

The Senate

Rural and Regional Affairs
and Transport
Legislation Committee

Agriculture, Fisheries and Forestry Legislation
Amendment Bill (No. 1) 2012 [Provisions]

June 2012

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Membership of the committee

Members

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Senator the Hon. Bill Heffernan, Deputy Chair	New South Wales, LP
Senator Alex Gallacher	South Australia, ALP
Senator Fiona Nash	New South Wales, NATS
Senator Rachel Siewert	Western Australia, AG
Senator Anne Urquhart	Tasmania, ALP

Substitute members for this inquiry

Senator Anne McEwen replaced Senator Anne Urquhart from 9 May 2012	South Australia, ALP
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Chapter 1

Conduct of the inquiry

1.1 On 22 March 2012, the Senate referred the provisions of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2012 (the bill) to the Senate Rural and Regional Affairs and Transport Legislation Committee (the committee) for inquiry and report by 18 June 2012.¹

1.2 The reason given for the referral of the bill through the Senate Selection of Bills Committee was to consider the regulatory and practical applications of the bill.²

1.3 In accordance with usual practice, the committee advertised the inquiry on its website and in *The Australian*. In addition, the committee wrote to relevant departments and organisations inviting submissions. The committee did not receive any submissions. Because no submissions were received, the committee decided not to hold a public hearing.

Purpose of the bill³

1.4 The bill aims to amend nine Acts administered by the Agriculture, Fisheries and Forestry portfolio. The Acts affected by the proposed amendments are:

- *Wine Australia Corporation Act 1980*;
- *Fisheries Management Act 1991*;
- *Fisheries Administration Act 1991*;
- *Primary Industries Levies and Charges Collection Act 1991*;
- *Export Control Act 1982*;
- *Primary Industries and Energy Research and Development Act 1989*;
- *Quarantine Act 1908*;
- *Farm Household Support Act 1992*; and
- *States Grants (War Service Land Settlement) Act 1952*.

1.5 There are two proposed amendments to the *Wine Australia Corporation Act 1980*. The first relates to the Label Integrity Program, which aims to reduce the record keeping requirements of people who supply or receive wine goods that are packaged

1 Commonwealth of Australia, *Journals of the Senate*, 22 March 2012, p. 2350.

2 Senate Selection of Bills Committee, *Report No. 4 of 2012*, Appendix 1.

3 The material contained in this section is drawn from the Explanatory Memorandum and the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2012.

for sale to a customer. The second amends the current definition of vintage, '1 July to 30 June the following year', by substituting '1 July' with '1 September'.

1.6 The proposed amendments to the *Fisheries Management Act 1991* aim to clarify the requirements for directions on closing a fishery, or part of a fishery, and to correct grammatical errors.⁴

1.7 The proposed amendments to the *Fisheries Administration Act 1991* aim to correct a drafting error in the *Fisheries Legislation Amendment Act (No. 2) 2010*, where a delegation of powers provision was applied to section 93, instead of section 92. Applying the provision to section 92, and repealing the paragraph from section 93, adds the item to sub-delegations by the Chief Executive Officer.

1.8 The proposed amendments to the *Primary Industries Levies and Charges Collection Act 1991* give the Secretary the ability to consider all requests made by levy payers for the remission of penalties. Currently, only the portfolio minister can remit amounts of penalty exceeding \$5000.

1.9 The bill also aims to repeal the *States Grants (War Service Land Settlement) Act 1952*. This Act allowed the Australian Government to negotiate the sale and transfer of the War Service Land Settlement Scheme to each of the representative states. The Western Australia (WA) Government was the last jurisdiction to operate the scheme, and as such, the Commonwealth and WA Government executed a cessation deed on 3 May 2011, making the legislation redundant.

1.10 The remaining proposed amendments are technical amendments to the *Fisheries Administration Act 1991*, the *Primary Industries and Energy Research and Development Act 1989*, the *Export Control Act 1982*, and the *Quarantine Act 1908*.

1.11 The proposed technical amendments to the *Fisheries Administration Act 1991* include removing cross-references to provisions that have been repealed, and other redundant text.

1.12 The proposed technical amendments to the *Primary Industries and Energy Research and Development Act 1989* involve inserting the letters (i) and (l) to subsection 131(1) of the Act. Currently, the list omits the letters (i) and (l).

1.13 The proposed amendments to the *Export Control Act 1982* and the *Quarantine Act 1908* replace the current spelling of "authorized" with "authorised".

4 The committee notes that item 12 of Schedule 3 duplicates the word 'in' and should be corrected before passage.

Conclusion

1.14 As mentioned in paragraph 1.3, the committee received no submissions. The committee concludes therefore that the bill is uncontroversial as it only contains technical corrections. Accordingly, the committee recommends that the bill be passed.

1.15 The committee also notes that senators should be mindful of the use of Senate resources when referring bills to the committee for inquiry and report.

Recommendation 1

1.16 The committee recommends that the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2012 be passed.

Senator Glenn Sterle

Chair