

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Agriculture, Drought and Emergency Management

Export Charges (Imposition—Customs) Act 2015

Export Charges (Imposition—Customs) Amendment Regulations 2021

Legislative Authority

The *Export Charges (Imposition—Customs) Act 2015* (the Act) is an Act to impose, as taxes, charges relating to the export of goods, so far as those charges are considered duties of customs, and for related purposes. Section 15 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act.

Subsections 7(1) and 7(4) of the Act provide that regulations may prescribe a charge in relation to the export of a kind of goods covered by the *Export Control Act 2020* (the Export Control Act), but only so far as that charge is considered a duty of customs within the meaning of section 55 of the Constitution. Subsection 7(3) of the Act provides that multiple charges under subsection 7(1) may be prescribed in relation to the same kind of goods, and a single charge under subsection 7(1) may be prescribed in relation to multiple kinds of goods.

Subsection 8(1) of the Act provides that regulations may prescribe a charge under subsection 7(1) by specifying an amount as the charge or the method for calculating the amount of a charge. Subsection 8(2) provides that, before the Governor-General may make regulations under subsection 7(1), the Minister must be satisfied that the amount of the charge is set at a level that is designed to recover no more than the Commonwealth's likely costs in connection with the export of the goods.

Section 10 of the Act provides that regulations may be made to provide exemptions from a charge prescribed under subsection 7(1). Sections 11, 12 and 14 are equivalent to sections 7, 8 and 10 respectively, but are applicable to the imposition of charges in relation to matters relating to the export of a kind of goods covered by the Export Control Act, rather than charges in relation to the export of the goods.

For the purposes of subsections 8(2) and 12(2) of the Act, the Minister has certified that he is satisfied that the amounts of the charges in the *Export Charges (Imposition—Customs) Amendment Regulations 2021* (the Amendment Regulations) are set at levels designed to recover no more than the Commonwealth's likely costs in connection with the prescribed matters to which they relate. The financial modelling of the Department of Agriculture, Water and the Environment (the department) has confirmed that the prices of the charges in the Amendment Regulations are designed to recover no more than the Commonwealth's likely costs in connection with the items to which the charges relate.

Purpose

The purpose of the Amendment Regulations is to prescribe charges in relation to the export of goods and matters relating to the export of goods which are considered duties of customs within the meaning of section 55 of the Constitution. The Amendment Regulations are made

under the Act. The Amendment Regulations amend the *Export Charges (Imposition—Customs) Regulations 2021* (the Principal Regulations).

The Amendment Regulations specify these charges on the basis of goods and matters in the *Export Control Act 2020*, including rules made for the purposes of the Export Control Act (Export Control Rules).

The Amendment Regulations amend existing charge prices to reflect the Government's \$328.4 million Busting Congestion for Agricultural Exporters package, as part of the 2020-21 Budget. This package aims to ensure that departmental systems and processes underpinning the agricultural and food export system are made more efficient and reliable.

As part of this decision, the Amendment Regulations provide for increases to charges from 2021-22, and apply a stepped return to achieve full cost recovery by 2023-24 for departmental export certification regulatory functions. The transition over four years is designed to ease the impact for agriculture and food exporters. To ensure export regulatory functions continue to be sustained during this transitional period, the Government has also allocated \$71.1 million in appropriation funding to the department. As this appropriation funding phases out, prices will increase in successive years, with full cost recovery under the new arrangements in place by 2023-24.

Background

The export of certain goods is managed under the Export Control Act. The Export Control Act and other supporting legislation provide the basis for ensuring exports of meat, seafood, dairy, plants, live animals and other kinds of goods meet the requirements of importing countries.

The Amendment Regulations provide for the implementation of these new cost recovery arrangements, in conjunction with the *Export Control (Fees and Payments) Rules 2021* (Fees Rules) and *Export Charges (Imposition—General) Regulations 2021* (General Regulations). The Fees Rules prescribe fees where a service is provided directly to an individual, business or organisation, and reflects the activities carried out by, or on behalf of, the Commonwealth under the Export Control Act. The General Regulations prescribe charges in relation to the export of goods and matters relating to the export of goods which are neither duties of customs nor duties of excise within the meaning of section 55 of the *Constitution*. Where a charge is prescribed under both the Amendment Regulations and General Regulations, it will only apply under the regulation for which it is valid.

Impact and Effect

The Amendment Regulations provide for the increased charges to be implemented from 1 July 2021. Price changes apply across every export arrangement, but the specific price changes for each charge point varies, depending on the department's costs of delivering each functional activity.

The stepped increase in prices set out in the Amendment Regulations reflect the department's costs of delivering export regulatory functions. The prices have been based on the modelling set out in the cost recovery implementation statements (CRISs), and are no higher than the department's expected costs of delivering the regulatory functions for export certification.

