EXPLANATORY STATEMENT

Select Legislative Instrument 2011 No. 236

Issued by the authority Minister for Agriculture, Fisheries and Forestry

Export Inspection and Meat Charges Collection Act 1985

Export Inspection and Meat Charges Collection Amendment Regulations 2011 (No. 2)

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 grain is a prescribed commodity.

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 proposed Regulations amend the Principal Regulations to:

- insert a definition of “grain establishment” ensuring that the establishment registration charge can be collected from grain establishments;
- clarify that the charge for the registration of a grain establishment is due for payment on the day shown on an invoice issued by AQIS to the person who is liable to pay the charge; and
- rectify certain drafting and typographical errors.
Consultation

Since 2001 the Australian Government has provided a 40 percent contribution towards the cost of providing export inspection and certification services to the meat, grain, fish, dairy, live animal, horticulture and organic export industries. In November 2009 the Government announced an Export Certification Reform Package (ECRP) of $127.4 million over a nineteen month period to 30 June 2011. The aim of the package was to:

- reform service delivery
- upgrade information technology systems
- reduce costs for industry and the Australian Quarantine and Inspection Service (AQIS) and
- maintain and work to improve market access.

Joint Industry-AQIS Ministerial Taskforces (MTFs) for the dairy, fish, grain, horticulture, live animal and meat export industries were set up to deliver the reforms.

All relevant industry groups have been consulted through AQIS Grain Industry Consultative Committee (AGICC) and the Joint AQIS – Grain Industry Ministerial Task Force.

The AGICC consists of representatives from key industry sectors, AWB Ltd, ABB Grain Ltd, Craig Mostyn Group, Viterra, Australian Seed Federation, National Agricultural Commodities Marketing Association, Australian Oilseeds Federation, Sunrice, GrainCorp Operations Ltd, Australian Fodder Industry Association, Australian Cotton Seed Industry Association, Pulse Australia Ltd, CBH Group and Grain Pool Pty Ltd.


The Office of Best Practice Regulation (OBPR) was consulted in relation to the proposed amendments and a regulatory impact statement is not required. A Cost Recovery Impact Statement has been prepared and approved by the Department of Finance and Deregulation.
Details

Regulation 1

The name of the Regulations is the Export Inspection and Meat Charges Collection Amendment Regulations 2011 (No. 2).

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 regulation 2 by adopting the definition of “grain establishment” in the Charges Regulations.

Items 2 to 5 makes a number of grammatical and punctuation changes to paragraphs 2A(d), 2B(c)(ii), 2B(d)(ii) and 2B(e).

Item 6 inserts a new regulation 2DA 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.

Items 7 to 17 makes a number of grammatical, punctuation and typographical changes to regulations 2E 2F(3), 3B(3)(a), 3B(3)(b) and (c), 3D(1)(a) to (k), 4A 6A(1)(a), 6A(1)(b), 6A(1)(c) and 6A(1)(d).