Export Inspection and Meat Charges Collection Regulations 1985

Statutory Rules 1985 No. 145 as amended

made under the

Export Inspection and Meat Charges Collection Act 1985

This compilation was prepared on 1 October 2011
taking into account amendments up to SLI 2011 No. 167

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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2 **Export Inspection and Meat Charges Collection Regulations 1985**
1 **Name of Regulations** [see Note 1]

These Regulations are the *Export Inspection and Meat Charges Collection Regulations 1985*.

2 **Definitions**

In these Regulations:

- **accredited killing or processing plant** has the meaning given by section 3 of the *Domestic Meat Premises Charge Act 1993*.

- **Act** means the *Export Inspection and Meat Charges Collection Act 1985*.

- **AQIS** means the Australian Quarantine and Inspection Service.

- **charge day**: (a) for a charge imposed under section 6 of the *Domestic Meat Premises Charge Act 1993* — has the same meaning as in that Act; and (b) for a charge imposed under section 6 of the *Export Inspection (Establishment Registration Charges) Act 1985* — has the same meaning as in the *Export Inspection (Establishment Registration Charges) Regulations 1985*.

- **charge period**, for a meat establishment or a dairy establishment, has the same meaning as in the *Export Inspection (Establishment Registration Charges) Regulations 1985*.

- **dairy establishment** has the same meaning as in the *Export Inspection (Establishment Registration Charges) Regulations 1985*.

- **fish establishment** has the same meaning as in the *Export Inspection (Establishment Registration Charges) Regulations 1985*.

- **meat establishment** has the same meaning as in the *Export Inspection (Establishment Registration Charges) Regulations 1985*. 

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*Export Inspection and Meat Charges Collection Regulations 1985*
2A **Prescribed offices where charge may be paid**

[see Note 2]

For the Act, the following offices of the Department are prescribed:

(a) the principal office in Canberra;
(b) the regional office in the capital city of the State or Territory in which the service is provided;
(c) if the service is provided in the Northern Territory — the regional office of the Department in Adelaide;
(d) if the service is provided in Tasmania — the regional office of the Department in Melbourne.

2B **When charge is due for payment — various charges**

For section 4 of the Act:

(a) the charge for registering a fish establishment must be paid on the due date shown on the invoice issued by AQIS to the person who applied for the registration of the establishment; and

(b) the charge for registering a fish establishment for operations in addition to operations for which the establishment is registered must be paid on the due date shown on an invoice issued by AQIS to the person who applied for the registration of the establishment; and

(c) the quantity charge for an export inspection service on a prescribed commodity in respect of which an export permit is granted must be paid:

   (i) if the amount of charge is determined by the Department before the provision of the service — on demand by the Department; or

   (ii) in any other case — on the due date shown on an invoice issued by AQIS to the person who applied for the provision of that service;

(d) the service charge for an export inspection service must be paid:

   (i) if the amount of charge is determined by the Department before the provision of the service — on demand by the Department; or
(ii) in any other case — on the due date shown on an invoice issued by AQIS to the person who applied for the provision of that service;

(e) the charge for an application for the registration of an establishment must be paid at the time of making the application;

(f) a charge imposed under section 6 of the *Domestic Meat Premises Charge Act 1993* for a financial year that commences after 30 June 1994 is due for payment as follows:

(i) if the charge is imposed for an accredited killing or processing plant for which the charge day occurs on 1 July in that financial year:

(A) one quarter of the amount of the charge is due for payment on the day, later than 1 July in that financial year, shown on an invoice issued by AQIS to the person who is liable to pay the charge; and

(B) one quarter of the amount of the charge is due for payment on the day occurring 12 weeks after the day referred to in sub-subparagraph (A); and

(C) one quarter of the amount of the charge is due for payment on the day occurring 12 weeks after the day referred to in sub-subparagraph (B); and

(D) the balance is due for payment on the day occurring 12 weeks after the day referred to in sub-subparagraph (C);

(ii) if the charge is imposed for an accredited killing or processing plant for which the charge day occurs after 1 July in that financial year, the amount of the charge is due for payment on the charge day.
Regulation 2C

2C When charge is due for payment — meat establishments

(1) For section 4 of the Act, this regulation explains when charge for the registration of a meat establishment is due for payment.

