

HOUSE OF REPRESENTATIVES

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*(As read a first time)*

**EXPORT CONTROL (MISCELLANEOUS AMENDMENTS) BILL  
1982**

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1980-81-82

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 22 April 1982

*(Minister for Primary Industry)*

**A BILL**

FOR

**An Act to make certain amendments consequent upon the  
enactment of the *Export Control Act 1982***

BE IT ENACTED by the Queen, and the Senate and the House of  
Representatives of the Commonwealth of Australia, as follows:

**PART I—PRELIMINARY**

**Short title**

5     **1.** This Act may be cited as the *Export Control (Miscellaneous  
Amendments) Act 1982*.

**Commencement**

**2.** This Act shall come into operation on the day on which the *Export  
Control Act 1982* comes into operation.

**PART II—AMENDMENT OF THE AUSTRALIAN APPLE AND  
PEAR CORPORATION ACT 1973**

**Principal Act**

3. The *Australian Apple and Pear Corporation Act 1973*<sup>1</sup> is in this Part referred to as the Principal Act. 5

4. Section 39 of the Principal Act is repealed and the following section is substituted:

**Operation of certain laws not affected**

“39. Nothing in this Act or the regulations affects the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”. 10

**PART III—AMENDMENT OF THE AUSTRALIAN DRIED FRUITS  
CORPORATION ACT 1978**

**Principal Act**

5. The *Australian Dried Fruits Corporation Act 1978*<sup>2</sup> is in this Part referred to as the Principal Act. 15

6. Section 38 of the Principal Act is repealed and the following section is substituted:

**Operation of certain laws not restricted**

“38. Nothing in this Act or the regulations restricts the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”. 20

**PART IV—AMENDMENT OF THE AUSTRALIAN MEAT AND  
LIVE-STOCK CORPORATION ACT 1977**

**Principal Act**

7. The *Australian Meat and Live-stock Corporation Act 1977*<sup>3</sup> is in this Part referred to as the Principal Act. 25

8. Section 51 of the Principal Act is repealed and the following section is substituted: 30

**Operation of certain laws not restricted**

“51. Nothing in this Act or the regulations restricts the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”. 35

**PART V—AMENDMENT OF THE AUSTRALIAN WINE AND  
BRANDY CORPORATION ACT 1980**

**Principal Act**

5 **9.** *The Australian Wine and Brandy Corporation Act 1980*<sup>4</sup> is in this Part referred to as the Principal Act.

**10.** Section 45 of the Principal Act is repealed and the following section is substituted:

**Operation of certain laws not restricted**

10 “45. Nothing in this Act or the regulations restricts the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”.

**PART VI—AMENDMENT OF THE COMMERCE (TRADE  
DESCRIPTIONS) ACT 1905**

15 **Principal Act**

**11.** *The Commerce (Trade Descriptions) Act 1905*<sup>5</sup> is in this Part referred to as the Principal Act.

**Interpretation**

- 20 **12.** Section 3 of the Principal Act is amended—
- (a) by omitting the definition of “Officer” and substituting the following definition:  
“ ‘Officer’ means an officer of Customs.”; and
  - (b) by omitting the definition of “The Secretary”.

**Notice of intention to export**

25 **13.** Section 6 of the Principal Act is amended by omitting “, or to the Department of Primary Industry,”.

**14.** Before section 11 of the Principal Act the following section is inserted in Part IV:

**Application of Part**

30 “10A. This Part does not apply in relation to goods that are prescribed goods within the meaning of the *Export Control Act 1982*.”.

**Prohibition of exports not bearing the prescribed trade description**

- 35 **15.** Section 11 of the Principal Act is amended—
- (a) by omitting from sub-section (2) “Secretary” and substituting “Comptroller-General of Customs”;
  - (b) by omitting from sub-section (2) “of State for Primary Industry”;

- (c) by omitting from sub-section (3) “Secretary” (wherever occurring) and substituting “Comptroller-General of Customs”; and
- (d) by omitting from sub-section (3) “of State for Primary Industry”.

