



# **National Residue Survey Administration Act 1992**

**No. 243, 1992**

## **Compilation No. 9**

**Compilation date:** 17 September 2016

**Includes amendments up to:** Act No. 56, 2016

**Registered:** 21 September 2016

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *National Residue Survey Administration Act 1992* that shows the text of the law as amended and in force on 17 September 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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**An Act to establish a special account for the  
purpose of conducting a National Residue Survey,  
and for related purposes**

**Part 1—Preliminary**

**1 Short title**

This Act may be cited as the *National Residue Survey  
Administration Act 1992*.

**2 Commencement**

This Act commences on 1 July 1993.

**3 Act binds Crown**

This Act binds the Crown in right of each of the States, of the  
Australian Capital Territory and of the Northern Territory.

## Part 2—Interpretation

### 4 Interpretation

In this Act:

**Account** means the National Residue Survey Account continued in existence by section 6.

**applicable products** means:

- (a) food products; or
  - (b) products of a primary industry; or
  - (c) any other products that are of a kind used as inputs to the production of products referred to in paragraph (a) or (b);
- whether or not the products have been subjected to any process.

**National Residue Survey Levy** means levy of that name payable under:

- (a) the *National Residue Survey (Customs) Levy Act 1998*; or
- (b) the *National Residue Survey (Excise) Levy Act 1998*.

**process**, in relation to a product, means the performance of any operation in relation to the product, and includes, but is not limited to, the harvesting, chilling, freezing, drying, bottling, packing, canning or preserving of the product.

**products of a primary industry** means products that result from any of the following:

- (a) agriculture or the cultivation of land;
- (b) the maintenance of animals for commercial purposes;
- (c) fishing or aquaculture;
- (d) hunting or trapping;
- (e) horticulture;
- (f) any other primary industry activity.

**Secretary** means Secretary of the Department.

## **Part 3—National Residue Survey Account**

### **6 National Residue Survey Account**

- (1) There is continued in existence the National Residue Survey Account.

Note: The Account was established by subsection 5(3) of the *Financial Management Legislation Amendment Act 1999*.

- (2) The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

### **7 Credit of amounts to National Residue Survey Account**

There must be credited to the Account:

- (a) amounts appropriated by Parliament for the purposes of the National Residue Survey; and
- (b) in respect of each amount of National Residue Survey Levy collected by or on behalf of the Commonwealth—an amount equal to that amount of levy; and
- (c) in respect of each amount of penalty collected by or on behalf of the Commonwealth in connection with National Residue Survey Levy—an amount equal to that amount of penalty; and
- (d) amounts equal to amounts paid to the Commonwealth for the purposes of the National Residue Survey or the Account; and
- (e) amounts equal to income from the investment of an amount standing to the credit of the Account.

Note: An Appropriation Act provides for amounts to be credited to a special account if any of the purposes of the special account is a purpose that is covered by an item in the Appropriation Act.

### **8 Debits from Account**

- (1) Amounts standing to the credit of the Account may be debited for the following purposes:

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- (a) making payments for purposes related to:
    - (i) the monitoring and reporting of the level of contaminants in applicable products; and
    - (ii) the testing, either on a random basis or in specific cases, of applicable products or the environment for the purpose of tracing the sources of contaminants and determining the causes of contamination; and
    - (iii) the testing and reporting of the level of contaminants in applicable products or the environment, and any associated activities, for the purpose of investigating the potential sources, and determining the potential causes, of such contaminants; and
    - (iv) the prevention of contamination in, and the management of risks associated with, contamination of applicable products;
  - (b) if an amount that was credited to the Account was given by a person or body to the Commonwealth for a particular purpose but has not been fully spent for that purpose—repaying the unspent amount to the person or body.
- (2) Amounts may be debited from the Account equal to expenditure incurred by the Commonwealth in relation to:
- (a) the collection and recovery of amounts referred to in paragraph 7(b) or (c); or
  - (b) the administration of paragraph 7(b) or (c); or
  - (c) the carrying out of any activities of kinds referred to in paragraph (1)(a) or any related activities.
- (3) An amount that has been credited to the Account under an Appropriation Act may be debited from the Account.
- (4) Without limiting the generality of subsection (2), the reference in that subsection to ***expenditure incurred*** includes a reference to:
- (a) remuneration and allowances paid to staff; and
  - (b) other expenditure incurred in relation to the provision of staff or the provision of the services of staff; and



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- (c) expenditure incurred in relation to surveys conducted for the purpose of monitoring the level of contaminants; and
- (d) expenditure incurred in relation to the provision of accommodation or administrative support.

## Part 5—Miscellaneous

### 10 Report by Minister

As soon as practicable after the end of each financial year, the Minister is to cause a report to be laid before each House of the Parliament setting out details of the operation of the Account including:

- (a) amounts credited to the Account during that financial year; and
- (b) amounts debited from the Account during that financial year; and
- (c) financial statements relating to the Account for that financial year; and
- (d) a description of activities undertaken in relation to the National Residue Survey during that financial year.