Consultation

The department has been engaging with industry on cost recovery charging arrangements since 2019, with food and plant CRISs released for public consultation between October 2019 and January 2020. Live animal export representatives have been consulted on alternate charging arrangements through consultative committee discussions from February 2020. In October 2020, the Government announced the Busting Congestion for Agricultural Exporters package, including announcing \$71.1 million to freeze fees and charges in 2020–21 and the intention to return to full cost recovery by 2023–24.

In February 2021, 2020–21 CRISs were published on the department’s website for 7 agriculture and food export CRISs, which provided industry stakeholders with a description of the stepped increase to full cost recovery.

The department consulted publicly on the changes to cost recovery arrangements between 14 May 2021 and 10 June 2021. On 14 May 2021, the department released 7 draft agriculture and food export CRISs for public consultation. During that time the department invited stakeholder feedback through a submissions process. 36 submissions were received. The department held 15 virtual meetings during the consultation period to engage with stakeholders across all 7 agricultural exports arrangements.

Feedback was considered by the department following the consultation period. Some stakeholders disagree with cost recovery in principle and raised concerns about price increases. Stakeholder views on CRISs varied with some supporting restructured charging arrangements and some preferring to continue working with the department over time to identify alternative charging structures. The final CRISs were certified by the Secretary of the department and endorsed by the Minister for Agriculture, Drought and Emergency Management (the Minister). The Minister for Finance agreed to release the final CRISs for live animal and horticulture exports which are available on the department’s website alongside the other 5 final CRISs.

Details and Operation

Details of the Amendment Regulations are set out in [Attachment A](#).

The Amendment Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Regulations commence on 1 July 2021.

Other

The Amendment Regulations are compatible with the 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 B](#).

Details of *Export Charges (Imposition—Customs) Amendment Regulations 2021*

Section 1 – Name

This section provides that the name of the instrument is the *Export Charges (Imposition—Customs) Amendment Regulations 2021* (the Amendment Regulations).

Section 2 – Commencement

This section provides that the Amendment Regulations commence on 1 July 2021.

There is a note below the table, that provides the table relates only to the provisions of the Amendment Regulations as originally made. It will not be amended to deal with later amendments of the Amendment Regulations. The purpose of this note is to clarify that the commencement of any subsequent amendments will not be reflected in this table.

Section 3 – Authority

This section provides that the Amendment Regulations are made under the *Export Charges (Imposition—Customs) Act 2015* (the Act).

Section 4 – Schedules

This section provides for the amendment or repeal of instruments as set out in a Schedule to the Amendment Regulations. This enables the amendment of the *Export Charges (Imposition—Customs) Regulations 2021* (the Principal Regulations) (see Schedule 1 below).

Schedule 1 – Amendments

Export Charges (Imposition—Customs) Regulations 2021

Item [1] – Section 7 (cell at table item 1, column 2)

Section 7 of the Principal Regulations provides for the charges payable in relation to the export of prescribed livestock. Prescribed livestock is defined in section 6 as having the meaning given by the *Export Control (Animals) Rules 2021* (Animals Rules).

The charges are listed in the table in section 7, where column 1 of the table describes different kinds of livestock and column 2 describes the corresponding charges that apply for animals exported. Table item 1 currently provides the charge for each animal (cattle, deer, buffalo or camelids (including the young of those animals)) exported.

This item repeals and substitutes the charge described in column 2 of table item 1 in section 7 of the Principal Regulations. The amended charges differ depending on the financial year during which the animal is exported and whether the animal is exported by sea, or by air.

These amended charges are prescribed for the purposes of subsection 7(1) of the Act. In accordance with subsection 8(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the export of livestock.

Item [2] – Section 7 (cell at table item 2, column 2)

Section 7 of the Principal Regulations provides for the charges payable in relation to the export of prescribed livestock. Prescribed livestock is defined in section 6 as having the meaning given by the Animals Rules.

The charges are listed in the table in section 7, where column 1 of the table describes different kinds of livestock and column 2 describes the corresponding charges that apply for animals exported. Table item 2 currently provides the charge for each animal (sheep and goats (including the young of those animals)) exported.

This item repeals and substitutes the charge described in column 2 of table item 2 in section 7 of the Principal Regulations. The amended charges differ depending on the financial year during which the animal is exported and whether the animal is exported by sea, or by air.

These amended charges are prescribed for the purposes of subsection 7(1) of the Act. In accordance with subsection 8(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the export of livestock.

Item [3] – Subsection 8(1) (cell at table item 1, column 2)

Section 8 of the Principal Regulations provides for the charges payable in relation to the export of plants and plant products. Horticultural products, phytosanitary certificate, plant and plant product are defined in section 6 as having the respective meanings given by the *Export Control (Plants and Plants Products) Rules 2021* (the Plants Rules).

The charges are listed in the table in subsection 8(1), where column 1 of the table describes the kinds of plants and plant products and column 2 describes the corresponding charges that apply for consignments exported. Table item 1 currently provides the charge for horticultural products for export to a market to which subsection 8(2) applies. Subsection 8(2) applies where a phytosanitary certificate is required for the product to be imported into the market from Australian territory and significant other conditions are imposed on the importation.

