



Export Inspection and Meat Charges Collection Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 343

I, QUENTIN BRYCE, 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 14 December 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry

1 Name of Regulations

These Regulations are the *Export Inspection and Meat Charges Collection Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Export Inspection and Meat Charges Collection Regulations 1985*

Schedule 1 amends the *Export Inspection and Meat Charges Collection Regulations 1985*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 2, definitions of *charge day*, *fish products establishment* and *meat establishment*

substitute

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*.

[2] Regulation 2B, heading

substitute

2B When charge is due for payment — various charges

[3] Subregulation 2B (1)

omit

(1) For

insert

For

[4] Paragraph 2B (1) (a)

omit

an establishment for operations associated with the preparation of fish or fish products

insert

a fish establishment

[5] Paragraph 2B (1) (b)*omit*

fish products establishment

insert

fish establishment

[6] Paragraph 2B (1) (f)*omit***[7] Paragraph 2B (1) (g)***re-letter as paragraph 2B (f)***[8] Subparagraph 2B (1) (g) (ii)***omit*

charge day;

insert

charge day.

[9] Paragraphs 2B (1) (h) and (i)*omit***[10] Subregulations 2B (2) to (4)***omit*

[11] After regulation 2B

insert

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.

Charge day of 1 July

- (2) If charge is imposed for an establishment for which the charge day is 1 July:
- (a) charge is due for payment in equal monthly instalments covering each of the months in the charge period; and
 - (b) an instalment for a month in the 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.

Note An amount of charge payable in an instalment may be paid before the day on which it is due for payment.

Charge day after 1 July

- (3) If charge is imposed for an establishment for which the charge day is after 1 July:
- (a) no charge is due for payment for the part of the charge period before charge day; and
 - (b) charge is due for payment for the part of the charge period on and after the charge day in accordance with this subregulation; and
 - (c) if the month in which the charge day occurs (the ***start month***) is followed, in the charge period, by 1 or more complete months:
 - (i) charge is due for payment in equal monthly instalments covering each of the months in the charge period, including the start month; and

- (ii) the amount of charge for a month of the charge period (whether the start month or a complete month) is due for payment on the day shown on an invoice issued by AQIS to the person who is liable to pay the charge; and
- (d) if the charge day occurs in the final month of the charge period:
 - (i) charge is due for payment for the part of the final month that starts on the charge day; and
 - (ii) the amount of charge due for payment is the total amount of charge for the charge period; and
 - (iii) the amount of charge is due for payment on the day shown on an invoice issued by AQIS to the person who is liable to pay the charge.

Note An amount of charge payable in an instalment may be paid before the day on which it is due for payment.

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.

[12] Paragraphs 6 (7) (b), (c) and (d)

substitute

- (b) there are special circumstances that make it reasonable to remit some or all of the amount.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.