



## **Export Control (Fees and Payments) Rules 2021**

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I, Andrew Edgar Francis Metcalfe AO, Secretary of the Department of Agriculture, Water and the Environment, make the following rules.

Dated 19 March 2021

Andrew Edgar Francis Metcalfe AO  
Secretary of the Department of Agriculture, Water and the Environment

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## Part 1—Preliminary

### Division 1—Preliminary

#### 1-1 Name

This instrument is the *Export Control (Fees and Payments) Rules 2021*.

#### 1-2 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 | At the same time as section 3 of the <i>Export Control Act 2020</i> commences. | 3 am (A.C.T.)<br>28 March 2021 |

Note: This table relates only to the provisions of this instrument as originally made.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.

#### 1-3 Authority

This instrument is made under the *Export Control Act 2020*.

#### 1-4 Extension to certain external Territories

- (1) For the purposes of subsection 8(2) of the Act, this instrument extends to:
- Norfolk Island; and
  - the exclusive economic zone adjacent to Norfolk Island; and
  - the area that is on or in the continental shelf adjacent to Norfolk Island and is not within the exclusive economic zone adjacent to Norfolk Island.

Note: The *Export Control Act 2020* and the *Export Control (Plants and Plant Products) Rules 2021* extend to Norfolk Island and the areas referred to in paragraphs (b) and (c) of this subsection (see section 1-4 of the *Export Control (Plants and Plant Products) Rules 2021*).

- (2) For the purposes of subsection 8(2) of the Act, this instrument extends to:
- the Territory of Heard Island and McDonald Islands; and
  - the exclusive economic zone adjacent to that Territory; and
  - the area that is on or in the continental shelf adjacent to that Territory and is not within the exclusive economic zone adjacent to that Territory.

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Note: The *Export Control Act 2020* and the *Export Control (Fish and Fish Products) Rules 2021* extend to the Territory of Heard Island and McDonald Islands and the areas referred to in paragraphs (b) and (c) of this subsection (see section 1-4 of the *Export Control (Fish and Fish Products) Rules 2021*).

## 1-5 Simplified outline of this instrument

### General

This instrument prescribes matters relating to cost recovery for the purposes of Part 4 of Chapter 11 of the *Export Control Act 2020* (the *Act*).

Part 2 of this instrument prescribes fees that may be charged in relation to specified fee-bearing activities carried out by, or on behalf of, the Commonwealth in the performance of functions or the exercise of powers under the Act.

Part 3 of this instrument prescribes certain matters relating to the payment of specified cost-recovery charges. A cost-recovery charge is:

- (a) a fee prescribed by Part 2 of this instrument; or
- (b) a charge imposed by the *Export Charges (Imposition—Customs) Act 2015*, the *Export Charges (Imposition—Excise) Act 2015* or the *Export Charges (Imposition—General) Act 2015*; or
- (c) a late payment fee relating to a fee or a charge described in paragraph (a) or (b).

A cost-recovery charge is due and payable when a demand for payment of the charge is made.

A cost-recovery charge is payable by the person, or persons, prescribed by section 3-2 of this instrument.

An agent of a person liable to pay a cost-recovery charge is jointly and severally liable with that person to pay the charge and the agent may recover an amount equivalent to the charge from the person as a debt due to the agent.

If a basic charge is not paid at or before the time the basic charge is due and payable, a late payment fee is imposed in addition to the basic charge.

### Extension to Norfolk Island and Territory of Heard Island and McDonald Islands

This instrument extends to Norfolk Island and the Territory of Heard Island and McDonald Islands and certain areas adjacent to those Territories.

## Division 2—Interpretation

### 1-6 Definitions

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

- (a) animal reproductive material;
- (b) approved export program;
- (c) Commonwealth authorised officer;
- (d) cost-recovery charge;
- (e) export operations;
- (f) fee-bearing activities;
- (g) government certificate;
- (h) late payment fee;
- (i) registered establishment;
- (j) State or Territory authorised officer;
- (k) tariff rate quota certificate;
- (l) third party authorised officer.

In this instrument:

**Act** means the *Export Control Act 2020*, and includes:

- (a) legislative instruments made under the *Export Control Act 2020*; and
- (b) the Regulatory Powers Act as it applies in relation to the *Export Control Act 2020*.

**allocated authorised officer** means a Commonwealth authorised officer who is allocated to a registered establishment to carry out meat inspection services.

**assessment** means an assessment of goods under Part 2 of Chapter 9 of the Act.

**audit** means an audit under Part 1 of Chapter 9 of the Act.

**basic charge** means:

- (a) a fee prescribed by a provision in Part 2 of this instrument; or
- (b) a charge imposed by:
  - (i) the *Export Charges (Imposition—Customs) Act 2015*; or
  - (ii) the *Export Charges (Imposition—Excise) Act 2015*; or
  - (iii) the *Export Charges (Imposition—General) Act 2015*.

Note: See also the *Export Charges (Imposition—Customs) Regulations 2021* and the *Export Charges (Imposition—General) Regulations 2021*.

**departmental holiday**, in relation to a fee-bearing activity, means a Monday, Tuesday, Wednesday, Thursday or Friday that is observed as a public holiday in the place where the fee-bearing activity is carried out.

**export document** means a government certificate, an export permit, a tariff rate quota certificate, or 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, but does not include:

- (a) an export licence; or

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- (b) an approved ESCAS within the meaning of the *Export Control (Animals) Rules 2021*; or
- (c) a pre-export approval within the meaning of the *Export Control (Animals) Rules 2021*; or
- (d) an instrument of exemption given under subsection 56(1) of the Act.

**meat inspection service** means a meat inspection service within the meaning of any of the following:

- (a) the *Export Control (Meat and Meat Products) Rules 2021*;
- (b) the *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021*;
- (c) the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021*;
- (d) the *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021*.

