



## **Export Control (Fees) Order 2015**

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I, Barnaby Joyce, Minister for Agriculture and Water Resources, make the following order.

Dated 26 November 2015

Barnaby Joyce  
Minister for Agriculture and Water Resources

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## Part 1—Preliminary

### 1 Name

This is the *Export Control (Fees) Order 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Note: This table relates only to the provisions of this instrument as originally made.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 regulation 3 of the *Export Control (Orders) Regulations 1982*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) accredited veterinarian;
- (b) authorised officer;
- (c) registered establishment.

In this instrument:

*Act* means the *Export Control Act 1982*.

**allocated authorised officer** means a departmental authorised officer who is allocated to a registered establishment to perform inspections of goods for export in accordance with an arrangement in force under section 9.

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**animal reproductive material** has the same meaning as in the *Export Control (Animals) Order 2004*.

**area technical manager** means a departmental authorised officer:

- (a) who is a veterinarian; and
- (b) whose services are made available at a registered establishment to provide technical support and auditing functions for the purposes of the Act.

**audit** means a service performed for the purpose of assessing whether export requirements under the Act and, if applicable, importing country requirements, in relation to goods for export are being, or have been, complied with.

**basic fee** means a fee imposed by a provision in Part 2.

**departmental authorised officer** means an authorised officer who is an APS employee.

**departmental holiday**, for the performance of a service, means a Monday, Tuesday, Wednesday, Thursday or Friday that is observed as a public holiday in the place where the service is performed.

**disability assistance dog** means a dog:

- (a) that has been professionally trained to assist a person with a disability; and
- (b) that is accompanying a person with such a disability who has a certificate from a medical specialist practitioner in a specialty relevant to the disability, stating that the person requires the assistance of such a dog.

**egg** means an egg to which the *Export Control (Eggs and Egg Products) Orders 2005* apply.

**egg product** means an egg product to which the *Export Control (Eggs and Egg Products) Orders 2005* apply.

**Export Control Order** means a legislative instrument (regardless of whether it is called an Order or Orders) made under the Act or the Regulations.

**export document** means:

- (a) an export permit or a government certificate that is issued under the Act, or under an instrument made under the Act, in relation to the export of goods; or
- (b) any other document that is issued or certified under the Act, or under an instrument made under the Act, in relation to the export of goods.

**external authorised officer** means an authorised officer who is not an APS employee.

Note: An accredited veterinarian may be an external authorised officer.

**fish** means fish to which the *Export Control (Fish and Fish Products) Orders 2005* apply.

**fish product** means a fish product to which the *Export Control (Fish and Fish Products) Orders 2005* apply.

**government certificate** means a certificate about goods the issue of which is authorised by an Export Control Order, being a certificate as to:

- (a) matters about which a country requires certification before the goods may be imported into that country from Australia; or
- (b) requirements of the Act that must be satisfied before the goods may be exported from Australia; or
- (c) other matters concerning goods of that kind that are to be exported from Australia.

**importing country requirement**, for particular goods that are to be imported into a particular country from Australia, means a requirement of the country that must be met before the goods may be imported into the country from Australia.

**inspection**, in relation to goods that are to be exported, means services performed in relation to the goods to determine whether export requirements under the Act and, if applicable, importing country requirements, have been met in relation to the export and the goods.

**late payment fee** means a fee imposed by subsection 19(1).

**live animal** has the same meaning as in Part 3 of the *Export Control (Animals) Order 2004*.

**meat** means any of the following:

- (a) meat to which the *Export Control (Meat and Meat Products) Orders 2005* apply;
- (b) poultry meat to which the *Export Control (Poultry Meat and Poultry Meat Products) Orders 2010* apply;
- (c) rabbit meat to which the *Export Control (Rabbit and Ratite Meat) Orders 1985* apply;
- (d) ratite meat to which the *Export Control (Rabbit and Ratite Meat) Orders 1985* apply;
- (e) wild game meat to which the *Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010* apply.

**meat product** means any of the following:

- (a) a meat product to which the *Export Control (Meat and Meat Products) Orders 2005* apply;
- (b) a poultry meat product to which the *Export Control (Poultry Meat and Poultry Meat Products) Orders 2010* apply;
- (c) a rabbit meat product to which the *Export Control (Rabbit and Ratite Meat) Orders 1985* apply;
- (d) a ratite meat product to which the *Export Control (Rabbit and Ratite Meat) Orders 1985* apply;
- (e) a wild game meat product to which the *Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010* apply.

