EXPLANATORY STATEMENT

Select Legislative Instrument 2011 No. 167

Issued by the authority Minister for Agriculture, Fisheries and Forestry

Export Inspection and Meat Charges Collection Amendment Regulations 2011 (No. 1)

Export Inspection and Meat Charges Collection Act 1985

Legislative Authority

The Export Inspection and Meat Charges Collection Act 1985 (the Collection Act) provides for the collection of charges imposed by the Export Inspection (Establishment Registration Charges) Act 1985 (the Charges Act), amongst others.

Section 6 of the Charges Act imposes a charge on the registration of establishments registered for operations associated with the preparation of prescribed commodities. Section 7 of the Charges Act provides that the rate of charge in relation to the registration of an establishment is the rate applicable under the regulations.

The Export Inspection and Meat Charges Collection Regulations 1985 (the Principal Regulations) are made under the Collection Act. Section 3 of the Collection Act provides that meat and meat products are prescribed commodities.

Section 17 of the Collection Act provides that the Governor-General may make regulations, not inconsistent with the Collection Act, prescribing matters required or permitted by the Collection Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Collection Act, including the remission or refund of charge in specified circumstances.

The Principal Regulations currently prescribe that charges fixed by the Export Inspection (Establishment Registration Charges) Regulations 1985 (the Charges Regulations) are due for payment at the time the establishment makes an application for registration. Section 13 of the Collection Act provides that an amount of charge that is due for payment may be recovered by the Commonwealth Government (the Commonwealth) as a debt due to the Commonwealth.

Purpose

The purpose of the proposed Regulations is to:

- clarify that amounts charged for a charge period (as defined under the Charges Regulations) are due for payment on the day shown on an invoice issued by AQIS to the person liable to pay the charge; and
- simplify the procedure allowing the Secretary to remit or refund amounts paid by registered establishments.
Consultation

AQIS has consulted with the meat export industry in the development of a new cost recovery model.

OBPR has been consulted and advised that a RIS is not required (reference 12802). A Cost Recovery Impact Statement is also being prepared.

Details

Regulation 1

The name of the Regulations is the *Export Inspection and Meat Charges Collection Amendment Regulations 2011 (No. 1)*.

Regulation 2

The Regulations commence on a day to be notified by the Minister in the Gazette for the purposes of the proposed Regulations.

Regulation 3

Schedule 1 amends the *Export Inspection and Meat Charges Collection Regulations 1985*.

Schedule 1

Item 1 amends subregulations 2C(2) and (3) to reflect that the charge for a charge period is due for payment on the day shown on an invoice issued by AQIS to the person who is liable to pay the charge.

Item 2 amends regulation 6 to reflect that where a person is liable to pay in a financial year a:

- establishment registration charge under the *Export Inspection (Establishment Registration Charges) Act 1985*;
- quantity charge under the *Export Inspection (Quantity Charge) Act 1985*; or
- service charge under the *Export Inspection (Service Charge) Act 1985* the Secretary may refund some or all of the charge in accordance with amended regulation 6.

The Secretary must be satisfied that full charge need not be collected with respect to cost recovery for the service and must take into account any amount already paid or liable to pay by the person when determining the amount of any refund.

This subregulation may be applied where, for example, a meat establishment has paid an annual base registration charge for the financial year 2011/2012 prior to commencement of the ERC Regulations.