



Export Control (Fees) Amendment Orders 2009 (No. 1)¹

I, TONY BURKE, Minister for Agriculture, Fisheries and Forestry, make these Orders under regulation 3 of the *Export Control (Orders) Regulations 1982*.

Dated 5.6 2009

Tony Burke

TONY BURKE
Minister for Agriculture, Fisheries and Forestry

1 Name of Orders

These Orders are the *Export Control (Fees) Amendment Orders 2009 (No. 1)*.

2 Commencement

These Orders commence on 1 July 2009.

3 Amendment of *Export Control (Fees) Orders 2001*

Schedule 1 amends the *Export Control (Fees) Orders 2001*.

4 Transitional

The amendments made by Schedule 1 apply in relation to a service performed, or a document issued, on or after 1 July 2009.

Schedule 1 Amendments

(order 3)

[1] Suborder 4 (1)

*omit everything before the definition of **additional inspection services**, substitute*

- (1) In these Orders, unless the contrary intention appears:
Act means the *Export Control Act 1982*.

[2] Suborder 4 (1), definition of *additional inspection services*

substitute

additional inspection services: see order 4AA.

[3] Suborder 4 (1), note after the definition of *approved arrangements*

omit

approved under

insert

mentioned in

[4] Suborder 4 (1), definition of *Area Technical Manager*

omit

a veterinary officer from AQIS

substitute

an authorised officer

[5] Suborder 4 (1), after the definition of *cut flowers*

insert

Department means the department of State administered by the Minister administering the Act.

Note At the commencement of the *Export Control (Fees) Amendment Orders 2009 (No. 1)*, this was the Department of Agriculture, Fisheries and Forestry.

[6] Suborder 4 (1), after the definition of *EXDOC registered user*

insert

export control order means an order made under the *Export Control (Orders) Regulations 1982*.

[7] Suborder 4 (1), definition of *government certificate*

substitute

government certificate means a certificate issued as a government certificate under an export control order.

[8] Suborder 4 (1), definition of *grain*

substitute

grain means prescribed grain.

[9] Suborder 4 (1), definition of *horticulture products*

substitute

horticulture products means any of fresh fruit, fresh vegetables, cut flowers, nursery stock, unprocessed nuts and dried fruit.

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- [10] **Suborder 4 (1), definition of *in-office inspection***
omit
- [11] **Suborder 4 (1), after the definition of *inspection service***
insert
live-stock has the same meaning as in the *Export Control (Animals) Order 2004*.
- [12] **Suborder 4 (1), after the definition of *milk products establishment***
insert
month means a calendar month, and ***monthly*** has a corresponding meaning.
- [13] **Suborder 4 (1), definition of *nursery stock***
omit
Grain, Plants and Plant Products Orders
substitute
Export Control (Plants and Plant Products) Orders 2005
- [14] **Suborder 4 (1), definition of *out of office inspection***
substitute
organic produce has the same meaning as in the Export Control (Organic Produce Certification) Orders.
- [15] **Suborder 4 (1), definitions of *plants* and *plant products***
substitute
plants means plants to which the *Export Control (Plants and Plant Products) Orders 2005* apply but not horticulture products.

plant products means plant products to which the *Export Control (Plants and Plant Products) Orders 2005* apply but not horticulture products.

[16] Suborder 4 (1), after the definition of *plant products*

insert

prescribed grain has the same meaning as in the *Export Control (Plants and Plant Products) Orders 2005*.

[17] Suborder 4 (1), definition of *processed fruits and vegetables*

substitute

processed fruits means fruits that are processed fruits and vegetables for the purposes of the Export Control (Processed Fruits and Vegetables) Orders.

processed vegetables means vegetables that are processed fruits and vegetables for the purposes of the Export Control (Processed Fruits and Vegetables) Orders.

[18] Suborder 4 (1), definitions of *request for permit* and *Secretary*

substitute

request for permit means a notice of intention to export prescribed goods given by an EXDOC registered user.

shutdown period, for an establishment, means a continuous period of 14 days or more during which operations for the preparation of goods for export are not undertaken at the establishment.

[19] Suborder 4 (1), definitions of *slaughter* and *Verification Unit*

omit

[20] Suborder 4 (1), after the definition of *shutdown period*

insert

week, when used in respect of the allocation of inspection services, means a period of 5 days starting on a Monday, and ***weekly*** has a corresponding meaning.

Note In other contexts, week has its ordinary meaning of 7 days.

[21] Suborder 4 (1), after the definition of *weekday*

insert

year means a period of 12 months starting on 1 July, and ***annual*** has a corresponding meaning.

[22] Suborder 4 (2)

substitute

- (2) Other words have the same meanings as in the *Export Control (Prescribed Goods — General) Order 2005*.

Note The Act includes definitions of other expressions including:

authorised officer
establishment
occupier
registered establishment
Secretary.

[23] After order 4*insert***4AA Additional inspection services**

- (1) For these Orders, inspection services in respect of an establishment are ***additional inspection services*** if the inspection services are in addition to the inspection services that are ordinarily required for the purpose of determining whether the following requirements have been met:
 - (a) Australian export requirements;
 - (b) if relevant — the export requirements of the foreign country to which goods that are prepared for export at the establishment are to be exported.
- (2) Without limiting suborder (1), the following are taken to be additional inspection services:
 - (a) services related to granting an exemption under Part 3 of the *Export Control (Prescribed Goods — General) Order 2005*;
 - (b) services related to thermal processing or an approved laboratory program for an approved arrangement (whether or not the services are inspection services);
 - (c) services related to variations or amendments to an approved arrangement for a registered establishment (whether or not the services are inspection services).