**milk** means milk to which the *Export Control (Milk and Milk Products) Orders 2005* apply.

**milk product** means a milk product to which the *Export Control (Milk and Milk Products) Orders 2005* apply.

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**month** means a calendar month.

**occupier**, of a registered establishment, has the same meaning as in the *Export Control (Prescribed Goods—General) Order 2005*.

**ordinary hours of duty** means:

- (a) in relation to a service performed in relation to meat or meat products—the period that begins at 5.30 am and ends at 5.30 pm on a weekday; or
- (b) in any other case—the period that begins at 6.30 am and ends at 6.30 pm on a weekday.

**organic produce** has the same meaning as in the Export Control (Organic Produce Certification) Orders.

**plant products** means plant products that are prescribed goods within the meaning of the *Export Control (Plants and Plant Products) Order 2011*.

**plants** means plants that are prescribed goods within the meaning of the *Export Control (Plants and Plant Products) Order 2011*.

**weekday**, for the performance of a service, means a Monday, Tuesday, Wednesday, Thursday or Friday that is not a departmental holiday in the place where the service is performed.



## Part 2—Imposition of fees

### 6 Imposition of fees for services

- (1) Fees are imposed in accordance with this Part in connection with the performance of services by departmental authorised officers in relation to the export of any of the following goods:
- (a) animal reproductive material;
  - (b) eggs;
  - (c) egg products;
  - (d) fish;
  - (e) fish products;
  - (f) live animals;
  - (g) meat;
  - (h) meat products;
  - (i) milk;
  - (j) milk products;
  - (k) organic produce;
  - (l) plants;
  - (m) plant products;
  - (n) goods in relation to which an application has been made under section 8.02 or 8.05 of the *Export Control (Prescribed Goods—General) Order 2005*.
- (2) Unless the contrary intention appears, each fee imposed by this instrument in connection with the performance of a service is in addition to any other fee imposed by this instrument in connection with the performance of that service.

### 7 Fees in connection with audits

- (1) Subject to subsection (2), the fee in connection with the performance of a service referred to in column 1 of an item in the following table is the amount set out in, or worked out in accordance with, column 2 of the item.

<b>Fees in connection with audits</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Audit in relation to: (a) live animals for export; or (b) animal reproductive material for export	For each authorised officer performing the service: (a) if the service is required to be performed by a veterinarian—\$103 for each quarter hour or part of a quarter hour; or (b) in any other case—\$43 for each quarter hour or part of a quarter hour
2	Audit in relation to plants or plant products for export	For each authorised officer performing the service—\$36 for each quarter hour or part of a quarter hour

## Part 2 Imposition of fees

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<b>Fees in connection with audits</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
3	Audit in relation to meat or meat products for export	For each authorised officer performing the service: (a) if the service is required to be performed by an area technical manager—\$108 for each quarter hour or part of a quarter hour; or (b) in any other case—\$30 for each quarter hour or part of a quarter hour
4	Audit in relation to milk or milk products for export	For each authorised officer performing the service—\$33 for each quarter hour, or part of a quarter hour
5	Audit in relation to fish or fish products for export	For each authorised officer performing the service—\$50 for each quarter hour or part of a quarter hour
6	Audit in relation to eggs or egg products for export	For each authorised officer performing the service—\$50 for each quarter hour or part of a quarter hour
7	Audit in relation to organic produce for export	For each authorised officer performing the service—\$33 for each quarter hour or part of a quarter hour
8	Audit in relation to goods in relation to which an application has been made under section 8.02 or 8.05 of the <i>Export Control (Prescribed Goods—General) Order 2005</i>	For each authorised officer performing the service—\$40 for each quarter hour or part of a quarter hour
9	Provision of consumable materials used in performing a service referred to in any of items 1 to 8	An amount equivalent to the cost of the consumable materials

- (2) If an audit is performed in relation to a registered establishment that prepares for export goods referred to in 2 or more of items 1 to 8 in the table in subsection (1) (the **relevant items**), the fee imposed in connection with the performance of the audit is the higher, or the highest, of the amounts set out in, or worked out in accordance with, column 2 of the relevant items.

