



Export Control (Fees) Amendment Orders 2011 (No. 1)¹

I, JOSEPH WILLIAM LUDWIG, Minister for Agriculture, Fisheries and Forestry, make the following orders under regulation 3 of the *Export Control (Orders) Regulations 1982*.

Dated 6 September 2011

JOSEPH WILLIAM LUDWIG
Minister for Agriculture, Fisheries and Forestry

1 Name of Orders

These Orders are the *Export Control (Fees) Amendment Orders 2011 (No. 1)*.

2 Commencement

- (1) These Orders commence on a day notified by the Minister in the *Gazette* for the purposes of these Orders.

3 Amendment of *Export Control (Fees) Orders 2001*

Schedule 1 amends the *Export Control (Fees) Orders 2001*.

Schedule 1 Amendments

(order 3)

[1] Order 4, definition of *inspection service*

substitute

inspection service means a service performed by an authorised officer employed by an agency of the Commonwealth, and includes an auditing service.

[2] After order 4AA(1)

insert

Note If an inspection service could be performed by an authorised officer who is not an employee of an agency of the Commonwealth, it is an additional inspection service.

[3] Order 4H

omit

(f) meat;

(g) meat products;

Note ***Meat*** includes wild game meat, poultry meat and rabbit meat. ***Meat products*** includes wild game meat products, poultry meat products and rabbit meat products.

[4] **Order 4I**

omit

[5] **After Part 10**

Insert

Part 11 Fees for meat and meat products

54 Application

Fees are imposed in accordance with this Part for the performance of services in respect of the following goods:

- (a) meat;
- (b) meat products.

Note **Meat** includes wild game meat, poultry meat and rabbit meat. **Meat products** includes wild game meat products, poultry meat products and rabbit meat products.

55 Fees for particular services

- (1) If, at the request of a person, an authorised officer performs a service mentioned in Schedule 7, the fee specified in or calculated in accordance with Schedule 7 for the service is imposed.
- (2) The Secretary may enter into a written arrangement with the occupier of an establishment under which inspection services for goods specified in the arrangement are allocated to the establishment on a monthly or annual basis, as specified in the arrangement.
- (3) The arrangement must include provision under which the Secretary may alter the basis of the allocation in the arrangement if the Secretary is satisfied that the altered allocation better represents the usage of inspection services at the establishment.

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- (4) While an arrangement under suborder (2) is in force, suborder (1) does not apply in respect of the establishment and fees calculated in accordance with Part 2 of Schedule 7 are imposed for inspection services to which the arrangement relates, however often the inspection services are actually performed.
- (5) If:
- (a) an arrangement under suborder (2) allocates inspection services to an establishment on an annual basis; and
 - (b) the occupier of the establishment gives the Secretary written notice during a year that inspection services are no longer required on that basis;
- the arrangement is taken to have allocated inspection services for that year on a monthly basis and fee is imposed equal to the amount of any underpayment.
- (6) A fee imposed by suborder (1), (4) or (5) in respect of an establishment is payable by the occupier of the establishment.

55A Imposition of shift loading fees and overtime fees

- (1) Subject to this Part, if:
- (a) an authorised officer performs inspection services in respect of an establishment during a particular period; and
 - (b) the officer is entitled to be paid a shift loading for that period;
- fees calculated in accordance with Part 3 of Schedule 7 are imposed for the inspection services performed during that period.
- Note* The period might not be the whole of the period during which the authorised officer performs the inspection services. For example, if an authorised officer performs services from 8 am to 8 pm, but is entitled to a shift loading for the 6 pm to 8 pm component, the shift loading fee is only payable for the 6 pm to 8 pm component.
- (2) Subject to this Part, if:
- (a) an authorised officer performs inspection services in respect of an establishment during a particular period; and
 - (b) the officer is entitled to be paid overtime for that period;

fees calculated in accordance with Part 4 of Schedule 7 are imposed for the inspection services performed during that period.