4AB Fees imposed separately

Unless the contrary intention appears, each fee imposed by these Orders in respect of a service or other thing is in addition to each other fee imposed by these Orders in respect of that service or thing.

[24] Part 1A*omit*

[25] After Part 1

insert

Part 1AA General export fees

4H Goods to which fees under this Part relate

Fees are imposed in accordance with this Part for the performance of a service in respect of the following goods:

- (a) eggs;
- (b) egg products;
- (c) fish;
- (d) fish products;
- (e) goods in respect of which an application under section 8.05 of the *Export Control (Prescribed Goods – General) Order 2005* has been made;
- (f) meat;
- (g) meat products;
- (h) milk;
- (i) milk products;
- (j) organic produce.

Note **Meat** includes game meat, poultry meat and rabbit meat. **Meat products** includes game meat products, poultry meat products and rabbit meat products.

4I Imposition of fees for inspection services

- (1) Subject to this Part, fees calculated in accordance with Part 1 of Schedule 1 are imposed for inspection services (other than additional inspection services) performed, in respect of an establishment, for goods specified in that Part 1.

Note 1 Fees under Part 1 of Schedule 1 are worked out on an hourly basis.

Note 2 Fees for additional inspection services are imposed under order 4J.

- (2) The Secretary may enter into a written arrangement with the occupier of an establishment under which inspection services (other than additional inspection services) for goods specified

in the arrangement are allocated to the establishment on a daily, weekly, monthly or annual basis, as specified in the arrangement.

- (3) The arrangement must include provision under which the Secretary may alter the basis of the allocation in the arrangement if the Secretary is satisfied that the altered allocation better represents the usage of inspection services at the establishment.
- (4) While an arrangement under suborder (2) is in force, suborder (1) does not apply in respect of the establishment and fees calculated in accordance with:
 - (a) if the arrangement provides that inspection services are allocated to the establishment on a daily basis — Part 2 of Schedule 1; and
 - (b) if the arrangement provides that inspection services are allocated to the establishment on a weekly basis — Part 3 of Schedule 1; and
 - (c) if the arrangement provides that inspection services are allocated to the establishment on a monthly basis — Part 4 of Schedule 1; and
 - (d) if the arrangement provides that inspection services are allocated to the establishment on an annual basis — Part 5 of Schedule 1;

are imposed for inspection services to which the arrangement relates, however often the inspection services are actually performed.

- (5) If:
 - (a) an arrangement under suborder (2) allocates inspection services to an establishment on an annual basis; and
 - (b) the occupier of the establishment gives the Secretary written notice during a year that inspection services are no longer required on that basis;

the arrangement is taken to have allocated inspection services for that year on a monthly basis and fee is imposed equal to the amount of any underpayment.

- (6) A fee imposed by suborder (1), (4) or (5) in respect of an establishment is payable by the occupier of the establishment.

4J Imposition of fees for additional inspection services

- (1) Subject to this Part, fees calculated in accordance with Schedule 1A are imposed for additional inspection services performed in respect of goods specified in Schedule 1A.
- (2) Suborder (1) does not apply to additional inspection services for which an arrangement under suborder 4I (2) is in force.
- (3) A fee imposed by suborder (1) in respect of an establishment is payable by the occupier of the establishment. Any other fee imposed by suborder (1) is payable by the person to whom the service is provided.

4K Imposition of shift loading fees and overtime fees

- (1) Subject to this Part, if:
 - (a) an authorised officer performs inspection services in respect of an establishment during a particular period; and
 - (b) the officer is entitled to be paid a shift loading for that period;

fees calculated in accordance with Part 1 of Schedule 1B are imposed for the inspection services performed during that period.

Note The period might not be the whole of the period during which the authorised officer performs the inspection services. For example, if an authorised officer performs services from 8 am to 8 pm, but is entitled to a shift loading for the 6 pm to 8 pm component, the shift loading fee is only payable for the 6 pm to 8 pm component.

- (2) Subject to this Part, if:
 - (a) an authorised officer performs inspection services in respect of an establishment during a particular period; and
 - (b) the officer is entitled to be paid overtime for that period;fees calculated in accordance with Part 2 of Schedule 1B are imposed for the inspection services performed during that period.

Note The period might not be the whole of the period during which the authorised officer performs the inspection services. For example, if an authorised officer performs services from 8 am to 8 pm, but is entitled to overtime for the 6 pm to 8 pm component, the overtime fee is only payable for the 6 pm to 8 pm component.

- (3) A fee imposed by suborder (1) or (2) is payable by the occupier of the relevant establishment.

4L Shutdown

- (1) If the occupier of a registered establishment gives 2 weeks or more written notice to the Secretary that inspection services that are allocated on a monthly basis are not required for a shutdown period specified in the notice, no fee is imposed for the shutdown period and the monthly fees imposed are reduced proportionately for the remainder of any month in which the shutdown occurs.
- (2) If the occupier of a registered establishment gives less than 2 weeks written notice to the Secretary that inspection services that are allocated on a monthly, weekly or daily basis are not required for a shutdown period specified in the notice, the fee imposed in respect of the shutdown period is unaffected.
- (3) This order does not apply to registered establishments that have inspection services allocated on an annual basis or on a basis that includes an allocation of services on an annual basis.