Note: Additional fees are payable if a service is performed outside ordinary hours of duty (see sections 12, 13 and 14).

### 8 Fees in connection with inspections

Subject to section 9, the fee in connection with the performance of a service referred to in column 1 of an item in the following table is the amount set out in, or worked out in accordance with, column 2 of the item.

<b>Fees in connection with inspections</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Inspection in relation to:	For:

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<b>Fees in connection with inspections</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
	(a) live animals for export; or (b) animal reproductive material for export	(a) each authorised officer who is a veterinarian performing the service: (i) if the service could have been performed by an external authorised officer—\$71 for each quarter hour or part of a quarter hour; or (ii) in any other case—\$55 for each quarter hour or part of a quarter hour; or (b) each authorised officer who is not a veterinarian performing the service—\$55 for each quarter hour or part of a quarter hour
2	Inspection in relation to plants or plant products for export	For each authorised officer performing the service: (a) if the service could have been performed by an external authorised officer—\$75 for each quarter hour or part of a quarter hour; or (b) in any other case—\$36 for each quarter hour or part of a quarter hour
3	Inspection in relation to meat or meat products for export (other than meat or meat products covered by item 4 or 5)	For each authorised officer performing the service: (a) if the service is required to be performed by a veterinarian—\$39 for each quarter hour or part of a quarter hour; or (b) in any other case—\$30 for each quarter hour or part of a quarter hour
4	Inspection in relation to meat or meat products for export in accordance with an arrangement in force under section 9	For each allocated authorised officer who is a veterinarian—\$15 199.50 for each month or part of a month
5	Inspection in relation to meat or meat products for export in accordance with an arrangement in force under section 9	For each allocated authorised officer who is not a veterinarian: (a) if the service could have been performed by an external authorised officer—\$11 843.25 for each month or part of a month; or (b) in any other case—\$9 790.75 for each month or part of a month
6	Inspection in relation to milk or milk products for export	For each authorised officer performing the service—\$33 for each quarter hour or part of a quarter hour
7	Inspection in relation to fish or fish products for export	For each authorised officer performing the service—\$50 for each quarter hour or part of a quarter hour
8	Inspection in relation to eggs or egg products for export	For each authorised officer performing the service—\$50 for each quarter hour or part of a

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<b>Fees in connection with inspections</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
		quarter hour
9	Inspection in relation to goods in relation to which an application has been made under section 8.02 or 8.05 of the <i>Export Control (Prescribed Goods—General) Order 2005</i>	For each authorised officer performing the service—\$40 for each quarter hour or part of a quarter hour
10	Provision of consumable materials used in performing a service referred to in any of items 1 to 9	An amount equivalent to the cost of the consumable materials

Note 1: Additional fees are payable if a service is performed outside ordinary hours of duty (see sections 12, 13 and 14).

Note 2: See subsection 26(2) in relation to inspections in relation to plants or plant products that commence before 1 March 2016.

**9 Secretary may enter into an arrangement in relation to performance of inspections in relation to goods for export**

- (1) This section applies in relation to an establishment that is registered for operations associated with the preparation for export of goods referred to in subsection 6(1).
- (2) The Secretary may enter into a written arrangement with the occupier of the establishment to allocate an authorised officer to the establishment to perform inspections of goods for export as specified in the arrangement.
 

Note: If an arrangement under subsection (2) is in force in relation to a registered establishment, fees are imposed on a monthly basis for each authorised officer allocated to the establishment to perform inspections (see items 4 and 5 of the table in section 8).
- (3) The arrangement must include provision permitting the Secretary to vary the allocation of authorised officers provided for by the arrangement if the Secretary is satisfied that the varied allocation better represents the usage of inspection services at the establishment.
- (4) The arrangement must include provision requiring the occupier of the registered establishment to notify the Secretary, in writing, if:
  - (a) the occupier wishes to terminate the arrangement on a specified date; or
  - (b) the allocation of an authorised officer to the establishment to perform inspections of goods for export as specified in the arrangement will not be required during a specified period of 14 days or more (a *shutdown period*).

The provision included in the arrangement must specify the period within which, or the time by which, the notice must be given.
- (5) If:
  - (a) the occupier of the registered establishment notifies the Secretary, in writing, that the occupier wishes to terminate the arrangement on a specified date (the *termination date*); and

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(b) the notice is given within the period, or by the time, specified in the arrangement;

the fee imposed by section 8 for each authorised officer allocated to the establishment to perform inspections does not apply in relation to any month beginning after the termination date.