**Penalty for applying false trade description to exports**

16. Section 12 of the Principal Act is amended by omitting sub-sections (2) to (5) (inclusive) and substituting the following sub-section: 5

“(2) A person who contravenes sub-section (1) is guilty of an offence and is punishable on conviction by a fine not exceeding \$200.”.

**Exportation of falsely marked goods**

17. Section 13 of the Principal Act is amended— 10

- (a) by omitting “Secretary” and substituting “Comptroller-General of Customs”; and
- (b) by omitting “of State for Primary Industry”.

**Review of decisions**

18. Section 15 of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections: 15

“(1) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Comptroller-General of Customs under sub-section 7 (3), section 10, sub-section 11 (3) or section 13, other than a decision in respect of which an appeal has been made to the Minister under that sub-section or section, as the case may be. 20

“(2) A person is not entitled to appeal to the Minister against a decision to which sub-section (1) applies if an application has been made under that sub-section for a review of that decision.”.

**PART VII—AMENDMENT OF THE CUSTOMS ACT 1901** 25

**Principal Act**

19. The *Customs Act* 1901<sup>6</sup> is in this Part referred to as the Principal Act.

**Interpretation**

20. Section 4 of the Principal Act is amended by omitting from sub-section (1) the definition of “Food”. 30

**Smuggling and unlawful importation and exportation**

21. Section 233 of the Principal Act is amended by omitting sub-section (1A).

**Unlawful exportation of food**

22. Section 233AA of the Principal Act is repealed. 35



**Regulations**

23. Section 270 of the Principal Act is amended—
- (a) by omitting paragraph (1) (c); and
  - (b) by omitting sub-section (3).

5 **PART VIII—AMENDMENT OF THE DAIRY PRODUCE ACT 1924**

**Principal Act**

24. The *Dairy Produce Act 1924*<sup>7</sup> is in this Part referred to as the Principal Act.

10 25. Section 19A of the Principal Act is repealed and the following section is substituted:

**Operation of certain laws not affected**

15 “19A. Nothing in this Act or the regulations affects the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”

**PART IX—AMENDMENT OF THE DAIRY PRODUCTS (EXPORT INSPECTION CHARGE) COLLECTION ACT 1982**

**Principal Act**

20 26. The *Dairy Products (Export Inspection Charge) Collection Act 1982*<sup>8</sup> is in this Part referred to as the Principal Act.

**Interpretation**

27. Section 3 of the Principal Act is amended—
- (a) by inserting before the definition of “certified export notice” in sub-section (1) the following definition:

25 “‘authorized officer’ has the same meaning as in section 3 of the *Export Control Act 1982*;”;
  - (b) by omitting from sub-section (1) the definition of “export notice” and substituting the following definition:

30 “‘export notice’, in relation to dairy products, means a notice furnished in relation to the dairy products in pursuance of regulations made for the purpose of section 6 of the *Export Control Act 1982*;”;
  - (c) by omitting from sub-section (1) the definition of “officer”.

**Inspecting officer to certify inspection on export notice, &c.**

**28.** Section 4 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) An authorized officer who—

(a) in pursuance of the *Export Control Act 1982* or regulations made under that Act, inspects and examines dairy products intended for export; and 5

(b) in relation to those dairy products, is satisfied with respect to the matters specified for the purposes of this paragraph in regulations made under this Act, 10

shall certify to that effect on the export notice in relation to the dairy products.”; and

(b) by omitting from sub-section (3) “the Exports (Dairy Produce) Regulations” and substituting “any regulations made under the *Export Control Act 1982*”. 15

**PART X—AMENDMENT OF THE EDIBLE OILS (EXPORT INSPECTION CHARGE) COLLECTION ACT 1982**

**Principal Act**

**29.** The *Edible Oils (Export Inspection Charge) Collection Act 1982* is in this Part referred to as the Principal Act. 20

**Interpretation**

**30.** Section 3 of the Principal Act is amended—

(a) by inserting before the definition of “certified export notice” in sub-section (1) the following definition:

“‘authorized officer’ has the same meaning as in section 3 of the *Export Control Act 1982*;” 25

(b) by omitting from sub-section (1) the definition of “export notice” and substituting the following definition:

“‘export notice’, in relation to edible oils, means a notice furnished in relation to the edible oils in pursuance of regulations made for the purpose of section 6 of the *Export Control Act 1982*;” and 30

(c) by omitting from sub-section (1) the definition of “officer”.