4M Industrial action by authorised officers

- (1) If inspection services are not performed in respect of an establishment because of industrial action by authorised officers, the fee imposed for those services is reduced proportionately for each day or part day that inspection services are not performed.
- (2) In this order, **part day** means a half day or more.

4N Industrial action by other workers

To avoid doubt, if inspection services that are allocated to a registered establishment are not performed because of industrial action by workers other than authorised officers at the establishment, the fees imposed by these Orders in respect of the services are not affected.

4P Insufficient notice of change to allocation

- (1) If:
- (a) an arrangement for a registered establishment allocates inspection services to the establishment on an annual basis; and
 - (b) the occupier gives less than 4 weeks notice of a reduction in inspection services;
- then:
- (c) fees for the services continue to be imposed until the earlier of the following:
 - (i) the Secretary determines that the services are allocated to another registered establishment;
 - (ii) the end of 4 weeks after the notice is given; and
 - (d) the arrangement is taken to have allocated inspection services for that year on a monthly basis and fee is imposed equal to the amount of any underpayment.
- (2) If:
- (a) an arrangement for a registered establishment allocates inspection services to the establishment on a monthly basis; and
 - (b) the occupier gives less than 4 weeks notice of a reduction in inspection services;
- fees for the services continue to be imposed until the earlier of the following:
- (c) the Secretary determines that the services are allocated to another registered establishment;
 - (d) the end of 4 weeks after the notice is given.
- (3) A fee imposed by paragraph (1) (d) is payable by the occupier of the relevant establishment.

4Q Insufficient notice of termination of inspection services

If:

- (a) an arrangement for a registered establishment allocates inspection services to an establishment otherwise than on an annual basis; and
- (b) the occupier gives less than 2 weeks notice of a reduction in inspection services;
fees for the services continue to be imposed until the earlier of the following:
- (c) the Secretary determines that the services are allocated to another registered establishment;
- (d) the end of 4 weeks after the notice is given.

4R Documentation fees

- (1) Fees calculated in accordance with Schedule 1C are imposed for the issue of a document in relation to the export of goods mentioned in order 4H.
- (2) A fee imposed by suborder (1) is payable by the person to whom the document is issued.

4S Organic produce certification

- (1) A fee of \$7 100 is imposed for the assessment of an application for the issue of a QM certificate under the Export Control (Organic Produce Certification) Orders.
- (2) The fee imposed by suborder (1) is payable by the person who made the application.
- (3) A fee of \$7 500 is imposed for each year in which a QM certificate for an organisation is in force under order 3.04 of the Export Control (Organic Produce Certification) Orders.
- (4) The fee imposed by suborder (3) is payable by the organisation in respect of which the QM certificate is in force, and must be paid in equal quarterly instalments.

[26] Part 2

omit

[27] **Part 3**
 substitute

Part 3 Fees for grains, plants and plant products

14 Application

Fees are imposed in accordance with this Part for the performance of services in respect of the following goods:

- (a) grains (whether prescribed grains or not);
- (b) plants;
- (c) other plant products.

14A Fees for particular services

If, at the request of a person, an authorised officer performs a service mentioned in Schedule 3, the fee specified in or calculated in accordance with Schedule 3 for the service is imposed.

16 Fees for overtime

Subject to this Part, if, at the request of a person:

- (a) an authorised officer performs services during a particular period (the ***overtime period***); and
- (b) the officer is entitled to be paid overtime for the overtime period;

fees calculated in accordance with paragraphs (c) and (d) are imposed for the services:

- (c) if paragraph (d) does not apply, the fees are:
 - (i) if the rate of overtime is time and a half—the amount calculated at the rate of \$12.00 per quarter hour; and
 - (ii) if the rate of overtime is double time—the amount calculated at the rate of \$16.00 per quarter hour; and

- (iii) if the rate of overtime is double time and a half — the amount calculated at the rate of \$20.00 per quarter hour; and
- (d) where the overtime period is not continuous with the officer's ordinary hours of work:
 - (i) if the rate of overtime is time and a half — the greater of \$209.00 and the amount calculated at the rate of \$12.00 per quarter hour; and
 - (ii) if the rate of overtime is double time — the greater of \$258.00 and the amount calculated at the rate of \$16.00 per quarter hour; and
 - (iii) if the rate of overtime is double time and a half — the greater of \$323.00 and the amount calculated at the rate of \$20.00 per quarter hour.

22A By whom fees payable

A fee imposed by this Part is payable by the person for whom the services are performed.

[28] Order 23

substitute

23 Fees for particular services

If, at the request of a person, an authorised officer performs a service mentioned in Schedule 4 for a particular purpose related to the export of live animals or animal reproductive material, the fee specified in or calculated in accordance with Schedule 4 for the service is imposed.

[29] Suborder 23AA (1), after the definition of *outport fee*

insert

slaughter sheep or goats means sheep or goats intended to be slaughtered in a foreign country.

[30] Suborder 23AA (1), paragraph (g) of the definition of *tier 1 foreign country*, for cattle or buffalo

substitute

- (fa) the Great Socialist People's Libyan Arab Jamahiriya (Libya);
- (g) Malaysia;
- (ga) the Republic of Mauritius;

[31] Suborder 23AA (1), after paragraph (i) of the definition of *tier 1 foreign country*, for slaughter sheep or goats

insert

- (ia) the Republic of Mauritius;

[32] Suborder 23AA (1), paragraph (d) of the definition of *tier 2 foreign country*, for cattle or buffalo

substitute

- (ca) the Islamic Republic of Pakistan;
- (d) the Russian Federation;
- (e) the Republic of Korea (South Korea);
- (f) the Republic of Turkey.

