



Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985

Act No. 103 of 1985 as amended

This compilation was prepared on 20 November 2009 taking into account amendments up to Act No. 111 of 2009

The text of any of those amendments not in force on that date is appended in the Notes section

The operation of amendments that have been incorporated may be affected by application provisions that are set out in the Notes section

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Contents

1	Short title [see Note 1].....	1
2	Commencement [see Note 1].....	1
3	Acts to be read as one.....	2
4	Interpretation	2
5	Corresponding Research Accounts and corresponding Research organizations etc.	2
6	Money and investments to be credited to Research Funds etc.....	3
8	Certain arrangements and agreements to continue in force	6
9	Certain amounts to be paid from Research Fund.....	8
10	Reports on operations of relevant Acts	9
11	Amendments of Acts	11
12	Repeal of Acts	11
Schedule 1—Corresponding research accounts and research organizations		12
Part I		12
Part II		14
Part III		15
Part IV		16
Part V		17
Schedule 2—Amendments of Acts		18
Schedule 3—Repeal of Acts		19
Notes		21

An Act to enact certain transitional provisions and effect certain amendments and repeals in consequence of the enactment of the *Rural Industries Research Act 1985*

1 Short title [see Note 1]

This Act may be cited as the *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*.

2 Commencement [see Note 1]

- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (2) An amendment effected by section 11, being an amendment of:
 - (a) an Act that imposes a levy;
 - (b) an Act that would, upon the making of regulations referred to in section 5, be a relevant Act in relation to a levy; or
 - (c) an Act that amends an Act that would, upon the making of such regulations, be a relevant Act in relation to a levy;shall not take effect until the day that is specified in those regulations to be the day with effect from which that levy is declared to be a prescribed levy or a class of levies in which that levy is included is declared to be a prescribed class of levies.
- (3) A repeal effected by section 12, being a repeal of:
 - (a) an Act that would, upon the making of the regulations referred to in section 5, be a relevant Act in relation to a levy; or
 - (b) an Act that amends an Act that would, upon the making of such regulations, be a relevant Act in relation to such a levy;shall not take effect until the day that is specified in those regulations to be the day with effect from which that levy is declared to be a prescribed levy or a class of levies in which that levy is included is declared to be a prescribed class of levies.

3 Acts to be read as one

The *Rural Industries Research Act 1985* is incorporated, and shall read as one, with this Act.

4 Interpretation

In this Act, a reference to a levy is a reference to a levy that is specified in column 1 of any Part of Schedule 1 and a reference to a class of levies is a reference to a class of levies all the levies included within which are specified in column 1 of any Part of Schedule 1 other than Part I.

5 Corresponding Research Accounts and corresponding Research organizations etc.

- (1) Where regulations made under the *Rural Industries Research Act 1985* declare a levy that is specified in the regulations, being a levy that is referred to in column 1 of Part I of Schedule 1 to this Act, to be, with effect from a day that is specified in the regulations, a prescribed levy, then, for the purposes of this Act:
 - (a) the Research Fund that is established under the *Rural Industries Research Act 1985* in respect of goods of the kind in respect of which that levy is imposed shall be taken, with effect from that day, to correspond to the research account that is referred to in column 2 of that Part opposite to the reference to the levy in column 1 of that Part;
 - (b) the Research Council that is established under the *Rural Industries Research Act 1985* in respect of goods of the kind in respect of which that levy is imposed shall be taken, with effect from that day, to correspond to the research organization that is referred to in column 3 of that Part opposite to the reference to the levy in column 1 of that Part; and
 - (c) the Act or each Act that is referred to in column 4 of that Part, opposite to the reference to the levy in column 1 of that Part shall be taken, with effect from that day, to be a relevant Act in relation to that levy.
- (2) Where regulations made under the *Rural Industries Research Act 1985* declare levies that are specified in the regulations, being the levies referred to in column 1 of Part II, III, IV or V of Schedule 1

to this Act, to be, with effect from a day specified in those regulations, a prescribed class of levies, then, for the purposes of this Act:

- (a) the Research Fund that is established under the *Rural Industries Research Act 1985* in respect of goods of the kinds in respect of which levies included in that class of levies are imposed shall be taken, with effect from that day, to correspond to the research account that is referred to in column 2 of that Part opposite to the reference to those levies in column 1 of that Part;
- (b) the Research Council that is established under the *Rural Industries Research Act 1985* in respect of goods of the kinds in respect of which levies included in that class of levies are imposed shall be taken, with effect from that day, to correspond to the research organization that is referred to in column 3 of that Part opposite to the reference to those levies in column 1 of that Part; and
- (c) the Act or each Act that is referred to in column 4 of that Part opposite to the reference to those levies in column 1 of that Part shall be taken, with effect from that day, to be a relevant Act in relation to those levies.

6 Money and investments to be credited to Research Funds etc.

- (1) Where a Research Fund that is established under the *Rural Industries Research Act 1985* on a particular day is to be taken, in accordance with section 5 of this Act, to correspond to a research account that was established under an Act other than the first-mentioned Act:
 - (a) money that stood to the credit of that research account immediately before that day shall be deemed to be credited, on that day, to the Research Fund; and
 - (b) investments that were held for the purposes of that research account immediately before that day shall be taken to be held, on and after that day, for the purposes of the Research Fund.
- (2) So far as a Research Fund other than the Barley Research Trust Fund or the Wheat Research Trust Fund is concerned, the Minister may, by determination in writing, apportion the money that is credited to, and the investments that are held for the purposes of,

that Research Fund pursuant to subsection (1) between each of the separate accounts kept under subsection 8(1) of the *Rural Industries Research Act 1985* in relation to that Research Fund.

- (3) So much of any money that is, under subsection (1), credited to a Research Fund established under the *Rural Industries Research Act 1985* as is, under a determination made under subsection (2) apportioned to the account in relation to that Research Fund that is kept under paragraph 8(1)(a) of the *Rural Industries Research Act 1985* shall be taken, for the purposes of this Act and of the *Rural Industries Research Act 1985*, to represent amounts paid into that Research Fund by virtue of subparagraphs 7(1)(a)(i) and (ii) of the *Rural Industries Research Act 1985*.
- (4) So much of any investments that are, under subsection (1), taken to be held for the purposes of a Research Fund established under the *Rural Industries Research Act 1985* as are, under a determination made under subsection (2), apportioned to the account in relation to that Research Fund that is kept under paragraph 8(1)(a) of the *Rural Industries Research Act 1985* shall be taken, for the purposes of this Act and of the *Rural Industries Research Act 1985*, to represent investments of amounts paid into that Research Fund by virtue of subparagraphs 7(1)(a)(i) and (ii) of the *Rural Industries Research Act 1985*.
- (5) So far as the Barley Research Trust Fund or the Wheat Research Trust Fund is concerned, the Minister may, by determination in writing, apportion the money that is credited to, or investments that are held for the purposes of, that Research Fund pursuant to subsection (1) between each of the separate accounts kept under subsection 8(2) of the *Rural Industries Research Act 1985* in relation to that Research Fund.
- (6) Where:
 - (a) money and investments are, under subsection (1), credited to, or held for the purposes of, the Barley Research Trust Fund or the Wheat Research Trust Fund; and

- (b) that money and those investments are, pursuant to a determination made under subsection (5), apportioned to an account in relation to that Research Fund kept under paragraph 8(2)(b) of the *Rural Industries Research Act 1985*, being an account that is kept in respect of a particular State; the Minister shall, in that determination, specify:
- (c) the part of the money so apportioned to that account that is to be taken to represent amounts referred to in subparagraphs 7(1)(a)(i) and (ii) of the *Rural Industries Research Act 1985*, being amounts that are received by the Commonwealth in respect of goods of the kind or kinds in respect of which that Research Fund has been established that are produced in the State; and
- (d) the part of the investments so apportioned to that account that is to be taken to represent the investments of amounts referred to in paragraph (c) of this subsection;
- and the part of the money, and the investments, to which the determination relates, shall be taken, for the purposes of this Act and of the *Rural Industries Research Act 1985*, to represent those amounts, and those investments of amounts, accordingly.
- (7) In making an apportionment, for the purposes of subsection (2) or (5), of money that stood to the credit of, or of investments held for the purposes of, a particular research account immediately before being credited to, or held for the purposes of, a Research Fund pursuant to subsection (1), the Minister shall have regard, to the extent that it is practicable to do so, to the amounts from time to time paid into that research account in respect of amounts received by the Commonwealth as levy or as amounts in substitution for levy, to the amounts expended from that research account, to the principles regulating the withdrawal of that money and to such other matters as the Minister considers to be relevant.
- (8) Where, by reason of the regulations made under the *Rural Industries Research Act 1985*, a Research Fund is to be established on a particular day in respect of goods to which the *Poultry Industry Levy Act 1965* applies, the Minister may, at any time after the making of those regulations and before that day, determine, in writing, that, having regard to the expenditure likely to have been incurred but to be unpaid on that day, or likely to be incurred thereafter, in relation to research activities agreed upon pursuant to