(2) The amount of charge for a charge period is due for payment on the day shown on an invoice issued by AQIS to the person who is liable to pay the charge.

2D When charge is due for payment — dairy establishments

(1) For section 4 of the Act, this regulation explains when charge for the registration of a dairy establishment is due for payment.

Due day

(2) The amount of charge for a charge period is due for payment on the day shown on an invoice issued by AQIS to the person who is liable to pay the charge.

2E Rules about due days that can be shown on invoices

For regulations 2B, 2C and 2D, the day shown on an invoice as the day on which an amount of charge is due for payment must be a day that is:

(a) on or after the start of the period to which the amount of charge relates; and
(b) at least 14 days after the day of issue of the invoice for the amount of charge.

2F General provisions about payment of charge

(1) The Secretary may specify, by notice in writing given to the person who is liable to pay a particular amount of charge:

(a) a day, later than the day on which the amount is due for payment, as the day on which the amount is payable; or
(b) that the amount is payable in instalments on the days, later than the day on which the amount is due for payment, specified in the notice.
(2) For section 4 of the Act:
   (a) if the Secretary gives a notice under paragraph (1) (a), the
       amount of charge referred to in the notice is due for
       payment on the day specified in the notice; and
   (b) if the Secretary gives a notice under paragraph (1) (b), an
       instalment referred to in the notice is due for payment on
       the day specified in the notice for payment of that
       instalment.

Note A payment of charge to which subregulation (1) or (2) applies may
be paid before the day on which it is due for payment.

(3) In spite of subregulations (1) and (2) and regulations 2B, 2C
and 2D, if:
   (a) a person is liable to pay an amount of charge on or before
       a day (the original due day); and
   (b) the person does not pay the amount on or before the
       original due day; and
   (c) the person is liable to pay a further amount of the same
       charge, that is due for payment at any time after the
       original due day, for the same year and the same
       establishment;

the further amount becomes due for payment on the original
due day.

3 Returns in respect of quantity charge

(1) The following particulars are required to be specified in a
return submitted under section 6 of the Act by an exporter
in relation to the prescribed commodity, the prescribed
commodities, or the goods of a class, or kind, of prescribed
commodity, in respect of which an export permit was granted
to that exporter in a month:
   (a) the full name and address of that exporter, not being the
       address of a post office box or bag;
   (b) if that exporter prefers another address to be used for
       receiving correspondence and for service of documents on
       that exporter — that other address;
   (c) the name of that month;
   (d) the serial number of that export permit;
(e) the date on which that export permit was granted;
(f) the quantity of that prescribed commodity, of each of those prescribed commodities or of each of those classes, or kinds, of goods, as the case requires;
(g) the amount of the quantity charge imposed on that prescribed commodity, on each of those prescribed commodities or on each of those classes, or kinds, of goods, as the case requires;
(h) the total amount of the quantity charges referred to in paragraph (g);
(i) if the permit was granted in respect of a prescribed commodity, prescribed commodities, or goods of a class, or kind, of prescribed commodity, other than grain — the name of the last establishment at which that prescribed commodity, at which each of those prescribed commodities or at which each of those classes, or kinds, of goods, as the case requires, was prepared during that month.

(2) An exporter who provides particulars to the Department in accordance with regulation 3D, in relation to dairy produce, fish, fruit, fruit products that are dried fruit or processed fruit, vegetables or vegetable products that are processed vegetables, is taken to have furnished a return in accordance with subregulation (1).

3B Signing of returns

(1) Subject to subregulation (3), a return submitted under section 6 of the Act by an exporter must be signed by the exporter.

(3) A return required under subregulation (1) to be signed by an exporter may be signed:
   (a) where the exporter is a natural person — by an authorised agent of that person;
   (b) where the exporter is a body corporate — by a person who manages or controls the operations of that body corporate in relation to the export of any prescribed commodity to which the return relates or by an authorised agent of that body corporate; or
(c) where the exporter is a body politic — by a person having responsibility for the administration of such of the affairs of that body politic as relate to the export of any prescribed commodity to which the return relates or by an authorised agent of that body politic.

