



Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 109

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

Dated 18 June 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry

1 Name of Regulations

These Regulations are the *Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence on 1 July 2009.

3 Amendment of *Export Inspection (Establishment Registration Charges) Regulations 1985*

Schedule 1 amends the *Export Inspection (Establishment Registration Charges) Regulations 1985*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 3, including the notes

substitute

3 Definitions

In these Regulations:

Act means the *Export Inspection (Establishment Registration Charges) Act 1985*.

AQIS means the Australian Quarantine and Inspection Service.

boning means:

- (a) the procedure by which meat is removed from the bones of a carcass, a portion of a carcass or a carcass part; or
- (b) the production of bone-in meat cuts; or
- (c) the production of boneless meat cuts;

but does not include the production of meat fractions or mechanically separated meat.

charge day means:

- (a) in relation to a meat establishment and a charge period — the first day, in the charge period, on which the meat establishment is registered for operations associated with the preparation of meat; and
- (b) in relation to a dairy establishment and a charge period — 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.

charge period, in relation to a meat establishment or a dairy establishment, means a financial year beginning after 30 June 2009.

co-operative means a body registered as a co-operative under a law of a State or Territory.

corporation has the same meaning as in the *Corporations Act 2001*.

dairy establishment means a non-meat establishment that is registered for any operations associated with the preparation of milk or milk products for export.

dressings, in relation to slaughtered animals, means the progressive separation of the body of an animal into:

- (a) a carcass or sides of a carcass; and
- (b) offal; and
- (c) inedible material.

Examples

- 1 The removal of the head, hide or skin, genital organs, urinary bladder, feet and viscera.
- 2 In lactating animals, the removal of the udder.

export boning establishment means an establishment that is registered for boning meat for export.

export casings establishment means an establishment that is registered for:

- (a) producing raw or processed animal intestines for export; or
- (b) producing and storing raw or processed animal intestines for export.

export processing establishment means an establishment:

- (a) that is registered for processing:
 - (i) fish; or
 - (ii) fish products; or
 - (iii) meat; or
 - (iv) meat products; or
 - (v) milk; or
 - (vi) milk products;for export otherwise than by boning; or
- (b) that is registered for producing:
 - (i) fish; or
 - (ii) fish products; or
 - (iii) meat; or
 - (iv) meat products; or
 - (v) milk; or
 - (vi) milk products;for export otherwise than by boning.

export slaughter establishment means an establishment that is registered for:

- (a) slaughtering animals for export; or
- (b) dressing slaughtered animals for export.

export storage establishment means:

- (a) an establishment that is registered for packing, storing, chilling, freezing, handling or loading:
 - (i) fish; or
 - (ii) fish products; or
 - (iii) meat; or
 - (iv) meat products; or
 - (v) milk; or
 - (vi) milk products;for export; and

- (b) is not registered for any other operation in relation to the preparation of that commodity for export.

fish establishment means an establishment that is registered for operations associated with the preparation of fish or fish products.

meat establishment means an establishment that is registered for any operations associated with the preparation of meat, game or poultry.

meat product means a food product (other than soup) that is suitable for human consumption:

- (a) that is produced from meat; and
- (b) that contains more than 5%, by weight, of meat; and
- (c) the preparation of which has included any process in addition to boning, slicing or trimming.

orders means orders made under the *Export Control Act 1982*.

prescribed day, in relation to the registration of an establishment means:

- (a) if the establishment is registered, or was first registered, on the 28th, 29th, 30th or 31st day in a month — the 28th day in any month; or
- (b) if the establishment is registered, or was first registered, on any other day in a month — that day in any month.

prescribed month, in relation to the registration of an establishment, means the period:

- (a) commencing at the beginning of the prescribed day in a month; and
- (b) ending immediately before the beginning of the prescribed day in the next month;

or any part of that period.

Note 1 For the definitions of **establishment**, **fish**, **fish product**, **preparation** and **prescribed commodity**, see the *Export Inspection and Meat Charges Collection Act 1985*.

