Export Inspection Legislation Amendment Regulation 2012 (No. 1)'

Select Legislative Instrument 2012 No. 122

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the Export Inspection (Establishment Registration Charges) Act 1985 and the Export Inspection and Meat Charges Collection Act 1985.

Dated 28 June 2012

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

JOSEPH WILLIAM LUDWIG
Minister for Agriculture, Fisheries and Forestry
Contents

1 Name of regulation
   This regulation is the Export Inspection Legislation Amendment Regulation 2012 (No. 1).

2 Commencement
   This regulation commences on 1 July 2012.

3 Amendment of Export Inspection (Establishment Registration Charges) Regulations 1985
   Schedule 1 amends the Export Inspection (Establishment Registration Charges) Regulations 1985.

4 Amendment of Export Inspection and Meat Charges Collection Regulations 1985

Federal Register of Legislative Instruments F2012L01397
Schedule 1

**Amendments of Export Inspection (Establishment Registration Charges) Regulations 1985**

*(section 3)*

[1] **Regulation 3, definitions of charge day and charge period**

Substitute

charge day, in relation to an establishment and a charge period, has the meaning given by the table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Establishment</th>
<th>Charge day</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fish establishment</td>
<td>The first day, in the charge period, on which the fish establishment is registered for operations associated with the preparation of fish</td>
</tr>
<tr>
<td>2</td>
<td>Dairy establishment</td>
<td>The first day, in the charge period, on which the dairy establishment is registered for operations associated with the preparation of milk or milk products</td>
</tr>
<tr>
<td>3</td>
<td>Meat establishment</td>
<td>The first day, in the charge period, on which the meat establishment is registered for operations associated with the preparation of meat</td>
</tr>
<tr>
<td>4</td>
<td>Egg establishment</td>
<td>The first day, in the charge period, on which the egg establishment is registered for operations associated with the preparation of eggs and egg products</td>
</tr>
</tbody>
</table>
| 5    | Horticultural products
establishment | The first day, in the charge period, on which the horticultural product establishment is registered for operations associated with the preparation of horticultural products |
Schedule 1

Amendments of Export Inspection (Establishment Registration Charges) Regulations 1985

charge period, in relation to an establishment, has the meaning given by the table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Establishment</th>
<th>Period or periods</th>
</tr>
</thead>
</table>
| 1    | Fish establishment | (a) For a financial year that had not ended on 1 January 2012, the period commencing on that day and ending at the end of that financial year  
|      |                | (b) Each financial year commencing on or after 1 January 2012 |
| 2    | Dairy establishment | A financial year |
| 3    | Meat establishment | A calendar month |
| 4    | Egg establishment | (a) For a financial year that had not ended on 1 January 2012, the period commencing on that day and ending at the end of that financial year  
|      |                | (b) Each financial year commencing on or after 1 January 2012 |
| 5    | Horticultural products establishment | (a) For a financial year that had not ended on 1 July 2012, the period commencing on that day and ending at the end of that financial year  
|      |                | (b) Each financial year commencing on or after 1 July 2012 |

[2] Regulation 3

insert

horticultural products means:

(a) fruit, within the meaning of the Export Inspection and Meat Charges Collection Act 1985; and

(b) vegetables, within the meaning of that Act.

horticultural products establishment means an establishment that is registered for any operations associated with the preparation of horticultural products for export.
[3] **Subregulation 4 (1)**

*omit*

(k) eggs;

(l) egg products.

*insert*

(l) eggs;

(m) egg products;

(n) horticultural products.


*renumber as regulation 11*

[5] **After regulation 11**

*insert*

12 **Rates of charge—horticultural products establishment**

(1) For section 7 of the Act, this regulation sets out the rate of charge for the registration of a horticultural products establishment for a charge period.

(2) If the charge day for the establishment in the charge period is 1 July, the rate is the rate mentioned in Schedule 4 that applies to the establishment.

(3) If the charge day for the establishment in the charge period is not 1 July, the rate is worked out using the formula:

\[
\text{rate} = \frac{\text{annual rate} \times \text{charging days}}{365}
\]

where:

*annual rate* means the rate mentioned in Schedule 4 that applies to the establishment.

*charging days*—see regulation 3.
Schedule 1  Amendments of Export Inspection (Establishment Registration Charges) Regulations 1985


insert

Schedule 4  Registration charges for horticultural products establishments
(regulation 12)

<table>
<thead>
<tr>
<th>Item</th>
<th>Establishment</th>
<th>Rate per charge period ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Horticultural products establishment whose activities relate to an export market which imposes few or no significant conditions on the importation of horticultural products from Australia</td>
<td>2 844</td>
</tr>
<tr>
<td>2</td>
<td>Horticultural products establishment whose activities relate to an export market which:</td>
<td>5 687</td>
</tr>
<tr>
<td></td>
<td>(a) requires certification in relation to:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) particular phytosanitary conditions; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) whether horticultural products from Australia are free from pests and diseases; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) imposes no other significant conditions on the importation of horticultural products from Australia</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Horticultural products establishment whose activities relate to an export market which:</td>
<td>8 530</td>
</tr>
<tr>
<td></td>
<td>(a) requires certification in relation to:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) the existence of particular phytosanitary conditions; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) whether horticultural products from Australia are free from pests and diseases; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) imposes other significant conditions on the importation of horticultural products from Australia</td>
<td></td>
</tr>
</tbody>
</table>
Schedule 2 Amendments of Export Inspection and Meat Charges Collection Regulations 1985 (section 4)

[1] Regulation 2, definition of AQIS
omit

[2] Regulation 2, definition of charge period
substitute
charge period, for:
(a) a meat establishment; or
(b) a dairy establishment; or
(c) a horticultural products establishment;
has the same meaning as in the Export Inspection (Establishment Registration Charges) Regulations 1985.

[3] Regulation 2
insert
horticultural products establishment has the same meaning as in the Export Inspection (Establishment Registration Charges) Regulations 1985.

[4] Regulation 2DA (second occurring)
renumber as regulation 2DB
2DC  When charge is due for payment—horticultural products establishments

(1) For section 4 of the Act, this regulation explains when charge for the registration of a horticultural products establishment is due for payment.

Due day

(2) The amount of charge for a charge period is due for payment on the day shown on an invoice issued to the person who is liable to pay the charge.

[6]  Paragraph 3D (1) (h)

omit

AQIS

[7]  Regulation 7

omit

an officer of AQIS

insert

an SES employee or APS employee of the Department

[8]  Further amendments

The following provisions are amended by omitting each mention of ‘by AQIS’:

• regulation 2B
• regulation 2C
• regulation 2D
• regulation 2DA
• regulation 2DB.
Note