



# **Import Processing Charges (Amendment and Repeal) Act 2002**

**Act No. 79 of 2002 as amended**

This compilation was prepared on 19 July 2005

**[This Act was amended by Act Nos. 25 and 26 of 2004]**

## **Amendments from Act No. 25 of 2004**

[Schedule 2 (item 32) amended section 2

Schedule 2 (item 32) commenced on 8 October 2002]

## **Amendments from Act No. 26 of 2004**

[Schedule 1 amended section 5

Schedule 1 commenced on 19 July 2005]

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### **Schedule 1—Amendment of the Import Processing Charges Act 2001**

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**An Act to make provision in relation to the repeal of the *Import Processing Charges Act 1997*, to impose charges in relation to that provision, to amend the *Import Processing Charges Act 2001*, and for other purposes**

[Assented to 8 October 2002]

The Parliament of Australia enacts:

**1 Short title**

This Act may be cited as the *Import Processing Charges (Amendment and Repeal) Act 2002*.

**2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	8 October 2002
2. Section 4	The earlier of: (a) the commencement of section 5 of this Act; and (b) the commencement of section 6 of this Act	10 October 2002



<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
3. Section 5	Immediately after the commencement of item 62 of Schedule 3 to the <i>Customs Legislation Amendment Act (No. 1) 2002</i>	10 October 2002
4. Section 6	At the same time as the commencement of item 1 of Schedule 4 to the <i>Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001</i>	20 July 2003
5. Section 7	The earlier of: (a) the commencement of section 5 of this Act; and (b) the commencement of section 6 of this Act	10 October 2002
6. Schedule 1	The later of: (a) immediately after the commencement of section 5 of the <i>Import Processing Charges Act 2001</i> ; and (b) the day on which this Act receives the Royal Assent	19 July 2005 (paragraph (a) applies)

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

### 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

### 4 Definitions

In this Act:



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***Charges Act*** means the *Import Processing Charges Act 1997*.

***Repeal Act*** means the *Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001*.

## **5 Continued application of Charges Act after its repeal**

- (1) This section applies if:
  - (a) Schedule 4 to the Repeal Act commences under subsection 2(6) of that Act; and
  - (b) at that time, not all of the items in Parts 2 and 6 of Schedule 3 to the Repeal Act have commenced.
- (2) Despite the repeal of the Charges Act, the Charges Act continues to apply, as if the repeal had not happened, in the following way:
  - (a) cargo report processing charge continues to be imposed in respect of a documentary report that is, or is a part of, a cargo report made under the unamended Customs Act before the turn-off time;
  - (b) screening charge continues to be imposed in respect of a documentary or electronic report that is, or is a part of, a cargo report, made under the unamended Customs Act;
  - (c) entry processing charge continues to be imposed in respect of an import entry made under the unamended Customs Act.
- (3) With effect from the turn-off time, the continued imposition of entry processing charge is modified in the following way:
  - (a) paragraph 6(2)(a) is taken to include a reference to a type D entry;
  - (b) paragraph 6(2)(b) is taken to include a reference to a type E entry and a type F entry;
  - (c) paragraphs 6(2)(c) and (d) are taken to be omitted;
  - (d) paragraph 6(3)(a) is taken to include a reference to a type D entry, a type E entry and a type F entry;
  - (e) paragraph 6(3)(b) is taken to be omitted.
- (4) In this section:

***amended Customs Act*** has the same meaning as in the *Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004*.



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***cargo report*** has the same meaning as in the *Import Processing Charges Act 1997*.

***import entry*** has the same meaning as in the *Import Processing Charges Act 1997*.

***turn-off time*** has the same meaning as in the *Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004*.

***unamended Customs Act*** has the same meaning as in the *Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004*.

## **6 Continued application of Charges Act during moratorium period**

- (1) This section applies to a cargo report to which section 4 of the Repeal Act applies.
- (2) Despite the repeal of the Charges Act, the Charges Act continues to apply, in relation to cargo report processing charge in respect of the cargo report, as if the repeal had not happened.
- (3) This section does not limit the effect of section 5; nor does section 5 limit the effect of this section.

## **7 Imposition of charges**

To the extent necessary to give effect to sections 5 and 6 of this Act, charges of the kind mentioned in section 4 of the Charges Act are imposed.



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## **Schedule 1—Amendment of the Import Processing Charges Act 2001**

### **1 Paragraph 5(2)(a)**

Omit all the words before “included in”, substitute “for 21 or more self-assessed clearance declarations that are made by a cargo reporter in respect of reportable documents”.

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*[Minister’s second reading speech made in—  
House of Representatives on 19 June 2002  
Senate on 22 August 2002]*

(109/02)