



# **Export Legislation Amendment Act 2014**

**No. 37, 2014**

**An Act to amend legislation relating to exports and imports, and for related purposes**

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



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# Export Legislation Amendment Act 2014

No. 37, 2014

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## An Act to amend legislation relating to exports and imports, and for related purposes

[Assented to 25 June 2014]

The Parliament of Australia enacts:

### 1 Short title

This Act may be cited as the *Export Legislation Amendment Act 2014*.

### 2 Commencement

This Act commences on the day this Act receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Australian Meat and Live-stock Industry Act 1997*

#### 1 Section 3

Insert:

*quota* has the same meaning as in the *Australian Meat and Live-stock (Quotas) Act 1990*.

#### 2 At the end of subsection 17(3)

Add:

; and (c) in the case of an order made under this section—may:

- (i) require payment of the prescribed fee for the exercise of a power, or performance of a duty, under the order, if that power or duty relates to a consignment for export otherwise than in accordance with a quota; and
- (ii) provide for the waiver or remission of such fees.

#### 3 Application of amendment

The amendment made by item 2 applies in relation to fees payable for powers exercised, or duties performed, on or after the first day of the first financial year starting on or after the commencement of that item.

### *Export Control Act 1982*

#### 4 Subsection 10E(7)

Omit “section 10F”, substitute “section 10G”.

### *Export Inspection and Meat Charges Collection Act 1985*

#### 5 Subsection 3(1)

Repeal the following definitions:

- (a) definition of *animal reproductive material*;
- (b) definition of *dairy produce*;
- (c) definition of *dried fruit*;
- (d) definition of *dried fruit product*;

- (e) definition of *edible game offal*;
- (f) definition of *egg product*;
- (g) definition of *eggs*.

**6 Subsection 3(1) (definition of establishment)**

Omit “prescribed commodities”, substitute “prescribed goods”.

**7 Subsection 3(1) (definition of exporter)**

Repeal the definition, substitute:

*exporter*, of prescribed goods, means the person in whose name an export permit in respect of the prescribed goods is granted.

**8 Subsection 3(1)**

Repeal the following definitions:

- (a) definition of *fish*;
- (b) definition of *fish product*;
- (c) definition of *fruit juice*;
- (d) definition of *fruit product*;
- (e) definition of *game animal*;
- (f) definition of *game meat*;
- (g) definition of *game meat product*;
- (h) definition of *grain*;
- (i) definition of *meat* and *meat product*;
- (j) definition of *milk product*;
- (k) definition of *poultry*;
- (l) definition of *poultry meat*;
- (m) definition of *poultry meat product*.

**9 Subsection 3(1) (definition of preparation)**

Omit “prescribed commodities” (wherever occurring), substitute “prescribed goods”.

**10 Subsection 3(1) (definition of prescribed commodity)**

Repeal the definition.

**11 Subsection 3(1)**

Insert:

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*prescribed goods* has the same meaning as in the *Export Control Act 1982*.

**12 Subsection 3(1)**

Repeal the following definitions:

- (a) definition of *rabbit*;
- (b) definition of *rabbit meat*;
- (c) definition of *rabbit meat product*;
- (d) definition of *vegetable juice*;
- (e) definition of *vegetable product*.

**13 Subparagraph 3A(1)(b)(ii)**

Omit “a prescribed commodity”, substitute “prescribed goods”.

**14 Paragraph 3A(1)(b)**

Omit “the prescribed commodity”, substitute “the prescribed goods”.

**15 Subsection 5(1)**

Omit “a prescribed commodity”, substitute “prescribed goods”.

**16 Subsection 5(1)**

Omit “that prescribed commodity”, substitute “the prescribed goods”.

**17 Sections 6 and 6A**

Repeal the sections, substitute:

**6 Returns in respect of quantity charge**

The exporter of prescribed goods in respect of which quantity charge is imposed must give the Secretary a return:

- (a) for each month in which export permits are granted in respect of the prescribed goods; and
- (b) that contains the particulars prescribed by the regulations.