This item repeals and substitutes the charge described in column 2 of table item 1 in subsection 8(1) of the Principal Regulations. The amended charges differ depending on the financial year during which a consignment is exported, and are calculated based on the number of tonnes, or part thereof, in the consignment.

These amended charges are prescribed for the purposes of subsection 7(1) of the Act. In accordance with subsection 8(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the export of plants and plant products.

Item [4] – Subsection 8(1) (cell at table item 2, column 2)

Section 8 of the Principal Regulations provides for the charges payable in relation to the export of plants and plant products. Horticultural products, phytosanitary certificate, plant and plant product are defined in section 6 as having the respective meanings given by the Plants Rules.

The charges are listed in the table in subsection 8(1), where column 1 of the table describes the kinds of plants and plant products and column 2 describes the corresponding charges that apply for consignments exported. Table item 2 currently provides the charge for horticultural products for export to a market to which subsection 8(3) applies. Subsection 8(3) applies where no significant conditions are imposed on the product to be imported into the market from Australian territory.

This item repeals and substitutes the charge described in column 2 of table item 2 in subsection 8(1) of the Principal Regulations. The amended charges differ depending on the financial year during which a consignment is exported, and are calculated based on the number of tonnes, or part thereof, in the consignment.

These amended charges are prescribed for the purposes of subsection 7(1) of the Act. In accordance with subsection 8(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the export of plants and plant products.

Item [5] – Subsection 8(1) (cell at table item 3, column 2)

Section 8 of the Principal Regulations provides for the charges payable in relation to the export of plants and plant products. Horticultural products, phytosanitary certificate, plant and plant product are defined in section 6 as having the respective meanings given by the Plants Rules.

The charges are listed in the table in subsection 8(1), where column 1 of the table describes the kinds of plants and plant products and column 2 describes the corresponding charges that apply for consignments exported. Table item 3 currently provides the charge for prescribed plants or prescribed plant products not covered by table item 1 or 2 in subsection 8(1) of the Principal Regulations.

This item repeals and substitutes the charge described in column 2 of table item 3 in subsection 8(1) of the Principal Regulations. The amended charges differ depending on the financial year during which a consignment is exported, and are calculated based on the number of tonnes, or part thereof, in the consignment.

These amended charges are prescribed for the purposes of subsection 7(1) of the Act. In accordance with subsection 8(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the export of plants and plant products.

Item [6] – Subsection 9(1) (cell at table item 1, column 2)

Section 9 of the Principal Regulations provides for the charges payable in relation to registered establishments. Registered establishment is defined in section 6 as having the meaning given by the Export Control Act.

The charges are listed in the table in subsection 9(1), where column 1 of the table describes the types of registered establishments and column 2 describes the corresponding charges that apply for that registered establishment. Table item 1 currently provides the charge for registered establishments for holding and assembling prescribed livestock for export.

This item repeals and substitutes the charge described in column 2 of table item 1 in subsection 9(1) of the Principal Regulations. The amended charges are based on whether a registration is in force for all or part of a financial year, and differs depending on the financial year during which the registration is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of registered establishments.

Item [7] – Subsection 9(1) (table items 2 and 3)

Section 9 of the Principal Regulations provides for the charges payable in relation to registered establishments. Registered establishment is defined in section 6 as having the meaning given by the Export Control Act.

The charges are listed in the table in subsection 9(1), where column 1 of the table describes the types of registered establishments and column 2 describes the corresponding charges that apply for that registered establishment.

Table item 2 currently provides the charge for registered establishments (other than those covered by table item 4) for operations associated with the preparation of horticultural products for export to a market to which subsection 9(2) applies, or operations to load unpacked quantities of grain into a bulk vessel for export. Table item 3 currently provides the charge for registered establishments (other than those covered by table item 4) for export operations associated with the preparation of horticultural products for export to a market to which subsection 9(3) of the Principal Regulations applies, or any other prescribed plants or prescribed plant products for export.

This item repeals current items 2 and 3 from the table in subsection 9(1) of the Principal Regulations and substitutes amended table items 2, 2A, 3, and 3A.

Amended table item 2 provides the charge for a registered establishment (other than an establishment covered by table item 4) for operations associated with the preparation of horticultural products for export to a market to which subsection 9(2) of the Principal Regulations applies. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 2A provides the charge for a registered establishment (other than an establishment covered by table item 4) for operations to load unpacked quantities of grain into a bulk vessel for export. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 3 provides the charge for a registered establishment (other than an establishment covered by table item 4) for export operations associated with the preparation of horticultural products for export to a market to which subsection 9(3) of the Principal Regulations applies. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 3A provides the charge for a registered establishment (other than an establishment covered by table item 4) for export operations associated with the preparation of prescribed plants or prescribed plant products (other than horticultural products) for export. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of registered establishments.

Item [8] – Subsection 9(1) (cell at table item 4, column 2)

Section 9 of the Principal Regulations provides for the charges payable in relation to registered establishments. Registered establishment is defined in section 6 as having the meaning given by the Export Control Act.