[33] Suborder 23AA (1), definition of *tier 2 foreign country*, for slaughter sheep or goats

substitute

tier 2 foreign country, for slaughter sheep or goats, means each of the following:

- (a) the Great Socialist People's Libyan Arab Jamahiriya (Libya);
- (b) the Islamic Republic of Pakistan;
- (c) the Russian Federation;
- (d) the Kingdom of Saudi Arabia;
- (e) the Republic of Turkey.

[34] Suborder 23AA (2), including Table 23AA.1*substitute*

- (2) Subject to this order, where, in accordance with an arrangement made by or on behalf of a person (the **exporter**), inspection services are performed in connection with the intended export by sea of cattle, buffalo, sheep or goats to a place in a foreign country that is a tier 1 foreign country or a tier 2 foreign country for the cattle, buffalo, sheep or goats (as relevant), the following fees are imposed:
- (a) the per head fee, calculated in accordance with Table 23AA.1;
 - (b) if suborder (3) applies—the suborder (3) fee, calculated in accordance with Table 23AA.1;
 - (c) if the inspection services are made available at an outport—the outport fee.

Table 23AA.1

Item	For export of ...	Per head fee (for each head to be inspected)	Suborder (3) fee
1	Cattle or buffalo to a tier 1 foreign country for cattle or buffalo	\$1.55	\$70.50 for each quarter hour spent in excess of 11 hours performing the services
2	Cattle or buffalo to a tier 2 foreign country for cattle or buffalo	\$3.90	\$70.50 for each quarter hour spent in excess of 22 hours performing the services
3	Slaughter sheep or goats to a tier 1 foreign country for slaughter sheep or goats	\$0.20	\$70.50 for each quarter hour spent in excess of 28 hours performing the services

Item	For export of ...	Per head fee (for each head to be inspected)	Suborder (3) fee
4	Slaughter sheep or goats to a tier 2 foreign country for slaughter sheep or goats	\$0.22	\$70.50 for each quarter hour spent in excess of 38 hours performing the services
5	Sheep or goats to be exported for breeding to any foreign country	\$0.22	\$70.50 for each quarter hour spent in excess of 38 hours performing the services

[35] Order 23AA, Table 23AA.2

substitute

Table 23AA.2

Column 1	Column 2	
Outport	if, by arrangement with the exporter, the authorised officer conducting the inspection travels to the place by	
	air	road
Broome	\$663.00	
Geraldton	\$767.00	\$1 176.00
Karumba	\$557.00	
Mackay	\$547.00	\$1 380.00
Mourilyan	\$529.00	\$537.00
Port Hedland	\$811.00	
Portland	\$495.00	\$872.00
Townsville	\$529.00	\$853.00
Weipa	\$517.00	
Wyndham	\$717.00	\$1 793.00

[36] Suborder 23AA (5)*substitute*

- (5) An arrangement referred to in this order for an authorised officer to travel to an outport by air must:
 - (a) require the exporter to bear the cost of the air ticket; and
 - (b) include provisions specifying:
 - (i) who must arrange the air ticket; and
 - (ii) when the air ticket must be arranged; and
 - (iii) if the air ticket is arranged by AQIS — how the exporter is to meet the cost of the air ticket.
- (5A) Subject to suborder (6), a fee imposed by suborder (2) is payable by the exporter.

[37] Order 23AB*substitute***23AB Fees for applications**

- (1) If services are performed by the Secretary or a delegate of the Secretary in connection with:
 - (a) processing an application for accreditation made by a veterinarian under section 4A.04 of the *Export Control (Animals) Order 2004*; or
 - (b) assessing such an application; or
 - (c) giving a notice of accreditation under section 4A.02 of the *Export Control (Animals) Order 2004*;a fee is imposed calculated at the rate of \$70.50 for each quarter hour in which the services are performed.
- (2) If services are performed by the Secretary or a delegate of the Secretary in connection with:
 - (a) processing an application for registration of premises under Division 2.2 of the *Export Control (Animals) Order 2004*; or
 - (b) assessing such an application; or

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- (c) giving notice of a decision under section 2.08 of the *Export Control (Animals) Order 2004*;

a fee is imposed calculated at the rate of \$70.50 for each quarter hour in which the services are performed.

Note In assessing an application for registration of premises, the Secretary may ask the applicant to permit an authorised officer to perform the services mentioned in paragraph 2.06 (1) (b) of the *Export Control (Animals) Order 2004*. The fee prescribed under suborder (2) is payable for those services.

- (3) If services are performed by the Secretary or a delegate of the Secretary in connection with:

- (a) processing an application for approval of premises under Part 3 of the *Export Control (Animals) Order 2004*; or
- (b) assessing such an application; or
- (c) giving notice of a decision under subsection 3.07 (3) of the *Export Control (Animals) Order 2004*;

a fee is imposed calculated at the rate of \$70.50 for each quarter hour in which the services are performed.

Note In assessing an application for approval of premises, the Secretary, under paragraph 3.06 (2) (b) of the *Export Control (Animals) Order 2004*, may request the applicant to allow an authorised officer to inspect the premises. The fee prescribed by suborder (3) is payable for these inspection services.

- (4) A fee imposed by this order in respect of an application is payable by the applicant.

