

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2009 No. 108**

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

*Australian Meat and Live-stock Industry Act 1997*

*Australian Meat and Live-stock Industry (Export Licensing) Amendment  
Regulations 2009 (No. 1)*

Section 11 of the *Australian Meat and Live-stock Industry Act 1997* (the Act) sets out the requirements for an application for a licence to export live-stock from Australia. Subsection 11(1) provides that an application for an export licence must be made in accordance with the regulations. Subsection 11(2) provides that an applicant for an export licence must pay the prescribed fee in respect of the application.

Subsection 74(1) of the Act provides that the Governor-General may make regulations prescribing all matters that are required or permitted by the Act to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

In addition, the *Export Control (Animals) Order 2004*, made under the *Export Control Act 1982*, provides that the export of live-stock is prohibited unless the exporter holds a live-stock export licence.

Regulation 15 of the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998* (the Regulations) deals with application fees for an export licence under the Act and provides for three specific components to the fee: (a) a lodgement component; (b) an external vetting agency component; and (c) an assessment component.

The purpose of the *Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1)* (the Amendment Regulations) is to amend the Regulations to increase the assessment component of the export licence application fee by 88%.

This fee covers the cost for assessing whether the Secretary of the Department of Agriculture, Fisheries and Forestry (DAFF) may grant a live-stock export licence and any inspection, evaluation or demonstration of the applicant's live-stock export business undertaken by an authorised officer or other appropriately qualified person nominated by the Secretary. The fee increase is a result of the loss of the 40% contribution, which was provided by the Australian Government, for export certification services. The contribution lapses on 30 June 2009. The revised fee also reflects the increase in service costs since the last fee increase in 2005.

In addition to increasing the charge in paragraph 15(1)(c), the Amendment Regulations also alter the prescribed unit of time in the paragraph from a half hour to a quarter hour to maintain consistency with fee charging units contained in other export legislation.

The Australian Quarantine and Inspection Service (AQIS) within DAFF, commenced consultation with its Industry Consultative Committees (ICCs) following the Government's decision to allow the 40% contribution to lapse. Further to this, joint AQIS/Industry Ministerial Taskforces were also established for the fish, grain, dairy, meat, horticulture and live animal export industries. The Ministerial taskforces were consulted regarding the revised fees and charges resulting from the impending cessation of the 40% Australian Government contribution.

Consultation with the live animal export industry on these changes occurred through the Livestock Exporters Industry Consultative Committee (LEICC). The LEICC is the principal advisory forum for AQIS and the livestock export industry to consult on all issues relating to Australian livestock exports. The membership of the LEICC comprises of representatives from the following key industry sectors:

- Australian Livestock Exporters' Council
- LiveCorp
- Cattle Council of Australia
- Sheepmeat Council of Australia
- Australian Maritime Safety Authority
- Meat and Livestock Australia
- LiveShip
- AQIS and Department of Agriculture, Fisheries and Forestry representatives.

As these amendments make changes in relation to cost recovery, a Cost Recovery Impact Statement was prepared.

Details of the Amendment Regulations are set out below.

Regulation 1 specifies the name of the Amendment Regulations as the *Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1)*.

Regulation 2 provides that the Amendment Regulations commence on 1 July 2009.

Regulation 3 provides that Schedule 1 amends the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998*.

#### Schedule 1 – Amendment

Item 1 omits the fee of \$75.00 per half hour provided under paragraph 15(1)(c) and replaces it with a fee of \$70.50 per quarter hour. The effect of this is to increase the fee in relation to the assessment of export licensing applications. The fee increase is due to the loss of the 40% contribution provided by the Australian Government, which lapses on 30 June 2009. In addition, the fee increase takes account of an increase in service costs since the last fee increase occurred in 2005. These increased costs include the costs of employing the authorised officer or other appropriately qualified person to undertake the assessment and/or conduct or observe the applicant's live-stock export business when necessary to satisfy the Secretary that the requirements have been met.

In addition to increasing the charge, Item 1 alters the unit of time from a half hour to a quarter hour. This maintains consistency with fee charging units contained in other export legislation.