

NATIONAL FOOD AUTHORITY AMENDMENT ACT 1995

No. 152 of 1995

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LONG TITLE

An Act to amend the National Food Authority Act 1991, and for related purposes

Short title

1. This Act may be cited as the National Food Authority Amendment Act 1995.

(Minister's second reading speech made in -
House of Representatives on 29 November 1995
Senate on 30 November 1995)

Commencement

- 2.(1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act commence on a day to be fixed by Proclamation.

(3) If the commencement of the provisions referred to in subsection (2) is not fixed by a Proclamation published in the Gazette within the period of 12 months beginning on the day on which this Act receives the Royal Assent, this Act is repealed on the first day after the end of that period.

Schedules

3. The Acts specified in the Schedules are amended in accordance with those Schedules.

SCHEDULE 1

Section 3

AMENDMENTS OF THE NATIONAL FOOD AUTHORITY ACT 1991

1. Title:

Omit "to establish a National Food Authority", substitute "establishing an Australia New Zealand Food Authority".

2. Section 1:

Omit "National", substitute "Australia New Zealand".

3. Subsection 3(1) (paragraph (e) of the definition of appropriate government agency):

Omit "the" (first occurring), substitute "a".

4. Subsection 3(1) (definition of appropriate government agency):

Add at the end:

"or (f) the Department of State of New Zealand that is primarily responsible for public health; or
(g) a New Zealand authority that is prescribed for the purposes of this paragraph."

5. Subsection 3(1) (definition of Council):

Add at the end:

"or (c) if that Council is, or has been, reconstituted and continued in existence under the name Australia New Zealand Food Standards Council by agreement between the Commonwealth, the States, the Northern Territory and the Australian Capital Territory - that Council as so reconstituted and continued in existence."

6. Subsection 3(1) (paragraph (b) of the definition of standard): Before "Food Standards Code" insert "Australia New Zealand".

7. Subsection 3(1) (definition of Food Advisory Committee):

Omit the definition, substitute:

"Food Advisory Committee means the Australia New Zealand Food Authority Advisory Committee continued in existence under section 42."

8. Subsection 3(1) (definition of Food Standards Code):

Omit the definition.

9. Subsection 3(1):

Insert the following definitions:

"Australia New Zealand Food Standards Code means the code published under the name 'Food Standards Code' in the Gazette on 27 August 1987 together with any amendments of the standards in that code:

(a) approved by the Council before this Act commenced and published in the Gazette as forming part of that code; or

(b) made under this Act.

Chief Officer means:

(a) in relation to a Commonwealth, State, Territory or New Zealand authority - the person who has the responsibility of Executive Officer or Chief Executive Officer of that authority (whether the person is a member of that authority or not); and

(b) in relation to any other authority or body - the person who has the responsibility for the day to day management of that authority or body.

New Zealand authority means a body (whether corporate or not) established by New Zealand, or by or under a law of New Zealand.

New Zealand standard means a standard under a law of New Zealand relating to:

(a) a matter referred to in paragraphs 9(a) to (e); or

(b) a matter prescribed under paragraph 9(f)."

10. Subsection 3(2):

Omit the subsection, substitute:

"(2) In this Act, a reference to the Authority is a reference to the Authority continued in existence under section 6 and:

(a) if the Authority is doing anything related to a special purpose for which an appointment has been made under paragraph 40(1)(e) – to the Authority as constituted by the members mentioned in paragraphs 40(1)(a) to (d) and each member appointed for that special purpose under paragraph 40(1)(e); and

(b) in any other case - to the Authority as constituted by the members mentioned in paragraphs 40(1)(a) to (d).".

11. Subsection 6(1):

Omit the subsection, substitute:

"(1) The body known immediately before the commencement of this subsection as the National Food Authority is continued in existence as the Australia New Zealand Food Authority.".

12. Paragraph 7(1):

After "industry" insert "(in Australia and in New Zealand)".

13. Paragraph 10(e):

Omit ", providing it does not lower the Australian standard".

14. After paragraph 14(1)(b):

Insert:

"and (ba) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

15. After paragraph 16(b):

Insert:

"and (ba) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

16. After paragraph 17(b):

Insert:

"and (c) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

17. After paragraph 19(1)(b):

Insert:

"and (c) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

18. After paragraph 22(1)(b):

Insert:

"and (ba) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

19. After paragraph 24(b):

Insert:

"and (ba) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

20. After paragraph 25(b):

Insert:

"and (c) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

21. After paragraph 27(1)(b):

Insert:

"and (c) by advertisement published in the New Zealand Gazette and in a newspaper circulating in New Zealand;".