**Inspecting officer to certify inspection on export notice, &c.**

**31.** Section 4 of the Principal Act is amended— 35

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) An authorized officer who—

(a) in pursuance of the *Export Control Act 1982* or regulations made under that Act, inspects and examines edible oils intended for export; and 40

- (b) in relation to the edible oils, is satisfied with respect to the matters specified for the purposes of this paragraph in regulations made under this Act,

shall certify to that effect on the export notice in relation to the edible oils.”; and

- (b) by omitting from sub-section (3) “the Exports (Dairy Produce) Regulations” and substituting “any regulations made under the *Export Control Act 1982*”.

## **PART XI—AMENDMENT OF THE EGG EXPORT CONTROL ACT 1947**

### **Principal Act**

32. The *Egg Export Control Act 1947*<sup>10</sup> is in this Part referred to as the Principal Act.

33. Section 16 of the Principal Act is repealed and the following section is substituted:

### **Operation of certain laws not affected**

“16. Nothing in this Act or the regulations affects the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”.

## **PART XII—AMENDMENT OF THE EGGS (EXPORT INSPECTION CHARGE) COLLECTION ACT 1982**

### **Principal Act**

34. The *Eggs (Export Inspection Charge) Collection Act 1982*<sup>11</sup> is in this Part referred to as the Principal Act.

### **Interpretation**

35. Section 3 of the Principal Act is amended—

- (a) by inserting before the definition of “certified export notice” in sub-section (1) the following definition:

“‘authorized officer’ has the same meaning as in section 3 of the *Export Control Act 1982*;”;

- (b) by omitting from sub-section (1) the definition of “export notice” and substituting the following definition:

“‘export notice’, in relation to eggs, means a notice furnished in relation to the eggs in pursuance of regulations made for the purpose of section 6 of the *Export Control Act 1982*;”;

- (c) by omitting from sub-section (1) the definition of “officer”.

**Inspecting officer to certify inspection on export notice, &c.**

36. Section 4 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) An authorized officer who—

(a) in pursuance of the *Export Control Act 1982* or regulations made under that Act, inspects and examines eggs intended for export; and 5

(b) in relation to the eggs, is satisfied with respect to the matters specified for the purposes of this paragraph in regulations made under this Act, 10

shall certify to that effect on the export notice in relation to the eggs.”; and

(b) by omitting from sub-section (3) “the Exports (Dairy Produce) Regulations” and substituting “any regulations made under the *Export Control Act 1982*”. 15

**PART XIII—AMENDMENT OF THE FISH (EXPORT INSPECTION CHARGE) ACT 1981**

**Principal Act**

37. The *Fish (Export Inspection Charge) Act 1981*<sup>12</sup> is in this Part referred to as the Principal Act. 20

**Interpretation**

38. Section 4 of the Principal Act is amended—

(a) by omitting “export permit is issued, under Regulation 24 of the Exports (Fish) Regulations,” from the definition of “exporter” and substituting “prescribed export permit is issued”; and 25

(b) by omitting the definition of “fish inspected for export” and substituting the following definitions:

“‘fish inspected for export’ means fish in respect of which a prescribed export permit is issued;

‘prescribed export permit’, in relation to fish, means a licence, permit or other permission issued in relation to the export of those fish that is declared by the regulations to be a prescribed export permit.”. 30

**Regulations**

39. Section 8 of the Principal Act is amended by inserting in sub-section (1) “4,” after “sections”. 35

**PART XIV—AMENDMENT OF THE FISH (EXPORT INSPECTION CHARGE) COLLECTION ACT 1981**

**Principal Act**

5 **40.** The *Fish (Export Inspection Charge) Collection Act 1981*<sup>13</sup> is in this Part referred to as the Principal Act.

