



# **Export Control Amendment (Quotas) Act 2015**

**No. 167, 2015**

**An Act to amend the law relating to export quotas,  
and for other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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No. 167, 2015

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## **An Act to amend the law relating to export quotas, and for other purposes**

[Assented to 11 December 2015]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Export Control Amendment (Quotas) Act 2015*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	11 December 2015
2. Schedule 1, Part 1	The day after this Act receives the Royal Assent.	12 December 2015
3. Schedule 1, item 6	1 January 2017.	1 January 2017
4. Schedule 1, item 7	The day after this Act receives the Royal Assent.	12 December 2015
5. Schedule 1, items 8 and 9	1 January 2017.	1 January 2017
6. Schedule 1, items 10 and 11	The day after this Act receives the Royal Assent.	12 December 2015
7. Schedule 1, Part 3	1 January 2017.	1 January 2017
8. Schedule 1, Part 4	The day after this Act receives the Royal Assent.	12 December 2015

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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### **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Tariff rate quota amendments

#### *Export Control Act 1982*

##### **1 Section 3 (definition of order)**

After “under”, insert “this Act or”.

##### **2 After section 23**

Insert:

##### **23A Tariff rate quota systems**

- (1) The Secretary may make orders providing for, or in relation to, the establishment and administration of a system, or systems, of tariff rate quotas for the export of goods.

Note: The orders may make different provision for, or in relation to, different classes of goods (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

- (2) Without limiting subsection (1), the orders may make provision for, or in relation to, the following:
- (a) determining the amount of tariff rate quota for the export of goods for a period;
  - (b) methods for determining tariff rate quota entitlements for the export of goods;
  - (c) establishing and maintaining a register of tariff rate quota entitlements;
  - (d) surrender, transfer, variation, and cancellation of tariff rate quota entitlements;
  - (e) tariff rate quota certificates, including cancellation of certificates;
  - (f) imposing conditions, including variation and cancellation of conditions;
  - (g) auditing and reporting requirements;
  - (h) the use of computer programs for making decisions under a system of tariff rate quotas;
  - (i) review of decisions.



- (3) The Secretary may give written directions to be complied with by a particular person or body in relation to a matter covered by an order made under this section.
- (4) If a direction given under this section is inconsistent with an order made under this section, the direction prevails and the order, to the extent of the inconsistency, does not have any effect.
- (5) An order made, or direction given, under this section that is inconsistent with the regulations or an order made by the Minister has no effect to the extent of the inconsistency, but the order or direction is taken to be consistent with the regulations and any orders made by the Minister to the extent that the order or direction is capable of operating concurrently with those instruments.
- (6) A direction given under subsection (3) is not a legislative instrument.

### **3 Section 25 (heading)**

Repeal the heading, substitute:

## **25 Regulations and orders**

### **4 After paragraph 25(5)(ab)**

Insert:

- (aba) any matter contained in any instrument or writing that:
  - (i) sets out, or provides a method for calculating, the tariff rate quota for the importation of goods into a country; and
  - (ii) is made by the authority or body in that country responsible for regulating the importation of goods into that country;as in force at a particular time or as in force from time to time; or

### **5 At the end of section 25**

Add:

Note: Subsections (3) to (9) apply to orders made under the regulations and orders made under section 23A (see the definition of *order* in section 3).

## **Part 2—Consequential amendments**

### ***Australian Meat and Live-stock Industry Act 1997***

#### **6 Section 3 (definition of *quota*)**

Repeal the definition.

#### **7 Subparagraph 17(3)(c)(i)**

Omit “otherwise than in accordance with a quota”.

#### **8 Division 3 of Part 2**

Repeal the Division.

### ***Dairy Produce Act 1986***

#### **9 Part V**

Repeal the Part.

### ***Export Charges (Collection) Act 2015***

#### **10 Section 6 (subparagraphs (a)(ii), (b)(ii), and (c)(ii) of the definition of *export control instrument*)**

Repeal the subparagraphs, substitute:

(ii) orders made under such regulations or that Act; or

#### **11 Subparagraphs 12(5)(a)(ii), (b)(ii), and (c)(ii)**

Repeal the subparagraphs, substitute:

(ii) orders made under such regulations or that Act;

## **Part 3—Repeals**

### *Australian Meat and Live-stock (Quotas) Act 1990*

#### **12 The whole of the Act**

Repeal the Act.

## Part 4—Transitional rules

### 13 Transitional rules

- (1) The Minister may, by legislative instrument (and subject to subitem (2)), make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by items 6 to 9 and 12 of this Schedule.
- (2) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty provision;
  - (b) provide:
    - (i) powers of arrest or detention; or
    - (ii) powers relating to entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  - (e) directly amend the text of this Act.

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*[Minister's second reading speech made in—  
House of Representatives on 12 November 2015  
Senate on 1 December 2015]*

(189/15)

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