

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MEAT EXPORT CHARGE BILL 1984

EXPLANATORY MEMORANDUM

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

OUTLINE

The purpose of the Meat Export Charge Bill 1984 is to impose a charge on the making of certain applications in relation to the export of meat and meat products.

This charge is intended to recover 50% of the cost of providing Commonwealth export inspection services beyond the slaughter floor to the point of export in relation to meat and meat products.

The level of the associated live-stock slaughter export inspection charge will be reduced accordingly with effect from the date of commencement of the new legislation so that the rate of recoupment of Commonwealth meat inspection costs remains at 50%.

The passage of this Bill will raise an estimated \$8.2 million during the remainder of 1984-85 for inspection of meat exported for human consumption. 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 a day to be fixed by Proclamation. This is to allow for the necessary regulations and administrative system to be put in place.

Clause 3: Interpretation

Sub-clause 3(1)

2. Definitions of words and expressions used for the purposes of the Bill are given. Definitions of special significance are:

- "meat" - meat of animals that is subject to inspection provided by the Commonwealth on a fee for service basis pursuant to contractual arrangements are not covered by the Bill
- bone and tissue to be prescribed, such as gelatin, will also be excluded from the scope of the definition of "meat"
- meat of fish is specifically excluded to remove the possibility of the charge being construed to apply to fish
- "meat product" - in order to set a limit in relation to the amount of meat that needs to be included in manufactured meat for the proposed charge to apply, a minimum proportion of 5% by weight of the ingredients of manufactured meat is specified.

Sub-clause 3(2)

3. This sub-clause will enable the regulations to provide that completion of a notice of intention to export prescribed goods under section 6 of the Export Control Act shall be taken as the making of the first kind of application.

Sub-clause 3(3)

4. As the making of two kinds of applications is central to the Bill, this provision enables regulations to specify the form completion of which amounts to making of the second kind of application.

Sub-clause 3(4)

5. The application of charge is specified in sub-clauses 5(3), (4) and (5) by reference to a period of time. This sub-clause provides for that period of time to be prescribed in regulations.

Clause 4: Act to bind Crown

6. This provision ensures that, when a State or the Northern Territory exports meat or meat products, a charge shall be payable.

Clause 5: Imposition of charge

Sub-clause 5(1)

7. The charge is imposed on the making of an application for the issue of a certificate under section 23 of the Export Control Act 1982 in relation to the import into another country of meat or meat products. This is a certificate of fitness for human consumption as required by most importing countries. The charge is also imposed on the making of an application for the grant of an export permit under the Export Control Act that authorizes the export of meat or meat products from Australia

Sub-clause 5(2)

8. The charge will not apply to meat or meat products that are not prescribed goods for the purposes of the Export Control Act or that are not intended for human consumption.

Sub-clause 5(3)

9. Sub-clause 5(3) provides that where an application for an export permit is made and the applicant indicates that an application for a section 23 certificate will be made, charge will not be imposed on the first application unless the second application is not made.

Sub-clause 5(4)

10. Where an application for an export permit indicates that an application for a section 23 certificate will not be made but such an application is, in fact, made then a charge will not be imposed on the second application because the operation of sub-clause 5(3) would have imposed the charge in relation to the first application.

Sub-clause 5(5)

- 11 This sub-clause will ensure that where an export permit has been issued and an application for a section 23 certificate is made in respect of part of the quantity of meat or meat products for which the export permit has been issued, no double charge will occur in respect of the meat or meat products to which the section 23 certificate refers.

Sub-clause 5(6)

- 12 The relevant period dealt with in sub-clause 3(4) will be a period within which section 23 certificates are generally applied for. For instance, as an export permit is valid for 30 days an exporter granted such a permit has up to one month to export the meat or meat products concerned. As a section 23 certificate is necessary in most cases to import the meat or meat products into another country, application for such a certificate is often delayed until just prior to the importation. This delay after export could, for example, amount to the duration of a sea voyage to Europe or North America. As a result, the relevant period will be prescribed as a maximum period of 30 days that can elapse before export plus the period of most voyages from Australia to overseas markets. Sub-clause 5(6) provides that in circumstances where a section 23 certificate is sought after the expiration of the relevant period, then charge will be imposed on the application for the export permit, not the application for the section 23 certificate.

Clause 6: Rate of charge

13. In relation to meat, the maximum rate of charge is 4.8 cents/kilogram to which the relevant application relates. In the case of meat products, the charge is expressed to apply only to the meat that was used as an ingredient in the production of the meat products. The operative rate of charge to be prescribed in the regulations is intended to be 2.4 cents/kilogram.

Clause 7: Weight of meat, etcSub-clause 7(1)

14. The coverings in which meat or meat products are packed and any substance, other than meat or meat products, also packed in the coverings, will be disregarded for the purposes of calculating the charge.

Sub-clause 7(2)

15. The sub-clause enables a person who makes an application in relation to which a charge will be imposed to declare the weight of meat or meat products in the application. The provision is expressed to apply subject to the regulations so that should applicants attempt to avoid charge by making false declarations, standard proportions may be prescribed that would apply generally and override any declaration as to the proportion of meat.

Clause 8: Regulations

16. This clause authorizes the making of the regulations that are necessary or convenient in order to give effect to the Act.