The charges are listed in the table in subsection 9(1), where column 1 of the table describes the types of registered establishments and column 2 describes the corresponding charges that apply for that registered establishment. Table item 4 currently provides the charge for a registered establishment that is a small horticultural products registered establishment for a financial year. Section 6 of the Principal Regulations defines a small horticultural products registered establishment for a financial year as having the meaning given by the Plants Rules.

This item repeals and substitutes the charge described in column 2 of table item 4 in subsection 9(1) of the Principal Regulations. The amended charges are based on whether a registration is in force for all or part of a financial year, and differ depending on the financial year during which the registration is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of registered establishments.

Item [9] – Subsection 9(1) (cell at table item 5, column 2)

Section 9 of the Principal Regulations provides for the charges payable in relation to registered establishments. Registered establishment is defined in section 6 as having the meaning given by the Export Control Act.

The charges are listed in the table in subsection 9(1), where column 1 of the table describes the types of registered establishments and column 2 describes the corresponding charges that apply for that registered establishment.

Table item 5 currently provides the charge for a registered establishment for any of the following operations:

- Slaughter or dressing of an animal (other than poultry) for export;
- Production, preparation, storage or handling of casings for export;
- Storage, handling or transportation of prescribed meat or prescribed meat products for export.

The charge is currently based on a rate for each calendar month, or part of a calendar month, during which the registration is in force. Prescribed meat and prescribed meat products are

defined respectively in section 6 of the Principal Regulations as meaning any of the following:

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

This item repeals and substitutes the charge described in column 2 of table item 5 in subsection 9(1) of the Principal Regulations. The amended charges differ depending on the financial year during which the registration is in force, and is calculated based on the number of calendar months, or part thereof, in which the registration is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of registered establishments.

Item [10] – Subsection 9(1) (cell at table item 6, column 2)

Section 9 of the Principal Regulations provides for the charges payable in relation to registered establishments. Registered establishment is defined in section 6 as having the meaning given by the Export Control Act.

The charges are listed in the table in subsection 9(1), where column 1 of the table describes the types of registered establishments and column 2 describes the corresponding charges that apply for that registered establishment.

Table item 6 currently provides the charge for a registered establishment for any of the following operations to prepare prescribed meat or prescribed meat products for export:

- Slaughter or dressing of poultry;
- Further processing;
- Boning.

This charge is currently based on a rate for each calendar month, or part of a calendar month, during which the registration is in force.

This item repeals and substitutes the charge described in column 2 of table item 6 in subsection 9(1) of the Principal Regulations. The amended charges differ depending on the financial year during which the registration is in force, and is calculated based on the number of calendar months, or part thereof, in which the registration is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of registered establishments.

Item [11] – Subsection 9(1) (cell at table item 7, column 2)

Section 9 of the Principal Regulations provides for the charges payable in relation to registered establishments. Registered establishment is defined in section 6 as having the meaning given by the Export Control Act.

The charges are listed in the table in subsection 9(1), where column 1 of the table describes the types of registered establishments and column 2 describes the corresponding charges that apply for that registered establishment.

Table item 7 currently provides the charge for a registered establishment for export operations carried out in relation to prescribed meat or prescribed meat products (within the meaning of the Meat Rules) or prescribed wild game meat or prescribed wild game meat products (within the meaning of the Wild Game Meat Rules) under a State or Territory inspection and audit arrangement. The charge is currently based on a rate for each calendar month or part of a calendar month during which the registration is in force.

This item repeals and substitutes the charge described in column 2 of table item 7 in subsection 9(1) of the Principal Regulations. The amended charges differ depending on the financial year during which the registration is in force, and is calculated based on the number of calendar months, or part thereof, in which the registration is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of registered establishments.

Item [12] – Subsection 9(1) (table items 8 to 14)

Section 9 of the Principal Regulations provides for the charges payable in relation to registered establishments. Registered establishment is defined in section 6 as having the meaning given by the Export Control Act.

The charges are listed in the table in subsection 9(1), where column 1 of the table describes the types of registered establishments and column 2 describes the corresponding charges that apply for that registered establishment.

This item repeals current table items 8 to 14 and substitutes them with amended table items 8 to 14.

Amended table item 8 provides the charge for a registered establishment for storage of prescribed milk or prescribed milk products for export. The amended charges differ depending on the financial year during which the registration is in force, and whether the

establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 9 provides the charge for a registered establishment (other than an establishment covered by table item 8) for operations to process or pack prescribed milk or milk products for export, and that:

- Exported less than 2,000 tonnes of prescribed milk or prescribed milk products in the financial year ending immediately before the financial year to which the charge relates; and
- Either is owned by a corporation or is owned by, or is part of, a cooperative.

