

EXPLANATORY STATEMENT

Issued by Authority of the Secretary of the Department of Agriculture and Water Resources

Australian Meat and Livestock Industry Act 1997

*Australian Meat and Live-stock (High Quality Beef Export to the European Union)
Amendment (Fees) Order 2015*

Legislative Authority

Subsection 17(1) of the *Australian Meat and Livestock Industry Act 1997* (AMLI Act) provides that the Secretary may make orders, by legislative instrument, to be complied with by the holders of export licences. Under paragraph 17(3)(c), an order may require payment of the prescribed fee for the exercise of a power, or performance of a duty, under the order, if that power or duty relates to a consignment for export otherwise than in accordance with a quota and provide for the waiver or remission of such fees .

Purpose

The *Australian Meat and Live-stock (High Quality Beef Export to the European Union) Amendment (Fees) Order 2015* (the Amendment Order) amends the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2015* (the High Quality Beef to the EU Order).

The purpose of the Amendment Order is to impose fees as a condition of obtaining a certificate for a consignment of grain fed high quality beef to the European Union, as there are no fees in place currently for the certification services provided by the Department of Agriculture and Water Resources' (the department).

The Amendment Order gives effect to the new export services cost recovery fees developed as part of the department's redesign of cost recovery arrangements.

Background

The power to charge fees for the provision of these certificates was introduced through amendment to the AMLI Act in 2014.

The export of certain goods, such as meat, is managed under the *Export Control Act 1982* and the AMLI Act. These Acts and other related legislation provide the basis for ensuring that these goods meet the requirements of importing countries.

The department monitors operational policy and manages systems to ensure compliance with Australian export controls and importing country requirements. This is achieved by undertaking inspection, certification, approval and licencing activities. These activities serve to maintain the eligibility of commodities for export from Australia and ensure that market access is maintained. The department also issues permits, health certification and other documentation necessary to confirm compliance for importing countries.

Monitoring compliance with export legislation comes at a cost. The *Australian Government Cost Recovery Guidelines* state that agencies should set charges to recover some or all the costs of activities that they provide.

The policy authority for continued cost recovery of export services was confirmed in the 2015–16 Budget when the Commonwealth announced the redesign of the department’s cost recovery arrangements. The redesign improves the department’s cost recovery arrangements so they are financially sustainable and support the efficient and effective delivery of export services into the future. The redesign improves the cost recovery of export services by:

- recovering the full costs of services undertaken by the department
- simplifying the structure of fees and charges
- achieving greater equity in client contributions to system costs.

Impact and Effect

The Amendment Order provides for minor amendments to the High Quality Beef to the EU Order to prescribe a fee for the endorsement of a certificate for a consignment of grain fed high quality beef. This fees recovers the departments cost associated with providing the certification. The Amendment Order also provides transitional provisions that establish when the new fees will come into effect.

Consultation

The department consulted with stakeholders during the development of the redesigned cost recovery fees and charges. This included the department working with all export-related industry consultative committees and other clients and interested stakeholders through public engagement forums. The department released draft Cost Recovery Implementation Statements (CRISs) for public comment and provided opportunity for stakeholders to provide feedback through a submissions process.

Stakeholder feedback was taken into account and the final CRISs were certified by the Secretary of the department and endorsed by the Minister for Agriculture and Water Resources. The Minister for Finance agreed to release the final CRISs which are available on the department’s website.

The Amendment Order is compatible with human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in Attachment A.

A Regulatory Impact Statement (RIS) was completed on the department's quarantine, imported food and export certification cost recovery redesign (Office of Best Practice Regulation ID: 17726). OBPR assessed the RIS as best practice. A copy of the RIS is attached.

The Amendment Order is a legislative instrument for the purpose of the *Legislative Instruments Act 2003*.

Details of the *Australian Meat and Live-stock (High Quality Beef Export to the European Union) Amendment (Fees) Order 2015*

Section 1 – Name

This section provides that the name of the Amendment Order is the *Australian Meat and Live-stock (High Quality Beef Export to the European Union) Amendment (Fees) Order 2015*.

Section 2 – Commencement

This section provides for the Amendment Order to commence on the 1 December 2015.

Section 3 – Authority

This section provides for the Amendment Order to be made under section 17 of the *Australian Meat and Live-stock Industry Act 1997*.

Section 4 – Schedules

This section provides that each instrument specified in a schedule to the Amendment Order is amended or repealed as set out in the applicable Schedule.

Schedule 1 – Amendments

Item 1 adds subsection 41(1A) after subsection 41(1).

Subsection 41(1A) sets out that an exporter who wants to obtain a certificate for a consignment of grain fed high quality beef must pay a fee for the endorsement of the certificate. The fee set out under subparagraph 41(1A)(a) applies where the endorsement of a certificate for a consignment that has not previously been obtained (\$100), while the fee under subparagraph 41(1A)(b) applies where a certificate has previously been obtained (\$500).

Item 2 insets transitional provisions at the end of Part 9.

Section 47 provides that subsection 41(1A) will apply to an entry for a consignment that is lodged in EXDOC under paragraph 41(1)(a), or a certificate for a consignment that is given to an authorised officer under paragraph 41(1)(b), on or after 1 December 2015.

Subsection 47(2) will repeal section 47 at the start of 1 July 2016.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

*Australian Meat and Live-stock (High Quality Beef Export to the European Union)
Amendment (Fees) Order 2015*

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *(Australian Meat and Live-stock (High Quality Beef Export to the European Union) Amendment (Fees) Order 2015* (the Amendment Order) amends the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2015* .

The purpose of the Amendment Order is to impose fees as a condition of obtaining a certificate for a consignment of grain fed high quality beef to the European Union, as there are no fees in place currently for the certification services provided by the Department of Agriculture and Water Resources.

The Amendment Order gives effect to the new export services cost recovery fees developed as part of the department's redesign of cost recovery arrangements.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**The Hon. Barnaby Joyce MP
Minister for Agriculture and Water Resources**