



# **Export Inspection (Quantity Charge) Act 1985**

**No. 26, 1985 as amended**

**Compilation start date:** 25 June 2014

**Includes amendments up to:** Act No. 38, 2014

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## About this compilation

### This compilation

This is a compilation of the *Export Inspection (Quantity Charge) Act 1985* as in force on 25 June 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 7 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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# **An Act to impose a charge on the inspection of certain goods intended for export**

## **1 Short title**

This Act may be cited as the *Export Inspection (Quantity Charge) Act 1985*.

## **2 Commencement**

- (1) Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act shall come into operation on a day to be fixed by Proclamation.

## **3 Collection Act**

Subject to section 4, the *Export Inspection and Meat Charges Collection Act 1985* is incorporated, and shall be read as one, with this Act.

## **4 Interpretation**

- (1) In this Act, unless the contrary intention appears:

**can** means an hermetically sealed covering made of metal or glass, or of a material, or a material included in a class of materials, that is approved, in writing, by the Secretary or by a person who is authorized, in writing, by the Secretary to give such an approval.

**charge** means charge imposed by this Act.

**container system unit** means a container designed for repeated use as a unit of cargo handling equipment in the transportation of cargo on a ship or aircraft.

**covering** means a bottle, box, capsule, case, container, frame, stopper or wrapper.

*prescribed goods* has the same meaning as in the *Export Control Act 1982*.

- (2) Without limiting, by implication, the manner in which a class of prescribed goods may be described for the purposes of this Act or the regulations, a class of prescribed goods may be described, in whole or in part, by reference to all or any of the following:
  - (a) the form in which the prescribed goods are intended to be exported;
  - (b) the class of establishment at which the prescribed goods were prepared;
  - (c) the manner in which the prescribed goods are packed for export;
  - (d) the level of inspection that is applicable to the prescribed goods under export control orders;
  - (e) whether an approval of a quality control system plan is in force under export control orders in relation to the prescribed goods.

## **5 Act to bind Crown**

This Act binds the Crown in right of each of the States, of the Northern Territory and of Norfolk Island.

## **6 Imposition of charge**

- (1) Charge is imposed on prescribed goods in respect of which an export permit is granted, whether or not that permit is also granted in respect of other prescribed goods.
- (1D) Subsection (1) does not apply to prescribed goods in respect of which an export permit is granted if:
  - (a) another export permit has previously been granted in respect of the goods, whether or not that other permit was also granted in respect of other goods;
  - (b) that other export permit has been accidentally lost or accidentally destroyed; and
  - (c) the first-mentioned export permit was granted by way of replacement of that other export permit.

- (2) Subsection (1) does not apply to a class of prescribed goods that is exempt from charge under the regulations.
- (3) A reference in this section to a notice of intention to export prescribed goods is a reference to a notice of the kind referred to in section 6 of the *Export Control Act 1982*.

## **7 Rates of charge**

- (1) The rate of charge (if any) in respect of a prescribed good is the rate prescribed by the regulations for that good.

Note: The regulations may prescribe different rates of charge for different classes of prescribed goods (see subsection 13(3) of the *Legislative Instruments Act 2003*).

- (2) However, the rate of charge in respect of grain must not exceed:
  - (a) \$5 per tonne, when shipped for export in a container system unit; and
  - (b) \$1 per tonne, in any other case.

## **8 Weight or volume of prescribed goods**

*Disregard any covering's weight or volume*

- (1) For the purposes of this Act, if:
  - (a) the amount of charge in respect of a prescribed good is calculated by reference to weight or volume; and
  - (b) the prescribed good is, or is to be, packed in a covering; disregard the weight or volume of the covering when calculating the weight or volume of the prescribed good.

*Prescribed goods in a covering (other than can)*

- (2) For the purposes of this Act, if a covering (other than a can) contains one or more prescribed goods and other matter, disregard the other matter when calculating the charge payable in respect of the prescribed goods. The total amount of charge payable is:
  - (a) if the covering contains a single prescribed good—the amount of charge payable in respect of that good; and

- (b) otherwise—the sum of the amounts of charge payable in respect of each of the prescribed goods.

*Single prescribed good in a can*

- (3) For the purposes of this Act, if a can contains a single prescribed good and other matter:
  - (a) treat the can as containing only the prescribed good; and
  - (b) calculate the amount of charge payable in respect of the prescribed good as if its weight and volume were the weight and volume of the contents of the can.

