

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MEAT EXPORT CHARGE COLLECTION BILL 1984

EXPLANATORY MEMORANDUM

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

OUTLINE

The Meat Export Charge Collection Bill 1984 makes provision for the collection of charges to be imposed by the Meat Export Charge Act.

The passage of this Bill will facilitate collection of an estimated \$8.2 million from charges during the remainder of 1984-85 to be imposed under the proposed Meat Export Charge Act. It will not increase Commonwealth revenue but form part of a restructured export inspection charging system for meat.

NOTES ON CLAUSES

Clauses 1 and 2

1. The first two clauses of the Bill provide for the short title and commencement of the legislation. The Act will come into effect on the same date as the Meat Export Charge Act.

Clause 3: Interpretation

Sub-clause 3(1)

2. Definitions of words and expressions used for the purposes of the Bill are given. Where words and expressions are the same as those in the Meat Export Charge Bill, the definitions refer to the meanings given in that Bill to those words and expressions.

Sub-clause 3(2)

3. The scheme of the Collection Bill, like that of the Charge Bill, depends on the making of one or other of two kinds of application. The Collection Bill defines what constitutes the making of an application. An application for the purposes of the Charge Bill is also an application for the purposes of the Collection Bill.

Sub-clause 3(3)

4. The scheme of the Collection Bill, like that of the Charge Bill, provides that particular consequences result from the time at which an application to which both Bills refer is made. The relevant period for the purposes of the Charge Bill is also a relevant period for the purposes of the Collection Bill.

Clause 4: Act to bind Crown

5. This clause provides that while the Crown in right of a State or the Northern Territory will be bound, the Crown is not liable in one respect, namely, to be prosecuted for an offence to be created by the Bill.

Clause 5: By whom charge payable

6. The person who will be liable to pay the charge imposed under the Charge Act will be the person in whose name either of the relevant applications is made under that Act.

Clause 6: Due date for payment of charge

Sub-clause 6(1)

7. The policy to be given effect in the Charge Act will be to wherever possible impose charge on an application for a certificate issued under section 23 of the Export Control Act 1982. An application for such a certificate must be made at a time after application for an export permit in relation to the meat or meat products has been made. The certificate is necessary to import meat or meat products into most other countries. The permit authorizes the export of meat from Australia. It is therefore necessary under this sub-clause for a person applying for an export permit to indicate whether or not application will be made later for a section 23 certificate.

Sub-clause 6(2)

8. Where, in accordance with sub-clause 6(1), it is indicated that application will not be made for a section 23 certificate, charge will be payable at the time when application is made for the export permit.

Sub-clause 6(3)

9. Where, in accordance with sub-clause 6(1), it is indicated that application will be made for a section 23 certificate, charge will be payable at the time that application is made. Where such an application for a certificate is made in relation to only some of the meat or meat products that are the subject of an export permit, charge will be payable at the time that application is made and shall be deemed to have been payable at the time application for an export permit was made in such a way that no double charging for the same meat or meat products can occur. Where an application for a certificate is made after the relevant period has expired, charge will be deemed to be payable at the time of application for the export permit.

Sub-clause 6(4)

10. This sub-clause deals with the situation where an application for an export permit in respect of which charge is required to be paid is made at a place other than the Central Office or a Regional Office of the Department of Primary Industry. In these circumstances, the due date for payment of the charge will be 28 days after the end of the month in which the application was made. The Department will invoice the exporters concerned.

Clause 7: Certificates, etc, not to be issued until charge is paid

11. As a means of minimising avoidance of charge, an application to which the Bill refers will not be granted until charge and any penalty payable in respect of the charge has been paid in full. Similarly, an application to which the Bill refers will not be granted to a person who is liable to pay outstanding charge or penalty in relation to a prior application.

Clause 8: Recovery of charge

12. This clause provides that charge or penalty for the purposes of the proposed legislation may be recovered by the Commonwealth as debts from persons liable to pay charge or penalty.

