EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 281

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

Export Inspection (Service Charge) Act 1985

Export Inspection (Service Charge) Amendment Regulations 2007 (No. 1)

Section 9 of the Export Inspection (Service Charge) Act 1985 (the Act) provides that the Governor-General may make regulations for the purpose of sections 6 and 7 of the Act.

Section 6 of the Act permits charges to be imposed for the provision of certain inspection services associated with the preparation of a prescribed commodity specified in the regulations and for the regulations to provide for exemption from charge. Section 7 of the Act provides that the rate of charge in respect of the provision of inspection services is the rate applicable under the regulations.

The Export Inspection (Service Charge) Regulations 1985 (the Principal Regulations) are made under the Act. Regulation 4 of the Principal Regulations specifies prescribed commodities for the purposes of section 6 of the Act. Dairy products are one of the specified commodities. Regulations 5 and 6 impose rates of charge for the provision of inspection services relating to specified commodities, including dairy products.

The purpose of the Export Inspection (Service Charge) Amendment Regulations 2007 (No. 1) (the Amendment Regulations) is to remove charges for inspection services relating to dairy products to enable the placement of the charges for these services in the Export Control (Fees) Orders 2001 (the Fees Orders). The Amendment Regulations also make consequential amendments and some minor technical changes.

The Principal Regulations are one of three sets of Regulations that are affected by the decision of the Dairy Export Program (the Program) of the Australian Quarantine and Inspection Service (AQIS) to remove dairy charges from the Regulations and place them in the Fees Orders. The effect of this decision is that all fees relating to milk and milk products are located in one set of legislation, making it easier for industry to access fees information. The other Regulations amended are the Export Inspection (Establishment Registration) Regulations 1985 and the Export Inspection and Meat Charges Collection Regulations 1985.

The Program has consulted with the Dairy Export Industry Consultative Committee (DEICC) about these changes. DEICC consists of representatives of registered establishments, exporters, State Regulatory Authorities, Dairy Australia and AQIS. DEICC has no objections to these amendments.
Details of the Amendment Regulations are set out below.

The Amendment Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Amendment Regulations commence on 1 October 2007.

**Regulation 1** provides that the Amendment Regulations are named the *Export Inspection (Service Charge) Amendment Regulations 2007 (No. 1)*.

**Regulation 2** provides that the Amendment Regulations commence on 1 October 2007.

**Regulation 3** provides that Schedule 1 amends the *Export Inspection (Service Charge) Regulations 1985*.

**Schedule 1 Amendments**

**Items 1, 2 and 3** are minor technical amendments to update the Principal Regulations in terms of plain English and current drafting practice.

**Item 4** removes the reference to dairy products in paragraph 4(a). Regulation 4 specifies prescribed commodities for the purposes of subsections 6(1) and 6(3) of the Act to allow charges to be imposed for inspection services in relation to these commodities. The specification of dairy products for this purpose is no longer required because charges are no longer imposed under these Regulations.

**Item 5** replaces regulations 5 and 6 with a new regulation 5. The new regulation removes references to charges for inspection services in relation to dairy products and updates references to orders made under the *Export Control Act 1982*. No changes are made to the charges imposed for the inspection services relating to the specified commodities for which charges continue to be imposed under the Principal Regulations. New subregulation 5(4) puts beyond doubt that an inspection service provided before 1 October 2007 is taken to be an ‘export inspection service’ for the purposes of the Principal Regulations. This subregulation ensures that inspection services provided in relation to dairy products before 1 October 2007 are not subject to the increased fee for this type of service imposed under the Fees Orders.