

1982

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

EXPORT CONTROL (MISCELLANEOUS AMENDMENTS) BILL 1982

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary
Industry, the Hon. Peter Nixon, M.P.)

OUTLINE

Export Control (Miscellaneous Amendments) Bill 1982

This Bill is associated with the Export Control Bill 1982. It incorporates amendments to legislation which are consequential on the Export Control Bill 1982.

A number of Acts contain a provision which governs the affect of those Acts on the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and regulations under them. The Bill extends this provision to the new Export Control Act and regulations made under it.

Provision is made for the repeal of the Customs (Unlawful Exportation of Food) Amendment Act 1981, through appropriate amendments to the Customs Act 1901, and the Meat Export (Penalties) Act 1981. The provisions being repealed were introduced as urgent measures following the meat substitution activities last year.

The Commerce (Trade Descriptions) Act 1905 is amended by ommitting reference to the Minister for Primary Industry, the Secretary and officers of the Department of Primary Industry. The increased penalty provisions inserted by the Commerce (Trade Descriptions) Amendment Act 1981 (meat substitution) are repealed.

The Bill also provides for appropriate amendments to be made to legislation relating to the recovery of costs associated with the provision of the export inspection service.

No of Clause

Explanation

1. Citation
2. Date of commencement shall be the same day as that which the Export Control Bill 1982 comes into operation.
3. Cites the Australian Apple and Pear Corporation Act 1973 as the Principal Act.
4. Repeals section 39 of the Principal Act and substitutes a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations.
5. Cites the Australian Dried Fruits Corporation Act 1978 as the Principal Act.
6. Repeals section 38 of the Principal Act and substitutes a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations.
7. Cites the Australian Meat and Live-stock Corporation Act 1977 as the Principal Act.
8. Repeals section 51 of the Principal Act and substitutes a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations.
9. Cites the Australian Wine and Brandy Corporation Act 1980 as the Principal Act.
10. Repeals section 45 of the Principal Act and substitutes a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations

11. Cites the Commerce (Trade Descriptions) Act 1905 as the Principal Act.
12. Amends section 3 of the Principal Act by limiting the definition of "officer" to an officer of Customs and by deleting the definition of "the Secretary".
13. Amends section 6 of the Principal Act by deleting reference to the Department of Primary Industry.
14. Inserts a new section 10A before section 11 of the Principal Act so as to exclude goods which are covered by the Export Control Bill 1982.
15. Omits from section 11 of the Principal Act references to "Secretary" and "Minister of State for Primary Industry" and inserts where appropriate reference to the "Comptroller-General"
16. Amends section 12 of the Principal Act by repealing amendments inserted by the Commerce (Trade Descriptions) Amendment Act 1981.
17. Omits from section 13 of the Principal Act references to "Secretary" and "Minister of State for Primary Industry" and inserts where appropriate reference to the "Comptroller-General"
18. Amends section 15 of the Principal Act by deleting references to "the Secretary to the Department of" and "the Minister for Primary Industry"
- 19.) These 5 sections amend the Customs Act by
- 20.) repealing amendments incorporated under the
- 21.) Customs (Unlawful Exportation of Food)
- 22) Amendment Act 1981
- 23)

- 24 Cites the Dairy Produce Act 1924 as the Principal Act.
- 25 Repeals section 19A of the Principal Act and substitutes a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations.
26. Cites the Dairy Produce (Export Inspection Charge) Collection Act 1982 as the Principal Act.
- 27 Amends section 3 of the Principal Act by:
- inserting a definition for "authorized officer";
 - inserting a definition for "export notice" so as to refer to the Export Control Bill 1982 rather than the Exports (Dairy Produce) Regulations.
- 28 Amends sub-sections (1) and (3) to make reference to the Export Control Bill 1982 rather than the Exports (Dairy Produce) Regulations.
- 29 Cites the Edible Oils (Export Inspection Charge) Collection Act 1982 as the Principal Act.
- 30 Amends section 3 of the Principal Act by:
- inserting a definition for "authorized officer";
 - inserting a definition for "export notice" so as to refer to the Export Control Bill 1982 rather than the Exports (Dairy Produce) Regulations.

31. Amends sub-sections (1) and (3) to make reference to the Export Control Bill 1982 rather than the Exports (Dairy Produce) Regulations.
32. Cites the Egg Export Control Act 1947 as the Principal Act.
33. Repeals section 16 of the Principal Act and inserts a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations.
34. Cites the Eggs (Export Inspection Charge) Collection Act 1982 as the Principal Act.
35. Amends section 3 of the Principal Act by:
- inserting a definition for "authorized officer";
 - inserting a definition for "export notice" so as to refer to the Export Control Bill 1982 rather than the Exports (Dairy Produce) Regulations.
36. Amends sub-sections (1) and (3) to make reference to the Export Control Bill 1982 rather than the Exports (Dairy Produce) Regulations.
37. Cites the Fish (Export Inspection Charge) Act 1981 as the Principal Act.
38. Amends section 4 of the Principal Act to delete reference to the Exports (Fish) Regulations and refer to a permit prescribed by regulations under the Principal Act.
39. Amends section 8 of the Principal Act to provide for regulations in respect of the export permit to be made

- 40 Cites the Fish (Export Inspection Charge) Collection Act 1981 as the Principal Act.
- 41 Adds a new definition for "prescribed export permit" to section 3 of the Principal Act.
42. Amends section 4 of the Principal Act to delete reference to the Exports (Fish) Regulations and inserts a reference to a "prescribed export permit".
43. Cites the Honey (Export Inspection Charge) Collection Act 1982 as the Principal Act.
- 44 Amends section 3 of the Principal Act by:
- inserting a definition for "authorized officer";
 - inserting a definition for "export notice" so as to refer to the Export Control Bill 1982 rather than the Exports (Honey) Regulations;
 - omitting from the definition of "honey inspected for export" reference to the Exports (Honey) Regulations and inserting a reference to the appropriate section of the Principal Act.
- 45 Amends sub-sections (1) and (2) of section 4 to make reference to the Export Control Bill 1982 rather than the Exports (Honey) Regulations.
46. Cites the Honey Industry Act 1962 as the Principal Act.
47. Repeals section 31 of the Principal Act and substitutes a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations.

48. Cites the Live-stock Slaughter (Export Inspection Charge) Act 1979 as the Principal Act.
49. Amends the title of the Principal Act so as to delete reference to the Exports (Meat) Regulations.
50. Amends the definition of "abattoir" in section 4 so as to delete reference to the Exports (Meat) Regulations
- 51.) Repeals the Meat Export (Penalties) Act 1981.
- 52.)
53. Cites the Tobacco Marketing Act 1965 as the Principal Act.
54. Repeals section 27 of the Principal Act and substitutes a new section which makes reference to the Customs Act 1901, the Commerce (Trade Descriptions) Act 1905 and the Export Control Act 1982 as well as associated regulations.
55. Cites the Wheat Marketing Act 1979 as the Principal Act.
56. Extends the prohibited export provisions under sub-section 20(4) of the Principal Act to Regulations under the Export Control Bill 1982