Clause 9: Penalty for non-payment

13. As a disincentive for non-payment of charge additional to that provided for in clause 7, a provision along the same lines as that included in the Live-stock Slaughter (Export Inspection Charge) Collection Act 1979 has been included in the Bill. This clause provides that where liability is not discharged on or before the date on which charge is due for payment, a penalty calculated at the rate of 20% per annum on the unpaid charge shall, in addition, become payable from the date on which the charge became outstanding.

Clause 10: Applications deemed not to have been made in certain circumstances

14. As well as minimising avoidance of charge, the Bill also includes measures designed to ensure that liability to pay charge is not imposed in relation to meat or meat products that is not, in fact, exported.

Sub-clause 10(1)

15. Where charge is due to be paid but has not been paid and the application to which the charge relates is withdrawn by the applicant or is refused or rejected by the Department, the application will be regarded as not having been made and any liability for charge (or penalty) will be extinguished.

Sub-clause 10(2)

16. Where charge has been paid and the application to which the charge relates is withdrawn by the applicant or refused or rejected by the Department the amount of any charge or penalty paid in respect of the application will be refunded and the application will be regarded as not having been made. Other circumstances in which this sub-clause would operate to provide for refund of charge that has been paid are where the application concerned has been granted, the meat or meat products to which the application relates has not been exported and the certificate or permit concerned is surrendered to the Department.

Sub-clause 10(3)

17. This sub-clause has the effect of ensuring that sub-clauses 10(1) and (2) cannot be construed as dealing with refusal or rejection by the Department of an application for an export permit or a section 23 certificate in relation to part of the meat or meat products to which the application relates. Provision for refund or remission of charge imposed on an application for an export permit is dealt with in clause 11. It would not be appropriate to provide for refund or remission of charge imposed on an application for a section 23 certificate because all of the meat concerned will have been exported and therefore have been subject to post-slaughter floor inspection.

Clause 11: Refunds and remissions of charge where meat or meat products not exported

18. It is common to each of the sub-clauses of this clause that an authorized person needs to be satisfied that particular meat or meat product was not exported during the period when the export permit concerned was valid before refund or remission of charge can take place. This will be able to be shown by presentation of a copy of the relevant export permit. The original permit must be given up to export any of the meat or meat products to which it refers. For example, a copy of the bill of lading relating to the export permit will show what meat or meat products was not, in fact, exported.

Sub-clause 11(1)

19. Where charge has been paid on an application for an export permit and a particular proportion of the meat or meat products was not exported under the permit, a refund of the amount of charge attributable to that proportion is required to be refunded.

Sub-clauses 11(2) and (3)

20. These sub-clauses deal with the situation where liability to pay charge in relation to an application for an export permit has been deemed to have arisen in relation to a particular proportion of the meat or meat products concerned. Where that proportion is not exported, the amount of charge attributable to that proportion is required to be remitted.

Clause 12: Access to premises

Sub-clause 12(1)

21. A person authorized under the Collection Act is empowered, with the consent of the occupier of premises, to enter the premises for the purposes of exercising the functions of an authorized person specified in sub-clause 12(8).

Sub-clause 12(2) - (9)

22. As an alternative to entry with the consent of the occupier of premises, an authorized person is enabled by the remaining sub-clauses of this provision to, where he reasonably believes that this is necessary for the purposes of the Act, apply to a Justice of the Peace for a warrant to enter.
23. A Justice of the Peace may issue a warrant if the authorized person has set out in writing the grounds on which the warrant is sworn and given his oath or affirmation as to their accuracy. In these circumstances, the Justice of the Peace may issue a warrant that includes details of the grounds on which he or she issued the warrant. Once an authorized person has entered premises, either with the consent of the occupier of the premises or in reliance on a warrant, he or she is empowered to exercise the functions specified in sub-clause 12(8).
24. A person who hinders or obstructs an authorized person in the exercise of his or her functions, will be liable to a penalty of \$1,000 or imprisonment for 6 months or both.

Clause 13: Regulations

25. This clause authorizes regulations to be made to give effect to the scheme of the Act.