[38] Order 24

substitute

24 Travel

- (1) If an authorised officer performs services in respect of the export of live animals or animal reproductive material, a fee is imposed calculated at the rate of \$0.65 for each kilometre travelled by the officer on land in going from the officer's ordinary place of work to the place where the services are performed, and returning from that place to the officer's place of work.

- (1A) If, by arrangement, an authorised officer travels by air to or from the place where services in respect of exports of live animals or animal reproductive material are provided, the arrangement must:
- (a) require the exporter to bear the cost of the air ticket; and
 - (b) include provisions specifying:
 - (i) who must arrange the air ticket; and
 - (ii) when the air ticket must be arranged; and
 - (iii) if the air ticket is arranged by AQIS — how the exporter is to meet the cost of the air ticket.
- (1B) If inspection services are performed at an outport as defined in order 23AA:
- (a) suborders (1) and (1A) do not apply; and
 - (b) a fee calculated at the rate of \$0.65 per kilometre is imposed for travel reasonably undertaken by an officer, while at or based at the outport, for the purposes of performing the inspection services.
- (2) If, for the purpose of performing a service in respect of the export of live animals or animal reproductive material, it is necessary for an officer to stay overnight at a place that is not the officer's usual place of residence, a fee of \$296 is imposed for each night of the stay.
- (3) A fee imposed by this order in respect of a service is payable by the person for whom the service is performed.

[39] Part 5

omit

[40] Part 7, heading

substitute

Part 7 Fees for horticulture products

[41] After order 34

insert

34A Fees for particular services

- (1) If an authorised officer performs a service mentioned in Part 1 of Schedule 6 in respect of horticulture products, the fee specified in or calculated in accordance with that Part is imposed.
- (2) A fee imposed by suborder (1) is payable by the person for whom the services are performed.

34B Overtime

- (1) If:
 - (a) an authorised officer performs a service in respect of horticulture products in a period (the ***overtime period***); and
 - (b) the officer is entitled to be paid overtime for the overtime period;the fees in suborder (2) are imposed for the services.
- (2) The amount of a fee imposed by suborder (1) is:
 - (a) if the overtime period is continuous with the authorised officer's ordinary hours of work — \$16 per quarter hour; or
 - (b) if the overtime period is not continuous with the authorised officer's ordinary hours of work — the greater of:
 - (i) \$16 per quarter hour; and
 - (ii) \$240.
- (3) A fee imposed by suborder (1) is payable by the person for whom the services are performed.

34C Travel

- (1) If an authorised officer performs services in respect of horticulture products, a fee is imposed calculated at the rate of

\$0.85 for each kilometre travelled by the officer in going from the officer's ordinary place of work to the place where the services are performed, and returning from that place to the officer's place of work.

- (2) A fee imposed by suborder (1) is payable by the person for whom the services are performed.

34D Documentation fees

- (1) The fees specified in Part 2 of Schedule 6 are imposed for the issue of a document mentioned in that Part in relation to horticulture products.
- (2) A fee imposed by suborder (1) is payable by the person to whom the document concerned is issued.

[42] Order 35

omit

[43] After Part 7

insert

Part 7A Export documentation fees — general

40A Documentation fees

- (1) Fees are imposed in accordance with this Part for the issue of a document in relation to the export of the following products:
 - (a) grain (whether or not the grain is prescribed grain);
 - (b) processed fruit;
 - (c) processed vegetables;
 - (d) plants;
 - (e) other plant products.

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- (2) The amount of a fee imposed by suborder (1) is the amount specified in or calculated in accordance with the relevant item of Schedule 5.
- (3) A fee imposed by suborder (1) in respect of a document is payable by the person who requested or applied for the document.

[44] Part 8

omit

[45] Paragraph 41 (2) (a)

omit

penalty fee

insert

penalty fee, and may do so after the time for payment has passed

[46] Order 42

substitute

42 Due date for payment of annual inspection fees

Despite order 41, a fee calculated in accordance with Part 5 of Schedule 1 is payable in equal monthly instalments with each instalment due on the date shown on the invoice issued by AQIS.

[47] Orders 42AA, 42A and 43

omit

[48] Orders 44 to 47

substitute

44 Due date for payment of documentation fees

- (1) Where a fee for the issue of a document is imposed by these Orders, the Secretary must determine that the fee must be paid:
 - (a) when the document to which the fee relates is issued; or
 - (b) not later than the due date specified in an invoice for the fee issued by AQIS.
- (2) The fee must be paid in accordance with the Secretary's determination.
- (3) The Secretary may, in a particular case:
 - (a) extend the time for payment of a fee, and may do so after the time for payment has passed; and
 - (b) allow a fee to be paid by instalments.

45 Non-payment of fees

- (1) If:
 - (a) fees imposed by these Orders in respect of inspection services, or penalty fees in respect of those fees, have not been paid in full at the end of 14 days after the due date for payment; and
 - (b) the Secretary gives the person liable to pay the fees written notice that inspection services for the person, or for the relevant establishment, may be withdrawn unless arrangements for payment satisfactory to the Secretary are made within 14 days after the date of the notice; and
 - (c) at the end of the 14 days mentioned in paragraph (b), arrangements for payment satisfactory to the Secretary have not been made;then, despite any arrangement between the Secretary and the person, or in respect of the relevant establishment, the Secretary may withdraw inspection services for the person, or for the relevant establishment.
- (2) If:
 - (a) fees imposed by these Orders in respect of the issue of a document, or penalty fees in respect of those fees, have not been paid in full at the end of 14 days after the due date for payment; and

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- (b) the Secretary gives the person liable to pay the fees written notice that further documents might not be issued unless arrangements for payment satisfactory to the Secretary are made within 14 days after the date of the notice; and
 - (c) at the end of the 14 days mentioned in paragraph (b), arrangements for payment satisfactory to the Secretary have not been made;

then, despite any arrangement between the Secretary and the person, or in respect of the relevant establishment, the Secretary may refuse to issue further documents to the person.

