The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) establishes a system for regulating the international movement of wildlife specimens (commonly referred to as ‘wildlife trade’). Section 520(1) of the EPBC Act states that the Governor-General may make regulations prescribing all matters required or permitted under the Act or necessary or convenient for carrying out or giving effect to the Act. Specific authority for the making of fees for the applications of wildlife trade permits under regulations is contained in sections: 303CE(2), 303DE(2), 303EL(2) and 303GD(2) of the EPBC Act.

Part 13A of the EPBC Act provides for applications to be made for a number of different types of wildlife trade permits. The application must be accompanied by a fee which is prescribed in Part 1A of the table at Schedule 11 to the Environment Protection and Biodiversity Conservation Regulations 2000 (the EPBC Regulations).

Part 18 of the EPBC Regulations provides for how fees are established, including:

- components of a fee for a permit: administration, assessment, and management (Regulation 18.01);
- fee amount (Regulation 18.02); and
- exemption from fees (Regulation 18.04).

The purpose of the Regulation is to amend the Principal Regulations to update current fees for wildlife trade permits. The changes would increase the administration component of the fee amounts contained in Part 1A of the table at Schedule 11 to the EPBC Regulations.

The Regulation amendment would insert a new provision under Part 18 to introduce annual increases to the administrative component of the fee amounts by applying indexation of fees from 1 July each year. Fees and fee increases are calculated in dollars and cents. Fees would be charged to the nearest dollar. If the amount to be rounded is 50 cents, the amount is to be rounded up.

The fees for years 2014-15 to 2017-18 are shown in the table at the Attachment. The table demonstrates:

- the current fee rates;
- the unrounded new fee amounts and rounded fees to be charged for 2013-14; and
- the rounded fee amounts, to be charged after indexation is applied to the previous year’s fees, for the years 2014-15 to 2017-18.

The EPBC Act specifies no conditions that need to be satisfied before the power to make the Regulation may be exercised.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation commences on 1 July 2013.

**Authority:** Section 520(1) of the *Environment Protection and Biodiversity Conservation Act 1999*
Section 1 – Name of regulation

This section provides that the regulation is the Environment Protection and Biodiversity Conservation Amendment (Fees for Wildlife Trade Permits) Regulation 2013.

Section 2 – Commencement

This section provides for the Amendment Regulation to commence on 1 July 2013.

Section 3 – Authority

This section provides that the regulation is made under the Environment Protection and Biodiversity Conservation Act 1999.

Section 4 – Schedule(s)

This item explains that each instrument specified in a Schedule to this instrument is to be amended or repealed according to the applicable items of the original regulations.

Schedule 1 – Amendments

Item 1 – Fee amount

This item provides that the administration component of fees to be paid for permit applications, set out in Part 1A of Schedule 11, are the rounded amounts.

Item 2 – Increase in administration component of fees

This item provides that regulation 18.03 be inserted and will specify that the administration component of fees set out in Part 1A of Schedule 11 will increase on 1 July each year, from 1 July 2014.

The item provides that subregulation 18.03(2) specifies how the fee increase will be calculated using unrounded figures; while subregulation 18.02(3) specifies how the fee owed will be the increased fee, rounded to the nearest whole dollar. This increase gives effect to the policy intent of fee indexation according to the table at the Appendix.

Each of the following items provides that amendments be made to fee amounts set out in the table at paragraph 17.01 (aa), Part 1A of Schedule 11, regulation 18.02. Only the fee amounts under the column headed “Administration component” are amended.

Item 3 – Schedule 11 (cell at table paragraph 1A.01(a), column headed “Administration component”)

This item relates to permits for export of a manufactured CITES II specimen as a personal or household effect. The item provides that the fee amount of $1 be replaced by the rounded fee to
be charged, amounting to $2 and the unrounded amount of $2.04. The fee is for an application for a personal baggage permit.

**Item 4 – Schedule 11 (cell at table paragraph 1A.01(b), column headed “Administration component”)**

This item relates to paragraph 1A.01(b) 1 action, other than for that described in paragraph (a), (d) or (e) for personal or household purposes; or live specimens. The item provides the fee amount of $30 be replaced by the rounded fee to be charged, amounting to $61 and the unrounded amount of $61.26. The fee is for an application for a single use permit.

**Item 5 – Schedule 11 (cell at table paragraph 1A.01(c), column headed “Administration component”)**

This item provides that the fee amount of $75 each 6 months be replaced by the rounded fee to be charged, amounting to $153 for each 6 months and the unrounded amount of $153.15. The fee is for an application for a multiple consignment authority.

**Item 6 – Schedule 11 (cell at table paragraph 1A.01(d), column headed “Administration component”)**

This item relates to the export of a household pet in accordance with section 303FG of the EPBC Act. The item provides that the fee amount of $150 be replaced by the rounded fee to be charged, amounting to $306 and the unrounded amount of $306.30. The fee is for an application for an export permit for a household pet.

**Item 7 – Schedule 11 (cell at table paragraph 1A.01(e), column headed “Administration component”)**

This item relates to the import of a live specimen where the EPBC Act requires assessment of the conditions applicable to the welfare of the specimen be undertaken where this has not been done previously. The item provides that the fee amount of $150 be replaced by the rounded fee to be charged, amounting to $306 and the unrounded amount of $306.30. The fee is for a facility assessment.

**Item 8 – Schedule 11 (cell at table paragraph 1A.02(a), column headed “Administration component”)**

This item relates to applications for single use permits under section 303FG of the EPBC Act. The item provides that the fee amount $30 be replaced by the rounded fee to be charged, amounting to $61 and the unrounded amount of $61.26. The fee is for an application for a single use permit.

