

EXPLANATORY STATEMENT

Issued by the Parliamentary Secretary for Agriculture, Fisheries and Forestry

Export Control (Fees) Amendment Orders 2011 (No. 2)

made under the *Export Control (Orders) Regulations 1982* and *Export Control Act 1982*

Legislative Authority

Pursuant to section 25 of the *Export Control Act 1982* (Act) and regulation 3 of the *Export Control (Orders) Regulations 1982* (Regulations), the *Export Control (Fees) Orders 2001* (Principal Orders) impose fees in connection with the performance of services by the Secretary, delegates of the Secretary and authorised officers in connection with the provision of export certification. The fees are applied to a number of commodities, including grains, plants and plant products.

Purpose

The purpose of the *Export Control (Fees) Amendment Orders 2011 (No. 2)* (Amendment Orders) is to implement a revised charging regime for the export of grains, plants and plant products. The new regime is based on a new service delivery arrangement. The proposed Amendment Order amends the Principal Orders to:

- insert new rates of fees for inspection services;
- provide for the collection of amended overtime fees; and
- provide for the collection of amended fees for the issue and replacement of phytosanitary certificates, export permits and any other certificates.

Consultation

In November 2009, the Government announced an Export Certification Reform Package of \$127.4 million over a nineteen month period to 30 June 2011. The aim of the package was to:

- reform service delivery;
- upgrade information technology systems;
- reduce costs for industry and the Australian Quarantine and Inspection Service (AQIS); and
- maintain and work to improve market access.

Joint Industry-AQIS Ministerial Taskforces (MTFs) for the dairy, fish, grain, horticulture, live animal and meat export industries were set up to deliver the reforms.

All relevant industry groups have been consulted through AQIS Grain Industry Consultative Committee (AGICC) and the Joint AQIS – Grain Industry Ministerial Task Force.

AGICC consists of representatives from key industry sectors, AWB Ltd, ABB Grain Ltd, Craig Mostyn Group, Viterra, Australian Seed Federation, National Agricultural

Commodities Marketing Association, Australian Oilseeds Federation, Sunrice, GrainCorp Operations Ltd, Australian Fodder Industry Association, Australian Cotton Seed Industry Association, Pulse Australia Ltd, CBH Group and Grain Pool Pty Ltd.

The Joint AQIS – Grain Industry Ministerial Task Force consists of representatives from Grain Trade Australia, Australian Grain Exporters Association, Australian Oilseeds Federation, Gerard McMullen Consulting, GrainCorp Operations Ltd, Pulse Australia, Australian Cotton Seed Industry, Grain Pool Pty Limited, CBH Group, Grain Producers Australia, AWB Ltd, Sunrice, Australian Fodder Association, Australian Nut Industry Council, Viterra, National Grains Australia and the Australian Seed Federation.

The Office of Best Practice Regulation (OBPR) was consulted in relation to the proposed cost recovery arrangements for grain and seed exports and determined that a Regulatory Impact Statement was not required. A Cost Recovery Impact Statement has been approved by the Department of Finance and Deregulation.

Details

Order 1

This order provides that the name of the Orders is the *Export Control (Fees) Amendment Orders 2011 (No. 2)*.

Order 2

This order provides that the Orders commence on 1 January 2012.

Order 3

This order provides that Schedule 1 amends the *Export Control (Fees) Orders 2001*.

Schedule 1

Item 1 substitutes new rates of fees for particular services into Order 14A. The fee is \$36 for each quarter hour in relation to an inspection service.

Item 1 also substitutes a new Order 16 providing for the collection of overtime fees. Suborder 16(1) applies only to overtime where inspection services are requested by a person and the authorised officer is entitled to be paid overtime for the overtime period. Suborder 16(2) provides the overtime fees payable where the overtime period is continuous with the authorised officer's ordinary hours of work. Suborder 16(3) provides the overtime fees payable where the overtime period is not continuous with the authorised officer's ordinary hours of work.

Item 2 omits Schedule 3. Schedule 3 is no longer required, as Order 14A imposes a single fee of \$36 per quarter hour in relation to an inspection service.

Item 3 amends items 1 to 3 of Schedule 5 by omitting \$190.00 and inserting \$500.00 where a phytosanitary certificate, an export permit or any other certificate is issued as

a replacement certificate; by omitting \$85.00 and inserting \$100.00 where a phytosanitary certificate, an export permit or any other certificate is issued manually; and by omitting \$65.00 and inserting and \$16.00 where a phytosanitary certificate, an export permit or any other certificate is issued electronically.

Item 4 amends Part 1 of Schedule 7 by omitting each mention of ‘or part thereof’. This aligns Schedule 7 with the existing definition for quarter hour found in Order 4 by removing the redundant formulation. The ability to apply charges for part of a quarter hour remains unaffected.