



Export Inspection (Quantity Charge) Amendment Act 2014

No. 38, 2014

**An Act to amend legislation relating to exports, and
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 38, 2014

An Act to amend legislation relating to exports, and for related purposes

[Assented to 25 June 2014]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Export Inspection (Quantity Charge)
Amendment Act 2014*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| 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 this Act receives the Royal Assent. | 25 June 2014 |
| 2. Schedule 1 | At the same time as the <i>Export Legislation Amendment Act 2014</i> commences. | 25 June 2014 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Export Inspection (Quantity Charge) Act 1985

1 Title

Omit “**commodities**”, substitute “**goods**”.

2 Section 3

Omit “The”, substitute “Subject to section 4, the”.

3 Subsection 4(1)

Insert:

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

4 Subsection 4(2)

Omit “a prescribed commodity” (wherever occurring), substitute “prescribed goods”.

5 Paragraph 4(2)(a)

Omit “prescribed commodity is”, substitute “prescribed goods are”.

6 Paragraph 4(2)(b)

Omit “prescribed commodity was”, substitute “prescribed goods were”.

7 Paragraph 4(2)(c)

Omit “prescribed commodity is”, substitute “prescribed goods are”.

8 Paragraphs 4(2)(d) and (e)

Omit “prescribed commodity”, substitute “prescribed goods”.

9 Subsection 6(1)

Repeal the subsection, substitute:

- (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.

10 Subsection 6(1D)

Omit “a prescribed commodity”, substitute “prescribed goods”.

11 Paragraph 6(1D)(a)

Omit “commodity, whether or not that other permit was also granted in respect of another commodity”, substitute “goods, whether or not that other permit was also granted in respect of other goods”.

12 Subsection 6(1E)

Repeal the subsection.

13 Subsection 6(2)

Omit “a prescribed commodity”, substitute “prescribed goods”.

14 Subsection 6(3)

Omit “prescribed commodities”, substitute “prescribed goods”.

15 Section 7

Repeal the section, substitute:

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.

16 Section 8

Repeal the section, substitute:

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:
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- (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.

17 Sections 9 and 10

Omit “a prescribed commodity” (wherever occurring), substitute “prescribed goods”.

18 Application of amendments

The amendments made by this Schedule apply in relation to export permits granted on or after the first day of the first financial year starting on or after the commencement of this Schedule.

19 Transitional—initial regulations

- (1) This item applies to the *Export Inspection (Quantity Charge) Regulations 1985* (as in force immediately before the commencement of this item).
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- (2) The regulations (to the extent that they specify or refer to commodities) have effect, after the commencement of this item, as if any of those commodities that is not a prescribed good (within the meaning of the *Export Control Act 1982*) were disregarded.
 - (3) The regulations (to the extent that they prescribe a rate of charge for the purposes of subsection 7(1) of the *Export Inspection (Quantity Charge) Act 1985*) have effect, after the commencement of this item, as if the rate were prescribed for the purposes of that subsection as amended by this Act.
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[Minister's second reading speech made in—
House of Representatives on 27 March 2014
Senate on 16 June 2014]

(69/14)
