



Statutory Rules

1974 No. 138

REGULATIONS UNDER THE EXCISE ACT 1901-1974.*

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Excise Act* 1901-1974.

Dated this seventh day of August, 1974.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

LIONEL MURPHY
Minister of State for Customs and Excise.

EXCISE (QUOTA ORDERS REVIEW TRIBUNAL) REGULATIONS

- Citation.** 1. These Regulations may be cited as the Excise (Quota Orders Review Tribunal) Regulations.
- Interpretation.** 2. (1) In the Regulations—
“Act” means the *Excise Act* 1901-1974;
“quota order” has the same meaning as in sub-section 59A (3) of the Act;
“Tribunal” means the Quota Orders Review Tribunal established by regulation 3 of the Customs (Quota Orders Review Tribunal) Regulations.
- (2) A reference in these Regulations to a quota order shall, in a case where a quota order has been varied by the Minister under section 59B of the Act be read as including a reference to the quota order as so varied, and, if before the variation of the order is made, the person on whom the quota order has been served has made a request for a review of the original quota order, the request shall be deemed to have been made in relation to the quota order as so varied.
- Fees payable to the Chairman.** 3. Subject to regulation 6 of the Customs (Quota Orders Review Tribunal) Regulations, the fee payable to the Chairman of the Tribunal, in respect of a day on which he attends a meeting of the Tribunal, is—
(a) if the duration of the meeting is less than 3 hours—\$25; or
(b) in any other case—\$45.
- Fees payable to members other than the Chairman.** 4. Subject to regulation 6 of the Customs (Quota Orders Review Tribunal) Regulations, the fee payable to a member of the Tribunal other than the Chairman, in respect of a day on which he attends a meeting of the Tribunal, is—
(a) if the duration of the meeting is less than 3 hours—\$20; or
(b) in any other case—\$40.

* Notified in the *Australian Government Gazette* on 8 August 1974.

Excise (Quota Orders Review Tribunal) Regulations

5. Quota orders are subject to review by the Tribunal in accordance with these Regulations. Review of quota orders.
6. (1) A person on whom a quota order is served may, by notice in writing served on the Comptroller-General within a period of 14 days after the date on which the order is served on him, request the Comptroller-General to refer the order to the Tribunal for review. Request for review by Tribunal.
- (2) The ground on which the request is made shall be set out in the request.
7. The Comptroller-General shall, as soon as practicable after a request for the review of a quota order is received by him, forward the request to the Chairman of the Tribunal, together with all records and other papers relevant to the making of the quota order. Request to be forwarded to Chairman of the Tribunal.
8. The Chairman of a Tribunal shall, upon receipt of a request for the review of a quota order, arrange for the quota order to be reviewed by the Tribunal. Review of making of quota orders.
9. The person who has made a request for the review of a quota order and the Minister are the parties in the proceedings before the Tribunal for the review of the quota order. Parties to review.
10. (1) On the review of a quota order— Procedure of Tribunal to be informal &c.
- (a) the procedure of the Tribunal is, subject to these Regulations, within the discretion of the Tribunal;
- (b) the proceedings shall be conducted with as little formality and technicality and with as much expedition as the requirements of the Act and these Regulations, and a proper consideration of the matters and questions before the Tribunal, permit; and
- (c) the Tribunal is not bound by rules of evidence.
- (2) A party to proceedings before the Tribunal may, whether or not he is present or represented, make submissions to the Tribunal in writing.
- (3) A copy of any submission so made shall be furnished to the other party to the proceedings.
- (4) A question arising in proceedings before the Tribunal shall be determined in accordance with the opinion of the majority of the members of the Tribunal.
11. (1) The Tribunal shall, after due consideration of the matter, give a decision in writing— Powers of the Tribunal with respect to quota order under review.
- (a) affirming the quota order;
- (b) varying the quota order; or
- (c) revoking the quota order.
- (2) The Tribunal shall give reasons in writing for its decision and its reasons shall include its findings on material questions of fact.
12. A party to the proceedings before the Tribunal may be represented by another person. Representation before the Tribunal.
13. The proceedings before the Tribunal shall not be in public. Proceedings not to be in public.
14. (1) Where the Tribunal revokes a quota order, the revocation shall be deemed to have taken effect on the day on which the quota order came into force. Date of effect of decision of the Tribunal.

Excise (Quota Orders Review Tribunal) Regulations

(2) Subject to sub-regulation (3), a variation of a quota order by the Tribunal shall be deemed to have had effect on and from the day on which the quota order came into force.

(3) Where—

- (a) a quota order applicable to a person states that the person's quota in respect of goods of the kind to which the order relates is a quantity specified in the order; and
- (b) the Tribunal, on a review of the order, varies the order in such a way that the order specifies a lesser quantity or states that the person's quota is nil,

the variation has effect on and from the date of the decision.

Service of
notice of the
decision.

15. The Chairman of the Tribunal shall, immediately after the Tribunal gives a decision on the review of a quota order cause notice of its decision to be given by telegram to the person by whom the request for the review was made and to the Minister and shall cause a copy of its decision to be served on that person and the Minister.

Service on the
Comptroller-
General and
the Minister.

16. (1) For the purposes of these Regulations, a request under regulation 6 for the review of a quota order shall be deemed to have been served on the Comptroller-General if it is served on the Collector of Customs for the State in which the service of the quota order is made.

(2) For the purposes of these Regulations, a telegram containing the decision of the Tribunal review of a quota order shall be deemed to have been duly served on the Minister if it is addressed to the Collector of Customs for the State in which the quota order was served on the person to whom it is applicable.

(3) For the purposes of this regulation, the Northern Territory shall be deemed to be a State.