section 6B of the *Poultry Industry Assistance Act 1965*, a specified amount constituting part of the money standing to the credit of the Poultry Industry Trust Fund that was established under the *Poultry Industry Assistance Act 1965* should be transferred on that day from the Poultry Industry Trust Fund to the credit of that Research Fund, and, where the Minister has so determined, an amount equal to that amount shall be deemed to be so transferred on that day.

- (9) Money that is, pursuant to a determination made under subsection (7), transferred to the credit of a Research Fund that is established under the *Rural Industries Research Act 1985* in respect of goods to which the *Poultry Industry Levy Act 1965* applies shall:
- (a) be credited to the account, in relation to that Research Fund, that is kept under paragraph 8(1)(a) of the *Rural Industries Research Act 1985*; and
 - (b) be taken, for the purposes of this Act and of the *Rural Industries Research Act 1985*, to represent amounts paid into that Research Fund by virtue of subparagraphs 7(1)(a)(i) and (ii) of the *Rural Industries Research Act 1985*.
- (10) The Minister shall not make a determination for the purposes of subsection (8) until the Minister has consulted the Australian Egg Marketing Council.

8 Certain arrangements and agreements to continue in force

- (1) Where:
- (a) the Minister administering an Act referred to in column 4 of a Part of Schedule 1 or a person authorized by that Minister had, in order to give effect to that Act, or to particular provisions of that Act, entered into an arrangement or agreement on behalf of the Commonwealth relating to the carrying out of research activities in connection with goods of a particular kind, being goods upon which a levy is imposed, or goods of particular kinds, being goods upon which levies included in a class of levies are imposed;
 - (b) that levy or that class of levies is declared, by regulations made under the *Rural Industries Research Act 1985*, to be, with effect from a particular day, a prescribed levy or a prescribed class of levies; and

- (c) the arrangement or agreement was in force immediately before that day;

the arrangement or agreement has effect, on and after that day, as if:

- (d) the arrangement or agreement had been entered into under section 10 of the *Rural Industries Research Act 1985*, on behalf of the Commonwealth, by the Chairperson of the Research Council that is established under that Act in respect of goods of that kind or those kinds;
- (e) any provision in the arrangement or agreement for a matter to be determined by, or agreed to by, the Minister administering the first-mentioned Act were a provision for that matter to be determined by, or agreed to by, the Research Council; and
- (f) any provision in the arrangement or agreement that money be paid from a trust account established by the first-mentioned Act for the purpose of research or for the purpose of research and for other purposes were a provision that the money be paid from the Research Fund that, in accordance with section 5, corresponds with that research account.

(2) Where:

- (a) the Minister administering the *Poultry Industry Assistance Act 1965* or a person authorized by that Minister had entered into an arrangement or agreement on behalf of the Commonwealth relating to the carrying out of research activities in connection with goods upon which levy is imposed under the *Poultry Industry Levy Act 1965*;
- (b) that levy is declared, by regulations made under the *Rural Industries Research Act 1985*, to be, with effect from a particular day, a prescribed levy; and
- (c) an arrangement or agreement was in force immediately before that day;

the arrangement or agreement has effect, on and after that day, as if:

- (d) the arrangement or agreement had been entered into under section 10 of the *Rural Industries Research Act 1985*, on behalf of the Commonwealth, by the Chairperson of the Research Council that is established under that Act in respect of goods of that kind;

- (e) any provision in the arrangement or agreement for a matter to be determined by, or agreed to by, the Minister administering the first-mentioned Act were a provision for that matter to be determined by, or agreed to by, the Research Council; and
- (f) any provision in the arrangement or agreement that money be paid from the Poultry Industry Trust Account that was established under the first-mentioned Act for the purpose of research or for purposes of research and for other purposes were a provision that the money be paid from the Research Fund that is established under the *Rural Industries Research Act 1985* for that purpose or for those purposes.