**month** means a calendar month.

**occupier**, of a registered establishment, has the meaning given by subsection 19(1) of the Act.

**ordinary hours of duty** means the period that begins at 6.30 am and ends at 6.30 pm on a weekday.

**prescribed animal reproductive material** has the meaning given by the *Export Control (Animals) Rules 2021*.

**prescribed egg products** has the meaning given by the *Export Control (Eggs and Egg Products) Rules 2021*.

**prescribed eggs** has the meaning given by the *Export Control (Eggs and Egg Products) Rules 2021*.

**prescribed fish** has the meaning given by the *Export Control (Fish and Fish Products) Rules 2021*.

**prescribed fish products** has the meaning given by the *Export Control (Fish and Fish Products) Rules 2021*.

**prescribed live animals** has the meaning given by the *Export Control (Animals) Rules 2021*.

**prescribed livestock** has the meaning given by the *Export Control (Animals) Rules 2021*.

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

- (a) prescribed meat within the meaning of the *Export Control (Meat and Meat Products) Rules 2021*;
- (b) prescribed poultry meat within the meaning of the *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021*;
- (c) prescribed rabbit meat within the meaning of the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021*;
- (d) prescribed ratite meat within the meaning of the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021*;



- (e) prescribed wild game meat within the meaning of the *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021*.

**prescribed meat products** means any of the following:

- (a) prescribed meat products within the meaning of the *Export Control (Meat and Meat Products) Rules 2021*;
- (b) prescribed poultry meat products within the meaning of the *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021*;
- (c) prescribed rabbit meat products within the meaning of the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021*;
- (d) prescribed ratite meat products within the meaning of the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021*;
- (e) prescribed wild game meat products within the meaning of the *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021*.

**prescribed milk** has the meaning given by the *Export Control (Milk and Milk Products) Rules 2021*.

**prescribed milk products** has the meaning given by the *Export Control (Milk and Milk Products) Rules 2021*.

**prescribed organic goods** has the meaning given by the *Export Control (Organic Goods) Rules 2021*.

**prescribed plant products** has the meaning given by the *Export Control (Plants and Plant Products) Rules 2021*.

**prescribed plants** has the meaning given by the *Export Control (Plants and Plant Products) Rules 2021*.

**weekday**, in relation to a fee-bearing activity, means a Monday, Tuesday, Wednesday, Thursday or Friday that is not a departmental holiday in the place where the activity is carried out.

## Part 2—Fees

### 2-1 Purpose and application of this Part

- (1) For the purposes of subsection 399(1) of the Act, this Part prescribes fees that may be charged in relation to specified fee-bearing activities carried out by, or on behalf of, the Commonwealth in the performance of functions or the exercise of powers under the Act.
- (2) Unless the contrary intention appears, each fee prescribed by this Part in relation to a fee-bearing activity is in addition to any other fee prescribed by this Part in relation to that fee-bearing activity.

Note: A fee is not payable under this instrument in relation to a fee-bearing activity in certain circumstances (see section 2-14).

### 2-2 Fees in relation to audits

- (1) Subject to subsection (2), the fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in, or worked out in accordance with, column 2 of the item.

| <b>Fees in relation to audits</b> |   |  |
|-----------------------------------|---|--|
| <b>Item</b>                       | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>   |
| 1                                 | Audit by a Commonwealth authorised officer of export operations carried out, or in relation to the performance of functions or exercise of powers under the Act, in relation to:<br>(a) prescribed livestock for export; or<br>(b) prescribed live animals for export; or<br>(c) prescribed animal reproductive material for export | For each authorised officer carrying out the activity:<br>(a) if the Secretary requires the activity to be carried out by a veterinarian—\$103 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$43 for each quarter hour or part of a quarter hour |
| 2                                 | Audit by a Commonwealth authorised officer of export operations carried out, or in relation to the performance of functions or exercise of powers under the Act, in relation to prescribed plants or prescribed plant products for export   | For each authorised officer carrying out the activity—\$36 for each quarter hour or part of a quarter hour   |
| 3                                 | Audit by a Commonwealth authorised officer of export operations carried out, or in relation to the performance of functions or exercise of powers under the Act, in relation to prescribed meat or prescribed meat products for export  | For each authorised officer carrying out the activity:<br>(a) if the Secretary requires the activity to be carried out by a veterinarian—\$108 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$30 for each quarter hour or part of a quarter hour |
| 4                                 | Audit by a Commonwealth authorised officer of export operations carried out, or   | For each authorised officer carrying out the activity—\$33 for each quarter hour, or part of a   |

## Section 2-2

**Fees in relation to audits**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>   |
|-------------|---|--|
|             | in relation to the performance of functions or exercise of powers under the Act, in relation to prescribed milk or prescribed milk products for export  | quarter hour   |
| 5           | Audit by a Commonwealth authorised officer of export operations carried out, or in relation to the performance of functions or exercise of powers under the Act, in relation to prescribed fish or prescribed fish products for export  | For each authorised officer carrying out the activity—\$50 for each quarter hour or part of a quarter hour |
| 6           | Audit by a Commonwealth authorised officer of export operations carried out, or in relation to the performance of functions or exercise of powers under the Act, in relation to prescribed eggs or prescribed egg products for export   | For each authorised officer carrying out the activity—\$50 for each quarter hour or part of a quarter hour |
| 7           | Audit by a Commonwealth authorised officer of export operations carried out, or in relation to the performance of functions or exercise of powers under the Act, in relation to prescribed organic goods for export   | For each authorised officer carrying out the activity—\$33 for each quarter hour or part of a quarter hour |
| 8           | Audit by a Commonwealth authorised officer of export operations carried out, or in relation to the performance of functions or exercise of powers under the Act, in relation to goods (other than goods covered by items 1 to 7) in relation to which an application for a government certificate has been made under subsection 65(1) of the Act | For each authorised officer carrying out the activity—\$40 for each quarter hour or part of a quarter hour |
| 9           | Provision of consumable materials used in carrying out an activity specified in any of items 1 to 8   | An amount equivalent to the cost of the consumable materials   |

- (2) If an audit is conducted of export operations carried out at a registered establishment in relation to a kind of goods specified in column 1 of more than one item in the table in subsection (1) (the *relevant items*), the fee that may be charged in relation to the audit is the higher, or the highest, of the amounts specified in, or worked out in accordance with, column 2 of the relevant items.