(6) If:

(a) the occupier of the registered establishment notifies the Secretary, in writing, that the allocation of an authorised officer to the establishment to perform inspections of goods for export as specified in the arrangement will not be required during a specified shutdown period; and

(b) the notice is given within the period, or by the time, specified in the arrangement;

the fee imposed by section 8 for each authorised officer allocated to the establishment to perform inspections is reduced proportionately for each month during which the shutdown period occurs.

## 10 Fees in connection with applications for export documents

The fee in connection with the performance of a service mentioned in column 1 of an item in the following table is the amount set out in, or worked out in accordance with, column 2 of the item.

<b>Fees in connection with applications for export documents</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Assessment of an application for the issue of an export document for the export of: (a) live animals; or (b) animal reproductive material	For each export document applied for: (a) if the export document is not a replacement export document—\$60; or (b) if the export document is a replacement export document—\$500
2	Assessment of an application for the issue of an export document for the export of a consignment of plants or plant products	For each export document applied for: (a) if the export document is not a replacement export document and: (i) the application is made using the Department's electronic export documentation system—\$12; or (ii) the application is not made using the Department's electronic export documentation system—\$100; or (b) if the export document is a replacement export document—\$500
3	Assessment of an application for the issue of an export document for the export of a consignment of meat or meat products	For each export document applied for: (a) if the export document is not a replacement export document and: (i) the application is made using the Department's electronic export documentation system—\$3; or (ii) the application is not made using the Department's electronic export

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<b>Fees in connection with applications for export documents</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
		documentation system—\$100; or (b) if the export document is a replacement export document—\$500
4	Assessment of an application for the issue of an export document for the export of a consignment of any of the following: (a) milk or milk products; (b) fish or fish products; (c) eggs or egg products	For each export document applied for: (a) if the export document is not a replacement export document and: (i) the application is made using the Department's electronic export documentation system—\$6; or (ii) the application is not made using the Department's electronic export documentation system—\$100; or (b) if the export document is a replacement export document—\$500
5	Assessment of an application for the issue of an export document for the export of goods in relation to which an application has been made under section 8.02 or 8.05 of the <i>Export Control (Prescribed Goods—General) Order 2005</i>	For each export document applied for: (a) if the export document is not a replacement export document and: (i) the application is made using the Department's electronic export documentation system—\$15; or (ii) the application is not made using the Department's electronic export documentation system—\$36; or (b) if the export document is a replacement export document—\$500
6	Provision of consumable materials used in performing a service referred to in any of items 1 to 5	An amount equivalent to the cost of the consumable materials

Note: Additional fees are payable if a service is performed outside ordinary hours of duty (see sections 12, 13 and 14).

**11 Fees in connection with assessment of application for exemption from Export Control Order**

The fee in connection with the performance of a service mentioned in column 1 of an item in the following table is the amount set out in, or worked out in accordance with, column 2 of the item.

<b>Fees in connection with assessment of application for exemption from Export Control Order</b>		
<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Assessment in relation to an application under an Export Control Order for an exemption of certain goods from specified provisions of an Export Control Order	For each authorised officer performing the service: (a) if the service relates to live animals or animal reproductive material—\$55 for each quarter hour or part of a quarter hour;

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**Fees in connection with assessment of application for exemption from Export Control Order**

<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
		or
		(b) if the service relates to plants or plant products—\$36 for each quarter hour or part of a quarter hour; or
		(c) if the service relates to meat or meat products—\$30 for each quarter hour or part of a quarter hour; or
		(d) if the service relates to milk or milk products—\$33 for each quarter hour or part of a quarter hour; or
		(e) if the service relates to fish or fish products—\$50 for each quarter hour or part of a quarter hour; or
		(f) if the service relates to eggs or egg products—\$50 for each quarter hour or part of a quarter hour

Note: Additional fees are payable if a service is performed outside ordinary hours of duty (see sections 12, 13 and 14).

**12 Fees in connection with services performed outside ordinary hours of duty—live animals or animal reproductive material**

- (1) This section applies if an authorised officer performs a service referred to in section 7, 8, 10 or 11 in relation to live animals or animal reproductive material during a period outside ordinary hours of duty.