9 Certain amounts to be paid from Research Fund

- (1) Where, under the *Rural Industries Research Act 1985*, a levy other than a levy that is imposed by the *Poultry Industry Levy Act 1965* is declared to be a prescribed levy, or a class of levies is declared to be a prescribed class of levies, with effect from a particular day, there may be paid from the Research Fund that is established under the first-mentioned Act in respect of goods of the kind in respect of which that levy is imposed, or goods of the kinds in respect of which levies included in that class of levies are imposed, any amount that was, immediately before that day, payable under the relevant Act in relation to that levy or those levies in respect of:
 - (a) the expenses incurred in the performance of its functions by a research organization that was established by that relevant Act, being the research organization with which, in accordance with section 5, the Research Council established under the *Rural Industries Research Act 1985*, with effect from that day, in respect of goods of that kind or those kinds, corresponds;
 - (b) remuneration and allowances payable to a member, or a deputy of a member, of the research organization referred to in paragraph (a);
 - (c) remuneration and allowances payable to a person appointed as a consultant or adviser to the research organization referred to in paragraph (a); or
 - (d) if that relevant Act is the *Barley Research Act 1980*, the *Cotton Research Act 1982* or the *Oilseeds Levy Collection and Research Act 1977*—the refunding by the Commonwealth of an amount under section 9 of that Act.

- (2) Where, under the *Rural Industries Research Act 1985*, the levy imposed by the *Barley Research Levy Act 1980* is declared to be a prescribed levy, or the levies imposed by the *Wheat Tax Act 1957* and the *Wheat Tax Act 1979* are declared to be a prescribed class of levies, with effect from a particular day, there may be paid from the Barley Research Trust Fund or the Wheat Research Trust Fund, as the case may be, that is established under the first-mentioned Act any amount that was, immediately before that day, payable under the relevant Act in relation to that levy or those levies in respect of:
- (a) the expenses incurred in the performance of its functions by a research organization that was established under that last-mentioned Act in relation to a State;
 - (b) remuneration and allowances payable to a member, or a deputy of a member, of any such research organization; or
 - (c) remuneration and allowances payable to a person appointed as a consultant or adviser to any such research organization.
- (3) Where, pursuant to subsection (2), money is authorized to be paid from the Barley Research Trust Fund or the Wheat Research Trust Fund in respect of a research organization that was established under another Act in relation to a particular State, that money shall be so paid from the account in relation to that Research Fund that is kept, in accordance with the requirements of subsection 8(2) of the *Rural Industries Research Act 1985*, in relation to that State.

10 Reports on operations of relevant Acts

- (1) Where, under the *Rural Industries Research Act 1985*, a levy is declared to be a prescribed levy, or a class of levies is declared to be a prescribed class of levies, with effect from a particular day, the Research Council that is established under that Act with effect from that day in respect of goods of the kind in respect of which that levy is imposed, or goods of the kinds in respect of which levies included in that class of levies are imposed, shall, as soon as practicable after the 30 June next following that day, prepare and give to the Minister a report on the operation of the Act that is the relevant Act in relation to that levy or those levies during the period that commenced immediately after the expiration of the last period in respect of which an annual report on the operation of that

relevant Act was prepared pursuant to the requirements of that relevant Act and ended on that first-mentioned day.

