

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 29 February 1984

(Minister for Primary Industry)

A BILL

FOR

**An Act to make provision for the collection of the charge
imposed by the *Fresh Vegetables (Export Inspection Charge)
Act 1984***

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

Short title

5 **1.** This Act may be cited as the *Fresh Vegetables (Export Inspection
Charge) Collection Act 1984*.

Commencement

2. This Act shall come into operation on a day to be fixed by Proclamation.

Interpretation

10 **3. (1)** In this Act, unless the contrary intention appears—
“charge” means the charge imposed by the *Fresh Vegetables (Export
Inspection Charge) Act 1984*;

“export permit” means a permit of the kind referred to in Regulation 22 of the Export Control (General) Regulations;

“exporter”, in relation to fresh vegetables, means the person (including a State or an authority of a State) to whom an export permit has been granted in respect of those vegetables;

“vegetables” includes fruit.

(2) Vegetables shall not be taken, for the purposes of this Act, not to be fresh by reason only that they have been chilled.

(3) A reference in a provision of this Act to an authorized person is a reference to—

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

Due date for payment

4. (1) The amount of the charge on fresh vegetables in respect of which an export permit has been granted is due for payment upon the expiration of the period of 28 days after the last day of the month in which the relevant export permit was granted.

(2) Nothing in this section shall be taken, by implication, to preclude regulations made by virtue of section 7 of the *Export Control Act 1982* making provision prohibiting the export of fresh vegetables by a person, or by persons included in a class of persons, specified in those regulations unless the charge payable in respect of those fresh vegetables is paid before the expiration of the period referred to in sub-section (1).

Recovery of charge

5. 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
- (b) an amount payable by way of penalty under section 6.

Penalty for non-payment

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 20% 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.

(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.

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

5 **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

10 (b) furnish, in pursuance of the regulations, a return or information that is, to his knowledge, false or misleading in a material particular.

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

Access to premises

15 **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.

20 (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 fresh vegetables in respect of which charge is, or may be, payable, the authorized person may make application 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—

25 (a) that there are reasonable grounds for believing that there are on the premises to which the application relates any books, documents or papers relating to fresh vegetables in respect of which charge is, or may be, payable; and

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

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 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.

(4) A warrant granted under sub-section (3) shall specify a date after which the warrant ceases to have effect.

40 (5) 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.

(6) 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 (5).

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

(7) 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 fresh vegetables in respect of which charge is, or may be, payable. 5

Review of decisions

9. (1) Applications may be made to the Administrative Appeals Tribunal for review of decisions made by the Minister or an authorized person for the purposes of sub-section 6 (2). 10

(2) In sub-section (1), 'decision' has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Regulations 15

10. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) 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. 20

(2) Without limiting the generality of sub-section (1), the regulations may make provision for and in relation to—

- (a) the manner of payment of charge and other moneys payable to the Commonwealth under this Act; 25
- (b) the remission or refund of charge in specified circumstances;
- (c) the keeping by exporters of records relating to fresh vegetables in respect of which an export permit has been granted;
- (d) the furnishing by exporters to such persons as are prescribed of returns or information relating to fresh vegetables in respect of which an export permit has been granted; 30
- (e) the form of warrant for the purposes of section 8; and
- (f) penalties, not exceeding a fine of \$200, for offences against the regulations.