

# Meat Export Charge Collection Act 1973

No. 126 of 1973

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## AN ACT

To make provision for the Collection of the Charges imposed by the *Meat Export Charge Act 1973*, and for other purposes.

[Assented to 13 November 1973]

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

1. This Act may be cited as the *Meat Export Charge Collection Act 1973*. Short title.
2. This Act shall come into operation on the date fixed by Proclamation under section 2 of the *Meat Export Charge Act 1973*. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.  
“ authorized person ” means—
  - (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;

- “cattle” means bovine animals;
- “charge” means the charge imposed by the *Meat Export Charge Act 1973*;
- “Charge Act” means the *Meat Export Charge Act 1973*;
- “exporter” includes a State and an authority of a State;
- “meat” means the flesh and other edible portions of cattle, sheep, goats and pigs, and includes food (other than lard, margarine or tallow) prepared wholly or partly from or containing the flesh or other edible portions of cattle, sheep, goats or pigs;
- “meat inspection services” means services provided by Australia in connexion with the inspection of meat intended for export for human consumption;
- “month” means a month of the year.

Due date  
for payment.

4. The amount of the charge on meat exported from Australia is due for payment upon the expiration of twenty-eight days after the last day of the month in which the meat is exported.

Remission  
or refund  
of charge.

5. (1) Where meat that has been exported from Australia for human consumption has subsequently been condemned or rejected—

- (a) if the charge or any part of the charge has not been paid—an authorized person shall, upon application made by the exporter, remit the charge or part of the charge; and
- (b) if the charge or any part of the charge has been paid—an amount equal to the amount paid shall be refunded to the exporter.

(2) Where an amount is required by paragraph (1) (b) to be refunded to an exporter, that amount is a debt due and payable to the exporter by Australia.

(3) For the purposes of sub-section (1), meat that has been exported from Australia—

- (a) shall be taken to have been condemned if, before the meat arrives in the country to which it is exported, an inspector has inspected the meat and classified it as unfit for human consumption; and
- (b) shall be taken to have been rejected if an inspector in the country to which the meat is exported has inspected the meat and refused to classify it as fit for human consumption.

(4) Where meat that has been rejected has subsequently been classified by an inspector in any country as fit for human consumption, sub-section (1) does not apply to or in relation to that meat.

(5) A reference in this section to an inspector is a reference to a person authorized by the Government of a country to inspect meat that is being exported from, or imported into, the country for the purpose of determining whether the meat is suitable to be so exported or imported, as the case may be.

6. (1) The following amounts may be recovered by Australia as debts due to Australia:— Recovery of charge.

- (a) an amount of charge that is due for payment; and
- (b) an amount payable by way of penalty under section 7.

(2) In proceedings for the recovery of an amount referred to in sub-section (1) in respect of meat that has been exported from Australia, a document—

- (a) stating that the conditions and restrictions applicable under a specified law of Australia, being a law relating to the exportation of meat intended for human consumption, have been complied with in respect of the meat; and
- (b) purporting to be an export permit, or a copy of an export permit, issued under that law in respect of the meat,

is *prima facie* evidence that the meat was exported for human consumption.

7. (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 Australia by way of penalty, in addition to that charge, an amount calculated at the rate of ten per centum 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. Penalty for non-payment.

(2) Where an exporter of meat, being the holder of a licence granted under section 29 of the *Meat Industry Act* 1964–1969, fails to pay any charge that is payable by him on or before the date on which it is due for payment, section 29A of that Act applies to and in relation to him as if he had failed to comply with a condition to which the licence is expressed to be subject.

(3) The Minister or, subject to sub-section (4), 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.

(4) A remission granted under sub-section (3) by an authorized person shall not exceed One hundred dollars.

8. (1) There are hereby established—

- (a) an account to be known as the Meat Export Charge Trust Account; and
- (b) an account to be known as the Bovine Brucellosis and Tuberculosis Eradication Trust Account.

Establishment of trust accounts.

(2) Each of the accounts established by sub-section (1) is a Trust Account for the purposes of section 62A of the *Audit Act* 1901–1969.