- (2) The persons who, immediately before the day with effect from which a Research Council referred to in subsection (1) is established under the *Rural Industries Research Act 1985*, were members of the research organization with which, in accordance with section 4, the Research Council corresponds, shall give to the Research Council such information as is necessary to enable the Research Council to prepare the report referred to in subsection (1).
- (3) Where, under the *Rural Industries Research Act 1985*, the levy that is imposed by the *Poultry Industry Act 1965* is declared to be a prescribed levy, with effect from a particular day, the Research Council that is established under the first-mentioned Act with effect from that day in respect of goods in respect of which that levy is imposed shall, as soon as practicable after the 30 June next following that day, prepare and give to the Minister a report on the operation of the *Poultry Industry Assistance Act 1965* in relation to research activities initiated under that Act during the period that commenced immediately after the expiration of the last period in respect of which an annual report on the operation of the *Poultry Industry Assistance Act 1965* was prepared pursuant to the requirements of the *Poultry Industry Assistance Act 1965* and ended on that first-mentioned day.
- (4) The persons who, immediately before the day with effect from which a Research Council is established under the *Rural Industries Research Act 1985* in respect of goods upon which levy is imposed under the *Poultry Industry Levy Act 1965*, were members of the sub-committee of the Australian Egg Marketing Council that is known as the Poultry Research Advisory Committee shall give to the Research Council such information as is necessary to enable the Research Council to prepare the report referred to in subsection (3).
- (5) The report prepared by a Research Council pursuant to subsection (1) or (3) shall be included within, and, for the purposes of the *Rural Industries Research Act 1985*, be taken to form a part of, the first annual report prepared by that Research Council under section 30 of that Act.

11 Amendments of Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

12 Repeal of Acts

The Acts specified in Schedule 3 are repealed.

Schedule 1—Corresponding research accounts and research organizations

Section 5

Part I

Column 1 Levy	Column 2 Name of superseded research account	Column 3 Name of superseded research organization	Column 4 Relevant Act
Levy imposed by <i>Barley Research Levy Act 1980</i>	Barley Research Trust Account established under the <i>Barley Research Act 1980</i>	Barley Industry Research Council established under the <i>Barley Research Act 1980</i>	<i>Barley Research Act 1980</i>
Levy imposed by <i>Meat Chicken Levy Act 1969</i>	Chicken Meat Research Trust Account established under the <i>Chicken Meat Research Act 1969</i>	Australian Chicken Meat Research Committee established under the <i>Chicken Meat Research Act 1982</i>	<i>Chicken Meat Research Act 1969</i>
Levy imposed by <i>Cotton Levy Act 1982</i>	Cotton Research Trust Account established under <i>Cotton Research Act 1982</i>	Cotton Research Committee established under <i>Cotton Research Act 1982</i>	<i>Cotton Research Act 1982</i>
Levy imposed by <i>Dried Fruits Levy Act 1971</i>	Dried Fruits Research Trust Account established under the <i>Dried Fruits Research Act 1971</i>	Dried Fruits Research Committee established under the <i>Dried Fruits Research Act 1971</i>	<i>Dried Fruits Research Act 1971</i>
Levy imposed by <i>Oilseeds Levy Act 1977</i>	Oilseeds Research Trust Account established under the <i>Oilseeds Levy Collection and Research Act 1977</i>	Oilseeds Research Committee established under the <i>Oilseeds Levy Collection and Research Act 1977</i>	<i>Oilseeds Levy Collection and Research Act 1977</i>

Column 1 Levy	Column 2 Name of superseded research account	Column 3 Name of superseded research organization	Column 4 Relevant Act
Levy imposed by <i>Pig Slaughter Levy Act 1971</i>	Pig Industry Research Trust Account established under the <i>Pig Industry Research Act 1971</i>	Australian Pig Industry Research Committee established under the <i>Pig Industry Research Act 1971</i>	<i>Pig Industry Research Act 1971</i>

Part II

Column 1 Levy	Column 2 Name of superseded research account	Column 3 Name of superseded research organization	Column 4 Relevant Act
Levy imposed by section 6 of the <i>Dairying Industry Research and Promotion Levy Act 1972</i>	Dairying Research Trust Account established under the <i>Dairying Research Act 1972</i>	Australian Dairy Research Committee established under the <i>Dairying Research Act 1972</i>	<i>Dairying Research Act 1972</i>
Levy imposed by section 10 of the <i>Dairying Industry Research and Promotion Levy Act 1972</i>			