Note: Ordinary hours of duty, in relation to the performance of a service in relation to live animals or animal reproductive material, is the period that begins at 6.30 am and ends at 6.30 pm on a weekday (see section 5).

- (2) The fee in connection with the performance of the service during the period is the amount set out in, or worked out in accordance with, column 2 of the item in the following table that applies to the service.

Note: The fee imposed by this subsection is in addition to the fee imposed by section 7, 8, 10 or 11 (as applicable) in connection with the performance of the service (see subsection 6(2)).

**Fees in connection with services performed in relation to live animals or animal reproductive material outside ordinary hours of duty**

<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Service performed by an authorised officer who is not a veterinarian on a weekday outside ordinary hours of duty	For each authorised officer performing the service: (a) if the service is performed immediately before or immediately after a service performed by the officer during ordinary hours of duty—\$15 for each quarter hour or part of a quarter hour; or

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**Fees in connection with services performed in relation to live animals or animal reproductive material outside ordinary hours of duty**

Item	Column 1 Service	Column 2 Amount
		(b) in any other case: (i) for any period up to 30 minutes—\$30; and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$15
2	Service performed by an authorised officer who is not a veterinarian on a Saturday, Sunday or a departmental holiday	For each authorised officer performing the service: (a) for any period up to 30 minutes—\$40; and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$20
3	Service performed by an authorised officer who is a veterinarian on a weekday outside ordinary hours of duty	For each authorised officer performing the service: (a) if the service is performed immediately before or immediately after a service performed by the officer during ordinary hours of duty—\$21 for each quarter hour or part of a quarter hour; or (b) in any other case: (i) for any period up to 30 minutes—\$42; and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$21
4	Service performed by an authorised officer who is a veterinarian on a Saturday, Sunday or a departmental holiday	For each authorised officer performing the service: (a) for any period up to 30 minutes—\$58; and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$29

**13 Fees in connection with services performed outside ordinary hours of duty—meat or meat products**

- (1) This section applies if an authorised officer performs a service referred to in section 7, 8, 10 or 11 in relation to meat or meat products during a period outside ordinary hours of duty.

Note: Ordinary hours of duty, in relation to the performance of a service in relation to meat or meat products, is the period that begins at 5.30 am and ends at 5.30 pm on a weekday (see section 5).

*Shift loading rates*

- (2) If the authorised officer is entitled to be paid a shift loading for performing the service during the period, the fee in connection with the performance of the service during the period is the amount set out in, or worked out in accordance with, column 2 of the item in the following table that applies to the service and the authorised officer.



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Note: The fee imposed by this subsection is in addition to the fee imposed by section 7, 8, 10 or 11 (as applicable) in connection with the performance of the service (see subsection 6(2)).

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**Fees in connection with services performed in relation to meat or meat products outside ordinary hours of duty—shift loadings**

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<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Service performed by an authorised officer who is not a veterinarian	If the service is performed: (a) on a weekday—\$1.57 for each hour or part of an hour; or (b) on a Saturday—\$5.22 for each hour or part of an hour; or (c) on a Sunday—\$10.43 for each hour or part of an hour; or (d) on a departmental holiday—\$15.65 for each hour or part of an hour
2	Service performed by an authorised officer who is a veterinarian	If the service is performed: (a) on a weekday—\$2.43 for each hour or part of an hour; or (b) on a Saturday—\$8.09 for each hour or part of an hour; or (c) on a Sunday—\$16.17 for each hour or part of an hour; or (d) on a departmental holiday—\$24.26 for each hour or part of an hour

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*Overtime rates*

- (3) If the authorised officer is entitled to be paid at overtime rates for performing the service during the period, the fee in connection with the performance of the service during the period is the amount set out in, or worked out in accordance with, column 2 of the item in the following table that applies to the service and the authorised officer.

Note: The fee imposed by this subsection is in addition to the fee imposed by section 7, 8, 10 or 11 (as applicable) in connection with the performance of the service (see subsection 6(2)).

