Export Inspection Legislation Amendment Regulation (No. 1)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

QUENTIN BRYCE

Governor-General

By Her Excellency’s Command

JOSEPH WILLIAM LUDWIG

Minister for Agriculture, Fisheries and Forestry

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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*

 Schedule 2 amends the *Export Inspection and Meat Charges Collection Regulations 1985*.

Schedule 1 Amendments of *Export Inspection (Establishment Registration Charges) Regulations 1985*

(section 3)

[] 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.

|  |  |  |
| --- | --- | --- |
| Item | Establishment | Charge day |
| 1 | Fish establishment | The first day, in the charge period, on which the fish establishment is registered for operations associated with the preparation of fish |
| 2 | Dairy establishment | 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 |
| 3 | Meat establishment | The first day, in the charge period, on which the meat establishment is registered for operations associated with the preparation of meat  |
| 4 | Egg establishment | 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 |
| 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 |

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

|  |  |  |
| --- | --- | --- |
| Item | Establishment | Period or periods |
| 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 |

[] 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.

[] Subregulation 4 (1)

omit

 (k) eggs;

 (l) egg products.

insert

 (l) eggs;

 (m) egg products;

 (n) horticultural products.

[] Regulation 10 (second occurring)

renumber as regulation 11

[] 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:



where:

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

***charging days***—see regulation 3.

[] After Schedule 3

insert

Schedule 4 Registration charges for horticultural products establishments

(regulation 12)

| Item | Establishment | Rate per charge period ($) |
| --- | --- | --- |
| 1 | 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  | 2 844 |
| 2 | Horticultural products establishment whose activities relate to an export market which: | 5 687 |
|  |  (a) requires certification in relation to: (i) particular phytosanitary conditions; or  (ii) whether horticultural products from Australia are free from pests and diseases; and |  |
|  |  (b) imposes no other significant conditions on the importation of horticultural products from Australia |  |
| 3 | Horticultural products establishment whose activities relate to an export market which:  | 8 530 |
|  |  (a) requires certification in relation to: (i) the existence of particular phytosanitary conditions; and (ii) whether horticultural products from Australia are free from pests and diseases; and |  |
|  |  (b) imposes other significant conditions on the importation of horticultural products from Australia |  |

Schedule 2 Amendments of *Export Inspection and Meat Charges Collection Regulations 1985*

(section 4)

[] Regulation 2, definition of *AQIS*

omit

[] 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*.

[] Regulation 2

insert

***horticultural products establishment*** has the same meaning as in the *Export Inspection (Establishment Registration Charges) Regulations 1985*.

[] Regulation 2DA (second occurring)

renumber as regulation 2DB

[] After regulation 2DB

insert

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.

[] Paragraph 3D (1) (h)

omit

AQIS

[] Regulation 7

omit

an officer of AQIS

insert

an SES employee or APS employee of the Department

[] 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**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003.* See [www.comlaw.gov.au](http://www.comlaw.gov.au/).