**Payments into Meat Export Charge Trust Account.**

9. (1) There shall be paid into the Meat Export Charge Trust Account—

- (a) where an amount of charge is received in respect of meat to which section 6 of the Charge Act applies—an amount equal to the appropriate fraction of the amount of the charge;
- (b) where an amount of charge is received in respect of meat to which section 7 of the Charge Act applies—an amount equal to the amount of the charge;
- (c) moneys paid by any person to Australia in respect of meat inspection services; and
- (d) interest from the investment of moneys standing to the credit of that Trust Account.

(2) For the purpose of paragraph (1) (a), the appropriate fraction, in relation to meat, is—

- (a) if the rate of the charge in respect of the meat is 1.6 cents per pound of the meat—five-eighths; or
- (b) if the rate of the charge is a rate prescribed in respect of a class of meat in which the meat is included—the fraction prescribed in respect of that class of meat.

(3) A reference in sub-section (1) to an amount of charge shall be read as including a reference to an amount payable, in accordance with section 7, by way of penalty in relation to an amount of charge.

(4) Amounts payable into the Meat Export Charge Trust Account by virtue of paragraph (1) (a) or (b) are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

**Application of Meat Export Charge Trust Account.**

10. Moneys standing to the credit of the Meat Export Charge Trust Account, may, with the approval of the Minister, be expended—

- (a) in payment of expenses incurred by Australia in connexion with the provision of meat inspection services; and
- (b) to the extent to which any such expenses have been defrayed out of the Consolidated Revenue Fund, in reimbursing that fund in respect of the expenses so defrayed.

**Payments into Bovine Brucellosis and Tuberculosis Eradication Trust Account.**

11. (1) There shall be paid into the Bovine Brucellosis and Tuberculosis Eradication Trust Account—

- (a) where an amount of charge is received in respect of meat to which section 6 of the Charge Act applies—an amount ascertained by subtracting from the amount of the charge the amount payable into the Meat Export Charge Trust Account in respect of the meat under paragraph 9 (1) (a); and
- (b) interest from the investment of moneys standing to the credit of the first-mentioned trust account.

(2) A reference in sub-section (1) to an amount of charge shall be read as including a reference to an amount payable, in accordance with section 7, by way of penalty in relation to an amount of charge.

(3) Amounts payable into the Bovine Brucellosis and Tuberculosis Eradication Trust Account by virtue of paragraph (1) (a) are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

12. Moneys standing to the credit of the Bovine Brucellosis and Tuberculosis Eradication Trust Account may, with the approval of the Minister, be expended—

Application  
of Bovine  
Brucellosis  
and Tuberculosis  
Eradication  
Trust  
Account.

- (a) in making payments to the States, and in meeting costs incurred by Australia, for the purpose of the eradication of bovine brucellosis and tuberculosis in cattle in Australia; and
- (b) to the extent to which any expenses connected with the eradication of bovine brucellosis or tuberculosis in cattle in Australia have been defrayed out of the Consolidated Revenue Fund, in reimbursing that fund in respect of the expenses so defrayed.

13. (1) The Minister shall, as soon as practicable after each 30 June, cause a report of the operation of this Act during the year ended on that date to be laid before each House of the Parliament.

Annual  
report.

(2) The first report to be laid before each House of the Parliament under this section shall relate to the period commencing on the date of commencement of this Act and ending on 30 June 1974.

14. 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
- (b) furnish, in pursuance of the regulations, a return or information that is false or misleading in a material particular.

Offences  
relating to  
returns, &c.

Penalty: Two hundred dollars.

15. (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.

Access to  
premises.

(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 the export of meat 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 purposes 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—

- (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 the export of meat 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,

the Justice of the Peace may grant a warrant authorizing the authorized person, with such assistance as he 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.

(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.

(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 in pursuance of sub-section (4).

Penalty: Two hundred dollars.

(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 the export of meat in respect of which charge is, or may be, payable.

**Regulations.** 16. 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 Australia under this Act and, in particular—

- (a) providing for the manner of payment of charge and other moneys payable to Australia under this Act;
- (b) requiring persons to keep records relating to the export of meat;
- (c) requiring exporters to furnish returns or information relating to the export of meat to such persons as are prescribed;
- (d) prescribing the form of warrant for the purpose of section 15; and
- (e) prescribing penalties, not exceeding a fine of Two hundred dollars, for offences against the regulations.