**Item 9 – Schedule 11 (cell at table paragraph 1A.02(b), column headed “Administration component”)**

The item provides that the fee amount of $75 each 6 months be replaced by the rounded fee to be charged, amounting to $153 for each 6 months and the unrounded amount of $153.26. The fee is for an application for a multiple consignment authority.

**Item 10 – Schedule 11 (cell at table paragraph 1A.02(c), column headed “Administration component”)**
This item relates to the export of a household pet in accordance with section 303FG of the Act. The item provides that the fee amount of $150 be replaced by the rounded fee to be charged, amounting to $306 and the unrounded amount of $306.30. The fee is for an application for an export permit for a household pet.

**Item 11 – Schedule 11 (cell at table paragraph 1A.02(d), column headed “Administration component”)**

This item relates to the import or export of a live specimen where the EPBC Act requires assessment of the conditions applicable to the welfare of the specimen be undertaken where this has not been done previously. The item provides that the fee amount of $150 be replaced by the rounded fee to be charged, amounting to $306 and the unrounded amount of $306.30. The fee is for a facility assessment.

**Item 12 – Schedule 11 (cell at table paragraph 1A.03(a), column headed “Administration component”)**

This item provides that the fee amount of $30 be replaced by the rounded fee to be charged, amounting to $61 and the unrounded amount of $61.26. The fee is for an application for a single use permit.

**Item 13 – Schedule 11 (cell at table paragraph 1A.02(b), column headed “Administration component”)**

This item provides that the fee amount of $75 each 6 months be replaced by the rounded fee to be charged, amounting to $153 for each 6 months and the unrounded amount of $153.26 for each 6 months. The fee is for an application for a multiple consignment authority.

**Item 14 – Schedule 11 (cell at table paragraph 1A.02(c), column headed “Administration component”)**

This item relates to the import or export of a live specimen where the EPBC Act requires assessment of the conditions applicable to the welfare of the specimen be undertaken where this has not been done previously. The item provides that the fee amount of $150 be replaced by the rounded fee to be charged, amounting to $306 and the unrounded amount of $306.30. The fee is for a facility assessment.

**Item 15 – Schedule 11 (cell at table paragraph 1A.04, column headed “Administration component”)**

This item relates to exceptional circumstances permits under subsection 303GB (2) of the EPBC Act. The item provides that the fee amount of $150 be replaced by the rounded fee to be charged, amounting to $306 and the unrounded amount of $306.30. The fee is for an application for a permit under exceptional circumstances.

**Item 16 – Schedule 11 (cell at table paragraph 1A.05, column headed “Administration component”)**

This item relates to permits authorising the Secretary of the Department of Sustainability, Environment, Water, Population and Communities to export or import specimens under subsection 303GC (3) of the EPBC Act. The item provides that the fee amount of nil continue to be nil, but be replaced by the rounded and unrounded amounts of nil.
Item 17 – Schedule 11 (cell at table paragraph 1A.06, column headed “Administration component”)

This item relates to testing permits under subsection 303GD (6) of the EPBC Act. The item provides that the fee amount of $150 be replaced by the rounded fee to be charged, amounting to $306 and the unrounded amount of $306.30. The fee is for an application for a testing permit.
APPENDIX

This fee table shows, over a five year period, the rounded fee amounts to be charged after indexation and rounding has been applied relative to the previous year.

<table>
<thead>
<tr>
<th>Regulatory Activity</th>
<th>Current fee</th>
<th>2013-14 (rounded)</th>
<th>2014-15 (rounded)</th>
<th>2015-16 (rounded)</th>
<th>2016-17 (rounded)</th>
<th>2017-18 (rounded)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single use permits</td>
<td>$30</td>
<td>$61</td>
<td>$63</td>
<td>$64</td>
<td>$65</td>
<td>$66</td>
</tr>
<tr>
<td>Multiple Consignment Authority (per 6 months)*</td>
<td>$75</td>
<td>$153</td>
<td>$156</td>
<td>$159</td>
<td>$163</td>
<td>$166</td>
</tr>
<tr>
<td>Facility assessment</td>
<td>$150</td>
<td>$306</td>
<td>$313</td>
<td>$319</td>
<td>$325</td>
<td>$332</td>
</tr>
<tr>
<td>Export of domesticated species (section 303 FG) - Household pet permits</td>
<td>$150</td>
<td>$306</td>
<td>$313</td>
<td>$319</td>
<td>$325</td>
<td>$332</td>
</tr>
<tr>
<td>Personal baggage permits (per permit)</td>
<td>$1</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>Testing permits</td>
<td>$150</td>
<td>$153</td>
<td>$156</td>
<td>$159</td>
<td>$163</td>
<td>$166</td>
</tr>
<tr>
<td>Exceptional circumstances permits</td>
<td>$150</td>
<td>$306</td>
<td>$313</td>
<td>$319</td>
<td>$325</td>
<td>$332</td>
</tr>
<tr>
<td><em>Indexation rate applied to unrounded fee amount</em></td>
<td>-</td>
<td>-</td>
<td>2.1%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

*Multiple Consignment Authority (previously Multiple Use Permits)*
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Environment Protection and Biodiversity Conservation Amendment (Fees for Wildlife Trade Permits) Regulation 2013

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Legislative Instrument

The Legislative instrument amends the Environment Protection and Biodiversity Conservation Regulations 2000 to update the administrative component of fees charged for wildlife trade permits; and to introduce annual increases by applying indexation of fees from 1 July each year. The policy intent of these changes is to better align existing cost recovery arrangements with the Australian Government’s policy of cost recovery.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon Tony Burke

Minister for Sustainability, Environment, Water, Population and Communities