- (3) Action by the Secretary under this order does not affect the liability of the person to pay the fees.

47 Penalty fees

- (1) If fees imposed by these Orders remain unpaid after the time when the payment is due, a penalty fee is imposed calculated at the rate of 20% per year, calculated monthly, on the amount unpaid.
- (2) Penalty fees imposed under suborder (1) in respect of a fee are payable by the person by whom the fee is payable.

[49] Order 51

substitute

51 Fees not to apply

These Orders do not apply in respect of goods exported from Australia by an organisation approved by the Secretary that provides aid or assistance in a foreign country.

[50] Schedules 1 to 5*substitute***Schedule 1 Fees imposed by Part 1AA**

(order 4I)

Note 1 Under order 4I, inspection services covered by this Schedule do not include additional inspection services. Additional inspection services are covered by Schedule 1A.

Note 2 **Meat** includes game meat, poultry meat and rabbit meat. **Meat products** includes game meat products, poultry meat products and rabbit meat products.

Part 1 Hourly fees — general

Item	Description	Fee
1	In respect of meat or meat products:	
	(a) for inspection services performed by an authorised officer who is not a veterinarian	\$79.00 per hour
	(b) for inspection services performed by an authorised officer who is a veterinarian	\$127.00 per hour

Part 2 Daily fees (suborder 4I (2) arrangements)

Item	Description	Fee
2	In respect of meat or meat products:	
	(a) for inspection services performed by an authorised officer who is not a veterinarian	\$672.00 per day
	(b) for inspection services performed by an authorised officer who is a veterinarian	\$1 014.00 per day

Part 3 Weekly fees (suborder 4I (2) arrangements)

Item	Description	Fee
3	In respect of meat or meat products:	
	(a) for inspection services performed by an authorised officer who is not a veterinarian	\$3 354.00 per week
	(b) for inspection services performed by an authorised officer who is a veterinarian	\$5 067.00 per week

Part 4 Monthly fees (suborder 4I (2) arrangements)

Item	Description	Fee
4	In respect of meat or meat products:	
	(a) for inspection services performed by an authorised officer who is not a veterinarian	\$9 021.00 per month
	(b) for inspection services performed by an authorised officer who is a veterinarian	\$14 472.00 per month

Part 5 Annual fees (suborder 4I (2) arrangements)

Item	Description	Fee
5	In respect of meat or meat products:	
	(a) for inspection services performed by an authorised officer who is not a veterinarian	\$99 233.00 per year
	(b) for inspection services performed by an authorised officer who is a veterinarian	\$159 188.00 per year

Schedule 1A Fees for additional inspection services imposed by Part 1AA

(order 4J)

Note **Meat** includes game meat, poultry meat and rabbit meat. **Meat products** includes game meat products, poultry meat products and rabbit meat products.

Item	Description	Fee
1	In respect of eggs or egg products — for additional inspection services performed by an authorised officer	\$40.00 per quarter hour
2	In respect of fish or fish products — for additional inspection services performed by an authorised officer	\$40.00 per quarter hour
3	In respect of meat or meat products:	
	(a) for additional inspection services performed by an authorised officer who is not a veterinarian or an Area Technical Manager	\$79.00 per hour
	(b) for additional inspection services performed by an authorised officer who is a veterinarian but is not an Area Technical Manager	\$127.00 per hour
	(c) for additional inspection services performed by an Area Technical Manager	\$215.00 per hour
4	In respect of milk or milk products — for additional inspection services performed by an authorised officer	\$33.00 per quarter hour

Schedule 1B Shift loading and overtime fees

(order 4K)

Note **Meat** includes game meat, poultry meat and rabbit meat. **Meat products** includes game meat products, poultry meat products and rabbit meat products.

Part 1 Shift loading fees

Item	Description	Fee
<i>Authorised officers who are not veterinarians</i>		
1	In respect of meat or meat products — for inspection services (including additional inspection services) performed by an authorised officer who is not a veterinarian in a period for which the authorised officer is entitled to a shift loading:	
	(a) on a public holiday	\$10.80 per hour
	(b) otherwise:	
	(i) on a weekday	\$1.10 per hour
	(ii) on a Saturday	\$3.60 per hour
	(iii) on a Sunday	\$7.20 per hour
<i>Authorised officers who are veterinarians</i>		
2	In respect of meat or meat products — for inspection services (including additional inspection services) performed by an authorised officer who is a veterinarian in a period for which the authorised officer is entitled to a shift loading:	
	(a) on a public holiday	\$16.10 per hour
	(b) otherwise:	
	(i) on a weekday	\$1.70 per hour
	(ii) on a Saturday	\$5.40 per hour
	(iii) on a Sunday	\$10.70 per hour

Part 2 Overtime fees

Item	Description	Fee
3	In respect of eggs or egg products:	
	(a) if paragraph (b) does not apply — for additional inspection services performed by an authorised officer in a period of overtime:	