The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 10 provides the charge for a registered establishment (other than an establishment covered by table item 8) for operations to process or pack prescribed milk or milk products for export, and that:

- Exported 2,000 tonnes or more of prescribed milk or prescribed milk products in the financial year ending immediately before the financial year to which the charge relates; and
- Either is owned by a corporation or is owned by, or is part of, a cooperative.

The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 11 provides the charge for a registered establishment that is a vessel registered to prepare prescribed fish or prescribed fish products for processing at another establishment before export, or a land-based establishment that is registered solely for the preparation of live prescribed fish for export. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 12 provides the charge for a registered establishment that is a vessel (other than a vessel covered by table item 11) that is registered for export operations in relation to prescribed fish or prescribed fish products, or a land-based establishment (other than an establishment covered by table item 11 or 13) that is registered to prepare prescribed fish or prescribed fish products for export. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 13 provides the charge for a registered establishment that is registered for the storage of prescribed fish or prescribed fish products for export. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

Amended table item 14 provides the charge for a registered establishment for export operations associated with the preparation of prescribed eggs or prescribed egg products for export. The amended charges differ depending on the financial year during which the registration is in force, and whether the establishment was first registered on or before 1 January in that financial year or after 1 January in that financial year.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of registered establishments.

Item [13] – Subsection 9(2)

Subsection 9(2) of the Principal Regulations applies where a market requires a phytosanitary certificate for, and imposes significant other conditions on the importation of, the relevant horticultural product imported from Australian territory.

This item omits the words 'item 2' and substitutes 'items 2 and 2A' in subsection 9(2) of the Principal Regulations. The effect of this amendment is that subsection 9(2) applies for the purposes of amended table items 2 and 2A in subsection 9(1). This amendment is consequential to the insertion of amended items 2 and 2A into the table in subsection 9(1) of the Principal Regulations (see item [7] above).

Item [14] – Subsection 9(3)

Subsection 9(3) of the Principal Regulations applies where a market does not impose significant conditions on the importation of the relevant horticultural product imported into the market from Australian territory.

This item omits the words 'item 3' and substitutes 'items 3 and 3A' in subsection 9(3) of the Principal Regulations. The effect of this amendment is that subsection 9(3) applies for the purposes of amended table items 3 and 3A in subsection 9(1). This amendment is consequential to the insertion of amended items 3 and 3A into the table in subsection 9(1) of the Principal Regulations (see item [7] above).

Item [15] – Paragraph 9(5)(a)

The purpose of current subsection 9(5) of the Principal Regulations is to prevent registered establishments that fall in multiple related categories in the table in subsection 9(1) from having to pay multiple charges for registration. This reflects the current intention that the charges are for cost recovery and thus should not exceed what is required for the recuperation of costs incurred by the department.

This item omits the words '2 and 3' and substitutes '2, 2A, 3 and 3A' at paragraph 9(5)(a) of the Principal Regulations. The effect of this amendment is that, if a charge is payable in relation to a registered establishment under amended items 2, 2A, 3 and 3A of the table in subsection 9(1), then whichever charge in relation to the registered establishment is the higher or highest of the amounts for those items, is the charge payable. This amendment is

consequential to the insertion of amended items 2, 2A, 3 and 3A into the table in subsection 9(1) of the Principal Regulations (see item [7] above).

Item [16] – Subsection 10(1) (table)

Section 10 of the Principal Regulations provides the charges payable in relation to the slaughtering or dressing of certain animals.

This item repeals the current table in subsection 10(1) of the Principal Regulations and substitutes an amended table containing 8 items. The amended table sets out the charges, which differ depending on the type and number of animals slaughtered or dressed, and are calculated by calendar month. Column 1 describes the types of animal slaughtered or dressed at the registered establishment in a calendar month in a financial year and column 2 describes the corresponding charges that apply, in terms of a rate per animal slaughtered or dressed at the establishment in the previous calendar month.

Amended table item 1 provides the charge for slaughtering or dressing calves at a registered establishment in a calendar month in a financial year, in terms of a rate per calf slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

Amended table item 2 provides the charge for slaughtering or dressing deer (including wild game deer) at a registered establishment in a calendar month in a financial year, in terms of a rate per deer slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

Amended table item 3 provides the charge for slaughtering or dressing emus or ostriches at a registered establishment in a calendar month in a financial year, in terms of a rate per emu or ostrich slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

Amended table item 4 provides the charge for slaughtering or dressing kangaroos or wild boars at a registered establishment in a calendar month in a financial year, in terms of a rate per kangaroo or wild boar slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

Amended table item 5 provides the charge for slaughtering or dressing pigs at a registered establishment in a calendar month in a financial year, in terms of a rate per pig slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

Amended table item 6 provides the charge for slaughtering or dressing rabbits, possums or hares at a registered establishment in a calendar month in a financial year, in terms of a rate per rabbit, possum or hare slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

Amended table item 7 provides the charge for slaughtering or dressing sheep, goats or lambs at a registered establishment in a calendar month in a financial year, in terms of a rate per sheep, goat or lamb slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

Amended table item 8 provides the charge for slaughtering or dressing bulls, cows, steers, heifers, buffalos, camels, donkeys, horses or any other animals not covered by table items 1 to 7 (but not poultry or a calf of any animal) at a registered establishment in a calendar month in a financial year, in terms of a rate per animal slaughtered or dressed in the previous calendar month. The amended charges differ depending on the financial year during which the charges apply.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the charges for slaughtering or dressing certain animals.