Note The period might not be the whole of the period during which the authorised officer performs the inspection services. For example, if an authorised officer performs services from 8 am to 8 pm, but is entitled to overtime for the 6 pm to 8 pm component, the overtime fee is only payable for the 6 pm to 8 pm component.

- (3) A fee imposed by suborder (1) or (2) is payable by the occupier of the relevant establishment.

55B Shutdown

- (1) If the occupier of a registered establishment gives 2 weeks or more written notice to the Secretary that inspection services that are allocated on a monthly basis are not required for a shutdown period specified in the notice, no fee is imposed for the shutdown period and the monthly fees imposed are reduced proportionately for the remainder of any month in which the shutdown occurs.
- (2) If the occupier of a registered establishment gives less than 2 weeks written notice to the Secretary that inspection services that are allocated on a monthly basis are not required for a shutdown period specified in the notice, the fee imposed in respect of the shutdown period is unaffected.
- (3) This order does not apply to registered establishments that have inspection services allocated on an annual basis or on a basis that includes an allocation of services on an annual basis.

55C Industrial action by authorised officers

- (1) If inspection services are not performed in respect of an establishment because of industrial action by authorised officers, the fee imposed for those services is reduced proportionately for each day or part day that inspection services are not performed.
- (2) In this order, *part day* means a half day or more.

55D Industrial action by other workers

To avoid doubt, if inspection services that are allocated to a registered establishment are not performed because of industrial action by workers other than authorised officers at the establishment, the fees imposed by these Orders in respect of the services are not affected.

55E Insufficient notice of change to allocation

- (1) If:
 - (a) an arrangement for a registered establishment allocates inspection services to the establishment on an annual basis; and
 - (b) the occupier gives less than 4 weeks notice of a reduction in inspection services;then:
 - (c) fees for the services continue to be imposed until the earlier of the following:
 - (i) the Secretary determines that the services are allocated to another registered establishment;
 - (ii) the end of 4 weeks after the notice is given; and
 - (d) the arrangement is taken to have allocated inspection services for that year on a monthly basis and fee is imposed equal to the amount of any underpayment.
- (2) If:
 - (a) an arrangement for a registered establishment allocates inspection services to the establishment on a monthly basis; and
 - (b) the occupier gives less than 4 weeks notice of a reduction in inspection services;fees for the services continue to be imposed until the earlier of the following:
 - (c) the Secretary determines that the services are allocated to another registered establishment;
 - (d) the end of 4 weeks after the notice is given.
- (3) A fee imposed by paragraph (1) (d) is payable by the occupier of the relevant establishment.

55F Insufficient notice of termination of inspection services

If:

- (a) an arrangement for a registered establishment allocates inspection services to an establishment on a monthly basis; and
- (b) the occupier gives less than 2 weeks notice of a termination of inspection services;

fees for the services continue to be imposed until the earlier of the following:

- (c) the Secretary determines that the services are allocated to another registered establishment;
- (d) the end of 4 weeks after the notice is given.

55G Documentation fees

- (1) Fees calculated in accordance with Part 5 of Schedule 7 are imposed for the issue of a document in relation to the export of goods mentioned in order 54.
- (2) A fee imposed by suborder (1) is payable by the person to whom the document is issued.

- [6] Schedule 1**
omit
- [7] Schedule 1A, note**
omit
- [8] Schedule 1A, item 3**
omit
- [9] Schedule 1B, Part 2, item 5**
omit
- [10] Schedule 1C, note**
omit
- [11] Schedule 1C, item 4**
omit
- [12] After Schedule 6**
insert

Schedule 7 Fees imposed for meat and meat products

(orders 55, 55A, 55G)

Note **Meat** includes game meat, poultry meat and rabbit meat. **Meat products** includes game meat products, poultry meat products and rabbit meat products.

