

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

EXPORT INSPECTION CHARGE BILL 1985

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



## OUTLINE

The Export Inspection Charge Bill 1985 will consolidate export inspection charging legislation other than that dealing with meat, meat products, livestock, wool sampling sites and edible oils in accordance with Government policy to reduce where possible the volume of Commonwealth legislation.

The Bill provides in addition for the imposition of export inspection charges in relation to fruit and vegetable juice and canned and frozen fruit and vegetables.

As it will apply with regard to those products that are already subject to export inspection charging, the Bill will maintain the recovery of Commonwealth costs that would be recovered were the new legislation not to be enacted.

With respect to fruit and vegetable juice and canned and frozen fruit and vegetables, approximately \$300,000, will be recovered in 1985-86 if the new legislation comes into effect on 1 July 1985 in line with Government policy of recouping 50% of the cost to the Commonwealth of providing export inspection services.



## NOTES ON CLAUSES

### Clause 1: Short title

1. This clause would provide for the short title of the legislation.

### Clause 2: Commencement

2. The commencement of the legislation on a day to be fixed by Proclamation allows for both the Act and the regulations necessary to be made under the Act to come into effect on a suitable day, presently envisaged as 1 July 1985.

### Clause 3: Collection Act

3. The charge legislation and the associated collection legislation is required to be read together as one Act as the provisions of one presuppose the existence of the provisions of the other.

### Clause 4: Interpretation

#### Sub-clause 4(1)

4. Words and expressions used for the purposes of the Bill are defined. The definition of "prescribed commodity" is of special significance and includes the various commodities in relation to which an export inspection charge will be prescribed.

#### Sub-clause 4(2)

5. This sub-clause would provide that a class of a prescribed commodity may be defined by reference to the form in which the commodity is packed for export, the class of establishment at which the commodity was prepared or the manner in which the commodity is packed. Such provision will allow, for example, a particular rate of charge to apply to one particular class of a commodity but not another for which the appropriate charge is more or less, reflecting a different level of inspection input.

### Clause 5: Act to bind Crown

6. This provision would ensure that when a State or Territory is granted an export permit in relation to a prescribed commodity charge will be payable by the State or Territory and that the other provisions of the Bill would also apply to a State or Territory.

Clause 6: Imposition of chargeSub-clause 6(1)

7. This sub-clause would provide that a charge is imposed on a prescribed commodity by virtue of the grant of a permit for the purposes of section 7 of the Export Control Act 1982 in regulations or orders made under that Act.

Sub-Clause 6(2)

8. This sub-clause would enable a regulation to be made that had the effect of exempting from charge a commodity for which a permit was required for export and that would, in the absence of such an exemption, be subject to charge.

Clause 7: Rates of chargeSub-clause 7(1)

9. This sub-clause would provide for the rate of charge imposed under sub-clause 6(1) to be fixed by regulation.

Sub-clause 7(2)

10. This provision relates to sub-clause 4(2) and provides that a particular rate of charge may be prescribed in the regulations to apply to a class of a commodity to which the legislation applies.

Sub-clause 7(3)

11. In order to limit the power to prescribe rates of charge, this sub-clause would provide that a rate of charge should not exceed specified amounts.

Clause 8: Weight or volume of prescribed commoditySub-clause 8(1)

12. Where charge is calculated on the basis of the weight or volume of a commodity, this sub-clause would provide that the covering in which the commodity is packed should not be included in the weight or volume of the commodity, that is, charge is to be calculated by reference to the net weight or volume of the commodity.

Sub-clause 8(2)

13. This sub-clause refers to a covering other than a can, "can" having been defined in sub-clause 4(1). Where such a covering contains more than one prescribed commodity the amount of charge should be the sum of the amounts payable in respect of each commodity. Where such a covering contains matter that is not a prescribed commodity, no account should be taken of the matter in calculating charge.

Sub-clause 8(3)

14. This sub-clause would make different provision to sub-clause 8(2) in relation to cans. The reason for this is that the total contents of a can are the goods that are inspected. Hence, a packing medium such as the syrup in a can should be regarded for the purposes of charging as if it was the commodity with which it is packed.

Sub-clause 8(4)

15. This sub-clause would deal with cans in which more than one prescribed commodity are packed. To simplify administration, the total contents of such cans will be regarded as being of the same kind as the commodity that comprises the largest proportion of the contents.

Sub-clause 8(5)

16. This sub-clause would address the possibility that 2 or more prescribed commodities in a can are of equal weight. In such a case where the charge for each commodity was the same, the weight of the contents of the can shall for the purposes of calculating charge be regarded as the combined weight of all of the commodities. In such a case where the charge for each commodity was not the same, the can shall for the purposes of charging be regarded as including only the commodity in relation to which the least rate of charge applies.

Sub-clause 8(6)

17. This sub-clause would have the same function as sub-clause 8(4). Whereas sub-clause 8(4) would apply to a commodity the charge for which is to be calculated by reference to the weight of the commodity, this sub-clause would apply to a commodity the charge for which is to be calculated by reference to the volume of the commodity.

Sub-clause 8(7)

18. This sub-clause would have the same function as sub-clause 8(5). Whereas sub-clause 8(5) would apply to a commodity the charge for which is to be calculated by reference to the weight of the commodity, this sub-clause would apply to a commodity the charge for which is to be calculated by reference to the volume of the commodity.

Sub-clause 8(8)

19. This sub-clause would have the effect of providing that where, for example, with respect to fruit or vegetable juice, a rate of charge is expressed to be an amount per litre or kilogram of juice, whichever would result in the lesser amount of charge becoming payable, then the volume or weight, as the case may be, of the contents of the can shall be the basis for the calculation of charge.

Sub-clause 8(9)

20. This sub-clause is in the nature of an interpretative provision that would allow references in clause 8 to a prescribed commodity to include a prescribed commodity included in a class of prescribed commodities. Sub-clause 4(2) refers.

Sub-clause 8(10)

21. This sub-clause would have the effect that the head space in a can will not be included in the volume of the can for the purposes of calculating charge where the volume of the contents of the can is the relevant quantity for the purposes of charging.

Clause 9: By whom charge payable

22. Having imposed the charge on particular commodities, the Bill would now provide in this clause for the person liable to pay the charge: it is the person in whose name an export permit in relation to the commodity is granted under the Export Control Act 1982.

Clause 10: Regulations

23. This clause would provide for the regulations to be made that are necessary to give effect to the scheme of the Bill.