Part III

Column 1 Levy	Column 2 Name of superseded research account	Column 3 Name of superseded research organization	Column 4 Relevant Act
Levy imposed by <i>Honey Export Charge Act 1973</i>	Honey Research Trust Fund established under the <i>Honey Research Act 1980</i>	Honey Research Committee established under the <i>Honey Research Act 1980</i>	<i>Honey Research Act 1980</i>
Levy imposed by <i>Honey Levy Act (No. 1) 1962</i>			
Levy imposed by <i>Honey Levy Act (No. 2) 1962</i>			

Part IV

Column 1 Levy	Column 2 Name of superseded research account	Column 3 Name of superseded research organization	Column 4 Relevant Act
Levy imposed by <i>Tobacco Charge Act (No. 1) 1955</i>	Tobacco Industry Trust Account established under the <i>Tobacco Industry Act 1955</i>	Tobacco Advisory Committee established by ARMCANZ	<i>Tobacco Industry Act 1955</i>
Levy imposed by <i>Tobacco Charge Act (No. 2) 1955</i>			
Levy imposed by <i>Tobacco Charge Act (No. 3) 1955</i>			

Part V

Column 1 Levy	Column 2 Name of superseded research account	Column 3 Name of superseded research organization	Column 4 Relevant Act
Levy imposed by <i>Wheat Tax Act</i> 1957	Wheat Research Trust Account established under the <i>Wheat Research Act 1957</i>	Wheat Industry Research Council established under the <i>Wheat Research Act 1957</i>	<i>Wheat Research Act 1957</i>
Levy imposed by <i>Wheat Tax Act</i> 1979			

Schedule 2—Amendments of Acts

Section 11

Note:

The amendments made by this Schedule are incorporated in the compilations on ComLaw.

Barley Research Act 1980 Now cited as *Barley Research Levy Collection Act 1980* [Repealed by Act No. 26 of 1991]

Cotton Research Act 1982 Now cited as *Cotton Levy Collection Act 1982* [Repealed by Act No. 26 of 1991]

Dairying Industry Research and Promotion Levy Act 1972
Previously cited as *Dairying Research Levy Act 1972* [Repealed by Act No. 26 of 1991]

Dairying Industry Research and Promotion (Miscellaneous Amendments) Act 1976

Dried Fruits Levy Act 1971 [Repealed by Act No. 32 of 1999]

Honey Export Charge Act 1973 [Repealed by Act No. 32 of 1999]

Honey Levy Act (No. 1) 1962 [Repealed by Act No. 32 of 1999]

Honey Levy Act (No. 2) 1962 [Repealed by Act No. 32 of 1999]

Meat Chicken Levy Act 1969 [Repealed by Act No. 32 of 1999]

Oilseeds Levy Collection and Research Act 1977 Now cited as *Oilseeds Levy Collection Act 1977* [Repealed by Act No. 26 of 1991]

Pig Slaughter Levy Act 1971 [Repealed by Act No. 32 of 1999]

For access to the wording of the amendments made by this Schedule *see* Act No. 103, 1985.

Schedule 3—Repeal of Acts

Section 12

Chicken Meat Research Act 1969

Dairying Research Act 1972

Dairying Research Amendment Act

1981 Dried Fruits Research Act 1971

Honey Research Act 1980

Pig Industry Research Act 1971

Tobacco Industry Act 1955

Tobacco Industry Act 1965

Wheat Research Act 1957

Wheat Research Amendment Act 1978

Wheat Research Amendment Act 1979

Wheat Research Amendment Act 1984

Table of Acts

Notes to the *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*

Note 1

The *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985* as shown in this compilation comprises Act No. 103, 1985 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985</i>	103, 1985	3 Oct 1985	3 Oct 1985 (see s. 2)	
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1994</i>	129, 1994	21 Oct 1994	S. 3: Royal Assent (a)	—
<i>Statute Stocktake (Regulatory and Other Laws) Act 2009</i>	111, 2009	16 Nov 2009	Schedule 1 (item 23): 17 Nov 2009	—

Act Notes

- (a) The *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985* was amended by section 3 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 7	rep. No. 111, 2009
Schedule 1	am. No. 129, 1994