



# **Export Charges (Imposition—General) Act 2015**

**No. 95, 2015**

## **Compilation No. 1**

<b>Compilation date:</b>	28 March 2021
<b>Includes amendments up to:</b>	Act No. 16, 2020
<b>Registered:</b>	15 April 2021

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Export Charges (Imposition—General) Act 2015* that shows the text of the law as amended and in force on 28 March 2021 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# Contents

<b>Part 1—Preliminary</b>	1
1 Short title .....	1
2 Commencement .....	1
3 Act binds the Crown .....	2
4 Extension of this Act to external Territories and other areas .....	2
6 Act does not impose tax on property of a State .....	3
<b>Part 2—Charges in relation to the export of certain goods</b>	4
7 Imposition of charges .....	4
8 Matters relating to amount of charges .....	4
10 Exemptions from charges .....	5
<b>Part 3—Charges in relation to certain matters relating to the export of certain goods</b>	6
11 Imposition of charges .....	6
12 Matters relating to amount of charges .....	6
14 Exemptions from charges .....	7
<b>Part 4—Miscellaneous</b>	8
15 Regulations .....	8
<b>Endnotes</b>	9
<b>Endnote 1—About the endnotes</b>	9
<b>Endnote 2—Abbreviation key</b>	11
<b>Endnote 3—Legislation history</b>	12
<b>Endnote 4—Amendment history</b>	13



**An Act to impose, as taxes, charges relating to the export of goods, so far as those charges are neither duties of customs nor duties of excise, and for related purposes**

**Part 1—Preliminary**

**1 Short title**

This Act may be cited as the *Export Charges (Imposition—General) Act 2015*.

**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 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	29 June 2015
2. Sections 3 to 15	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of the <i>Export Charges (Collection) Act 2015</i> .	30 June 2015
However, the provisions do not commence		

Section 3

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
	at all if the event mentioned in paragraph (b) does not occur.	

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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.

### 3 Act binds the Crown

This Act binds the Crown in each of its capacities.

### 4 Extension of this Act to external Territories and other areas

- (1) Subject to subsection (2), this Act does not extend to the external Territories.
- (2) If rules made for the purposes of paragraph 8(2)(a) of the *Export Control Act 2020* extend that Act, or any provisions of that Act, to an external Territory, then this Act extends to that external Territory.
- (3) If rules made for the purposes of paragraph 8(2)(b) of the *Export Control Act 2020* extend that Act, or any provisions of that Act, to an area adjacent to an external Territory, then this Act extends to that area.
- (4) If rules made for the purposes of paragraph 8(2)(c) of the *Export Control Act 2020* extend that Act, or any provisions of that Act, to an area outside the Australian fishing zone in relation to which the *Fisheries Management Act 1991* applies, under regulations made for the purposes of section 8 of the *Fisheries Management Act 1991*, then this Act extends to that area.

**6 Act does not impose tax on property of a State**

- (1) This Act does not impose a tax on property of any kind belonging to a State.
- (2) In this section:

*property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.

## **Part 2—Charges in relation to the export of certain goods**

### **7 Imposition of charges**

- (1) The regulations may prescribe a charge in relation to the export of a kind of goods covered by the *Export Control Act 2020*.
- (2) The charges prescribed for the purposes of subsection (1) are imposed as taxes.
- (3) Two or more charges may be prescribed in relation to the same kind of goods, and a single charge may be prescribed in relation to 2 or more kinds of goods.
- (4) This section imposes a charge only so far as that charge is neither a duty of customs nor a duty of excise within the meaning of section 55 of the Constitution.

### **8 Matters relating to amount of charges**

- (1) The regulations may prescribe a charge for the purposes of subsection 7(1):
  - (a) by specifying an amount as the charge; or
  - (b) by specifying a method for calculating the amount of the charge.
- (2) Before the Governor-General makes regulations for the purposes of subsection 7(1) prescribing a charge in relation to the export of a kind of goods, the Minister must be satisfied that the amount of the charge is set at a level that is designed to recover no more than the Commonwealth's likely costs in connection with the export of the goods.



## **10 Exemptions from charges**

The regulations may provide for exemptions from a charge prescribed for the purposes of subsection 7(1).

Section 11

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## **Part 3—Charges in relation to certain matters relating to the export of certain goods**

### **11 Imposition of charges**

- (1) The regulations may prescribe a charge in relation to a matter relating to the export of a kind of goods if:
  - (a) the export of goods of that kind is covered by the *Export Control Act 2020*; or
  - (b) provision in relation to the matter is made under the *Export Control Act 2020*.
- (2) The charges prescribed for the purposes of subsection (1) are imposed as taxes.
- (3) Two or more charges may be prescribed in relation to the same matter, and a single charge may be prescribed in relation to 2 or more matters.
- (4) This section imposes a charge only so far as that charge is neither a duty of customs nor a duty of excise within the meaning of section 55 of the Constitution.

### **12 Matters relating to amount of charges**

- (1) The regulations may prescribe a charge for the purposes of subsection 11(1):
  - (a) by specifying an amount as the charge; or
  - (b) by specifying a method for calculating the amount of the charge.
- (2) Before the Governor-General makes regulations for the purposes of subsection 11(1) prescribing a charge in relation to a matter, the Minister must be satisfied that the amount of the charge is set at a level that is designed to recover no more than the Commonwealth's likely costs in connection with the matter.

## **14 Exemptions from charges**

The regulations may provide for exemptions from a charge prescribed for the purposes of subsection 11(1).

## **Part 4—Miscellaneous**

### **15 Regulations**

The Governor-General may make regulations prescribing 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.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnote 2—Abbreviation key

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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#### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Export Charges (Imposition—General) Act 2015	95, 2015	29 June 2015	s 3–15: 30 June 2015 (s 2(1) item 2) Remainder: 29 June 2015 (s 2(1) item 1)	
Export Charges (Imposition—General) Amendment Act 2020	16, 2020	6 Mar 2020	3 am (A.C.T.) 28 Mar 2021 (s 2(1) item 1)	—



## Endnote 4—Amendment history

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 4 .....	rs No 16, 2020
s 5 .....	rep No 16, 2020
<b>Part 2</b>	
Part 2 heading .....	am No 16, 2020
s 7 .....	am No 16, 2020
s 8 .....	am No 16, 2020
s 9 .....	rep No 16, 2020
<b>Part 3</b>	
Part 3 heading .....	rs No 16, 2020
s 11 .....	am No 16, 2020
s 12 .....	am No 16, 2020
s 13 .....	rep No 16, 2020