

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 7 May 1981

(*Minister for Primary Industry*)

A BILL

FOR

An Act to make provision for the collection of the charge imposed by the *Fish (Export Inspection Charge) Act 1981*

5 BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Fish (Export Inspection Charge) Collection
Act 1981*.

10 **Commencement**

2. This Act shall come into operation on 1 July 1981.

Interpretation

3. In this Act, unless the contrary intention appears—
“authorized person” means—

- 15 (a) a person appointed by the Minister, in writing, to be an
authorized person for the purposes of this Act; or
- (b) a person included in a class of persons appointed by the Minister,
in writing, to be authorized persons for the purposes of this Act;

“charge” has the same meaning as in the *Fish (Export Inspection Charge) Act 1981*;

“fish” has the same meaning as in the *Fish (Export Inspection Charge) Act 1981*;

“fish inspected for export” has the same meaning as in the *Fish (Export Inspection Charge) Act 1981*. 5

Due date for payment

4. The amount of the charge on fish inspected for export is due for payment on the expiration of 28 days after the last day of the month in which the export permit is issued, under Regulation 24 of the Exports (Fish) Regulations, in relation to the fish. 10

Recovery of charge

5. (1) The following amounts may be recovered by the Commonwealth as debts due to the Commonwealth:

- (a) an amount of charge that is due for payment; and 15
- (b) an amount payable by way of penalty under section 6.

(2) In proceedings for the recovery of a debt referred to in sub-section (1), a statement or averment in the complaint, claim or declaration of the plaintiff is *prima facie* evidence of the matter so stated or averred.

Penalty for non-payment 20

6. (1) Where the liability of a person to pay any charge is not discharged on or before the date on which the charge is due for payment, there is payable by that person to the Commonwealth by way of penalty, in addition to that charge, an amount calculated at the rate of 10% per annum upon that charge or upon that part of that charge from time to time remaining unpaid, to be computed from the time when that charge became due for payment. 25

(2) The Minister or, subject to sub-section (3), an authorized person may, in a particular case, for a reason that the Minister or the authorized person, as the case may be, in his discretion, thinks sufficient, remit the whole or a part of an amount payable under this section. 30

(3) A remission granted under sub-section (2) by an authorized person shall not exceed \$100.

Offences relating to returns, &c.

7. A person shall not—

- (a) fail or neglect duly to furnish a return or information that he is required under the regulations to furnish; or 35
- (b) furnish, in pursuance of the regulations, a return or information that is false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 6 months, or both.

Access to premises

8. (1) An authorized person may, with the consent of the occupier of any premises, enter the premises for the purpose of exercising the functions of an authorized person under this section.

5 (2) Where an authorized person has reason to believe that there are on any premises (including premises of, or occupied by, a State or an authority of a State) books, documents or papers relating to fish inspected for export in respect of which charge is, or may be, payable, the authorized person may make applica-
10 tion to a Justice of the Peace for a warrant authorizing the authorized person to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(3) If, on an application under sub-section (2), the Justice of the Peace is satisfied, by information on oath or affirmation—

15 (a) that there is reasonable ground for believing that there are on the premises to which the application relates any books, documents or papers relating to fish inspected for export in respect of which charge is, or may be, payable; and

(b) that the issue of the warrant is reasonably required for the purposes of this Act,

20 the Justice of the Peace may grant a warrant authorizing the authorized person, with such assistance as the person thinks necessary, to enter the premises, during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an authorized person under this section.

25 (4) Where an authorized person has entered any premises in pursuance of sub-section (1) or in pursuance of a warrant granted under sub-section (3), he may exercise the functions of an authorized person under this section.

30 (5) A person shall not, without reasonable excuse, obstruct or hinder an authorized person acting in pursuance of a warrant granted under sub-section (3) or acting in pursuance of sub-section (4).

Penalty: \$1,000 or imprisonment for 6 months, or both.

35 (6) The functions of an authorized person under this section are to search for, inspect, take extracts from and make copies of any books, documents or papers relating to fish inspected for export in respect of which charge is, or may be, payable.

Regulations

40 9. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act or for facilitating the collection or recovery of any debt due to the Commonwealth under this Act and, in particular—

(a) providing for the manner of payment of charge and other moneys payable to the Commonwealth under this Act;

- (b) providing for the remission or refund of charge in specified circumstances;
- (c) requiring exporters and other persons to keep records relating to fish inspected for export;
- (d) requiring exporters and other persons to furnish returns or information relating to fish inspected for export to such persons as are prescribed;
- (e) prescribing the form of warrant for the purposes of section 8; and
- (f) prescribing penalties, not exceeding a fine of \$200, for offences against the regulations.