Note: Additional fees are payable if a fee-bearing activity is carried out in relation to certain kinds of goods by a Commonwealth authorised officer outside ordinary hours of duty or during a period for which a shift loading or overtime is payable (see sections 2-7 to 2-10).

## Part 2 Fees

### Section 2-3

#### 2-3 Fees in relation to assessments and inspections

The fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in, or worked out in accordance with, column 2 of the item.

| <b>Fees in relation to assessments and inspections</b> |  |  |
|--|--|--|
| <b>Item</b>  | <b>Column 1<br/>Fee-bearing activity</b>   | <b>Column 2<br/>Amount</b>   |
| 1  | Assessment by a Commonwealth authorised officer of:<br>(a) prescribed livestock for export; or<br>(b) prescribed live animals for export; or<br>(c) prescribed animal reproductive material for export   | For:<br>(a) each authorised officer who is a veterinarian carrying out the activity:<br>(i) if the activity could have been carried out by a State or Territory authorised officer or a third party authorised officer—\$71 for each quarter hour or part of a quarter hour; or<br>(ii) in any other case—\$55 for each quarter hour or part of a quarter hour; or<br>(b) each authorised officer who is not a veterinarian carrying out the activity—\$55 for each quarter hour or part of a quarter hour |
| 2  | Assessment by a Commonwealth authorised officer, or a State or Territory authorised officer, of prescribed plants or prescribed plant products for export  | For each authorised officer carrying out the activity:<br>(a) if the activity could have been carried out by a third party authorised officer—\$75 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$36 for each quarter hour or part of a quarter hour   |
| 3  | Inspection of a bulk vessel under Part 5 of Chapter 9 of the <i>Export Control (Plants and Plant Products) Rules 2021</i> by a Commonwealth authorised officer, or a State or Territory authorised officer, for the purpose of deciding whether to approve the bulk vessel | For each authorised officer carrying out the activity:<br>(a) if the activity could have been carried out by a third party authorised officer—\$75 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$36 for each quarter hour or part of a quarter hour   |
| 4  | Inspection of a container under Part 6 of Chapter 9 of the <i>Export Control (Plants and Plant Products) Rules 2021</i> by a Commonwealth authorised officer, or a State or Territory authorised officer, for the purpose of deciding whether to approve the container     | For each authorised officer carrying out the activity:<br>(a) if the activity could have been carried out by a third party authorised officer—\$75 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$36 for each quarter hour or part of a quarter hour   |
| 5  | Assessment by a Commonwealth authorised officer of prescribed meat or prescribed   | For each authorised officer carrying out the activity:   |

## Section 2-4

**Fees in relation to assessments and inspections**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>  |
|-------------|---|---|
|             | meat products for export (other than meat inspection services covered by section 2-4)   | (a) if the Secretary requires the activity to be carried out by a veterinarian—\$39 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$30 for each quarter hour or part of a quarter hour |
| 6           | Assessment by a Commonwealth authorised officer of prescribed milk or prescribed milk products for export   | For each authorised officer carrying out the activity—\$33 for each quarter hour or part of a quarter hour  |
| 7           | Assessment by a Commonwealth authorised officer of prescribed fish or prescribed fish products for export   | For each authorised officer carrying out the activity—\$50 for each quarter hour or part of a quarter hour  |
| 8           | Assessment by a Commonwealth authorised officer of prescribed eggs or prescribed egg products for export  | For each authorised officer carrying out the activity—\$50 for each quarter hour or part of a quarter hour  |
| 9           | Assessment by a Commonwealth authorised officer of goods (other than goods covered by item 1, 2 or 5 to 8) in relation to which an application for a government certificate has been made under subsection 65(1) of the Act | For each authorised officer carrying out the activity—\$40 for each quarter hour or part of a quarter hour  |
| 10          | Provision of consumable materials used in carrying out an activity specified in any of items 1 to 9   | An amount equivalent to the cost of the consumable materials  |

Note: Additional fees are payable if a fee-bearing activity is carried out in relation to certain kinds of goods by a Commonwealth authorised officer outside ordinary hours of duty or during a period for which a shift loading or overtime is payable (see sections 2-7 to 2-10).

**2-4 Fees in relation to meat inspection services**

- (1) The fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in, or worked out in accordance with, column 2 of the item.

**Fees in relation to meat inspection services**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>   | <b>Column 2<br/>Amount</b>  |
|-------------|--|---|
| 1           | Meat inspection service carried out by a Commonwealth authorised officer in relation to prescribed meat or prescribed meat products for export | For:<br>(a) each allocated authorised officer who is a veterinarian—\$15,199.50 for each month or part of a month; or<br>(b) each allocated authorised officer who is not a veterinarian:<br>(i) if the activity could have been carried out by a State or Territory authorised officer or a third party authorised |

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**Fees in relation to meat inspection services**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b> | <b>Column 2<br/>Amount</b>   |
|-------------|--|--|
|             |  | officer—\$11,843.25 for each month or part of a month; or<br>(ii) in any other case—\$9,790.75 for each month or part of a month |

(2) If:

- (a) the occupier of a registered establishment with an allocation of meat inspection services notifies the Secretary, in writing, that the occupier wishes to terminate the provision of meat inspection services on a specified date (the *termination date*); and
- (b) the notice is given within the period, or by the time, required by the rules relating to the meat inspection services;

the fee prescribed by subsection (1) for each authorised officer allocated to the registered establishment to carry out meat inspection services does not apply in relation to any month beginning after the termination date.

(3) If:

- (a) the occupier of a registered establishment with an allocation of meat inspection services notifies the Secretary, in writing, that meat inspection services are not required for a specified period (the *shutdown period*); and
- (b) the notice is given within the period, or by the time, required by the rules relating to the meat inspection services;

the fee prescribed by subsection (1) for each authorised officer allocated to the registered establishment to carry out meat inspection services is reduced proportionately for each month during which the shutdown period occurs.