Item [17] – Section 11 (table)

Section 11 of the Principal Regulations provides the charges payable in relation to various applications made under the Export Control Act or Export Control Rules.

This item repeals the current table in section 11 of the Principal Regulations and substitutes a new table containing 19 items. The amended table sets out the charges in relation to the applications and the charges differ depending on the type of application. Column 1 of the table describes the types of applications and column 2 describes the corresponding charges that apply.

Amended table item 1 provides the charges for an application under section 111 of the Export Control Act to register an establishment for operations to prepare horticultural products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 2 provides the charges for an application under section 111 of the Export Control Act to register an establishment for operations to prepare prescribed plants or prescribed plant products (other than horticultural products) for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 3 provides the charges for an application under section 111 of the Export Control Act to register an establishment for operations to prepare prescribed meat or prescribed meat products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 4 provides the charges for an application under section 111 of the Export Control Act to register an establishment for operations to prepare prescribed milk or prescribed milk products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 5 provides the charges for an application under section 111 of the Export Control Act to register an establishment for operations to prepare prescribed fish or prescribed fish products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 6 provides the charges for an application under section 111 of the Export Control Act to register an establishment for operations to prepare prescribed eggs or prescribed egg products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 7 provides the charges for an application under section 116 of the Export Control Act to renew the registration of a registered establishment for operations to prepare horticultural products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 8 provides the charges for an application under section 116 of the Export Control Act to renew the registration of a registered establishment for operations to prepare prescribed plants or prescribed plant products (other than horticultural products) for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 9 provides the charges for an application under section 116 of the Export Control Act to renew the registration of a registered establishment for operations to prepare prescribed meat or prescribed meat products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 10 provides the charges for an application under section 116 of the Export Control Act to renew the registration of a registered establishment for operations to prepare prescribed milk or prescribed milk products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 11 provides the charges for an application under section 116 of the Export Control Act to renew the registration of a registered establishment for operations to prepare prescribed fish or prescribed fish products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 12 provides the charges for an application under section 116 of the Export Control Act to renew the registration of a registered establishment for operations to prepare prescribed eggs or prescribed egg products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 13 provides the charges for an application under section 120 of the Export Control Act to vary the registration of a registered establishment for operations to prepare horticultural products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 14 provides the charges for an application under section 120 of the Export Control Act to vary the registration of a registered establishment for operations to prepare prescribed plants or prescribed plant products (other than horticultural products) for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 15 provides the charges for an application under section 120 of the Export Control Act to vary the registration of a registered establishment for operations to prepare prescribed meat or prescribed meat products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 16 provides the charges for an application under section 120 of the Export Control Act to vary the registration of a registered establishment for operations to prepare prescribed milk or prescribed milk products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 17 provides the charges for an application under section 120 of the Export Control Act to vary the registration of a registered establishment for operations to prepare prescribed fish or prescribed fish products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 18 provides the charges for an application under section 120 of the Export Control Act to vary the registration of a registered establishment for operations to prepare prescribed eggs or prescribed egg products for export. The amended charges differ depending on the financial year in which the application is made.

Amended table item 19 provides the charges for an application under section 150 of the Export Control Act to approve a proposed arrangement for organic goods certification operations. The amended charges differ depending on the financial year in which the application is made. Section 6 of the Principal Regulations defines organic goods certification operations as having the meaning given by the *Export Control (Organic Goods) Rules 2021* (Organic Goods Rules).

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charges in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the processing of the applications set out in section 11 of the Principal Regulations.

Item [18] – Section 12 (cell at table item 1, column 2)

Section 12 of the Principal Regulations provides the charges payable in relation to the development and management of approved arrangements. Approved arrangement is defined in section 6 as having the meaning given by the Export Control Act.

The charges differ depending on the type of approved arrangement developed and managed. The charges are set out in the table in section 12 where column 1 of the table describes the types of approved arrangements and column 2 describes the corresponding charges that apply. Table item 1 currently provides the charge for the development and management of an approved arrangement for operations to prepare prescribed livestock for export by sea by the holder of a livestock export licence.

This item repeals and substitutes the charges described in column 2 of item 1 in the table in section 12 of the Principal Regulations. The amended charges differ depending on the financial year during which the approved arrangement was in force and whether the arrangement was first approved on or before 1 January in that financial year or after 1 January in that financial year.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that

the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the development and management of approved arrangements.

Item [19] – Section 12 (cell at table item 2, column 2)

Section 12 of the Principal Regulations provides the charges payable in relation to the development and management of approved arrangements. Approved arrangement is defined in section 6 as having the meaning given by the Export Control Act.

