



Forest Industries Research Import Charge Act 1993

No. 90 of 1993

**An Act to impose a charge on forest and wood products
imported into Australia**

[Assented to 30 November 1993]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Forest Industries Research Import Charge Act 1993*.

Commencement

2. This Act commences on 1 January 1994.

Definitions

3.(1) In this Act, unless the contrary intention appears:
“**forest products**” means:

(a) logs; or

- (b) such other products as are described in Chapter 44 of Schedule 3 to the *Customs Tariff Act 1987* and prescribed by the regulations;

“industry body” means an industry body declared under section 7 of the *Primary Industries and Energy Research and Development Act 1989* to be a representative organisation in relation to an R&D Corporation established under section 8 of that Act in respect of forest industries;

“Levy Act” means the *Forest Industries Research Levy Act 1993*;

“logs” has the same meaning as in the Levy Act;

“mill” has the same meaning as in the Levy Act.

(2) Unless the contrary intention appears, a word or expression contained in this Act that is not defined in this Act, but is defined in the *Primary Industries Levies and Charges Collection Act 1991* has the same meaning in this Act as in the *Primary Industries Levies and Charges Collection Act 1991*.

Act to bind the Crown

4. This Act binds the Crown in each of its capacities.

Imposition of charge

5. Charge is imposed on forest products imported into Australia.

Rate of charge

- 6.(1) The rate of charge is:

- (a) if the forest products are logs—the rate of levy (if any) that would have been payable under the Levy Act if the logs had been produced in Australia and delivered to a mill in Australia; or
- (b) otherwise—a rate worked out by multiplying:
- (i) the rate of levy (if any) that would have been payable under the Levy Act in respect of logs of the same class that were used to produce the forest products if the logs had been produced in Australia and delivered to a mill in Australia; and
- (ii) the conversion factor determined by the Minister to apply to forest products of the class in question.

(2) The Minister may determine in writing, for a class of forest products, a conversion factor that, in the Minister’s opinion, reasonably approximates (but does not exceed) the average proportionality between:

- (a) volumes of logs that are used, in accordance with normal wood processing practices in Australia, to produce such volumes of those forest products; and
- (b) volumes of forest products in that class.

(3) Before making a determination, the Minister must take into consideration any relevant recommendation made to him or her by an industry body.

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(4) Such determinations are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(5) The regulations may provide that the charge is not payable if the amount to be collected is less than an amount specified in the regulations.

By whom is charge payable?

7. Charge is payable by the importer of the forest products.

Exemption from charge

8. The regulations may exempt from charge a specified class of forest products.

Regulations

9.(1) The Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed.

(2) Before making a regulation, the Governor-General is to take into consideration any relevant recommendation made to the Minister by an industry body.

[*Minister's second reading speech made in—
House of Representatives on 7 September 1993
Senate on 27 October 1993*]