**2-5 Fees in relation to applications for export documents**

The fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in, or worked out in accordance with, column 2 of the item.

**Fees in relation to applications for export documents**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>   |
|-------------|---|--|
| 1           | Consideration of an application for the issue of an export document (other than a tariff rate quota certificate) for:<br>(a) prescribed livestock; or<br>(b) prescribed live animals; or<br>(c) prescribed animal reproductive material | For each export document applied for:<br>(a) if the export document is not a replacement export document—\$60; or<br>(b) if the export document is a replacement export document—\$500 |
| 2           | Consideration of an application for the issue of an export document (other than a tariff rate quota certificate) for prescribed plants or prescribed plant products   | For each export document applied for:<br>(a) if the export document is not a replacement export document and:<br>(i) the application is made using the                                 |

## Section 2-5

**Fees in relation to applications for export documents**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>   | <b>Column 2<br/>Amount</b>  |
|-------------|--|---|
|             |  | Department's electronic export documentation system—\$12; or<br>(ii) the application is not made using the Department's electronic export documentation system—\$100; or<br>(b) if the export document is a replacement export document—\$500   |
| 3           | Consideration of an application for the issue of an export document for prescribed meat or prescribed meat products  | For each export document applied for:<br>(a) if the export document is not a replacement export document and:<br>(i) the application is made using the Department's electronic export documentation system—\$3; or<br>(ii) the application is not made using the Department's electronic export documentation system—\$100; or<br>(b) if the export document is a replacement export document—\$500 |
| 4           | Consideration of an application for the issue of an export document for prescribed milk or prescribed milk products  | For each export document applied for:<br>(a) if the export document is not a replacement export document and:<br>(i) the application is made using the Department's electronic export documentation system—\$6; or<br>(ii) the application is not made using the Department's electronic export documentation system—\$100; or<br>(b) if the export document is a replacement export document—\$500 |
| 5           | Consideration of an application for the issue of an export document (other than a tariff rate quota certificate) for:<br>(a) prescribed fish or prescribed fish products; or<br>(b) prescribed eggs or prescribed egg products | For each export document applied for:<br>(a) if the export document is not a replacement export document and:<br>(i) the application is made using the Department's electronic export documentation system—\$6; or<br>(ii) the application is not made using the Department's electronic export documentation system—\$100; or<br>(b) if the export document is a replacement export document—\$500 |
| 6           | Consideration of an application under subsection 65(1) of the Act for the issue of a government certificate in relation to goods, other than goods covered by items 1 to 5   | For each export document applied for:<br>(a) if the export document is not a replacement export document and:<br>(i) the application is made using the Department's electronic export documentation system—\$15; or<br>(ii) the application is not made using the Department's electronic export  |

## Part 2 Fees

### Section 2-6

#### Fees in relation to applications for export documents

| Item | Column 1<br>Fee-bearing activity   | Column 2<br>Amount  |
|------|--|---|
|      |  | documentation system—\$36; or<br>(b) if the export document is a replacement export document—\$500  |
| 7    | Consideration of an application for the issue of a tariff rate quota certificate in relation to goods, other than prescribed meat, prescribed meat products, prescribed milk or prescribed milk products | For each tariff rate quota certificate applied for:<br>(a) if the certificate is not a replacement certificate and:<br>(i) the application is made using the Department's electronic export documentation system—\$15; or<br>(ii) the application is not made using the Department's electronic export documentation system—\$36; or<br>(b) if the certificate is a replacement certificate—\$500 |
| 8    | Provision of any consumable materials used in performing a service specified in any of items 1 to 7  | An amount equivalent to the cost of the consumable materials  |

Note 1: Consideration of an application for the issue of a tariff rate quota certificate in relation to prescribed meat, prescribed meat products, prescribed milk or prescribed milk products, is covered by item 3 or 4 (see the definition of *export document* in section 1-6).

Note 2: Additional fees are payable if a fee-bearing activity is carried out in relation to certain kinds of goods by a Commonwealth authorised officer outside ordinary hours of duty or during a period for which a shift loading or overtime is payable (see sections 2-7 to 2-9).

#### 2-6 Fees in relation to applications for exemption

The fee that may be charged in relation to an application made under section 53 of the Act for an exemption from one or more provisions of the Act in relation to relevant goods specified in column 1 of an item in the following table (other than relevant goods to which subsection 52(3) of the Act applies) is the amount specified in, or worked out in accordance with, column 2 of the item.

#### Fees in relation to applications for exemption

| Item | Column 1<br>Fee-bearing activity  | Column 2<br>Amount   |
|------|---|--|
| 1    | Consideration of an application for an exemption in relation to:<br>(a) prescribed livestock for export; or<br>(b) prescribed live animals for export; or<br>(c) prescribed animal reproductive material for export | For each person carrying out the activity—\$55 for each quarter hour or part of a quarter hour |
| 2    | Consideration of an application for an exemption in relation to prescribed plants or prescribed plant products  | For each person carrying out the activity—\$36 for each quarter hour or part of a quarter hour |



## Section 2-7

**Fees in relation to applications for exemption**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>   |
|-------------|---|--|
| 3           | Consideration of an application for an exemption in relation to prescribed meat or prescribed meat products | For each person carrying out the activity—\$30 for each quarter hour or part of a quarter hour |
| 4           | Consideration of an application for an exemption in relation to prescribed milk or prescribed milk products | For each person carrying out the activity—\$33 for each quarter hour or part of a quarter hour |
| 5           | Consideration of an application for an exemption in relation to prescribed fish or prescribed fish products | For each person carrying out the activity—\$50 for each quarter hour or part of a quarter hour |
| 6           | Consideration of an application for an exemption in relation to prescribed eggs or prescribed egg products  | For each person carrying out the activity—\$50 for each quarter hour or part of a quarter hour |

Note: Additional fees are payable if a fee-bearing activity is carried out in relation to certain kinds of goods by a Commonwealth authorised officer outside ordinary hours of duty or during a period for which a shift loading or overtime is payable (see sections 2-7 to 2-10).