The charges differ depending on the type of approved arrangement developed and managed. The charges are set out in the table in section 12 where column 1 of the table describes the types of approved arrangements and column 2 describes the corresponding charges that apply. Table item 2 currently provides the charge for the development and management of an approved arrangement for operations to prepare prescribed livestock for export by air by the holder of a livestock export licence.

This item repeals and substitutes the charges described in column 2 of item 2 in the table in section 12 of the Principal Regulations. The amended charges differ depending on the financial year during which the approved arrangement is in force and whether the arrangement was first approved on or before 1 January in that financial year or after 1 January in that financial year.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the development and management of approved arrangements.

Item [20] – Section 12 (cell at table item 3, column 2)

Section 12 of the Principal Regulations provides the charges payable in relation to the development and management of approved arrangements. Approved arrangement is defined in section 6 as having the meaning given by the Export Control Act.

The charges differ depending on the type of approved arrangement developed and managed. The charges are set out in the table in section 12 where column 1 of the table describes the types of approved arrangements and column 2 describes the corresponding charges that apply. Table item 3 currently provides the charge for the development and management of an approved arrangement for organic goods certification operations. Section 6 of the Principal Regulations defines organic goods certification operations as having the meaning given by the Organic Goods Rules.

This item repeals and substitutes the charges described in column 2 of item 3 in the table in section 12 of the Principal Regulations. The amended charges differ depending on the financial year during which the approved arrangement is in force and whether the arrangement was first approved on or before 1 January in that financial year or after 1 January in that financial year.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the development and management of approved arrangements.

Item [21] – Section 13 (cell at table item 1, column 2)

Section 13 of the Principal Regulations provides the charges payable in relation to livestock export licences and meat export licences.

The charges differ depending on the type of licence. The charges are set out in the table in section 13. Column 1 of the table describes the types of licence and column 2 describes the corresponding charges that apply.

Table item 1 currently provides the charge for a livestock export licence held by an exporter who has been granted an exemption, under paragraph 54(1)(a) of the Export Control Act, on the basis of the circumstance referred to in paragraph 52(1)(b), (c) or (d) of the Export Control Act, from the condition prescribed by the Animals Rules that prescribed livestock covered by the licence must be prepared for export in accordance with an approved arrangement. The circumstances for an exemption in paragraph 52(1)(b), (c) or (d) of the Export Control Act are in reference to experimental purposes, exceptional circumstances or special commercial circumstances. Livestock export licence is defined in section 6 of the Principal Regulations as having the meaning given by the Animals Rules.

This item repeals and substitutes the charges described in column 2 of item 1 in the table in section 13 of the Principal Regulations. The amended charges differ depending on the financial year, or part of a financial year, during which the export licence is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of livestock export licences.

Item [22] – Section 13 (cell at table item 2, column 2)

Section 13 of the Principal Regulations provides the charges payable in relation to livestock export licences and meat export licences.

The charges differ depending on the type of licence. The charges are set out in the table in section 13. Column 1 of the table describes the types of licence and column 2 describes the corresponding charges that apply.

Table item 2 currently provides the charge for a meat export licence (other than a licence held by the occupier of a registered establishment referred to in item 5, 6 or 7 in the table in subsection 9(1)) of the Principal Regulations. Meat export licence is defined in section 6 of the Principal Regulations as having the meaning given by the Meat Rules.

This item repeals and substitutes the charges described in column 2 of item 2 in the table in section 13 of the Principal Regulations. The amended charges differ depending on the financial year, or part of a financial year, during which the export licence is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the administration of meat export licences.

Item [23] – Section 14 (cell at table item 1, column 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

Table item 1 currently provides the charge for the issue of an export permit to a person (other than the holder of a livestock export licence) for prescribed livestock, prescribed live animals, or prescribed animal reproductive material.

This item repeals and substitutes the charges described in column 2 of item 1 in the table in section 14 of the Principal Regulations. The amended charges differ depending on the financial year during which the export permit is issued.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of export permits.

Item [24] – Section 14 (table item 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

This item repeals current item 2 in the table in section 14 of the Principal Regulations and substitutes amended table items 2 and 2A.

Amended table item 2 provides the charges for the electronic issue of an export document for horticultural products. The amended charges differ depending on the financial year during which the export document for a consignment is issued.

Amended table item 2A provides the charges for the electronic issue of an export document for prescribed plants or prescribed plant products (other than horticultural products). The

amended charges differ depending on the financial year during which the export document for a consignment is issued.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of export documents.

Item [25] – Section 14 (cell at table item 3, column 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

Table item 3 currently provides the charge for the electronic issue of an export document for prescribed meat or prescribed meat products.

This item repeals and substitutes the charges described in column 2 of item 3 in the table in section 14 of the Principal Regulations. The amended charges differ depending on the financial year during which the export document for a consignment is issued.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of export documents.

Item [26] – Section 14 (cell at table item 4, column 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

Table item 4 currently provides the charge for the electronic issue of an export document for prescribed milk or prescribed milk products.