**6A Returns in respect of service charge**

- (1) If service charge is imposed on the provision of an export inspection service at an establishment, the registered occupier of the establishment must give the Secretary a return:

- (a) for each month in which the service is so provided; and
- (b) that contains the particulars prescribed by the regulations.

(2) A person requesting the provision of an external export inspection service in respect of which service charge is imposed must give the Secretary a return:

- (a) for each month in which the service is so provided; and
- (b) that contains the particulars prescribed by the regulations.

**18 Subsection 9(1)**

Omit “a prescribed commodity shall”, substitute “prescribed goods must”.

**19 Subsection 9(1)**

Omit “that prescribed commodity”, substitute “the prescribed goods”.

**20 Subsection 9(1)**

Omit “subsection 6(1)”, substitute “section 6”.

**21 Paragraph 12(1)(a)**

Omit “a prescribed commodity”, substitute “prescribed goods”.

**22 Paragraph 12(1)(b)**

Omit “that prescribed commodity”, substitute “the prescribed goods”.

**23 Section 16B**

Repeal the section, substitute:

**16B Delegation by Secretary**

The Secretary may delegate, in writing, the Secretary’s power under section 12A to an SES employee, or acting SES employee, in the Department.

**24 Paragraph 17(c)**

Omit “a prescribed commodity”, substitute “prescribed goods”.

**25 At the end of section 17**

Add:

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Note: Regulations may prescribe something by class (see subsection 13(3) of the *Legislative Instruments Act 2003*).

## **26 Application of amendments**

- (1) The amendments made by items 5, 7, 8, 10 to 12, 15 to 22 and 24 apply in relation to export permits granted on or after the first day of the first financial year starting on or after the commencement of those items.
- (2) The amendments made by items 6 and 9 apply in relation to establishments registered (or whose registrations are renewed) on or after the first day of the first financial year starting on or after the commencement of this Schedule.
- (3) The amendments made by items 13 and 14 apply in relation to attendances happening on or after the first day of the first financial year starting on or after the commencement of those items.

## **27 Transitional—initial regulations**

- (1) This item applies to the *Export Inspection and Meat Charges Collection Regulations 1985* (as in force immediately before the commencement of this item).
- (2) The regulations (to the extent that they specify or refer to commodities) have effect, after the commencement of this item, as if any of those commodities that is not a prescribed good (within the meaning of the *Export Control Act 1982*) were disregarded.
- (3) Subitem (2) does not apply to the extent that the regulations relate to charge imposed by the *Domestic Meat Premises Charge Act 1993*.
- (4) The regulations have effect, after the commencement of this item, as if a reference in the regulations to a prescribed commodity were a reference to a prescribed good (within the meaning of the *Export Control Act 1982*).
- (5) The regulations (to the extent that they were made for the purposes of section 6 or 6A of the *Export Inspection and Meat Charges Collection Act 1985*) have effect, after the commencement of this item, as if they were made for the purposes of that section as amended by this Act.

***Imported Food Control Act 1992***

**28 Subsection 3(1) (definition of AQIS)**

Repeal the definition.

**29 Subsection 3(1) (paragraph (b) of the definition of *authorised officer*)**

Omit “an officer of AQIS”, substitute “an APS employee in the Department”.

**30 Subsection 40(1)**

Omit “an officer of AQIS”, substitute “an APS employee in the Department”.

**31 Section 41**

Repeal the section, substitute:

**41 Delegation by Secretary**

The Secretary may, by signed instrument, delegate any or all of the Secretary’s powers under this Act to:

- (a) an SES employee, or acting SES employee, in the Department; or
- (b) an APS employee who holds or performs the duties of an Executive Level 1 or 2 position, or an equivalent position, in the Department.

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*[Minister’s second reading speech made in—  
House of Representatives on 27 March 2014  
Senate on 16 June 2014]*

(68/14)

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