

1982

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Edible Oils (Export Inspection Charge) Collection
Bill 1982

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary
Industry, the Hon. Peter Nixon, MP)

OUTLINE

Edible Oils (Export Inspection Charge) Collection Bill 1982

This Bill is associated with the Edible Oils (Export Inspection Charge) Bill 1982 which will be introduced simultaneously. It provides for the collection of charges proposed in that Bill.

The Bill establishes the date on which payment of the charge is due. It provides for the recovery of the charge (including penalty for non-payment), the remission of penalty, in whole or in part, where appropriate, and access to premises by authorized persons (including penalty for obstructing or hindering such persons). The functions of authorized persons are laid down.

Explanation

No. of Clause

- 1 Citation
- 2 Date of commencement of 1 July 1982.
- 3(1) Provides definitions for "certified export notice", "edible oils" and "charge" for purposes of the Bill. In particular defines:
- . "export notice" as being a notice furnished in pursuance of regulation 18 of the Exports (Dairy Produce) Regulations. The relevant part of regulation 18 is:

"18. - (1.) A person who intends to export dairy produce shall furnish to the Department, at least three clear working days before the proposed date of shipment of the dairy produce, a notice and declaration in writing which shall, subject to the next succeeding sub-regulation, be in accordance with Form 3, 4, 5 or 6, as the case requires."
 - . "officer" as having the same meaning as in section 3 of the Commerce (Trade Descriptions) Act 1905 which is:

"'Officer' means an officer of Customs, and, in relation to exports, also includes an officer of the Department of Primary Industry, or any employee of the Department of Primary Industry, or any officer of a State engaged in the performance or execution for the Government of the Commonwealth of any work connected with the inspection or examination of goods in pursuance of this Act."
 - . "edible oils inspected for export" as being products in respect of which a notice has been certified so as to ensure the charge is payable from the date inspection takes place.
- (2) Provides a definition for an "authorized person".

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- 4(1) Provides that where edible oils have been inspected and meet the requirements of regulation 19 of the Exports (Dairy Produce) Regulations the officer shall certify the notice accordingly. The relevant part of regulation 19 is:
- "19. - (1.) When an officer has inspected and examined dairy produce intended for export and -
- (a) the dairy produce is marked in the prescribed manner with the prescribed trade description; and
 - (b) the conditions and restrictions applicable under these Regulations in respect of the dairy produce have been complied with,"
- (2) Provides for a certified export notice to be served on the person who furnishes the export notice.
- (3) Is a saving clause for the operation of the Exports (Dairy Produce) Regulations.
- 5 Establishes the date on which payment of the charge is due.
- 6 Provides for Commonwealth to recover as debts the amounts due for payment and any penalties for non-payment by the due date.
- 7(1) Provides for a penalty for non-payment at a rate which is common to export inspection charge Acts.
- (2) Provides for a remission of the penalty if the Minister or authorized person considers sufficient reasons exist.
- (3) Limits to \$100 any remission by an authorized person.
- 8 Provides a penalty for offences relating to returns, etc.
- 9(1) Provides for access to premises by an authorized person with consent of occupier.

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| (2) | Establishes procedures whereby an authorized person may apply to a Justice of the Peace for a warrant to enter premises. |
| (3) | Establishes circumstances in which a Justice of the Peace may issue a warrant. |
| (4) | Provides for an authorized person to carry out his functions. |
| (5) | Provides for penalty for obstructing an authorized person without reasonable excuse. |
| (6) | Sets out the functions which an authorized person may perform. |
| 10 | Provides for regulations relating to collection, manner of payment, remissions or refunds, keeping of records, furnishing of returns, warrants and penalties. |