**Interpretation**

**41.** Section 3 of the Principal Act is amended by adding at the end thereof the following definition:

10 “; ‘prescribed export permit’ has the same meaning as in the *Fish (Export Inspection Charge) Act 1981*.”.

**Due date for payment**

**42.** Section 4 of the Principal Act is amended by omitting “export permit is issued, under Regulation 24 of the Exports (Fish) Regulations,” and substituting “prescribed export permit is issued”.

15 **PART XV—AMENDMENT OF THE HONEY (EXPORT INSPECTION CHARGE) COLLECTION ACT 1982**

**Principal Act**

**43.** The *Honey (Export Inspection Charge) Collection Act 1982*<sup>14</sup> is in this Part referred to as the Principal Act.

20 **Interpretation**

**44.** Section 3 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “certified export notice” and substituting the following definitions:

25 “ ‘authorized officer’ has the same meaning as in section 3 of the *Export Control Act 1982*;

‘certified export notice’ means an export notice certified in accordance with section 4;”;

(b) by omitting from sub-section (1) the definition of “export notice” and substituting the following definition:

30 “ ‘export notice’, in relation to honey, means a notice furnished in relation to the honey in pursuance of regulations made for the purpose of section 6 of the *Export Control Act 1982*;”;

35 (c) by omitting “pursuance of paragraph 24 (1) (c) of the Exports (Honey) Regulations” from the definition of “honey inspected for export” in sub-section (1) and substituting “accordance with section 4”.

**Inspecting officer to certify inspection on export notice, &c.**

**45.** Section 4 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-sections:

“(1) An authorized officer who—

(a) in pursuance of the *Export Control Act 1982* or regulations made under that Act, inspects and examines honey intended for export; and 5

(b) in relation to the honey, is satisfied with respect to the matters specified for the purposes of this paragraph in regulations made under this Act, 10

shall certify to that effect on the export notice in relation to the honey.

“(1A) A copy of a certified export notice shall be served in a manner prescribed by the regulations on the person who furnished the export notice.”; and

(b) by omitting from sub-section (2) “the Exports (Honey) Regulations” and substituting “any regulations made under the *Export Control Act 1982*”. 15

**PART XVI—AMENDMENT OF THE HONEY INDUSTRY ACT  
1962**

**Principal Act** 20

**46.** The *Honey Industry Act 1962*<sup>15</sup> is in this Part referred to as the Principal Act.

**47.** Section 31 of the Principal Act is repealed and the following section is substituted:

**Operation of certain laws not restricted** 25

“31. Nothing in this Act or the regulations restricts the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”.

**PART XVII—AMENDMENT OF THE LIVE-STOCK SLAUGHTER  
(EXPORT INSPECTION CHARGE) ACT 1979** 30

**Principal Act**

**48.** The *Live-stock Slaughter (Export Inspection Charge) Act 1979*<sup>16</sup> is in this Part referred to as the Principal Act.

**Title**

49. The title of the Principal Act is repealed and the following title is substituted:

5 “An Act to impose a charge on the slaughter of live-stock at premises used in connection with the slaughtering and dressing of animals for export”.

**Interpretation**

50. Section 4 of the Principal Act is amended by omitting the definition of “abattoir” and substituting the following definition:

10 “‘abattoir’ means prescribed premises used for the carrying on of operations in connection with the slaughtering and dressing of animals from which meat intended for export is obtained;”.

**PART XVIII—REPEAL OF THE MEAT EXPORT (PENALTIES)  
ACT 1981**

15 **Principal Act**

51. The *Meat Export (Penalties) Act 1981*<sup>17</sup> is in this Part referred to as the Principal Act.

**Repeal**

52. The Principal Act is repealed.

20 **PART XIX—AMENDMENT OF THE TOBACCO MARKETING ACT  
1965**

**Principal Act**

53. The *Tobacco Marketing Act 1965*<sup>18</sup> is in this Part referred to as the Principal Act.

25 54. Section 27 of the Principal Act is repealed and the following section is substituted:

**Operation of certain laws not restricted**

30 “27. Nothing in this Act or the regulations restricts the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of any regulations made under any one or more of those Acts.”.

