorize”, substitute “authorise”.

10 Paragraph 10B(4)(a)

Omit “authorized”, substitute “authorised”.

11 Paragraph 10B(4)(b)

Omit “authorized”, substitute “authorised”.

12 Subsection 10C(1)

Omit “authorized”, substitute “authorised”.

13 Subsection 10C(2)

Omit “authorized” (wherever occurring), substitute “authorised”.

14 Subsection 10D(1)

Omit “authorized”, substitute “authorised”.

15 Subsection 10D(2)

Omit “authorized” (wherever occurring), substitute “authorised”.

16 Subsections 10D(3), 10E(1) and (3)

Omit “authorized”, substitute “authorised”.

17 Paragraph 10E(4)(d)

Omit “authorized”, substitute “authorised”.

18 Subsection 10E(5)

Omit “authorizes”, substitute “authorises”.

19 Subsections 10F(1) and (3)

Omit “authorizes”, substitute “authorises”.

20 Subsection 10G(1)

Omit “authorized”, substitute “authorised”.

21 Paragraph 10G(5)(a)

Omit “authorized”, substitute “authorised”.

22 Subsections 10G(6) and (8)

Omit “authorized”, substitute “authorised”.

23 Subsection 10G(8)

Omit “authorizes”, substitute “authorises”.

24 Paragraph 10G(9)(a)

Omit “authorized”, substitute “authorised”.

25 Paragraph 10G(9)(b)

Omit “authorizing”, substitute “authorising”.

26 Subsection 10G(9)

Omit “authorized” (second occurring), substitute “authorised”.

27 Subsections 10H(1) and (2)

Omit “authorized”, substitute “authorised”.

28 Subsection 10H(3)

Omit “authorized” (wherever occurring), substitute “authorised”.

29 Subsection 10H(4)

Omit “authorized”, substitute “authorised”.

30 Section 10J

Omit “authorized”, substitute “authorised”.

31 Paragraph 11(b)

Omit “authorized”, substitute “authorised”.

32 Paragraph 11(c)

Omit “authorized” (wherever occurring), substitute “authorised”.

33 Paragraph 11A(1)(a)

Omit “authorized”, substitute “authorised”.

34 Subsection 11A(2)

Omit “authorized” (first occurring), substitute “authorised”.

35 Paragraph 11A(2)(a)

Omit “authorized”, substitute “authorised”.

36 Paragraph 11H(2)(c)

Omit “authorized”, substitute “authorised”.

37 Subsection 11J(2)

Omit “authorized”, substitute “authorised”.

38 Subsection 11J(3)

Omit “authorized” (first occurring), substitute “authorised”.

39 Paragraph 11J(3)(b)

Omit “authorized”, substitute “authorised”.

40 Section 11K

Omit “authorize”, substitute “authorise”.

41 Section 11L

Omit “authorized”, substitute “authorised”.

42 Subsections 11M(1) and (2) and 11N(1), 11P(1), (2) and (3)

Omit “authorized”, substitute “authorised”.

43 Subsections 13(1) and (2)

Omit “authorized” (wherever occurring), substitute “authorised”.

44 Subsection 19(1)

Omit “authorized”, substitute “authorised”.

45 Section 20

Omit “authorized” (first and second occurring), substitute “authorised”.

46 Paragraphs 20(a) and (b)

Omit “authorized”, substitute “authorised”.

47 Subsections 21(1) and (2)

Omit “authorized”, substitute “authorised”.

48 Subsections 22(1) and (2)

Omit “authorized” (wherever occurring), substitute “authorised”.

49 Subsections 24(1) and (1A)

Omit “authorized”, substitute “authorised”.

50 Paragraph 25(2)(d)

Omit “authorized”, substitute “authorised”.

51 Application of items 1 to 50

The amendments made by items 1 to 50 of this Schedule do not apply in relation to appointments under section 20 of the *Export Control Act 1982* in force before the commencement of this item (whether or not they cease to be in force before the commencement of this item).

Fisheries Management Act 1991

52 Paragraph 22(3)(c)

Omit “or, under subsection 79(3), cease to apply to a fishery”.

Note: This item removes a cross-reference to a provision that has been repealed.

53 Paragraph 32(5)(c)

Omit “or, under subsection 79(3), cease to apply to a fishery”.

Note: This item removes a cross-reference to a provision that has been repealed.

54 Paragraph 33(3)(b)

Omit “or, under subsection 79(3), cease to apply to a fishery”.

Note: This item removes a cross-reference to a provision that has been repealed.

55 Subsection 41A(2)

Omit “If, after”, substitute “After”.

Note: This item removes redundant text.

56 Paragraph 91(4)(b)

Omit “or, under subsection 79(3), cease to apply to a fishery”.