Note 2 For registration of dairy establishments, see the *Export Control (Milk and Milk Products) Orders 2005*. For registration of fish establishments, see the *Export Control (Fish and Fish Products) Orders 2005*. For registration of meat establishments, see the *Export Control (Meat and Meat Products) Orders 2005*, the *Export Control (Prescribed Goods — General) Order 2005* and the *Game, Poultry and Rabbit Meat Orders 1985*.

Note 3 For other provisions relating to establishment registration charges (including when charge is due for payment), see the *Export Inspection and Meat Charges Collection Regulations 1985*.

[2] Regulation 4

substitute

4 Imposition of charge

- (1) For subsection 6 (1) of the Act, the following commodities are specified:
 - (a) fish;
 - (b) fish products;
 - (c) game meat;
 - (d) meat;
 - (e) meat products;
 - (f) milk;
 - (g) milk products;
 - (h) poultry meat.
- (2) For subsection 6 (1) of the Act, the charge for an application for the registration of an establishment in relation to the processing, packing or storage of a commodity mentioned in subregulation (1) is \$600.
- (3) For subsection 6 (1) of the Act, the charge for the registration of an establishment in relation to the processing, packing or storage of a commodity mentioned in subregulation (1) is imposed in respect of the following periods:
 - (a) for the year starting on the day on which the establishment is first registered;
 - (b) for each succeeding year during which the establishment is registered;
 - (c) on the registration of the establishment for operations in addition to that or those for which the establishment is registered — for the period:
 - (i) starting at the beginning of the prescribed month in which the establishment is registered for the additional operations; and

- (ii) ending on the anniversary of the first registration of the establishment that first occurs after that prescribed month.

[3] Regulation 6, heading

substitute

6 Rates of charge — fish establishment

[4] Subregulation 6 (1)

omit

fish products establishment

insert

fish establishment

[5] Subregulation 6 (2)

omit

fish products establishment

insert

fish establishment

[6] After regulation 6

insert

7 Rates of charge — dairy establishment

- (1) For section 7 of the Act, the rate of charge for the registration of a dairy establishment for a charge period is:
- (a) if the charge day for the establishment in the charge period is 1 July — the rate specified in the item in Schedule 2 that applies to the establishment on the charge day; or

- (b) if the charge day for the establishment in the charge period is not 1 July — the following rate:

$$\frac{\text{annual rate} \times \text{charging days}}{365}$$

where:

annual rate means the rate specified in the item in Schedule 2 that applies to the establishment on the charge day.

charging days means the number of days in the period that begins at the beginning of the charge day and ends at the end of the charge period.

- (2) If a dairy establishment is of a kind specified in more than 1 item in Schedule 2, the rate that applies to the establishment is the higher or highest of the rates specified for those items.

8 Rates of charge — meat establishment

- (1) For section 7 of the Act, the rate of charge for the registration of a meat establishment for a charge period is:
- (a) if the charge day for the establishment in the charge period is 1 July — the rate specified in the item in Schedule 3 that applies to the establishment on the charge day; or
- (b) if the charge day for the establishment in the charge period is not 1 July — the following rate:

$$\frac{\text{annual rate} \times \text{charging days}}{365}$$

where:

annual rate means the rate specified in the item in Schedule 3 that applies to the establishment on the charge day.

charging days means the number of days in the period that begins at the beginning of the charge day and ends at the end of the charge period.

- (2) If a meat establishment is of a kind specified in more than 1 item in Schedule 3, the rate that applies to the establishment is the higher or highest of the rates specified for those items.

[7] Schedule 1,
substitute

Schedule 1 Registration charges for fish establishment

(regulation 6)

Item	Kind of establishment	Rate per charge period
1	An establishment: <ul style="list-style-type: none"> (a) that is: <ul style="list-style-type: none"> (i) either land-based or a vessel; and (ii) registered for storage of fish or fish products for export; or (b) that is: <ul style="list-style-type: none"> (i) land-based; and (ii) registered for preparing live fish or partial processing of fish or fish products (otherwise than by freezing or final packing) 	\$1 703

