Export Control (Fees) Amendment Orders 2007 (No. 3)

Export Control (Orders) Regulations 1982

I, PETER JOHN McGAURAN, Minister for Agriculture, Fisheries and Forestry, make these Orders under regulation 3 of the Export Control (Orders) Regulations 1982.

Dated 18 September 2007

PETER McGAURAN
Minister for Agriculture, Fisheries and Forestry

1 Name of Orders
These Orders are the Export Control (Fees) Amendment Orders 2007 (No. 3).

2 Commencement
These Orders commence as follows:
(a) on 1 October 2007 — orders 1 to 3 and Schedule 1;
(b) on 1 July 2008 — Schedule 2.

3 Amendment of Export Control (Fees) Orders 2001
Schedules 1 and 2 amend the Export Control (Fees) Orders 2001.
Schedule 1  Amendments commencing on 1 October 2007

(Section 3)

[1] Suborder 4 (1), definitions of egg products and eggs
substitute
egg has the meaning given by order 7 of the Export Control (Eggs and Egg Products) Orders 2005.
egg product has the meaning given by order 7 of the Export Control (Eggs and Egg Products) Orders 2005.

[2] Suborder 4 (1), definitions of fish and fish products
substitute
fish has the meaning given by order 8 of the Export Control (Fish and Fish Products) Orders 2005.
fish product has the meaning given by order 8 of the Export Control (Fish and Fish Products) Orders 2005.

substitute
government certificate means an instrument in writing issued by the Secretary:
(a) for eggs and egg products — under clause 23.1 of Schedule 9 to the Export Control (Eggs and Egg Products) Orders 2005; or
(b) for fish and fish products — under clause 23.1 of Schedule 9 to the Export Control (Fish and Fish Products) Orders 2005; or
(c) for milk and milk products — under clause 23.1 of Schedule 9 to the Export Control (Milk and Milk Products) Orders 2005.

substitute
milk has the meaning given by order 7 of the Export Control (Milk and Milk Products) Orders 2005.
milk product has the meaning given by order 7 of the Export Control (Milk and Milk Products) Orders 2005.
milk products establishment means an establishment registered for operations associated with the preparation of milk or milk products for export.
Suborder 4 (1), after definition of *request for permit*

*insert* Secretary has the meaning given by section 3 of the *Export Control Act 1982*.

Suborder 4 (2)

*omit* Export Control (Orders) Regulations

*insert* Export Control (Orders) Regulations 1982

After Part 1

*insert*

### Part 1A Milk products establishments

#### 4A Application of Part 1A

This Part applies to:

(a) an export inspection service for milk or milk products provided on or after 1 October 2007; and

(b) an exemption mentioned in order 4E given on or after 1 October 2007.

#### 4B Definitions for Part 1A

In this Part:

*authorised officer* has the meaning given by section 3 of the *Export Control Act 1982*.

*external export inspection service* means an export inspection service for milk or milk products, provided by an authorised officer, that:

(a) is carried out at an office of the Department, or an office of a Department of the Government of a State or Territory; and

(b) does not relate to the preparation of documents for:

(i) the export of milk or milk products; or

(ii) the giving of an exemption under Division VI of Part 2 of the *Export Control (Milk and Milk Products) Orders 2005*.

*occupier* has the meaning given by order 7 of the *Export Control (Milk and Milk Products) Orders 2005*.

*on-site export inspection service* means an export inspection service that is provided at a milk products establishment by an authorised officer.
**4C Fees for on-site export inspection services**

(1) A fee is imposed for the provision of an on-site export inspection service.

(2) If the request for the service was received by AQIS before 1 October 2007, the fee for the service is the sum of:
   (a) $60 for the first 30 minutes or part of 30 minutes taken in providing the service; and
   (b) $30 for each additional 15 minutes or part of 15 minutes taken in providing the service.

(3) If the request for the service was received by AQIS on or after 1 October 2007, the fee for the service is the sum of:
   (a) $134 for the first 30 minutes or part of 30 minutes taken in providing the service; and
   (b) $67 for each additional 15 minutes or part of 15 minutes taken in providing the service.

(4) The fee is payable by the person who is the occupier of the establishment at the time the service is provided.

(5) In this order, an on-site export inspection service is taken to have been provided if an authorised officer attends a milk products establishment in connection with the Export Control Act 1982 or an order made under the Export Control (Orders) Regulations 1982.

**4D Fees for external export inspection services**

(1) A fee is imposed for the provision of an external export inspection service.

(2) If the request for the service was received by AQIS before 1 October 2007, the fee for the service is the sum of:
   (a) $60 for the first 30 minutes or part of 30 minutes taken in providing the service; and
   (b) $30 for each additional 15 minutes or part of 15 minutes taken in providing the service.

(3) If the request for the service was received by AQIS on or after 1 October 2007, the fee for the service is the sum of:
   (a) $134 for the first 30 minutes or part of 30 minutes taken in providing the service; and
   (b) $67 for each additional 15 minutes or part of 15 minutes taken in providing the service.

(4) The fee is payable by the person who is the occupier of the establishment at the time the service is provided.
4E Fee for exemption from Export Control Orders — service provided by the Secretary

(1) A fee is imposed for the giving of an exemption by the Secretary under Division VI of Part 2 of the Export Control (Milk and Milk Products Orders) 2005.