**PART XX—AMENDMENT OF THE WHEAT MARKETING ACT  
1979**

**Principal Act**

35 55. The *Wheat Marketing Act 1979*<sup>19</sup> is in this Part referred to as the Principal Act.

**Unauthorized dealings with wheat**

**56.** Section 20 of the Principal Act is amended by adding at the end of sub-section (4) “or in regulations in force under the *Export Control Act 1982*”.

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**NOTES**

1. No. 194, 1973, as amended. For previous amendments, see No. 199, 1976; No. 15, 1978; and Nos. 16 and 145, 1981.
2. No. 193, 1978.
3. No. 67, 1977, as amended. For previous amendments, see No. 36, 1978; No. 76, 1979; No. 167, 1980; and Nos. 61 and 150, 1981.
4. No. 161, 1980.
5. No. 16, 1905, as amended. For previous amendments, see No. 37, 1926; No. 15, 1930; No. 13, 1933; No. 80, 1950; No. 93, 1966; No. 216, 1973; and Nos. 61 and 151, 1981.
6. No. 6, 1901, as amended. For previous amendments, see No. 21, 1906; Nos. 9 and 36, 1910; No. 19, 1914; No. 10, 1916; No. 41, 1920; No. 19, 1922; No. 12, 1923; No. 22, 1925; No. 6, 1930; Nos. 7 and 45, 1934; No. 7, 1935; No. 85, 1936; No. 54, 1947; No. 45, 1949; Nos. 56 and 80, 1950; No. 56, 1951; No. 108, 1952; No. 47, 1953; No. 66, 1954; No. 37, 1957; No. 54, 1959; Nos. 42 and 111, 1960; No. 48, 1963; Nos. 29, 82 and 133, 1965; No. 28, 1966; No. 54, 1967; Nos. 14 and 104, 1968; Nos. 12 and 134, 1971; No. 162, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 28 and 120, 1974; Nos. 56, 77 and 107, 1975; Nos. 41, 91 and 174, 1976; No. 154, 1977; Nos. 36 and 183, 1978; Nos. 19, 92, 116, 155, 177 and 180, 1979; Nos. 13, 15, 110 and 171, 1980; and Nos. 45, 61, 64, 67, 152 and 157, 1981.
7. No. 38, 1924, as amended. For previous amendments, see No. 45, 1934; No. 70, 1935; No. 26, 1936; No. 20, 1937; No. 18, 1938; No. 24, 1942; No. 53, 1947 (as amended by No. 80, 1950); No. 37, 1953; No. 17, 1954; No. 74, 1958; No. 49, 1962; No. 79, 1963; No. 43, 1965; No. 93, 1966; No. 3, 1972; No. 216, 1973 (as amended by No. 20, 1974); No. 82, 1975; No. 79, 1976; No. 53, 1977; and Nos. 36 and 96, 1978.
8. No. 000, 1982.
9. No. 000, 1982.
10. No. 76, 1947, as amended. For previous amendments, see No. 63, 1948; No. 21, 1951; No. 24, 1953; No. 18, 1954; No. 93, 1966; No. 216, 1973; and No. 36, 1978.
11. No. 000, 1982.
12. No. 57, 1981.
13. No. 58, 1981.
14. No. 000, 1982.



**NOTES**—continued

15. No. 105, 1962, as amended. For previous amendments, see No. 71, 1965; No. 93, 1966; No. 11, 1972; No. 185, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 36, 1978; No. 145, 1980; and No. 61, 1981.
16. No. 45, 1979.
17. No. 149, 1981.
18. No. 85, 1965, as amended. For previous amendments, see No. 93, 1966; No. 216, 1973; and No. 36, 1978.
19. No. 166, 1979.