Item	Kind of establishment	Rate per charge period
2	An establishment: <ul style="list-style-type: none"> (a) that is: <ul style="list-style-type: none"> (i) a vessel less than 15 metres in length at the waterline; and (ii) registered for processing, or processing and packing, fish or fish products for export; or (b) that is: <ul style="list-style-type: none"> (i) land-based; and (ii) registered for single-line processing of, or packing of, fish or fish products for export; and (iii) not described in item 1 	\$2 298
3	An establishment: <ul style="list-style-type: none"> (a) that is: <ul style="list-style-type: none"> (i) a vessel that is 15 metres or more in length at the waterline; and (ii) registered for processing, or processing and packing, fish or fish products for export; or (b) that is: <ul style="list-style-type: none"> (i) land-based; and (ii) registered for multi-line processing of, or processing and packing, fish or fish products for export; and (iii) not described in item 1 or 2 	\$2 636
4	An establishment that is: <ul style="list-style-type: none"> (a) a vessel that is associated with the partial preparation of fish or fish products (otherwise than by freezing or final packing); and (b) not mentioned in item 1, 2 or 3 	\$974

Schedule 2 Registration charges for dairy establishment

(regulation 7)

Item	Kind of establishment	Rate per charge period
1	An establishment that is used solely for the storage of milk or milk products	\$1 820
2	An establishment that is engaged in processing or packing milk or milk products for export, that: <ul style="list-style-type: none"> (a) exported less than 2 000 tonnes of milk or milk products in the preceding financial year; and (b) either: <ul style="list-style-type: none"> (i) is owned by a corporation; or (ii) is owned by, or is part of, a co-operative 	\$4 275
3	An establishment that is engaged in processing or packing milk or milk products for export, that: <ul style="list-style-type: none"> (a) exported 2 000 tonnes or more of milk or milk products in the preceding financial year; and (b) either: <ul style="list-style-type: none"> (i) is owned by a corporation; or (ii) is owned by, or is part of, a co-operative 	\$7 729

Schedule 3 Registration charges for meat establishment

(regulation 8)

Item	Kind of establishment	Rate per charge period
1	Storage establishment for meat or meat products	\$1 667
2	Export casings establishment that exported less than 100 tonnes of meat or meat products in the financial year before the charge period	\$834
3	Export casings establishment that exported 100 tonnes or more of meat or meat products in the financial year before the charge period	\$11 666
4	Export processing establishment that exported: (a) less than 50 tonnes of meat or meat products; or (b) less than 50 tonnes of poultry; or (c) less than 50 tonnes of game meat; in the financial year before the charge period	\$2 500
5	Export processing establishment that exported: (a) 50 tonnes or more of meat or meat products; or (b) 50 tonnes or more of poultry; or (c) 50 tonnes or more of game meat; in the financial year before the charge period	\$19 266
6	Export boning establishment that packed: (a) less than 1 500 tonnes of meat or meat products; or (b) less than 1 500 tonnes of poultry; or (c) less than 1 500 tonnes of game meat; in the financial year before the charge period	\$13 799

Item	Kind of establishment	Rate per charge period
7	Export boning establishment that packed: (a) 1 500 tonnes or more, but less than 4 000 tonnes, of meat or meat products; or (b) 1 500 tonnes or more of poultry; or (c) 1 500 tonnes or more of game meat; in the financial year before the charge period	\$19 266
8	Export boning establishment that packed 4 000 tonnes or more of meat or meat products in the financial year before the charge period	\$27 598
9	Establishment that slaughtered: (a) less than 750 tonnes of meat or meat products for export; or (b) less than 750 tonnes of poultry for export; or (c) less than 750 tonnes of game meat for export; in the financial year before the charge period	\$8 333
10	Export slaughter establishment that slaughtered: (a) 750 tonnes or more of meat or meat products, but less than 10 000 tonnes, for export; or (b) 750 tonnes or more of poultry for export; or (c) 750 tonnes or more of game meat for export; in the financial year before the charge period	\$50 580
11	Export slaughter establishment that slaughtered 10 000 tonnes or more of meat or meat products, but less than 20 000 tonnes, for export in the financial year before the charge period	\$101 159
12	Export slaughter establishment that slaughtered 20 000 tonnes or more of meat or meat products for export in the financial year before the charge period	\$117 825

Note

- All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.