

1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

FRESH VEGETABLES (EXPORT INSPECTION CHARGE) BILL 1984

FRESH VEGETABLES (EXPORT INSPECTION CHARGE) COLLECTION BILL 1984

CANNED AND FROZEN VEGETABLES (EXPORT INSPECTION CHARGE) BILL 1984

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EXPLANATORY MEMORANDUM

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

OUTLINE

The purpose of these Bills is to impose charges, and make arrangements for their collection, on fresh and processed fruit and vegetables for export, which are inspected under the Export Control Act 1982.

This purpose is consistent with the current Government policy of recovering 50% of the costs of export inspection.

One Charge Bill and a Collection Bill cover fresh fruit and vegetables; and a separate Charge Bill and Collection Bill cover canned and frozen fruit and vegetables.

NOTES ON CLAUSES

(a) The Charge Bills

Clauses 1, 2 and 3.

1. These state the short title of each Bill, provide for it to commence on a day to be fixed by Proclamation, and also provide that each Charge Bill shall be read as one with its respective Collection Bill.

Clause 4: Interpretation

2. Defines "charge" as the charge imposed by the respective Bill.

Clause 5: Imposition of charge

3. This clause imposes the charge in each Bill on goods for which an export permit has been issued under the Export Control (General) Regulations and also provides that exemptions from charge for classes of that product with which the Bill deals can be made by Regulations.

Clause 6: Rates of charge

4. This clause provides in each Bill for a maximum rate of charge that can be imposed for the product. An operative rate will in each case be set under Regulations. The clause provides in each Bill that different operative rates may be set for different classes of product.
5. The clause in the fresh fruit and vegetable Bill also makes provision for greater elaboration by Regulation of the term "package" in regard to particular classes of fresh fruit and vegetables. This is considered necessary because of the great diversity of package forms used in the trade.

Clause 7: By whom charge payable

6. The charge is payable by the exporter of the product.

Clause 8: Regulations

7. Provision is made in each Bill for the making of Regulations, by the Governor-General for the purpose of Clause 5 and 6 of the Bill (i.e. for exemptions from charge, the setting of operative rates etc.)

(b) The Collection Bills

Clauses 1 and 2

8. These clauses state the short title of each Bill and provide that they come into operation on a day to be fixed by Proclamation

Clause 3: Interpretation

9. This clause in each Bill provides definitions which are relevant also to interpretation of the respective Charge Bill. It might be noted that "vegetables" is defined to include fruit (the Fresh Vegetables Bill) and to include fruit and fruit salad (the Canned and Frozen Vegetables Bill).

Clause 4: Due date for payment

10. The charge is payable within 28 days of the last day of the month in which an export permit was granted for the goods. The clause also preserves in each Bill a capacity to make regulations under the Export Control Act 1982 prohibiting export by certain persons unless the charge has been paid before the set period. This is principally to meet the circumstances of persons who may be leaving Australia at the same time as the goods are exported.

Clause 5: Recovery of charge

11. The charge (and any penalty for non-payment) is a debt due to the Commonwealth.

Clause 6: Penalty for non-payment

12. Provision is made for a penalty if charge is not paid by the due date, but in a particular case the penalty may be remitted by the Minister or a person authorized by him.

Clause 7: Offences relating to returns, etc.

13. This clause in each Bill provides a penalty for failure to furnish such returns or information as may be required by the Regulations, or for furnishing false or misleading information.

Clause 8: Access to premises

14. This clause in each Bill provides for entry of premises by authorized persons with the consent of the owner, or by warrant granted in an appropriate case by a Justice of the Peace. It also sets out the functions that an authorized person may exercise after such entry and provides a penalty for hindrance or obstruction of an authorized person in the exercise of his functions.

Clause 9: Review of decision

15. This clause in each Bill provides for an appeal to the Administrative Appeals Tribunal against a decision relating to remission of penalty (see Clause 6 above) made by the Minister or a person authorized by him.

Clause 10: Regulations

16. Provides for the making of Regulations by the Governor-General prescribing matters necessary to give effect to the provisions of the Bills.