3C Lodgment of returns

(1) A return under section 6 of the Act in respect of a month must be submitted to the Secretary by lodging it at a prescribed office within 28 days after the last day of that month.

(2) An exporter who provides particulars to the Department in accordance with regulation 3D, for dairy produce, fish, fruit, fruit products that are dried fruit or processed fruit, vegetables or vegetable products that are processed vegetables, is taken to have furnished a return in accordance with subregulation (1).

3D Particulars in respect of quantity charge

(1) An exporter liable to quantity charge in respect of dairy produce, fish, fruit, fruit products that are dried fruit or processed fruit, vegetables or vegetable products that are processed vegetables, must provide the following particulars to the Department:

(a) the full name of the exporter; and
(b) the address of the exporter, that is not a post office box or bag; and
(c) if the exporter prefers another address to be used for receiving correspondence and for service of documents, that other address; and
(d) the exporter’s account number; and
(e) the date of application; and
(f) the weight of the prescribed commodity to be exported, or of each of those prescribed commodities, as the case requires; and
(g) the name and form number of each form submitted with the application; and
(h) the AQIS service code for each service required; and
(i) the amount of service fee applicable to each prescribed commodity; and
(j) the total amount of service fees; and
(k) the Export Permit number; and
(l) shipping details necessary for processing the application.

(2) The particulars must be provided when:
(a) the exporter applies to the Department for an export permit; or
(b) the exporter applies for any other documentation in relation to export inspection kept and provided by the Department at the request of exporters.

4 Prescribed form of appointment of authorised agent
For paragraph 8 (2) (a) of the Act the prescribed form for the appointment of an authorized agent is the form in Schedule 1.

4A Subsection 11 (3) of the Act: prescribed amount
For subsection 11 (3) of the Act, the amount of $1,000 is prescribed.

5 Form of warrant for authorised person to enter premises
The form of warrant for section 15 of the Act is the form in Schedule 2.

6 Refund or remission of charge
(1) If a person is liable to pay in a financial year:
(a) establishment registration charge under the Export Inspection (Establishment Registration Charges) Act 1985; or
(b) quantity charge under the Export Inspection (Quantity Charge) Act 1985; or
(c) service charge under the Export Inspection (Service Charge) Act 1985;
the Secretary may remit, or refund, some or all of the amount of charge in accordance with this regulation.

(2) The Secretary must be satisfied that, for cost recovery in that financial year, in relation to a service or matter for which the charge is imposed, full charge need not be collected.

(3) In determining the amount of charge to be remitted or refunded, the Secretary must take account of:
(a) the amount of charge held in a trust account as a result of collection of charge in any previous financial year that is in excess of the amount required for cost recovery in that financial year; and
(b) the amount of charge, of the kind proposed to be remitted or refunded, that the person has already paid or is liable to pay in that financial year or in a financial year to which paragraph (a) applies.

6A Statement to accompany notice of certain decisions

(1) This regulation applies to a decision of any of the following kinds:
(a) a decision under paragraph 2B (2) (a) not to specify a day later than the day on which an amount would otherwise be due for payment as the day on which the amount is payable;
(b) a decision under paragraph 2B (2) (b) not to specify that an amount is payable by instalments on days later than the day later than the day on which an amount would otherwise be due for payment;
(c) a decision under paragraph 6 (1) (d), (3) (d) or (5) (d) not to be satisfied that an establishment will not resume operations of a particular kind;
(d) a decision under subregulation 6 (7) or (8) not to refund or remit an amount of charge.
(2) When the Secretary makes a decision to which this regulation applies, the Secretary must give the person liable to pay the relevant charge a notice in writing:
(a) setting out the reasons for the decision; and
(b) stating that the person may apply under regulation 6B for reconsideration of the decision; and
(c) setting out how to apply for reconsideration, and the time within which the application must be made.

6B Requests for reconsideration of decisions

(1) A person whose interests are affected by a decision to which regulation 6A applies may ask the Secretary to reconsider the decision.