Item	Description	Fee
	(i) if the rate of overtime is time and a half	\$12.00 per quarter hour
	(ii) if the rate of overtime is double time	\$16.00 per quarter hour
	(iii) if the rate of overtime is double time and a half	\$20.00 per quarter hour
	(b) where the additional inspection services are performed in a period that is not continuous with the officer's ordinary hours of work and is less than 3 hours:	
	(i) if the rate of overtime is time and a half	\$144.00
	(ii) if the rate of overtime is double time	\$192.00
	(iii) if the rate of overtime is double time and a half	\$240.00
4	In respect of fish or fish products:	
	(a) if paragraph (b) does not apply — for additional inspection services performed by an authorised officer in a period of overtime:	
	(i) if the rate of overtime is time and a half	\$12.00 per quarter hour
	(ii) if the rate of overtime is double time	\$16.00 per quarter hour
	(iii) if the rate of overtime is double time and a half	\$20.00 per quarter hour
	(b) where the additional inspection services are performed in a period that is not continuous with the officer's ordinary hours of work and is less than 3 hours:	
	(i) if the rate of overtime is time and a half	\$144.00
	(ii) if the rate of overtime is double time	\$192.00
	(iii) if the rate of overtime is double time and a half	\$240.00
5	In respect of meat or meat products:	

Item	Description	Fee
	(a) if paragraph (b) does not apply — for inspection services (including additional inspection services) performed by an authorised officer who is not a veterinarian in a period of overtime:	
	(i) if the rate of overtime is single time	\$7.50 per quarter hour
	(ii) if the rate of overtime is time and a half	\$11.20 per quarter hour
	(iii) if the rate of overtime is double time	\$14.90 per quarter hour
	(iv) if the rate of overtime is double time and a half	\$18.70 per quarter hour
	(b) where the inspection services (including additional inspection services) are performed in a period that is not continuous with the officer's ordinary hours of work and is less than 4 hours:	
	(i) if the rate of overtime is single time	\$120.00
	(ii) if the rate of overtime is time and a half	\$179.20
	(iii) if the rate of overtime is double time	\$238.40
	(iv) if the rate of overtime is double time and a half	\$299.20
	(c) if paragraph (d) does not apply — for inspection services (including additional inspection services) performed by an authorised officer who is a veterinarian in a period of overtime:	
	(i) if the rate of overtime is time and a half	\$16.70 per quarter hour
	(ii) if the rate of overtime is double time	\$22.20 per quarter hour
	(iii) if the rate of overtime is double time and a half	\$27.80 per quarter hour

Item	Description	Fee
	(d) if the inspection services (including additional inspection services) are performed in a period that is not continuous with the officer's ordinary hours of work and is less than 3 hours:	
	(i) if the rate of overtime is time and a half	\$200.40
	(ii) if the rate of overtime is double time	\$266.40
	(iii) if the rate of overtime is double time and a half	\$333.60
6	In respect of milk or milk products:	
	(a) if paragraph (b) does not apply — for additional inspection services performed by an authorised officer in a period of overtime:	
	(i) if the rate of overtime is time and a half	\$12.00 per quarter hour
	(ii) if the rate of overtime is double time	\$16.00 per quarter hour
	(iii) if the rate of overtime is double time and a half	\$20.00 per quarter hour
	(b) where the additional inspection services are performed in a period that is not continuous with the officer's ordinary hours of work and is less than 3 hours:	
	(i) if the rate of overtime is time and a half	\$144.00
	(ii) if the rate of overtime is double time	\$192.00
	(iii) if the rate of overtime is double time and a half	\$240.00

Schedule 1C Fees for issuing documents

(order 4R)

Note **Meat** includes game meat, poultry meat and rabbit meat. **Meat products** includes game meat products, poultry meat products and rabbit meat products.

Item	Description	Fee
1	In respect of eggs or egg products:	
	(a) an export permit, or an export permit and government certificate together:	
	(i) by EXDOC	\$40.00
	(ii) otherwise	\$100.00
	(b) a government certificate (other than one issued with an export permit)	\$100.00
	(c) a replacement certificate	\$500.00
	(d) any other document	\$100.00
2	In respect of fish or fish products:	
	(a) an export permit, or an export permit and government certificate together:	
	(i) by EXDOC	\$40.00
	(ii) otherwise	\$100.00
	(b) a government certificate (other than one issued with an export permit)	\$100.00
	(c) a replacement certificate	\$500.00
	(d) any other document	\$100.00
3	In respect of goods for which an application under section 8.05 of the <i>Export Control (Prescribed Goods – General) Order 2005</i> has been made:	
	(a) a government certificate:	
	(i) by EXDOC	\$64.00
	(ii) otherwise	\$100.00
	(b) any other document	\$100.00
4	In respect of meat or meat products:	
	(a) a government certificate:	
	(i) by EXDOC	\$49.00
	(ii) otherwise	\$100.00
	(b) a replacement certificate	\$500.00
	(c) any other document	\$100.00

5	In respect of milk or milk products:	
	(a) an export permit, or an export permit and government certificate together:	
	(i) by EXDOC	\$21.00
	(ii) otherwise	\$100.00
	(b) a government certificate (other than one issued with an export permit)	\$100.00
	(c) a replacement certificate	\$500.00
	(d) any other document	\$100.00

Schedule 3 Fees for particular services

(order 14A)