### **2-7 Fees in relation to fee-bearing activities carried out in relation to prescribed livestock, etc. by Commonwealth authorised officer outside ordinary hours of duty**

- (1) This section applies if a fee-bearing activity specified in section 2-2, 2-3, 2-5 or 2-6 is carried out in relation to prescribed livestock, prescribed live animals or prescribed animal reproductive material by a Commonwealth authorised officer during a period outside ordinary hours of duty.

Note: For *ordinary hours of duty*, see section 1-6.

- (2) The fee that may be charged in relation to the fee-bearing activity is the amount specified in, or worked out in accordance with, column 2 of the item in the following table that applies to the activity.

Note: The fee prescribed by this subsection is in addition to the fee prescribed by section 2-2, 2-3, 2-5 or 2-6 (as applicable) in relation to the activity (see subsection 2-1(2)).

### **Fees in relation to fee-bearing activities carried out in relation to prescribed livestock, etc. by Commonwealth authorised officer outside ordinary hours of duty**

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>  |
|-------------|---|---|
| 1           | Activity carried out by a Commonwealth authorised officer who is not a veterinarian on a weekday outside ordinary hours of duty | For each authorised officer carrying out the activity:<br>(a) if the activity is carried out immediately before or immediately after a fee-bearing activity carried out by the authorised officer during ordinary hours of duty—\$15 for each quarter hour or part of a quarter hour; or<br>(b) in any other case:<br>(i) for any period up to 30 minutes—\$30; |

## Part 2 Fees

### Section 2-8

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**Fees in relation to fee-bearing activities carried out in relation to prescribed livestock, etc. by Commonwealth authorised officer outside ordinary hours of duty**

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| Item | Column 1<br>Fee-bearing activity  | Column 2<br>Amount   |
|------|---|--|
|      |   | and<br>(ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—<br>\$15  |
| 2    | Activity carried out by a Commonwealth authorised officer who is not a veterinarian on a Saturday, Sunday or a departmental holiday | For each authorised officer carrying out the activity:<br>(a) for any period up to 30 minutes—\$40; and<br>(b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$20   |
| 3    | Activity carried out by a Commonwealth authorised officer who is a veterinarian on a weekday outside ordinary hours of duty         | For each authorised officer carrying out the activity:<br>(a) if the activity is carried out immediately before or immediately after a fee-bearing activity carried out by the authorised officer during ordinary hours of duty—\$21 for each quarter hour or part of a quarter hour; or<br>(b) in any other case:<br>(i) for any period up to 30 minutes—\$42;<br>and<br>(ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—<br>\$21 |
| 4    | Activity carried out by a Commonwealth authorised officer who is a veterinarian on a Saturday, Sunday or a departmental holiday     | For each authorised officer carrying out the activity:<br>(a) for any period up to 30 minutes—\$58; and<br>(b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$29   |

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**2-8 Fees in relation to fee-bearing activities carried out in relation to prescribed meat or prescribed meat products by Commonwealth authorised officer during period for which shift loading is payable**

- (1) This section applies if a fee-bearing activity specified in section 2-2, 2-3, 2-5 or 2-6 is carried out in relation to prescribed meat or prescribed meat products by a Commonwealth authorised officer during a period for which a shift loading is payable.
- (2) The fee that may be charged in relation to the fee-bearing activity is the amount specified in, or worked out in accordance with, column 2 of the item in the following table that applies to the activity.

Note: The fee prescribed by this subsection is in addition to the fee prescribed by section 2-2, 2-3, 2-5 or 2-6 (as applicable) in relation to the activity (see subsection 2-1(2)).

## Section 2-9

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**Fees in relation to fee-bearing activities carried out in relation to prescribed meat or prescribed meat products by Commonwealth authorised officer during period for which shift loading is payable**


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| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>  |
|-------------|---|---|
| 1           | Activity carried out by a Commonwealth authorised officer who is not a veterinarian | For each authorised officer carrying out the activity:<br>(a) if the activity is carried out on a weekday—\$1.57 for each hour or part of an hour; or<br>(b) if the activity is carried out on a Saturday—\$5.22 for each hour or part of an hour; or<br>(c) if the activity is carried out on a Sunday—\$10.43 for each hour or part of an hour; or<br>(d) if the activity is carried out on a departmental holiday—\$15.65 for each hour or part of an hour |
| 2           | Activity carried out by a Commonwealth authorised officer who is a veterinarian     | For each authorised officer carrying out the activity:<br>(a) if the activity is carried out on a weekday—\$2.43 for each hour or part of an hour; or<br>(b) if the activity is carried out on a Saturday—\$8.09 for each hour or part of an hour; or<br>(c) if the activity is carried out on a Sunday—\$16.17 for each hour or part of an hour; or<br>(d) if the activity is carried out on a departmental holiday—\$24.26 for each hour or part of an hour |

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**2-9 Fees in relation to fee-bearing activities carried out in relation to prescribed meat or prescribed meat products by Commonwealth authorised officer during period for which overtime is payable**

- (1) This section applies if a fee-bearing activity specified in section 2-2, 2-3, 2-5 or 2-6 is carried out in relation to prescribed meat or prescribed meat products by a Commonwealth authorised officer during a period for which overtime is payable.
- (2) The fee that may be charged in relation to the fee-bearing activity is the amount specified in, or worked out in accordance with, column 2 of the item in the following table that applies to the activity.

Note: The fee prescribed by this subsection is in addition to the fee prescribed by section 2-2, 2-3, 2-5 or 2-6 (as applicable) in relation to the activity (see subsection 2-1(2)).