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**Fees in connection with services performed in relation to meat or meat products outside ordinary hours of duty—overtime rates**

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<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Service performed by an authorised officer who is not a veterinarian (other than during a period covered by item 2)	If the overtime rate: (a) is single time—\$10.43 for each quarter hour or part of a quarter hour; or (b) is time and a half—\$15.64 for each quarter hour or part of a quarter hour; or (c) is double time—\$20.86 for each quarter hour or part of a quarter hour; or

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**Fees in connection with services performed in relation to meat or meat products outside ordinary hours of duty—overtime rates**

Item	Column 1 Service	Column 2 Amount
		(d) is double time and a half—\$26.07 for each quarter hour or part of a quarter hour
2	Service performed by an authorised officer who is not a veterinarian during a period that: (a) does not end immediately before, or start immediately after, a service performed by the officer during ordinary hours of duty; and (b) is less than 4 hours	If the overtime rate: (a) is single time—\$166.88; or (b) is time and a half—\$250.24; or (c) is double time—\$333.76; or (d) is double time and a half—\$417.12
3	Service performed by an authorised officer who is a veterinarian (other than during a period covered by item 4)	If the overtime rate: (a) is time and a half—\$24.26 for each quarter hour or part of a quarter hour; or (b) is double time—\$32.34 for each quarter hour or part of a quarter hour; or (c) is double time and a half—\$40.43 for each quarter hour or part of a quarter hour
4	Service performed by an authorised officer who is a veterinarian during a period that: (a) does not end immediately before, or start immediately after, a service performed by the officer during ordinary hours of duty; and (b) is less than 3 hours	If the overtime rate: (a) is time and a half—\$291.12; or (b) is double time—\$388.08; or (c) is double time and a half—\$485.16

**14 Fees in connection with services performed outside ordinary hours of duty—other goods**

- (1) This section applies if an authorised officer performs a service referred to in section 7, 8, 10 or 11 (other than a service in relation to live animals, animal reproductive material, meat or meat products) during a period outside ordinary hours of duty.

Note: Ordinary hours of duty, in relation to the performance of a service other than in relation to meat or meat products, is the period that begins at 6.30 am and ends at 6.30 pm on a weekday (see section 5).

- (2) The fee in connection with the performance of the service during the period is the amount set out in, or worked out in accordance with, column 2 of the item in the following table that applies to the service.

Note: The fee imposed by this subsection is in addition to the fee imposed by section 7, 8, 10 or 11 (as applicable) in connection with the performance of the service (see subsection 6(2)).

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**Fees in connection with services (other than in relation to live animals, animal reproductive material, meat or meat products) performed outside ordinary hours of duty**

<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Service performed by an authorised officer on a weekday outside ordinary hours of duty	For each authorised officer performing the service: (a) if the service is performed immediately before or immediately after a service performed by the officer during ordinary hours of duty—\$15 for each quarter hour or part of a quarter hour; or (b) in any other case: (i) for any period up to 30 minutes—\$30; and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$15
2	Service performed by an authorised officer on a Saturday, Sunday or a departmental holiday	For each authorised officer performing the service: (a) for any period up to 30 minutes—\$40; and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$20

**15 Fees in connection with appointments of non-APS employees as authorised officers to perform services in relation to plants or plant products**

The fee in connection with the performance of a service mentioned in column 1 of an item in the following table is the amount set out in, or worked out in accordance with, column 2 of the item.

**Fees in connection with appointments of non-APS employees as authorised officers to perform services in relation to plants or plant products**

<b>Item</b>	<b>Column 1 Service</b>	<b>Column 2 Amount</b>
1	Consideration of an application by a person (other than an APS employee) to be appointed to be an authorised officer under section 20 of the Act for the purpose of exercising powers, or performing functions, in relation to plants or plant products for export	\$250
2	Training, and initial assessment of competence, of a person who has made an application referred to in item 1	\$1 750
3	Additional training, and assessment of competence, of a person referred to in item 2 who was found not to be competent after the assessment referred to in that item	\$2 000
4	Making an instrument under section 20 of the Act appointing a person (other than an APS employee) to be an authorised officer for the purpose of exercising powers, or performing functions, in relation to plants or plant products for export	\$250

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**16 Exemptions from fees**

A basic fee is not payable under this instrument in connection with the performance of a service if the service relates to:

- (a) the export of a disability assistance dog; or
- (b) goods that are to be exported from Australia by an organisation approved by the Secretary that provides aid or assistance in a foreign country; or
- (c) a registered establishment that is a marine laboratory:
  - (i) that is operated or funded by the Commonwealth or a State or Territory; and
  - (ii) the primary function of which is to research and develop export markets without engaging in commercial trade.

