



## **Export Control Legislation Amendment (2022 Measures No. 1) Rules 2022**

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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 30 March 2022

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

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## 1 Name

This instrument is the *Export Control Legislation Amendment (2022 Measures No. 1) Rules 2022*.

## 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	1 April 2022
2. Schedule 1	The later of: (a) 1 April 2022; and (b) the day after this instrument is registered.	1 April 2022
3. Schedule 2	The day after this instrument is registered.	1 April 2022

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

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

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments of the Export Control (Tariff Rate Quotas—General) Rules 2021

### *Export Control (Tariff Rate Quotas—General) Rules 2021*

#### **1 Section 6**

Insert:

*UK WTO dairy goods*: see section 89R.

#### **2 Section 63**

Omit all the words after “European Union in relation to”, substitute:

a quota year is:

- (a) in relation to the quota year beginning on 1 July 2022—3,389 tonnes; and
- (b) in relation to any other quota year—the weight of EU high quality beef that may, under order number 09.4451 in Annex VIII to the EU Tariff Quota Regulation, be exported from Australia to the European Union in the quota year at the *ad valorem* customs duty set out in that order number.

#### **3 Section 74**

Omit all the words after “European Union in relation to”, substitute:

a quota year is:

- (a) in relation to the quota year beginning on 1 January 2022:
  - (i) in the case of cheese for processing—150 tonnes; and
  - (ii) in the case of whole cheddar cheese—1,113 tonnes; and
- (b) in relation to any other quota year—the weight of goods of that kind that may, under the EU Tariff Quota Regulation, be exported from Australia to the European Union in the quota year at a reduced tariff rate.

#### **4 Section 87**

Repeal the section, substitute:

#### **87 Quota year**

A quota year for a kind of Japan quota goods for export to Japan is a period of 12 months beginning on 1 April.

#### **5 Section 89**

Repeal the section, substitute:

#### **89 Annual access amount**

The annual access amount for a kind of Japan quota goods for export to Japan in relation to a quota year is the weight of goods of that kind that may, under the Japan-Australia Economic Partnership Agreement, be exported from Australia to Japan in the quota year at a reduced tariff rate.

**6 Section 89H**

Omit all the words after “United Kingdom in relation to”, substitute:

a quota year is:

- (a) in relation to the quota year beginning on 1 July 2022—3,761 tonnes; and
- (b) in relation to any other quota year—the weight of UK high quality beef that may, as set out in the UK Quota Table, be exported from Australia to the United Kingdom in the quota year at the quota duty rate for quota number 05.4451 in the UK Quota Table.

**7 At the end of Part 3A of Chapter 3**

Add:

**Division 3—UK WTO dairy goods****89R UK WTO dairy goods**

Goods referred to in column 2 of an item in the following table:

- (a) are *UK WTO dairy goods*; and
- (b) are of the kind of UK WTO dairy goods referred to in column 1 of that item.

<b>UK WTO dairy goods</b>		
<b>Item</b>	<b>Column 1 Kind of UK WTO dairy goods</b>	<b>Column 2 Goods</b>
1	Cheese for processing	Goods of a kind that may, under the UK Tariff Quota Regulations, be exported from Australia to the United Kingdom under quota number 05.4521
2	Whole cheddar cheese	Goods of a kind that may, under the UK Tariff Quota Regulations, be exported from Australia to the United Kingdom under quota number 05.4522

**89S Quota year**

A quota year for a kind of UK WTO dairy goods for export to the United Kingdom is a period of 12 months beginning on 1 January.

**89T Method for issuing tariff rate quota certificates**

The first come, first served method applies for the purposes of issuing a tariff rate quota certificate in relation to a consignment of a kind of UK WTO dairy goods for export to the United Kingdom in a quota year beginning on or after 1 January 2022.

Note: The first come, first served method is set out in Part 1 of Chapter 2.

**89U Annual access amount**

The annual access amount for a kind of UK WTO dairy goods for export to the United Kingdom in relation to a quota year is:

- (a) in relation to the quota year beginning on 1 January 2022:
  - (i) in the case of cheese for processing—350 tonnes; and
  - (ii) in the case of whole cheddar cheese—2,598 tonnes; and
- (b) in relation to a later quota year—the weight of goods of that kind that may, as set out in the UK Quota Table, be exported from Australia to the United Kingdom in the quota year at the quota duty rate for:
  - (i) in the case of cheese for processing—quota number 05.4521 in the UK Quota Table; and
  - (ii) in the case of whole cheddar cheese—quota number 05.4522 in the UK Quota Table.

**8 Paragraph 135(7)(a)**

Omit “34.6993%”, substitute “47.3986%”.

**9 Paragraph 135(8)(a)**

Omit “65.3007%”, substitute “52.6014%”.

**10 Paragraph 135(10)(a)**

Omit “34.6993%”, substitute “47.3986%”.

**11 Paragraph 135(11)(a)**

Omit “65.3007%”, substitute “52.6014%”.



## **Schedule 2—Amendments of the Export Control (Miscellaneous) Rules 2021**

### *Export Control (Miscellaneous) Rules 2021*

#### **1 At the end of the instrument**

Add:

### **Part 4—Fit and proper person test**

#### **4-1 Fit and proper person test—matters to which Secretary must have regard**

For the purposes of subparagraph 372(2)(a)(vi) of the Act, the following Acts are prescribed:

- (a) the *Primary Industries Levies and Charges Collection Act 1991*;
- (b) the *Recycling and Waste Reduction Act 2020*.