(2) A request for reconsideration must:
(a) be in writing; and
(b) set out the reasons why the Secretary should reconsider the decision; and
(c) be given to the Secretary within 28 days after the day when the person is told of the decision in writing.

6C Operation of decision not affected by application for reconsideration
The making of an application for reconsideration of a decision does not affect the operation of the decision.

6D Reconsideration of decisions

(1) If a person applies for reconsideration of a decision to which regulation 6A applies (the original decision), the Secretary must reconsider the decision.

(2) After reconsidering the original decision, the Secretary must:
(a) confirm it; or
(b) amend it; or
(c) substitute another decision for it.
(3) Without limiting the generality of subregulation (2), if the original decision was a decision not to remit an amount of charge, and the amount of charge has been paid, the Secretary may substitute a decision to refund the same or another amount of charge.

(4) If, by the end of 45 days after the Secretary receives the application, he or she has not given written notice of his or her decision after reconsideration to the person who applied for the reconsideration, the Secretary is taken, on that 45th day, to have confirmed the original decision.

(5) If the Secretary decides to amend the original decision or substitute another decision for it, the later decision replaces the original decision for all purposes (other than the making of an application for reconsideration).

6E **AAT review of decisions on reconsideration**

Application may be made under the *Administrative Appeals Tribunal Act 1975* to the Administrative Appeals Tribunal for review of a decision of the Secretary under subregulation 6D (2).

7 **Delegation by the Secretary**

The Secretary may, in writing, delegate his or her powers under these Regulations (other than this power) to an officer of AQIS.
Schedule 1  Appointment of authorized agent
(regulation 4)

COMMONWEALTH OF AUSTRALIA

Export Inspection Charges Collection Act 1985

APPOINTMENT OF AUTHORIZED AGENT

To the Secretary to the Department of (name of relevant Department)

I, (full name and address of signatory and, where the person required
to furnish the return is not a natural person, the designation of the
signatory)

*acting for and on behalf of (name of company, &c.)

hereby appoint (full name, address and occupation of authorized agent),
a specimen of whose signature appears below, to be * my authorized
agent/* the authorized agent of (name of company, &c.) for the purpose
of signing a return prepared for the purpose of section 6 or 6A of the

Dated 19 .

........................................
(Signature)

Dated 19 .

........................................
(Signature of authorized agent)

* Omit if inapplicable
Schedule 2    Warrant under section 15
(regulation 5)

COMMONWEALTH OF AUSTRALIA

Export Inspection Charges Collection Act 1985

WARRANT UNDER SECTION 15

TO: (full name) , an authorized person for the purposes of section 15 of the Export Inspection Charges Collection Act 1985.

WHEREAS, on an application under subsection 15 (2) of that Act in relation to premises at , I, (full name), a Justice of the Peace, am satisfied, by information on oath (or affirmation):

(a) that there is reasonable ground for believing that there are on those premises documents relating to:
   (i) the granting of an export permit in respect of goods that are a prescribed commodity for the purposes of the Export Inspection Charges Act 1985; or
   (ii) the submission of a return under the Export Inspection Charges Collection Act 1985; and

(b) that the issue of a warrant is reasonably required for the purposes of the Export Inspection Charges Collection Act 1985:

YOU ARE HEREBY AUTHORIZED, with such assistance as you think necessary, to enter the premises at , during the hours of (or at any time), if necessary by force, for the purpose of performing the functions of an authorized person under section 15 of the Export Inspection Charges Collection Act 1985.

THIS WARRANT ceases to have effect after (insert date).

Dated 19 .

Justice of the Peace
Notes to the Export Inspection and Meat Charges Collection Regulations 1985

Note 1


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</table>
Note 2

Regulation 2A (1) — Schedule 1 [item 3] of the Export Inspection and Meat Charges Collection Amendment Regulations 2007 (No. 1) (2007 No. 279) provides as follows:

Paragraph 2A (1) (d)

*omitted*

if the service

*omitted*

if the service

The proposed amendment was misdescribed and is not incorporated in this compilation.