### 11 Release of information

- (1) Subject to subsection (2), information collected under activities referred to in section 8 using amounts debited from the Account that identifies a particular person may not be released to any other person.
- (2) Information of a kind mentioned in subsection (1) may be released:
  - (a) to authorities of the Commonwealth, of a State or of a Territory that are responsible for the monitoring or regulation of agricultural or veterinary chemical residues and contaminants in applicable products or the environment for the purpose of such monitoring or regulation or the management of associated risks; and
  - (b) to a person whom the Secretary has approved in writing to be an appropriate person to be granted access to the information.
- (3) The Secretary may approve a person to be an appropriate person for the purposes of paragraph (2)(b) only if the Secretary is

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satisfied that the person requires the relevant information to enable the person to monitor, regulate or manage agricultural or veterinary chemical residues or contaminants in applicable products or the environment.

- (4) An approval is to specify:
  - (a) each person who may be granted access to the relevant information under paragraph (2)(b); and
  - (b) the purpose or purposes for which the information can be used.
- (5) A person to whom information is released under paragraph (2)(b) commits an offence if the information is used otherwise than for a purpose specified in the approval.

Penalty: Imprisonment for 12 months.
- (6) This section does not affect the operation of section 27 or 27A of the *Primary Industries Levies and Charges Collection Act 1991*.
- (7) The Secretary may, in writing, delegate to an APS employee in the Department the power to give approvals under paragraph (2)(b).
- (8) A delegate is, in the exercise of a delegated power, subject to the directions of the Secretary.

### **13 Regulations**

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## Endnotes

### Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

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Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Residue Survey Administration Act 1992	243, 1992	24 Dec 1992	1 July 1993	
National Residue Survey Administration (Meat Chickens) Amendment Act 1994	128, 1994	21 Oct 1994	21 Oct 1994	—
Primary Industries and Energy Legislation Amendment Act (No. 2) 1994	129, 1994	21 Oct 1994	s 3: Royal Assent ( <i>a</i> )	—
National Residue Survey Administration Amendment Act 1995	75, 1995	30 June 1995	1 July 1995	—
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 1039–1052): 1 Jan 1998 ( <i>see Gazette</i> 1997, No. GN49) ( <i>b</i> )	—
National Residue Survey Administration Amendment Act 1998	31, 1998	17 Apr 1998	Schedule 1: 1 Feb 1994 Schedules 2 and 3: 1 Aug 1998 ( <i>see Gazette</i> 1998, No. S382) Remainder: Royal Assent	Sch. 2 (item 8)
Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003	38, 2003	2 May 2003	Schedule 3: 3 May 2003	—

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s 4 and Schedule 1 (items 202–207, 496): Royal Assent	s 4 and Sch. 1 (item 496)
Financial Framework Legislation Amendment Act (No. 2) 2012	82, 2012	28 June 2012	Schedule 1 (items 75, 76): 29 June 2012	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 10 (items 187–189) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
<b>as amended by</b>				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
<b>as amended by</b>				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—



## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 2 (item 276): 1 July 2016 (s 2(1) item 5) Sch 2 (items 356– 396): 18 June 2015 (s 2(1) item 6)	Sch 2 (items 356– 396)
<b>as amended by</b>				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—
Primary Industries Levies and Charges Collection Amendment Act 2016	56, 2016	16 Sept 2016	Sch 1 (item 11): 17 Sept 2016 (s 2(1) item 2)	—

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

Provision affected	How affected
Title .....	am No 152, 1997; No 31, 1998; No 8, 2005; No 62, 2014
<b>Part 1</b>	
s 3 .....	am No 59, 2015
<b>Part 2</b>	
s 4 .....	am No 152, 1997; No 31, 1998; No 38, 2003; No 8, 2005
s 5 .....	rep No 31, 1998
<b>Part 3</b>	
Part 3 heading .....	rs No 152, 1997
s 6 .....	rs No 152, 1997; No 8, 2005 am No 62, 2014
s 7 .....	am No 129, 1994; No 152, 1997 rs No 8, 2005 am No 62, 2014
s 8 .....	am No 129, 1994; No 152, 1997; No 38, 2003 rs No 8, 2005 am No 82, 2012
Part 4 .....	rep No 31, 1998
s 9 .....	am No 75, 1995; No 31, 1998 rep No 31, 1998
<b>Part 5</b>	
s 10 .....	am No 152, 1997 rs No 8, 2005
s 11 .....	am No 152, 1997 rs No 38, 2003 am No 8, 2005; No 56, 2016
s 12 .....	rep No 152, 1997

Endnote 4—Amendment history

Provision affected	How affected
Schedule .....	am No 128, 1994; No 75, 1995 rep No 31, 1998