Note: This item removes a cross-reference to a provision that has been repealed.

***Primary Industries and Energy Research and Development
Act 1989***

57 Paragraphs 131(1)(j) to (p)

Reletter as paragraphs (i) to (n).

Quarantine Act 1908

58 Subsection 5(1)

Insert:

authorised person means a person authorised by this Act or the regulations, or by the Minister or a quarantine officer, to do the act in relation to which the expression is used.

59 Subsection 5(1) (definition of *Authorized person*)

Repeal the definition.

60 Subsection 5(1)

Insert:

unauthorised person means a person not authorised by this Act or the regulations, or by the Minister or a quarantine officer, to do the act in relation to which the expression is used.

61 Subsection 5(1) (definition of *Unauthorized person*)

Repeal the definition.

62 Subsection 9A(1A)

Omit “authorized”, substitute “authorised”.

63 Subsection 9A(1A)

Omit “authorize”, substitute “authorise”.

64 Subsection 9A(3)

Omit “authorized”, substitute “authorised”.

65 Subsections 13(1A), (1B), (1C) and (2)

Omit “authorize”, substitute “authorise”.

66 Subsections 31(1) and (1A)

Omit “authorized”, substitute “authorised”.

67 Subsection 31(2)

Omit “authorize”, substitute “authorise”.

68 Subsection 39(1)

Omit “authorized”, substitute “authorised”.

69 Subsection 44(1)

Omit “unauthorized”, substitute “unauthorised”.

70 Subsections 44C(1), 44D(1), 53(1), 54(1), 70(3) and 70AA(4)

Omit “authorized”, substitute “authorised”.

71 Subsection 75A(1) (paragraph (e) of the definition of *approved person*)

Omit “authorized”, substitute “authorised”.

72 Subsections 75A(5) and (15)

Omit “authorized”, substitute “authorised”.

73 Section 86C

Omit “authorized” (wherever occurring), substitute “authorised”.

74 Application of items 58 to 73

The amendments made by items 58 to 73 of this Schedule do not apply in relation to authorizations in force before the commencement of this item (whether or not they cease to be in force before the commencement of this item).

Schedule 7—References to specific Departments and Secretaries

Farm Household Support Act 1992

1 Subsection 3(2) (definition of *Department*)

Repeal the definition.

2 Subsection 3(2) (definition of *Secretary*)

Repeal the definition, substitute:

Secretary means the Secretary of the Department.

3 Subsection 4(1)

Omit “relevant Secretary, provided to the Secretary of the Department of Social Security”, substitute “Secretary, provided to the Secretary”.

4 Subsection 4(4) (definition of *relevant Secretary*)

Repeal the definition.

5 Paragraph 15(b)

Repeal the paragraph, substitute:

(b) be in accordance with a form approved in writing by the Secretary.

6 Subsection 53(1)

Repeal the subsection.

7 Subsection 53(2)

Omit “Secretary of the Department of Primary Industries and Energy”, substitute “Secretary”.

8 Subsection 53(2)

Omit “that Department”, substitute “the Department”.

9 Subsection 57A(2)

Omit “Secretary of the Department of Primary Industries and Energy”, substitute “Secretary”.

10 Transitional—amendments do not affect things done

Things done under amended provisions

- (1) Subitem (2) applies to a thing done under a provision of the *Farm Household Support Act 1992* if:
 - (a) the provision is amended by an item of this Schedule; and
 - (b) the thing was in force immediately before the commencement of that item.
- (2) The thing has effect, after the commencement of that item, as if it had been done under that provision as amended by that item. However, this is not taken to change the time at which the thing was actually done.

Amendments do not affect requirements for things done

- (3) Subitem (4) applies to a thing done under the *Farm Household Support Act 1992* if:
 - (a) the thing was in force, and complied with a requirement of that Act, immediately before the commencement of an item of this Schedule; and
 - (b) immediately after the commencement of that item, the thing fails to comply with that requirement solely because of the amendments of that Act made by that item.
- (4) Disregard those amendments when considering, on and after the commencement of that item, whether the thing complies with that requirement.

*Meaning of **things done***

- (5) In this item, **doing a thing** includes:
 - (a) making an instrument; and
 - (b) making a decision.

11 Regulations may deal with transitional etc. matters

The Governor-General may make regulations dealing with matters of a transitional, saving or application nature relating to the amendments or repeals made by this Schedule.

Schedule 8—Repeal of Act

States Grants (War Service Land Settlement) Act 1952

1 The whole of the Act

Repeal the Act.

*[Minister's second reading speech made in—
House of Representatives on 21 March 2012
Senate on 18 June 2012]*

(51/12)

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