Item	Service	Fee
1	Inspection of a ship or container that is intended to be used to transport grains (whether prescribed grains or not) or other plant products	\$27.00 per quarter hour
2	Assessment of an application for the registration or renewal of the registration of an establishment in respect of grain (whether prescribed grain or not) or other plant products	\$420.00 <i>plus</i> \$27.00 for each quarter hour after the first 8 hours
3	Inspection of grains (whether prescribed grains or not) or other plant products for the purpose of determining whether a certificate pursuant to section 23 of the Act is to be issued	\$27.00 per quarter hour
4	Inspection of grains (whether prescribed grains or not) or other plant products that: (a) are shipped for export in bulk; and (b) are loaded at a rate of less than 400 tonnes per hour; and (c) are not prepared for export under an approved arrangement	\$27.00 per quarter hour
5	Inspection of grains (whether prescribed grains or not) or other plant products that are shipped for export in bags	\$27.00 per quarter hour

Item	Service	Fee
6	Inspection of grains (whether prescribed grains or not) or other plant products that:	\$27.00 per quarter hour
	(a) are shipped for export in a container system unit; and	
	(b) are not prepared for export under a system subject to a approved arrangement	
7	Assessment of an application for the approval of an arrangement for the preparation of grain (whether prescribed grain or not) or other plant products, for the renewal of such an approval or for the variation of such an arrangement:	
	(a) if the arrangement is of a kind known as a sampling arrangement	\$1 350.00 <i>plus</i> \$27.00 for each quarter hour after the first 18 hours
	(b) if the arrangement is of a kind known as a sampling and inspection arrangement	\$1 620.00 <i>plus</i> \$27.00 for each quarter hour after the first 22 hours
	(c) if the arrangement is of a kind known as a dry box inspection arrangement	\$480.00 <i>plus</i> \$27.00 for each quarter hour after the first 7 hours
8	Making a booking, or an amendment of a booking, for the performance of inspection services in respect of grain or other plant products	\$18.00

Schedule 4 Fees for live animals and animal reproductive material

(order 23)

Item	Service	Fee
1	Processing documents for the export of live animals or animal reproductive material, other than documents relating to services to which order 23AA applies or services mentioned in item 2A, 2B, 3 or 4	\$70.50 per quarter hour
	<i>Note</i> Examples of documents to which this item applies are: (a) a notice of intention to export a live animal or animal reproductive material; and (b) another document required for granting a permit to export a live animal or animal reproductive material.	
2	Inspecting live animals or animal reproductive material for export, other than:	\$70.50 per quarter hour
	(a) inspection services in the circumstances provided for in order 23AA; and	
	(b) inspections mentioned in item 2A or 2B	
2A	Inspecting live-stock for export by air and processing documents for the export of live-stock by air	\$101.25 per quarter hour
2B	Inspecting horses for export and processing documents for the export of horses	\$101.25 per quarter hour
3	An audit	\$70.50 per quarter hour
4	Preparing an application at the request of an exporter, where the consignment of live animals or animal reproductive material does not meet the relevant importing country requirements	\$70.50 per quarter hour
5	A rabies vaccination for live animals that are part of a consignment intended for export	\$70.50 per quarter hour plus an amount equal to the cost of purchasing the vaccines or

Item	Service	Fee
		other non-reusable materials used for the vaccination
6	Use of vaccines (other than rabies vaccine) or other non-reusable materials purchased by the Commonwealth to provide a service mentioned in any of items 1 to 4	An amount equal to the cost of purchasing the vaccines or materials
8	Attending on board a vessel during a voyage	\$1 417.00 per day or part of a day

Schedule 5 Export documentation fees

(order 40A)

Item	Description	Fee
	<i>Grain (whether or not prescribed grain), plants or plant products</i>	
1	a phytosanitary certificate	
	(a) if issued manually	\$85.00
	(b) if issued electronically	\$65.00
2	a replacement phytosanitary certificate or a reissued phytosanitary certificate (however issued) but not one replaced or reissued because of an error by AQIS	\$190.00
3	any other certificate	\$70.00
	<i>Processed fruit or processed vegetables</i>	
4	a replacement certificate	\$202.00
5	any other certificate	\$60.00

Schedule 6 Fees imposed for horticulture products

(orders 34A, 34D)

Part 1 Fees for services

Item	Service	Fee
1	Inspection of a ship or container unit that is intended to be used to transport horticulture products	\$136.00 <i>plus</i> \$68.00 for each quarter hour after the first half hour
2	Any inspection service (other than an inspection service in connection with the registration or the renewal of the registering of an establishment) performed in the following circumstances:	
	(a) the services of an authorised officer are required for a normal working day	\$1 224.00 per day
	(b) the services of an authorised officer are required during normal working hours for a week	\$4 284.00 per week
	(c) the services of an authorised officer are required to be carried out at the officer's ordinary place of work	\$68.00 per quarter hour
	(d) the services of an authorised officer are required to be carried out at a place other than the officer's ordinary place of work	\$136.00 <i>plus</i> \$68.00 for each quarter hour after the first half hour
3	A service in connection with the registration or the renewal of the registration of an establishment	\$550.00 <i>plus</i> \$68.00 for each quarter hour after the first 2 hours

Part 2 Documentation fees

Item	Document	Fee
4	Phytosanitary certificate:	

Item	Document	Fee
	(a) if issued manually	\$51.00
	(b) if issued electronically	\$26.00
5	Certificate of condition or certificate as to condition:	
	(a) if issued manually	\$51.00
	(b) if issued electronically	\$26.00
6	Export permit:	
	(a) if issued manually	\$51.00
	(b) if issued electronically	\$26.00
7	Replacement certificate	\$50.00

Notes

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.