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**Fees in relation to fee-bearing activities carried out in relation to prescribed meat or prescribed meat products by Commonwealth authorised officer during period for which overtime is payable**


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| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>   | <b>Column 2<br/>Amount</b>  |
|-------------|--|---|
| 1           | Activity carried out by a Commonwealth authorised officer who is not a veterinarian during a period of 4 | For each authorised officer carrying out the activity:<br>(a) if the overtime rate is single time—\$10.43 for |

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## Section 2-10

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**Fees in relation to fee-bearing activities carried out in relation to prescribed meat or prescribed meat products by Commonwealth authorised officer during period for which overtime is payable**


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| Item | Column 1<br>Fee-bearing activity   | Column 2<br>Amount   |
|------|--|--|
|      | or more hours  | each quarter hour or part of a quarter hour; or<br>(b) if the overtime rate is time and a half—\$15.64 for each quarter hour or part of a quarter hour; or<br>(c) if the overtime rate is double time—\$20.86 for each quarter hour or part of a quarter hour; or<br>(d) if the overtime rate is double time and a half—\$26.07 for each quarter hour or part of a quarter hour        |
| 2    | Activity carried out by a Commonwealth authorised officer who is not a veterinarian during a period of less than 4 hours | For each authorised officer carrying out the activity:<br>(a) if the overtime rate is single time—\$166.88; or<br>(b) if the overtime rate is time and a half—\$250.24; or<br>(c) if the overtime rate is double time—\$333.76; or<br>(d) if the overtime rate is double time and a half—\$417.12  |
| 3    | Activity carried out by a Commonwealth authorised officer who is a veterinarian during a period of 3 or more hours       | For each authorised officer carrying out the activity:<br>(a) if the overtime rate is time and a half—\$24.26 for each quarter hour or part of a quarter hour; or<br>(b) if the overtime rate is double time—\$32.34 for each quarter hour or part of a quarter hour; or<br>(c) if the overtime rate is double time and a half—\$40.43 for each quarter hour or part of a quarter hour |
| 4    | Activity carried out by a Commonwealth authorised officer who is a veterinarian during a period of less than 3 hours     | For each authorised officer carrying out the activity:<br>(a) if the overtime rate is time and a half—\$291.12; or<br>(b) if the overtime rate is double time—\$388.08; or<br>(c) if the overtime rate is double time and a half—\$485.16  |

**2-10 Fees in relation to fee-bearing activities carried out in relation to goods (other than prescribed livestock, etc. or prescribed meat or prescribed meat products) outside ordinary hours of duty**

- (1) This section applies if a fee-bearing activity specified in section 2-2, 2-3 or 2-6 is carried out in relation to a kind of goods (other than prescribed livestock, prescribed live animals, prescribed animal reproductive material, prescribed meat or prescribed meat products) during a period outside ordinary hours of duty.

## Section 2-11

Note: For *ordinary hours of duty*, see section 1-6.

- (2) The fee that may be charged in relation to the fee-bearing activity is the amount specified in, or worked out in accordance with, column 2 of the item in the following table that applies to the activity.

Note: The fee prescribed by this subsection is in addition to the fee prescribed by section 2-2, 2-3 or 2-6 (as applicable) in relation to the activity (see subsection 2-1(2)).

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**Fees in relation to fee-bearing activities carried out in relation to goods (other than prescribed livestock, etc. or prescribed meat or prescribed meat products) outside ordinary hours of duty**

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| Item | Column 1<br>Fee-bearing activity                                   | Column 2<br>Amount  |
|------|--|---|
| 1    | Activity carried out on a weekday outside ordinary hours of duty   | For each person carrying out the activity:<br>(a) if the activity is carried out immediately before or immediately after a fee-bearing activity carried out by the person during ordinary hours of duty—\$15 for each quarter hour or part of a quarter hour; or<br>(b) in any other case:<br>(i) for any period up to 30 minutes—\$30; and<br>(ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$15 |
| 2    | Activity carried out on a Saturday, Sunday or departmental holiday | For each person carrying out the activity:<br>(a) for any period up to 30 minutes—\$40; and<br>(b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$20  |

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**2-11 Fees in relation to activities carried out in dealing with applications to accredit a property, register an establishment or approve a proposed arrangement etc.**

- (1) Subject to subsection (2), the fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in, or worked out in accordance with, column 2 of the item.

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**Fees in relation to activities carried out in dealing with applications to accredit a property, register an establishment or approve a proposed arrangement etc.**

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| Item | Column 1<br>Fee-bearing activity  | Column 2<br>Amount   |
|------|---|--|
| 1    | Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to:<br>(a) an application under Part 2 or 3, or Division 1 of Part 4, of Chapter 4 of the Act relating to the registration of an establishment for export operations | For each authorised officer carrying out the activity:<br>(a) if the Secretary requires the activity to be carried out by a veterinarian—\$103 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$43 for each quarter hour or part of a quarter hour |

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Part 2 Fees

Section 2-11

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**Fees in relation to activities carried out in dealing with applications to accredit a property, register an establishment or approve a proposed arrangement etc.**

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| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>   |
|-------------|---|--|
|             | in relation to:<br>(i) prescribed livestock for export;<br>or<br>(ii) prescribed live animals for export; or<br>(iii) prescribed animal reproductive material for export; or<br>(b) an application under Part 2 or 3, or Subdivision B of Division 1 of Part 4, of Chapter 5 of the Act relating to the approval of a proposed arrangement, or an approved arrangement, for export operations in relation to:<br>(i) prescribed livestock for export;<br>or<br>(ii) prescribed live animals for export; or<br>(iii) prescribed animal reproductive material for export                        |  |
| 2           | Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to:<br>(a) an application under Part 2 or 3, or Division 1 of Part 4, of Chapter 3 of the Act relating to the accreditation of a property for export operations in relation to prescribed plants or prescribed plant products for export<br>(b) an application under Part 2 or 3, or Division 1 of Part 4, of Chapter 4 of the Act relating to the registration of an establishment for export operations in relation to prescribed plants or prescribed plant products for export | For each authorised officer carrying out the activity—\$36 for each quarter hour or part of a quarter hour   |
| 3           | Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to:<br>(a) an application under Part 2 or 3, or Division 1 of Part 4, of Chapter 4 of the Act relating to the registration of an establishment for export operations in relation to prescribed meat or prescribed meat products for export;<br>or<br>(b) an application under Part 2 or 3, or Subdivision B of Division 1 of Part 4,   | For each authorised officer carrying out the activity:<br>(a) if the Secretary requires the activity to be carried out by a veterinarian—\$108 for each quarter hour or part of a quarter hour; or<br>(b) in any other case—\$30 for each quarter hour or part of a quarter hour |