*Several prescribed goods in a can—rate calculated by weight*

- (4) For the purposes of this Act, if:
  - (a) a can contains more than one prescribed good, whether or not it also contains other matter; and
  - (b) the rate of charge in respect of at least one of the prescribed goods is calculated by reference to weight;then:
  - (c) treat the can as containing only the prescribed good (the **relevant good**) that comprises the largest proportion of the total weight of the contents of the can; and
  - (d) calculate the amount of charge payable in respect of the relevant good as if its weight were the weight of the contents of the can.
- (5) For the purposes of this Act, if in the circumstances described in paragraphs (4)(a) and (b), no prescribed good in the can exceeds the weight of the others because 2 or more prescribed goods in the can (the **major goods**) are of equal weight, then:
  - (a) if the rate of charge in respect of one of the major goods is lower than the rate in respect of any of the others:
    - (i) treat the can as containing only that major good; and
    - (ii) calculate the amount of charge payable in respect of that major good as if its weight were the weight of the contents of the can; and
  - (b) otherwise—treat the can as containing only those major goods, and calculate the amount of charge payable in respect



of them as if their combined weight were the weight of the contents of the can.

*Several prescribed goods in a can—rate calculated by volume*

- (6) For the purposes of this Act, if:
- (a) a can contains more than one prescribed good, whether or not it also contains other matter; and
  - (b) the rate of charge in respect of each of the prescribed goods is calculated by reference to volume;
- then:
- (c) treat the can as containing only the prescribed good (the **relevant good**) that comprises the largest proportion of the total volume of the contents of the can; and
  - (d) calculate the amount of charge payable in respect of the relevant good as if its volume were the volume of the contents of the can.
- (7) For the purposes of this Act, if in the circumstances described in paragraphs (6)(a) and (b), no prescribed good in the can exceeds the volume of the others because 2 or more prescribed goods in the can (the **major goods**) are of equal volume, then:
- (a) if the rate of charge in respect of one of the major goods is lower than the rate in respect of any of the others:
    - (i) treat the can as containing only that major good; and
    - (ii) calculate the amount of charge payable in respect of that major good as if its volume were the volume of the contents of the can; and
  - (b) otherwise—treat the can as containing only those major goods, and calculate the amount of charge payable in respect of them as if their combined volume were the volume of the contents of the can.

*Special rules for the above subsections*

- (8) For the purposes of this section:
- (a) treat as a single prescribed good 2 or more prescribed goods that are in the same class of prescribed goods; and

- (b) if alternative rates of charge are prescribed for a prescribed good (one by reference to weight and the other to volume), then disregard the rate that would result in the greater amount of charge payable; and
- (c) when working out the volume of the contents of a can, disregard any gaseous matter in the can.

Note: Paragraph (a) means, for example, that when this section refers to more than one prescribed good it is referring to goods that together fall within more than one class of prescribed goods.

## **9 By whom charge payable**

The charge on prescribed goods in respect of which an export permit is granted is payable by the person in whose name that permit is granted.

## **10 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;

and, in particular:

- (c) exempting a class or classes of prescribed goods from charge; and
- (d) prescribing different rates of charge in respect of different classes of prescribed goods.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes  
Endnote 2—Abbreviation key  
Endnote 3—Legislation history  
Endnote 4—Amendment history  
Endnote 5—Uncommenced amendments  
Endnote 6—Modifications  
Endnote 7—Misdescribed amendments  
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

## Endnotes

### Endnote 1—About the endnotes

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#### **Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

#### **Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

#### **Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

**Endnote 2—Abbreviation key**

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnotes

### Endnote 3—Legislation history

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#### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Export Inspection Charge Act 1985	26, 1985	22 May 1985	ss. 1 and 2: Royal Assent Remainder: 1 July 1985 (see <i>Gazette</i> 1985, No. S228)	
Export Inspection Charges (Miscellaneous Amendments) Act 1985	115, 1985	21 Oct 1985	1 Jan 1986 (see <i>Gazette</i> 1985, No. S560)	—
Export Inspection (Quantity Charge) Amendment Act 1989	33, 1989	24 May 1989	21 June 1989	—
Export Inspection Charges Laws Amendment Act 1993	101, 1993	22 Dec 1993	1 Jan 1994	—
Primary Industries and Energy Legislation Amendment Act (No. 2) 1995	133, 1995	14 Nov 1995	Schedule 1: Royal Assent ( <i>a</i> )	Sch. 1 (item 3)
Export Inspection (Quantity Charge) Amendment Act 2014	38, 2014	25 June 2014	Sch 1: 25 June 2014 (see s 2(1)) Remainder: Royal Assent	Sch 1 (items 18, 19)

(a) The *Export Inspection (Quantity Charge) Act 1985* was amended by the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1995*, subsection 2(1) of which provides as follows:

- (1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

## Endnote 4—Amendment history

## Endnote 4—Amendment history

Provision affected	How affected
Title .....	am No 38, 2014
s. 1 .....	am. No. 115, 1985
s. 3 .....	am. No. 115, 1985; No. 101, 1993; No 38, 2014
s. 4 .....	am. No. 115, 1985; No 38, 2014
s. 6 .....	am. No. 115, 1985; No. 33, 1989; No. 133, 1995; No 38, 2014
s. 7 .....	am. No. 33, 1989
	rs No 38, 2014
s 8 .....	rs No 38, 2014
s 9	am No 38, 2014
s 10	am No 38, 2014

## **Endnotes**

Endnote 5—Uncommenced amendments [none]

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**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**