

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

EXPORT INSPECTION (ESTABLISHMENT REGISTRATION CHARGES)
AMENDMENT BILL 1987

EXPORT INSPECTION CHARGES COLLECTION AMENDMENT BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Primary Industry,
the Hon. John Kerin, MP)



EXPORT INSPECTION (ESTABLISHMENT REGISTRATION CHARGES)
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OUTLINE

These Bills remove impediments to the implementation of a new registration system for establishments preparing food for export. The Export Inspection (Establishment Registration Charge) Act 1985 imposes a charge on the registration of an export establishment, on the basis that registration would be of a fixed duration, and charge would be payable on a regular basis, with each renewal of registration. A system of continuous, or perpetual, registration is being introduced which will necessitate the introduction of legislative powers to enable the establishment registration charge to be imposed at the commencement of and periodically during a registration.

The principal purpose of the Export Inspection (Establishment Registration Charges) Amendment Bill is to enable establishment registration charge to be imposed both upon and during a registration.

The principal purpose of the Export Inspection Charges Collection Amendment Bill is to enable the establishment registration charge to be payable at times that would reflect the nature of the charges developed under the Export Inspection (Establishment Registration Charges) Act 1985 for establishments having continuous registration.

The Bills make several other amendments of a consequential drafting nature.

FINANCIAL IMPLICATIONS

The Bills will have no direct financial impact, as the amounts of charge imposed will not be affected by the amendments. To the extent that the continuous registration initiative, which the Bills will enable to be fully implemented, will lead to reduced administrative expenses, the total amount of establishment registration charge required to be imposed under the new system in order to recover a proportion of these costs could be expected to be marginally less than would be required to be imposed if the Bills were not enacted.

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NOTES ON CLAUSES

Clause 1 - Short title etc

1 Sub-clause 1(1) gives the name of the amending Act. Sub-clause (2) identifies the Act being amended as the Export Inspection (Establishment Registration Charge) Act 1985, to be referred to as the "Principal Act".

Clause 2 - Commencement

2 Commencement will be by Proclamation.

Clause 3 - Title

3 The title of the Principal Act is amended to read "An Act to impose charges in relation to the registration of export establishments", reflecting amendments made by clauses 5 and 7.

Clause 4 - Short Title

4 The short title of the Principal Act is amended to read "Export Inspection (Establishment Registration Charges) Act 1985", reflecting amendments made by clauses 5 and 7.

Clause 5 - Imposition of Charges

5 Paragraph (a) of this clause removes from sub-section 6(1) of the Principal Act words which indicate that a charge may only be imposed on registration, and substitute words which enable more than one charge to be imposed in a manner that would be set out in regulations.

6 Paragraph (b) inserts a new sub-section (1A) in section 6 to specify that regulations may prescribe charges both at the commencement of and during a registration.

7 Paragraph (c) makes a consequential drafting change to sub-section 6(3).

Clause 6 - Rates of charges

8 Paragraphs (a) and (b) of this clause effect drafting changes to section 7 of the Principal Act as a consequence of the amendments made by clause 5.

Clause 7 - Insertion of new sections

9 This clause replaces sections 8 and 9 of the Principal Act with new sections 8 and 9.

10 The new section 8 (By whom charge payable) imposes liability to pay an establishment registration charge on the occupier of the establishment when the charge is due for payment. The charge is due for payment in the manner described in the Export Inspection Charges Collection Act 1985.

11 The new section 9 (Regulations) empowers the making of regulations for any purpose of the Act, in the standard form.

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NOTES ON CLAUSES

Clause 1 - Short title etc

12 Sub-clause 1(1) gives the name of the amending Act. Sub-clause 1(2) identifies the Act being amended as the Export Inspection Charges Collection Act 1985, to be referred to as the "Principal Act".

Clause 2 - Commencement

13 Commencement will be when the Export Inspection (Establishment Registration Charges) Amendment Bill 1987 is proclaimed to commence.

Clause 3 - Title

14 The title of the Principal Act is amended to make reference to the new short title of the Export Inspection (Establishment Registration Charges) Act 1987.

Clause 4 - Interpretation

15 The definition of "establishment registration charge" in sub-section 3(1) of the Principal Act is amended as a consequence of the amendments made to the Export Inspection (Establishment Registration Charge) Act 1985 by the Export Inspection (Establishment Registration Charges) Amendment Bill 1987.

Clause 5 - When charge due for payment

16 Section 4 of the Principal Act, which describes when the various kinds of charge are due for payment, is replaced with a provision enabling this to be set out in regulations.

Clause 6 - Repeal of section 12A

17 Section 12A of the Principal Act, which makes it clear that orders and regulations made under the Export Control Act 1982 may impose sanctions upon registrations by reason of the non-payment of establishment registration charges, is repealed as a consequence of the proposed inclusion by the Statute Law (Miscellaneous Provisions) Bill (No 1) 1987 of a more wide-ranging provision of similar effect in section 25 of the Export Control Act 1982.



