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Export Inspection and Meat Charges Collection Amendment Regulations 1999 (No. /)

Statutory Rules 1999 No. /

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I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Export Inspection and Meat Charges Collection Act 1985*.

Dated 2 5 AUG 1999 1999.

WILLIAM DEANE

Governor-General

By His Excellency's Command,

WARREN ERROL TRUSS

Minister for Agriculture, Fisheries and Forestry



Export Inspection and Meat Charges Collection Amendment Regulations 1999 (No. 1)¹

Statutory Rules 1999 No. 1²

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made under the

Export Inspection and Meat Charges Collection Act 1985

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1 Name of Regulations

These Regulations are the *Export Inspection and Meat Charges Collection Amendment Regulations 1999 (No. 2)*.

1

2 Commencement

These Regulations commence on gazettal.

3 Amendment of Export Inspection and Meat Charges Collection Regulations

Schedule 1 amends the Export Inspection and Meat Charges Collection Regulations.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1

substitute

1 Name of Regulations

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

[2] After regulation 6

insert

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).

Notes

1. These Regulations amend Statutory Rules 1985 No. 145, as amended by 1985 No. 363; 1987 No. 253; 1988 No. 23; 1989 No. 406; 1992 No. 251; 1993 No. 376; 1994 Nos. 65, 124 and 369; 1995 No. 257.
2. Made by the Governor-General on *L* 1999, and notified in the *Commonwealth of Australia Gazette* on *L* 1999.

*25 August
1 September*