22. Paragraph 32(1)(c):

After "Gazette" insert "and in the New Zealand Gazette".

Note: The heading to section 32 is replaced by the heading "Publication of standard or variation".

23. Paragraph 32(1)(d):

After "Gazette" insert "and in the New Zealand Gazette".

24. Subsection 36(1):

Omit "published in the Gazette and in a newspaper circulating in each State or Territory", substitute:

"published:

(c) in the Gazette and in a newspaper circulating in each State or Territory; and

(d) in the New Zealand Gazette and in a newspaper circulating in New Zealand".

25. After paragraph 38(b):

Insert:

"(ba) with the chief executive of a Department of State of New Zealand or the Chief Officer of a New Zealand authority; or".

Note: The heading to section 38 is replaced by the heading "Arrangements with Commonwealth Departments etc."

26. After paragraph 39(7)(b):

Insert:

"(ba) to the chief executive of a Department of State of New Zealand or the Chief Officer of a New Zealand authority for the purpose of enabling the Department or authority to perform any arrangements made with the Authority in accordance with paragraph 38(ba); or"

27. Subsection 39(11) (definition of Chief Officer):

Omit the definition.

28. After paragraph 40(1)(b):

Insert:

"(ba) 2 members nominated by New Zealand; and"

29. Subsection 42(1):

Omit the subsection, substitute:

"(1) The body known immediately before the commencement of this subsection as the National Food Authority Advisory Committee is continued in existence as the Australia New Zealand Food Authority Advisory Committee."

30. Subsection 42(2):

Omit "the States and the Territories", substitute "a State, a Territory or New Zealand".

31. Paragraph 42(4)(b):

Omit "Community", substitute "Human".

32. Paragraph 42(4)(c):

After "by" insert "the".

33. Paragraph 44(3)(a):

Omit "or a Territory", substitute ", a Territory or New Zealand".

34. Paragraph 44(3)(a):

Omit "bases", substitute "basis".

35. Paragraph 44(3)(b):

Omit "or a Territory", substitute ", a Territory or New Zealand".

36. After paragraph 57(1)(a):

Insert:

"(ab) money paid to the Authority under section 65A; and"

37. Paragraph 64(1)(b):

Add at the end "and in the New Zealand Gazette".

38. After section 65:

Insert:

Fees for services provided to New Zealand

"65A.(1) The Authority may charge, for services provided to New Zealand, such fees as are agreed on from time to time between the Chairperson and the New Zealand Minister.

"(2) In subsection (1):

New Zealand Minister means the Minister of the government of New Zealand who is a member of the Council."

39. Subsection 66(1):

After "body" (first occurring) insert "(other than New Zealand)".

Note: The heading to section 66 is replaced by the heading "Fees for services other than services provided to New Zealand".

SCHEDULE 2

Section 3

AMENDMENT OF THE AGRICULTURAL AND VETERINARY CHEMICALS ACT 1994

1. Subsection 7(2):

Omit "National", substitute "Australia New Zealand".

AMENDMENTS OF THE IMPORTED FOOD CONTROL ACT 1992

2. Subsection 3(1) (paragraph (a) of the definition of national standard):

Omit "National", substitute "Australia New Zealand".

3. Subsection 3(1) (paragraph (b) of the definition of national standard):

Before "Food" insert "Australia New Zealand".

4. Subsection 3(1) (definition of Food Standards Code):

Omit the definition.

5. Subsection 3(1):

Insert the following definition:

"Australia New Zealand Food Standards Code means the code published under the name 'Food Standards Code' in the Gazette on 27 August 1987 together with any amendments of the standards in that code:

(a) approved by the National Food Standards Council before the commencement of the Australia New Zealand Food Authority Act 1991 and published in the Gazette as forming part of that code; or

(b) made under that Act."

6. Subparagraph 3(3)(a)(i):

Omit "National", substitute "Australia New Zealand".

7. Subparagraph 3(3)(a)(i):

Omit "National", substitute "Australia New Zealand".

8. Subparagraph 3(3)(a)(ii):

Before "Food" insert "Australia New Zealand".

9. Subsection 17(1):

Omit "National", substitute "Australia New Zealand".