



Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015

Select Legislative Instrument No. 201, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 26 November 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Barnaby Joyce
Minister for Agriculture and Water Resources

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(Cost Recovery) Regulation 2015* i

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1 Name

This is the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 December 2015.	1 December 2015

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following Acts:

- (a) the *Australian Meat and Live-stock Industry Act 1997*;
- (b) the *Dairy Produce Act 1986*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998

1 Subregulation 6(7)

Repeal the subregulation.

2 Subregulations 7(2) and (4)

Repeal the subregulations, substitute:

The fee in respect of an application for a meat export licence is nil.

3 Subregulation 14(5)

Repeal the subregulation, substitute:

- (5) An application for a live-stock export licence is taken not to have been made until the charge in relation to the application prescribed by item 7 in the table in section 15 of the *Export Charges (Imposition—General) Regulation 2015* or item 7 in the table in section 15 of the *Export Charges (Imposition—Customs) Regulation 2015* has been paid.

4 Subregulations 15(1), (2) and (3)

Repeal the subregulations, substitute:

The fee in respect of an application for a live-stock export licence is nil.

5 Subregulation 19(4)

Repeal the subregulation.

6 At the end of the regulations

Add:

Part 5—Application and transitional provisions

28 Applications for export licences

Meat export licences

- (1) The amendments of regulations 6 and 7 of these Regulations made by items 1 and 2 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an application for a meat export licence that is made on or after 1 December 2015.

Live-stock export licences

- (2) The amendments of regulations 14, 15 and 19 of these Regulations made by items 3, 4 and 5 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an application for a live-stock export licence that is made on or after 1 December 2015.

29 Repeal of this Part

This Part is repealed at the start of 1 July 2016.

Dairy Produce Regulations 1986

7 Subregulation 2(1) (definition of AQIS)

Repeal the definition.

8 Subregulation 2(1) (definition of *Department*)

Repeal the definition.

9 Regulation 2.07

Repeal the regulation.

10 Subparagraph 2.08(4)(b)(vi)

Omit “shipped; and”, substitute “shipped.”.

11 Paragraph 2.08(4)(c)

Repeal the paragraph.

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12 Subregulation 2.10(6) (note 1)

Omit “Note 1”, substitute “Note”.

13 Subregulation 2.10(6) (note 2)

Repeal the note.

14 Paragraphs 2.12(2)(c) and (d)

Repeal the paragraphs.

15 Regulations 2.13 and 2.14

Repeal the regulations.

16 Paragraph 2.19(3)(b)

Repeal the paragraph, substitute:

- (b) the dairy manufacturer’s surplus quota for the year is more than 2% of the dairy manufacturer’s annual quota.

17 Paragraph 2.19(4)(b)

Repeal the paragraph, substitute:

- (b) the dairy manufacturer’s surplus quota for the year is more than 1% of the dairy manufacturer’s annual quota.

18 Subparagraph 2.20(3)(b)(vi)

Omit “for; and”, substitute “for.”.

19 Paragraph 2.20(3)(c)

Repeal the paragraph.

20 Paragraph 2.21(3)(b)

Repeal the paragraph, substitute:

- (b) not allocate the unallocated quota to the applicant.

21 Subregulation 2.21(4)

Repeal the subregulation.

22 Paragraph 2.21(6)(b)

Omit “decision; and”, substitute “decision.”.

23 Paragraph 2.21(6)(c)

Repeal the paragraph.

24 Paragraph 2.22(2)(c)

Repeal the paragraph.

25 Regulation 2.23

Repeal the regulation.

26 Regulation 2.26 (definition of *consignment quota*)

Repeal the definition.

27 Regulation 2.26 (definition of *exporter's available quota*)

Repeal the definition, substitute:

exporter's available quota, in relation to a category of dairy produce, means the sum of:

- (a) the exporter's unattached annual quota in relation to that category; and
- (b) the exporter's unattached FCFS quota in relation to that category.

28 At the end of regulation 2.27

Add:

Fees in respect of applications for approval

- (4) An applicant for approval to export a consignment must pay the following fees in respect of the application:
 - (a) if an approval to export the consignment has not previously been granted—\$100;
 - (b) if an approval to export the consignment has previously been granted—\$500;
 - (c) in respect of each IMA 1 certificate required for the consignment—\$100.
- (5) A fee that is required to be paid under subregulation (4) is due and payable when a demand for payment of the fee is made.

