



Dairy Products (Export Inspection Charge) Collection Act 1982

No. 11 of 1982

An Act to make provision for the collection of the charge imposed by the *Dairy Products (Export Inspection Charge) Act 1982*

[Assented to 15 April 1982]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Dairy Products (Export Inspection Charge) Collection Act 1982*.

Commencement

2. This Act shall come into operation on 1 July 1982.

Interpretation

3. (1) In this Act, unless the contrary intention appears—

“certified export notice” means an export notice certified in accordance with section 4;

“charge” means the charge imposed by the *Dairy Products (Export Inspection Charge) Act 1982*;

“dairy products” means milk and products wholly or mainly produced from milk or from a constituent part of milk;

“dairy products inspected for export” means dairy products in respect of which an export notice has been certified in accordance with section 4;

“export notice”, in relation to dairy products, means a notice and declaration furnished in pursuance of regulation 18 of the Exports (Dairy Produce) Regulations, in relation to the dairy products;

“milk” means cow’s milk, goat’s milk or sheep’s milk;

“officer” has the same meaning as in section 3 of the *Commerce (Trade Descriptions) Act 1905*.

(2) A reference in a provision of this Act to an authorized person is a reference to—

- (a) a person appointed by the Minister, in writing, to be an authorized person for the purposes of the provision; or
- (b) a person included in a class of persons appointed by the Minister, in writing, to be authorized persons for the purposes of the provision.

Inspecting officer to certify inspection on export notice, &c.

4. (1) An officer who, in pursuance of regulation 19 of the Exports (Dairy Produce) Regulations—

- (a) inspects and examines dairy products intended for export; and
- (b) is satisfied with respect to the matters set out in paragraphs (1) (a) and (b) of that regulation,

shall certify to that effect on the export notice.

(2) A copy of a certified export notice shall be served in a manner prescribed in the regulations on the person who furnished the export notice.

(3) Nothing in this section affects the Exports (Dairy Produce) Regulations.

Due date for payment

5. The amount of the charge on dairy products inspected for export is due for payment upon the expiration of 28 days after the last day of the month in which the copy of a certified export notice is served in accordance with section 4 in relation to the dairy products.

Recovery of charge

6. The following amounts may be recovered by the Commonwealth as debts due to the Commonwealth:

- (a) an amount of charge that is due for payment; and
- (b) an amount payable by way of penalty under section 7.

Penalty for non-payment

7. (1) Where the liability of a person to pay any charge is not discharged on or before the date on which the charge is due for payment, there is payable

by that person to the Commonwealth by way of penalty, in addition to that charge, an amount calculated at the rate of 10% per annum upon that charge or upon that part of that charge from time to time remaining unpaid, to be computed from the time when that charge became due for payment.

(2) The Minister or, subject to sub-section (3), an authorized person may, in a particular case, for a reason that the Minister or the authorized person, as the case may be, in his discretion, thinks sufficient, remit the whole or a part of an amount payable under this section.

(3) A remission granted under sub-section (2) by an authorized person shall not exceed \$100.

Offences relating to returns, &c.

8. A person shall not—

- (a) fail or neglect duly to furnish a return or information that he is required under the regulations to furnish; or
- (b) furnish, in pursuance of the regulations, a return or information that is, to his knowledge, false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 6 months, or both.

Access to premises

9. (1) An authorized person may, with the consent of the occupier of any premises, enter the premises for the purpose of exercising the functions of an authorized person under this section.

(2) Where an authorized person has reason to believe that there are on any premises (including premises of, or occupied by, a State or an authority of a State) books, documents or papers relating to dairy products inspected for export in respect of which charge is, or may be, payable, the authorized person may make application to a Justice of the Peace for a warrant authorizing the authorized person to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(3) If, on an application under sub-section (2), the Justice of the Peace is satisfied, by information on oath or affirmation—

- (a) that there is reasonable ground for believing that there are on the premises to which the application relates any books, documents or papers relating to dairy products inspected for export in respect of which charge is, or may be, payable; and
- (b) that the issue of the warrant is reasonably required for the purposes of this Act,

the Justice of the Peace may grant a warrant authorizing the authorized person, with such assistance as the person thinks necessary, to enter the premises, during such hours as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an authorized person under this section.

(4) A warrant granted under sub-section (3) shall specify a date after which the warrant ceases to have effect.

(5) Where an authorized person has entered any premises in pursuance of sub-section (1) or in pursuance of a warrant granted under sub-section (3), he may exercise the functions of an authorized person under this section.

(6) A person shall not, without reasonable excuse, obstruct or hinder an authorized person acting in pursuance of a warrant granted under sub-section (3) or acting in pursuance of sub-section (5).

Penalty: \$1,000 or imprisonment for 6 months, or both.

(7) The functions of an authorized person under this section are to search for, inspect, take extracts from and make copies of any books, documents or papers relating to dairy products inspected for export in respect of which charge is, or may be, payable.

Review of decisions

10. Applications may be made to the Administrative Appeals Tribunal for review of decisions made by the Minister or an authorized person for the purposes of sub-section 7 (2).

Regulations

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act or for facilitating the collection or recovery of any debt due to the Commonwealth under this Act, and, in particular—

- (a) providing for the manner of payment of charge and other moneys payable to the Commonwealth under this Act;
- (b) providing for the remission or refund of charge in specified circumstances;
- (c) requiring the keeping of records relating to dairy products inspected for export;
- (d) requiring returns or information relating to dairy products inspected for export to be furnished to such persons as are prescribed;
- (e) prescribing the form of warrant for the purposes of section 9; and
- (f) prescribing penalties, not exceeding a fine of \$200, for offences against the regulations.