This item repeals and substitutes the charges described in column 2 of item 4 in the table in section 14 of the Principal Regulations. The amended charges differ depending on the financial year during which the export document for a consignment is issued.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of export documents.

Item [27] – Section 14 (cell at table item 5, column 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

Table item 5 currently provides the charge for the electronic issue of an export document for prescribed fish or prescribed fish products.

This item repeals and substitutes the charges described in column 2 of item 5 in the table in section 14 of the Principal Regulations. The amended charges differ depending on the financial year during which the export document for a consignment is issued.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of export documents.

Item [28] – Section 14 (cell at table item 6, column 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

Table item 6 currently provides the charge for the electronic issue of an export document for prescribed eggs or prescribed egg products.

This item repeals and substitutes the charges described in column 2 of item 6 in the table in section 14 of the Principal Regulations. The amended charges differ depending on the financial year during which the export document for a consignment is issued.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of export documents.

Item [29] – Section 14 (cell at table item 7, column 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

Table item 7 currently provides the charge for the issue of a government certificate in relation to goods, other than goods covered by items 1 to 6 in the table in section 14 of the Principal Regulations.

This item repeals and substitutes the charges described in column 2 of item 7 in the table in section 14 of the Principal Regulations. The amended charges differ depending on the financial year during which the export document for the goods is issued, and whether or not the department carries out regular assessments in relation to the goods for the purpose of assisting the Secretary to decide whether to issue a government certificate in relation to the goods under Division 3 of Part 3 of Chapter 2 of the Export Control Act.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of government certificates.

Item [30] – Section 14 (cell at table 8, column 2)

Section 14 of the Principal Regulations provides the charges payable in relation to the issue of various export documents.

The charges differ depending on the type of document and how it is issued. The charges are set out in the table in section 14. Column 1 of the table describes the type of document and how it is issued and column 2 describes the corresponding charges that apply.

Table item 8 currently provides the charge for the electronic issue of a tariff rate quota certificate in relation to goods, other than prescribed meat, prescribed meat products, prescribed milk or prescribed milk products.

This item repeals and substitutes the charges described in column 2 of item 8 in the table in section 14 of the Principal Regulations. The amended charges differ depending on the financial year during which the tariff rate quota certificate for the goods is issued.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the issuing of tariff rate quota certificates.

Item [31] – Section 15 (heading)

Section 15 of the Principal Regulations provides the charge payable in relation to the authorisation of third party authorised officers for prescribed plants or prescribed plant products.

This item amends the heading to section 15 of the Principal Regulations by omitting the words 'prescribed plants' and substituting 'horticultural products, prescribed plants'. The effect of this amendment is that section 15 of the Principal Regulations covers horticultural

products in addition to prescribed plants and prescribed plant products. This amendment is consequential to the insertion of amended items 1 and 2 into the table in section 15 of the Principal Regulations (see item [32] below).

Item [32] – Section 15 (table item 1)

Section 15 of the Principal Regulations provides the charge payable in relation to the authorisation of third party authorised officers for prescribed plants or prescribed plant products.

The charge is provided by a table in current section 15 where column 1 describes the discretionary power or function of a third party authorised officer and column 2 describes the charges that apply.

This item repeals current item 1 of the table in section 15 of the Principal Regulations and substitutes amended table items 1 and 2.

Amended item 1 provides the charges for a third party authorised officer who may exercise powers or perform functions in relation to the export of horticultural products. The amended charges differ depending on the financial year or part of a financial year during which the third party authorisation is in force.

Amended item 2 provides the charges for a third party authorised officer who may exercise powers or perform functions in relation to the export of prescribed plants or prescribed plant products (other than horticultural products). The amended charges differ depending on the financial year or part of a financial year during which the third party authorisation is in force.

These amended charges are prescribed for the purposes of subsection 11(1) of the Act. In accordance with subsection 12(2) of the Act, the Minister has certified that he is satisfied that the amount of the charge in the Amendment Regulations is set at a level designed to recover no more than the Commonwealth's likely costs in relation to the authorisation of third party authorised officers of horticultural products, prescribed plants or prescribed plant products.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

Export Charges (Imposition—Customs) Amendment Regulations 2021

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 purpose of the *Export Charges (Imposition—Customs) Amendment Regulations 2021* (the Amendment Regulations) is to prescribe charges in relation to the export of goods and matters relating to the export of goods, which are considered duties of customs within the meaning of section 55 of the Constitution.

The Amendment Regulations are made under the *Export Charges (Imposition—Customs) Act 2015*. The Amendment Regulations amend the *Export Charges (Imposition—Customs) Regulations 2021*.

The export of certain goods is managed under the *Export Control Act 2020* (the Export Control Act). The Export Control Act and other supporting legislation provide the basis for ensuring exports of meat, seafood, dairy, plants, live animals and other kinds of goods meet the requirements of importing countries.

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 David Littleproud MP
Minister for Agriculture, Drought and Emergency Management