## Section 2-11

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**Fees in relation to activities carried out in dealing with applications to accredit a property, register an establishment or approve a proposed arrangement etc.**


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| Item | Column 1<br>Fee-bearing activity  | Column 2<br>Amount  |
|------|---|---|
|      | of Chapter 5 of the Act relating to the approval of a proposed arrangement, or an approved arrangement, for export operations in relation to prescribed meat or prescribed meat products for export   |   |
| 4    | <p>Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to:</p> <p>(a) an application under Part 2 or 3, or Division 1 of Part 4, of Chapter 4 of the Act relating to the registration of an establishment for export operations in relation to prescribed milk or prescribed milk products for export; or</p> <p>(b) an application under Part 2 or 3, or Subdivision B of Division 1 of Part 4, of Chapter 5 of the Act relating to the approval of a proposed arrangement, or an approved arrangement, for export operations in relation to prescribed milk or prescribed milk products for export</p> | For each authorised officer carrying out the activity—\$33 for each quarter hour, or part of a quarter hour |
| 5    | <p>Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to:</p> <p>(a) an application under Part 2 or 3, or Division 1 of Part 4, of Chapter 4 of the Act relating to the registration of an establishment for export operations in relation to prescribed fish or prescribed fish products for export; or</p> <p>(b) an application under Part 2 or 3, or Subdivision B of Division 1 of Part 4, of Chapter 5 of the Act relating to the approval of a proposed arrangement, or an approved arrangement, for export operations in relation to prescribed fish or prescribed fish products for export</p> | For each authorised officer carrying out the activity—\$50 for each quarter hour or part of a quarter hour  |
| 6    | <p>Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to:</p> <p>(a) an application under Part 2 or 3, or Division 1 of Part 4, of Chapter 4 of</p>   | For each authorised officer carrying out the activity—\$50 for each quarter hour or part of a quarter hour  |

## Part 2 Fees

### Section 2-12

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**Fees in relation to activities carried out in dealing with applications to accredit a property, register an establishment or approve a proposed arrangement etc.**

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| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>   |
|-------------|---|--|
| 7           | the Act relating to the registration of an establishment for export operations in relation to prescribed eggs or prescribed egg products for export; or<br>(b) an application under Part 2 or 3, or Subdivision B of Division 1 of Part 4, of Chapter 5 of the Act relating to the approval of a proposed arrangement, or an approved arrangement, for export operations in relation to prescribed eggs or prescribed egg products for export | For each authorised officer carrying out the activity—\$33 for each quarter hour or part of a quarter hour |
| 8           | Provision of consumable materials used in carrying out an activity specified in any of items 1 to 7   | An amount equivalent to the cost of the consumable materials   |

- (2) If an activity is carried out in relation to an application relating to a kind of goods specified in column 1 of more than one item in the table in subsection (1) (the **relevant items**), the fee that may be charged in relation to the activity is the higher, or the highest, of the amounts specified in, or worked out in accordance with, column 2 of the relevant items.

### **2-12 Fees in relation to activities carried out in relation to approved export programs**

The fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in column 2 of the item.



## Section 2-13

| <b>Item</b> | <b>Column 1<br/>Fee-bearing activity</b>  | <b>Column 2<br/>Amount</b>   |
|-------------|---|--|
| 1           | Activities carried out by a Commonwealth authorised officer as directed by the Secretary under section 313 of the Act in relation to an approved export program | The reasonable costs (including the cost of the officer's salary, transport and accommodation) incurred in carrying out the activities |

### 2-13 Fees in relation to third party authorised officers—prescribed plants or prescribed plant products

The fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in column 2 of the item.

| <b>Fees in relation to third party authorised officers—prescribed plants or prescribed plant products</b> |  |                            |
|---|--|----------------------------|
| <b>Item</b>   | <b>Column 1<br/>Fee-bearing activity</b>   | <b>Column 2<br/>Amount</b> |
| 1   | Consideration of an application by a person:<br>(a) under subsection 291(3) of the Act to be a third party authorised officer for the purpose of performing functions and exercising powers in relation to prescribed plants or prescribed plant products;<br>or<br>(b) under paragraph 298A(1)(a) of the Act by a third party authorised officer to vary the functions that the person may perform, or the powers that the person may exercise, in relation to prescribed plants or prescribed plant products | \$250                      |
| 2   | Training, and initial assessment of competence, of a person who has made an application specified in paragraph (a) of column 1 of item 1   | \$1,750                    |
| 3   | Additional training, and assessment of competence, of a person who was found not to be competent after an assessment specified in item 2   | \$2,000                    |
| 4   | Making an instrument under subsection 291(7) of the Act authorising a person to be a third party authorised officer for the purpose of performing functions and exercising powers in relation to prescribed plants or prescribed plant products, or varying such an instrument under subsection 298A(6) of the Act   | \$250                      |

### 2-14 Exemptions from fees

A fee is not payable under this instrument in relation to a fee-bearing activity that relates to:

- (a) the export of an assistance animal within the meaning of the *Disability Discrimination Act 1992*; 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

**Section 2-14**

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- (ii) the primary function of which is to research and develop export markets without engaging in commercial trade.

## Part 3—Payment of cost-recovery charges

### 3-1 Time for payment of cost-recovery charge

For the purposes of paragraph 400(a) of the Act, a cost-recovery charge is due and payable when a demand for payment of the charge is made.

Note: A cost-recovery charge that is due and payable to the Commonwealth under the Act may be recovered as a debt due to the Commonwealth by action in a relevant court (see section 404 of the Act).