## Part 3—Paying export fees

### 17 Who is liable to pay a basic fee

- (1) A basic fee that is required to be paid in connection with the performance of a service by this instrument is payable by the person for whom the service is, or is to be, performed.
- (2) An agent of a person liable to pay a basic fee is jointly and severally liable with that person to pay the fee.
- (3) If:
  - (a) an agent of a person liable to pay a basic fee pays the fee on behalf of the person; and
  - (b) at the time when the payment is made, the agent has not collected an amount equivalent to the fee from the person;the agent may recover such an amount from the person as a debt due to the agent.

### 18 Time for payment of a basic fee

A basic fee is due and payable when a demand for payment of the fee is made.

### 19 Late payment fee

- (1) If a basic fee is not paid at or before the time (the *payment time*) the fee is due and payable, a late payment fee is imposed, worked out in accordance with subsection (2), in addition to the basic fee.
- (2) The late payment fee is worked out using the following formula:

$$\frac{0.2 \times \text{Basic fee} \times \text{Days overdue}}{365}$$

where:

*days overdue* is the number of days after the basic fee is due and payable that elapse before the day on which the basic fee is paid.

### 20 Person liable to pay a late payment fee

If a basic fee is payable and the person liable to pay the fee, or an agent of that person, has not paid the fee at or before the time the fee is due and payable, the person and the agent are jointly and severally liable to pay the late payment fee.

### 21 Secretary may decide not to perform services if fees are not paid

- (1) This section applies in relation to a person (the *debtor*) who is liable to pay a basic fee or a late payment fee that is due and payable in connection with the performance of an export service for the debtor.

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- (2) The Secretary may give the debtor written notice that the Secretary may decide not to perform any further export services for the debtor unless arrangements for payment of the unpaid fee, satisfactory to the Secretary, are made within 14 days after the date of the notice.
- (3) If, at the end of the period of 14 days referred to in subsection (2), arrangements for payment of the unpaid fee, satisfactory to the Secretary, have not been made, then, despite any arrangement between the Secretary and the debtor, the Secretary may decide not to perform any further export services for the debtor.
- (4) Action by the Secretary under this section does not affect the liability of the debtor to pay the unpaid fee.
- (5) For this section, an export service is a service in connection with which a fee is imposed under this instrument.

Note: Part 16 (Reconsideration and review of decisions) of the *Export Control (Prescribed Goods—General) Order 2005* applies in relation to a decision made under this section.

**22 Recovery of basic fees and late payment fees**

A basic fee or a late payment fee that is due and payable to the Commonwealth under this instrument may be recovered as a debt due to the Commonwealth by action in a court of competent jurisdiction.

## **Part 4—Miscellaneous**

### **23 Remitting basic fees and late payment fees**

- (1) The Secretary may, if the Secretary considers it appropriate to do so, remit the whole or part of a basic fee or a late payment fee that is payable or paid to the Commonwealth under this instrument.
- (2) The Secretary may do so on his or her own initiative or on written application by a person.

## Part 5—Application and transitional provisions

### 24 Definitions

In this Part:

**2001 Fees Orders** means the *Export Control (Fees) Orders 2001*, as in force immediately before the commencement time.

**commencement time** means the time when this instrument commences.

Note: This instrument commences on 1 December 2015.

### 25 Fees in connection with audits

A fee imposed by this instrument in connection with the performance of an audit applies in relation to an audit that commences after the commencement time.

### 26 Fees in connection with inspections (other than inspections performed in accordance with an arrangement)

- (1) Subject to subsection (2) and subsection 29(1), a fee imposed by this instrument in connection with the performance of an inspection (other than an inspection by an allocated authorised officer in accordance with an arrangement in force under section 9) applies in relation to an inspection that commences after the commencement time.
- (2) The fees imposed by item 2 (which relates to plants and plant products) in the table in section 8 do not apply in connection with the performance of an inspection that commences after the commencement time and before 1 March 2016. The fee imposed instead is \$36 for each authorised officer performing the inspection for each quarter hour or part of a quarter hour.

Note: The fees imposed by item 2 of the table in section 8 apply in connection with the performance of an inspection that commences on or after 1 March 2016.

- (3) Despite the repeal of the 2001 Fees Orders by this instrument, the fees imposed by those Orders continue to apply in connection with the performance of an inspection service (not being an inspection service performed in relation to live animals or animal reproductive material) that had commenced before the commencement time but had not been completed before that time.