Waiver or remission of fees

- (6) The Secretary may, if the Secretary considers it appropriate to do so, waive or remit the whole or a part of a fee that is payable, or that has been paid, under subregulation (4).
- (7) The Secretary may waive or remit the whole or a part of a fee under subregulation (6) on his or her own initiative or on written application by a person.

29 Subregulation 2.28(1)

Omit “(1)”.

30 After paragraph 2.28(1)(a)

Insert:

- (aa) the fees in respect of the application required by regulation 2.27 have been paid; and

31 Subparagraph 2.28(1)(b)(ii)

Omit “, and the exporter has paid the fee set out in subregulation (2) to attach quota to the consignment”.

32 Subregulation 2.28(2)

Repeal the subregulation.

33 Regulation 2.33 (definition of *consignment quota*)

Repeal the definition.

34 Regulation 2.33 (definition of *exporter’s available quota*)

Repeal the definition, substitute:

exporter’s available quota has the same meaning as in Subdivision 2.5.1.

35 At the end of regulation 2.34

Add:

Fees in respect of applications for approval

- (4) An applicant for approval to export a consignment must pay the following fee in respect of the application:

-
- (a) if an approval to export the consignment has not previously been granted—\$100;
 - (b) if an approval to export the consignment has previously been granted—\$500.
- (5) A fee that is required to be paid under subregulation (4) is due and payable when a demand for payment of the fee is made.

Waiver or remission of fees

- (6) The Secretary may, if the Secretary considers it appropriate to do so, waive or remit the whole or a part of a fee that is payable, or that has been paid, under subregulation (4).
- (7) The Secretary may waive or remit the whole or a part of a fee under subregulation (6) on his or her own initiative or on written application by a person.

36 Subregulation 2.35(1)

Omit “(1)”.

37 After paragraph 2.35(1)(a)

Insert:

- (aa) the fee in respect of the application required by regulation 2.34 has been paid; and

38 Subparagraph 2.35(1)(b)(ii)

Omit “, and the exporter has paid the fee set out in subregulation (2) to attach quota to the consignment”.

39 Subregulation 2.35(2)

Repeal the subregulation.

40 At the end of Part 2

Add:

Division 2.7—Application and transitional provisions

2.43 Allocations of annual quota

- (1) The amendments of regulations 2.07 and 2.08 of these Regulations made by items 9 to 11 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an application for an allocation of annual quota that is made on or after 1 December 2015.
- (2) The amendments of regulations 2.12 and 2.13 made by items 14 and 15 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an allocation of annual quota that occurs on or after 1 December 2015.
- (3) Despite the repeal of regulation 2.14 made by item 15 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015*, that regulation continues to apply in relation to a dairy manufacturer who paid an application fee under paragraph 2.08(4)(c) of these Regulations before 1 December 2015 for an allocation of annual quota for the calendar year beginning on 1 January 2016, if the dairy manufacturer is not allocated any annual quota under regulation 2.10.

2.44 Allocations of FCFS quota

- (1) The amendments of regulation 2.20 of these Regulations made by items 18 and 19 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an application for an allocation of FCFS quota that is made on or after 1 December 2015.
- (2) Subject to subregulation (3), the amendments of regulations 2.21, 2.22 and 2.23 of these Regulations made by items 20 to 25 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an allocation of FCFS quota that occurs on or after 1 December 2015.

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- (3) Despite the repeal of paragraph 2.21(3)(b), subregulation 2.21(4) and paragraph 2.21(6)(c) made by items 20, 21 and 23 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015*, those provisions continue to apply in relation to a person who paid an application fee under paragraph 2.20(3)(c) of these Regulations before 1 December 2015 for an allocation of FCFS quota for the calendar year beginning on 1 January 2016, if the person is not allocated any FCFS quota under regulation 2.21.

2.45 Applications for approval to export regulated dairy produce to the European Union

The amendments of regulations 2.26, 2.27 and 2.28 of these Regulations made by items 26 to 32 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an application for approval to export a consignment of regulated dairy produce in an EU category if the quota relating to the consignment was allocated for a calendar year beginning on or after 1 January 2016.

2.46 Applications for approval to export regulated dairy produce to the United States of America

The amendments of regulations 2.33, 2.34 and 2.35 of these Regulations made by items 33 to 39 of Schedule 1 to the *Australian Meat and Live-stock and Dairy Legislation Amendment (Cost Recovery) Regulation 2015* apply in relation to an application for approval to export a consignment of regulated dairy produce in a US WTO category or a US FTA category if the quota relating to the consignment was allocated for a calendar year beginning on or after 1 January 2016.

2.47 Repeal of this Division

This Division is repealed at the start of 1 July 2016.