### 3-2 Person liable to pay basic charge

For the purposes of section 401 of the Act, a basic charge in relation to a matter specified in column 1 of an item in the following table is payable by the person specified in column 2 of the item.

| <b>Person liable to pay basic charge</b> |  |  |
|--|--|--|
| <b>Item</b>                              | <b>Column 1<br/>Matter</b>   | <b>Column 2<br/>Person liable to pay basic charge</b>  |
| 1  | Fee-bearing activity in relation to which a fee may be charged under Part 2 of this instrument   | The person for whom the fee-bearing activity is, or is to be, carried out  |
| 2  | Export of livestock specified in an item in the table in section 7 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or an item in the table in section 7 of the <i>Export Charges (Imposition—General) Regulations 2021</i>                            | The exporter of the goods or, if the goods are exported by 2 or more persons, the exporters of the goods   |
| 3  | Export of plants or plant products specified in an item in the table in subsection 8(1) of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or an item in the table in subsection 8(1) of the <i>Export Charges (Imposition—General) Regulations 2021</i> | The exporter of the goods or, if the goods are exported by 2 or more persons, the exporters of the goods   |
| 4  | Registered establishment specified in an item in the table in subsection 9(1) of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or an item in the table in subsection 9(1) of the <i>Export Charges (Imposition—General) Regulations 2021</i>           | The occupier of the registered establishment or, if there are 2 or more occupiers of the registered establishment, the occupiers of the registered establishment |
| 5  | Slaughtering or dressing goods specified in an item in the table in subsection 10(1) of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or an item in the table  | The occupier of the registered establishment or, if there are 2 or more occupiers of the registered establishment, the occupiers of the registered establishment |

**Part 3** Payment of cost-recovery charges

Section 3-2

| <b>Person liable to pay basic charge</b> |   |   |
|--|---|---|
| <b>Item</b>                              | <b>Column 1<br/>Matter</b>  | <b>Column 2<br/>Person liable to pay basic charge</b>                           |
|  | in subsection 10(1) of the <i>Export Charges (Imposition—General) Regulations 2021</i> at a registered establishment  |   |
| 6  | Application specified in an item in the table in section 11 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or an item in the table in section 11 of the <i>Export Charges (Imposition—General) Regulations 2021</i>   | The person who made the application   |
| 7  | Development and management of an approved arrangement for operations to prepare prescribed livestock for export specified in item 1 or 2 in the table in section 12 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or item 1 or 2 in the table in section 12 of the <i>Export Charges (Imposition—General) Regulations 2021</i> | The holder of the livestock export licence covering the export of the livestock |
| 8  | Development and management of an approved arrangement for organic goods certification operations specified in item 3 in the table in section 12 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or item 3 in the table in section 12 of the <i>Export Charges (Imposition—General) Regulations 2021</i>                          | The holder of the approved arrangement  |
| 9  | Livestock export licence specified in item 1 in the table in section 13 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or item 1 in the table in section 13 of the <i>Export Charges (Imposition—General) Regulations 2021</i>  | The holder of the livestock export licence                                      |
| 10                                       | Meat export licence specified in item 2 in the table in section 13 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or item 2 in the table in section 13 of the <i>Export Charges (Imposition—General) Regulations 2021</i>   | The holder of the meat export licence   |
| 11                                       | Issue of export document specified in an item in the table in section 14 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or an item in the table   | The person to whom the export document is issued                                |

## Section 3-3

**Person liable to pay basic charge**

| <b>Item</b> | <b>Column 1<br/>Matter</b>   | <b>Column 2<br/>Person liable to pay basic charge</b> |
|-------------|--|---|
|             | in section 14 of the <i>Export Charges (Imposition—General) Regulations 2021</i>   |   |
| 12          | Third party authorised officer specified in item 1 in the table in section 15 of the <i>Export Charges (Imposition—Customs) Regulations 2021</i> or item 1 in the table in section 15 of the <i>Export Charges (Imposition—General) Regulations 2021</i> | The third party authorised officer                    |

Note 1: For **basic charge**, see section 1-6.

Note 2: An agent of a person who is liable to pay a basic charge under this section is jointly and severally liable with that person to pay the charge (see section 3-4).

**3-3 Late payment fees***Purpose of this section*

- (1) This section is made for the purposes of section 403 of the Act.

*Late payment fee*

- (2) If a basic charge is not paid at or before the time the basic charge is due and payable, a late payment fee is imposed, worked out in accordance with subsection (3), in addition to the basic charge.
- (3) The late payment fee is worked out using the following formula:

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

where:

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

*Person liable to pay late payment fee*

- (4) The person who was liable to pay the basic charge is liable to pay the late payment fee.

Note: An agent of a person who is liable to pay a late payment fee under this section is jointly and severally liable with that person to pay the late payment fee (see section 3-4).

**3-4 Liability of agent to pay cost-recovery charge**

- (1) This section is made for the purposes of paragraph 400(b) of the Act.
- (2) An agent of a person liable to pay a cost-recovery charge is jointly and severally liable with that person to pay the charge.

**Part 3** Payment of cost-recovery charges

Section 3-4

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- (3) If:
- (a) an agent of a person liable to pay a cost-recovery charge pays the charge on behalf of the person; and
  - (b) at the time the payment is made, the agent has not collected an amount equivalent to the charge from the person;
- the agent may recover such an amount from the person as a debt due to the agent.

## **Part 4—Miscellaneous**

### **4-1 Reviewable decision to take action under section 406 of the Act**

For the purposes of subsection 381(2) of the Act:

- (a) a decision under section 406 of the Act to take action in relation to a person is a reviewable decision; and
- (b) the person in relation to whom the action is to be taken is the relevant person for the reviewable decision.

Note: If a person (the *debtor*) is liable to pay a cost-recovery charge that is due and payable, the Secretary may, under section 406 of the Act, refuse to carry out, or direct a person not to carry out, specified activities or kinds of activities in relation to the debtor under the Act until the cost-recovery charge has been paid.