Note: See section 29 in relation to services performed in relation to live animals or animal reproductive material.

### 27 Fees in connection with inspections performed in accordance with an arrangement

- (1) This section applies in relation to an arrangement:
  - (a) that was in force between the occupier of a registered establishment and the Secretary under order 55 of the 2001 Fees Orders immediately before the commencement time; and



- (b) that, but for the repeal of the 2001 Fees Orders by this instrument, would have continued in force for a period (the *remaining period*) after the commencement time.
- (2) Despite the repeal of the 2001 Fees Orders by this instrument, the arrangement continues in force for the remaining period as if:
  - (a) it had been entered into between the occupier of the registered establishment and the Secretary under section 9 of this instrument; and
  - (b) it provided for the allocation of an authorised officer to the registered establishment to perform inspections of goods for export as specified in the arrangement.
- (3) The fee imposed by item 4 or 5 (as the case requires) in the table in section 8 of this instrument applies in connection with an inspection performed by an allocated authorised officer at the registered establishment after the commencement time.
- (4) Despite the repeal of the 2001 Fees Orders by this instrument, the fees imposed by those Orders continue to apply in connection with an inspection service performed by an allocated authorised officer at the registered establishment before the commencement time.

## **28 Fees in connection with export documents**

- (1) A fee imposed by this instrument in connection with the performance of a service in relation to an application for an export document applies in relation to an application for an export document that is made after the commencement time.
- (2) Despite the repeal of the 2001 Fees Orders by this instrument, the fees imposed by those Orders continue to apply in connection with a service performed in relation to an export document that is issued after the commencement time if the application for the export document had been made before the commencement time.

## **29 Fees in relation to live animals and animal reproductive material**

- (1) Despite the repeal of the 2001 Fees Orders by this instrument, Part 4 of those Orders (as modified by subsection (2) of this section) and Schedule 4 to those Orders continue to apply in connection with the performance of an inspection service in relation to live animals, or animal reproductive material, for export if:
  - (a) the notice of intention to export the live animals, or animal reproductive material, required by the *Export Control (Animals) Order 2004* had been given to the Secretary before the commencement time; and
  - (b) the inspection service:
    - (i) had commenced before the commencement time but had not been completed before that time; or
    - (ii) commences after the commencement time.
- (2) Table 23AA.1 of suborder 23AA(2) of the 2001 Fees Orders continues to apply under subsection (1) of this section as if:
  - (a) the per head fee of \$2.57 in item 1 were omitted and the per head fee of \$1.36 were substituted; and

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- (b) the per head fee of \$6.47 in item 2 were omitted and the per head fee of \$5.26 were substituted; and
  - (c) the per head fee of \$0.34 in item 3 were omitted and the per head fee of \$0.03 were substituted; and
  - (d) the per head fee of \$0.37 in items 4 and 5 were omitted and the per head fee of \$0.06 were substituted.
- (3) Despite the repeal of the 2001 Fees Orders by this instrument, the fees imposed by those Orders continue to apply in connection with the performance of a service referred to in suborder 23AB(2) or (3) of the 2001 Fees Orders that had commenced before the commencement time but had not been completed before that time.

### **30 Fees in connection with assessment of application for exemption from Export Control Order**

A fee imposed by this instrument in connection with the performance of a service in relation to an application referred to in the table in section 11 applies in relation to an application that is made after the commencement time.

### **31 Fees in connection with appointments of non-APS employees as authorised officers to perform services in relation to plants or plant products**

A fee imposed by section 15 of this instrument applies in relation to a person who applies, after the commencement time, to be appointed to be an authorised officer under section 20 of the Act for the purpose of exercising powers, or performing functions, in relation to plants or plant products for export.

### **32 Collection of fees imposed under 2001 Fees Orders**

Despite the repeal of the 2001 Fees Orders by this instrument, orders 45, 47, 48 and 49 of those Orders continue to apply in relation to a fee that was imposed under those Orders before the commencement time.

### **33 Repeals**

The following provisions are repealed at the start of 1 December 2016:

- (a) note 2 to section 8;
- (b) this Part.

## **Schedule 1—Repeals**

### *Export Control (Fees) Orders 2001*

#### **1 The whole of the Orders**

Repeal the Orders.