Part 1 Fees for inspection services (suborder 55(1))

Item	Description	Fee
1	For inspection services performed by an authorised officer who is not a veterinarian and who is not an area technical manager	\$30.00 per quarter hour or part thereof
2	For inspection services performed by an authorised officer who is a veterinarian and who is not an area technical manager	\$39.00 per quarter hour or part thereof
3	For inspection services performed by an authorised officer who is an Area Technical Manager	\$108.00 per quarter hour or part thereof

Part 2 Fees for inspection services pursuant to an arrangement with the Secretary (suborder 55(4))

Item	Description	Fee
1	For the inspection services of an authorised officer who is not a veterinarian, allocated to an establishment on a monthly basis	\$10 681.00 per month
2	For the inspection services of an authorised officer who is not a veterinarian, allocated to an establishment on a monthly basis to perform additional inspection services	\$12 920.00 per month
3	For the inspection services of an authorised officer who is a veterinarian, allocated to an establishment on a monthly basis	\$16 582.00 per month
4	For the inspection services of an authorised officer who is not a veterinarian, allocated to an establishment on an annual basis	\$117 489.00 per year

Item	Description	Fee
5	For the inspection services of an authorised officer who is not a veterinarian, allocated to an establishment on an annual basis to perform additional inspection services	\$142 119.00 per year
6	For the inspection services of an authorised officer who is a veterinarian, allocated to an establishment on an annual basis	\$182 394.00 per year

Part 3 Shift loading fees (suborder 55A(1))

Item	Description	Fee
1	For inspection services performed by an authorised officer who is not a veterinarian, in a period for which the officer is entitled to shift loading:	
	(a) on a public holiday	\$15.65 per hour
	(b) otherwise:	
	(i) on a weekday	\$1.57 per hour
	(ii) on a Saturday	\$5.22 per hour
	(iii) on a Sunday	\$10.43 per hour
2	For inspection services performed by an authorised officer who is a veterinarian, in a period for which the officer is entitled to a shift loading:	
	(a) on a public holiday	\$24.26 per hour
	(b) otherwise:	
	(i) on a weekday	\$2.43 per hour
	(ii) on a Saturday	\$8.09 per hour
	(iii) on a Sunday	\$16.17 per hour

Part 4 Overtime fees (suborder 55A(2))

Item	Description	Fee
1	For inspection services performed by an authorised officer who is not a veterinarian, in a period of overtime:	
	(a) if paragraph (b) does not apply:	
	(i) if the rate of overtime is single time	\$10.43 per quarter hour
	(ii) if the rate of overtime is time and a half	\$15.64 per quarter hour
	(iii) if the rate of overtime is double time	\$20.86 per quarter hour
	(iv) if the rate of overtime is double time and a half	\$26.07 per quarter hour
	(b) where the inspection services are performed by an authorised officer in a period that is not continuous with the officer's ordinary hours of work and is less than 4 hours:	
	(i) if the rate of overtime is single time	\$166.88
	(ii) if the rate of overtime is time and a half	\$250.24
	(iii) if the rate of overtime is double time	\$333.76
	(iv) if the rate of overtime is double time and a half	\$417.12
2	For inspection services performed by an authorised officer who is a veterinarian, in a period of overtime:	
	(a) if paragraph (b) does not apply:	
	(i) if the rate of overtime is time and a half	\$24.26 per quarter hour
	(ii) if the rate of overtime is double time	\$32.34 per quarter hour
	(iii) if the rate of overtime is double time and a half	\$40.43 per quarter hour

Item	Description	Fee
	(b) if the inspection services are performed in a period that is not continuous with the officer's ordinary hours of work and is less than 3 hours:	
	(i) if the rate of overtime is time and a half	\$291.12
	(ii) if the rate of overtime is double time	\$388.08
	(iii) if the rate of overtime is double time and a half	\$485.16

Part 5 Fees for issuing documents (suborder 55G)

Item	Description	Fee
1	A government certificate issued electronically	\$49.00
2	Any other document issued electronically	\$49.00
3	A government certificate issued manually	\$100.00
4	Any other document issued manually	\$100.00
5	A replacement certificate	\$500.00

Notes

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.