(2) The fee is:
   (a) for the first exemption in a year — $170; and
   (b) for a second exemption in a year — $284; and
   (c) for a third or subsequent exemption in a year — $567.

(3) The fee for the giving of an exemption is payable by the person who applied for the exemption.

(4) In this order:
   year means 12 months commencing on the day that the application for the first exemption is made.

(5) In counting the number of exemptions in a year, an exemption given by the Secretary before 1 October 2007 is taken to be an exemption for this order.

[8] Order 36

substitute

36 Definition of approved auditor for Part 8

In this Part:
approved auditor means an auditor approved:
   (a) for eggs and egg products — under clause 5.1 of Schedule 10 to the Export Control (Eggs and Egg Products) Orders 2005; or
   (b) for fish and fish products — under clause 5.1 of Schedule 10 to the Export Control (Fish and Fish Products) Orders 2005; or
   (c) for milk and milk products — under clause 5.1 of Schedule 10 to the Export Control (Milk and Milk Products) Orders 2005.

[9] Order 41, heading

substitute

41 Due date for payment of fees for services — general
[10] Schedule 5, items 11, 12, 15, 16, 17, 18 and 19

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Export permit — manual issue to an exporter whether on approved or non approved alternative export clearance procedures</td>
<td>$113</td>
</tr>
<tr>
<td>12</td>
<td>Government certificate — manual issue to an exporter whether on approved or non approved alternative export clearance procedures</td>
<td>$113</td>
</tr>
<tr>
<td>13</td>
<td>Request for permit — electronic processing for an exporter on approved alternative export clearance procedures</td>
<td>$6</td>
</tr>
<tr>
<td>14</td>
<td>Request for permit — electronic processing for an exporter not on approved alternative export clearance procedures</td>
<td>$15</td>
</tr>
<tr>
<td>15</td>
<td>Government certificate — manual issue that is not in an approved form</td>
<td>$113</td>
</tr>
<tr>
<td>16</td>
<td>Replacement certificate</td>
<td>$301</td>
</tr>
<tr>
<td>17</td>
<td>Any other document</td>
<td>$113</td>
</tr>
</tbody>
</table>
Schedule 2 Amendments commencing on 1 July 2008

[1] Paragraph 4A (b)

*omit* 2007.

*insert* 2007; and

[2] After paragraph 4A (b)

*insert*

(c) an application mentioned in order 4F made on or after 1 July 2008; and

(d) the registration of an establishment as a milk products establishment for a financial year beginning on or after 1 July 2008.


*insert*

4F Fee for application for registration

(1) A fee of $300 is imposed for the making of an application for registration of an establishment for operations associated with the preparation of milk or milk products for export.

(2) The fee is payable by the applicant.

4G Registration fee

(1) A fee is imposed for the registration of a milk products establishment for a financial year.

(2) The fee is:

(a) if the first day in the financial year on which the establishment is registered is 1 July — the fee mentioned in Schedule 1A that applies to the establishment on that 1 July; or

(b) if the first day in the financial year on which the establishment is registered is not 1 July — the fee calculated using the following formula:

\[
\frac{\text{annual fee} \times \text{registered days}}{365}
\]
where:

- **annual fee**, for a financial year, means the fee mentioned in the item of Schedule 1A that applies to the establishment on the first day in the financial year on which the establishment is registered.

- **registered days**, for a financial year, means the number of days in the financial year on which the establishment is registered.

(3) If 2 or more items in Schedule 1A apply to a milk products establishment, the fee that applies to the establishment is the higher or highest of the fees mentioned for the items.

(4) The fee is payable by the person who is the occupier of the establishment on the day when the fee is due for payment.

[4] **After order 42**

*insert*

**42AA Due date for payment of certain fees under Part 1A**

(1) A fee for an application mentioned in order 4F must be paid at the time the application is made.

(2) A registration fee mentioned in order 4G must be paid not later than the due date shown on the invoice issued by AQIS for the fee.

(3) The Secretary may, in a particular case:
   (a) extend the time for payment of an unpaid fee; or
   (b) allow an unpaid fee to be paid by instalments.

(4) In making a decision under suborder (3), the Secretary must consider:
   (a) the financial circumstances of the person by whom the fee is payable; and
   (b) any other relevant matter.
[5] Before Schedule 1

insert

Schedule 1A  Registration fees for milk products establishments
(suborder 4G (2))

<table>
<thead>
<tr>
<th>Item</th>
<th>Type of establishment</th>
<th>Fee ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>An establishment used solely for the storage of milk or milk products</td>
<td>625</td>
</tr>
<tr>
<td>2</td>
<td>An establishment at which milk or milk products are processed or packed for export, if less than 2 000 tonnes of milk or milk products processed or packed at the establishment were exported in the financial year before the financial year to which the fee relates</td>
<td>1 468</td>
</tr>
<tr>
<td>3</td>
<td>An establishment at which milk or milk products are processed or packed for export, if at least 2 000 tonnes of milk or milk products processed or packed at the establishment were exported in the financial year before the financial year to which the fee relates</td>
<td>2 654</td>
</tr>
</tbody>
</table>