
AGRICULTURE

AG301*

Grain Marketing Act 2002

Grain Marketing Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Grain Marketing Amendment Regulations 2003*.

2. The regulations amended

The amendment in these regulations is to the *Grain Marketing Regulations 2002**.

[* *Published in Gazette 30 October 2002, p. 5353-7.*]

3. Regulations 5, 6, 7 and 8 inserted

After regulation 4 the following regulations are inserted —

“

5. Annual fee for main export licence

- (1) The person who is the main export licence holder at the beginning of a financial year is required to pay to the Authority for that financial year an annual fee of \$400 000 unless subregulation (4) applies.
- (2) The period commencing on the day on which the *Grain Marketing Amendment Regulations 2003* come into operation and ending on 30 June 2004 is to be regarded as the first financial year to which this regulation applies, and the annual fee for that year is the proportion of \$400 000 that the number of days in the period represents of a full year.
- (3) A fee under subregulation (1) or (2) is to be paid —
 - (a) as to one half, on or before 15 November in the financial year to which it relates; and

- (b) as to the other half, on or before 15 May in the financial year to which it relates.
- (4) A person who holds the main export licence for a period that is only a part of a financial year is required to pay to the Authority an annual fee for that financial year that is the proportion of \$400 000 that the number of days in the period represents of the full financial year.
- (5) If subregulation (4) applies to a person who has already paid a fee under subregulation (1) for the financial year concerned, the amount paid under subregulation (1) is to be credited towards the fee payable under subregulation (4) except that, to the extent, if any, that it exceeds the fee payable, it is to be refunded to the person.
- (6) A fee under subregulation (4) is to be paid within 14 days after the end of the period to which it relates.
- (7) If the total of the amounts of all revenues for a financial year, as derived from a notice published under regulation 8, exceeds the total of —
- (a) the amounts of all expenses for that year, as derived from a notice published under regulation 8, not including the amount of a rebate, if any, under this subregulation; and
 - (b) the amount, as shown in a notice published under regulation 8, of any rebate under regulation 6(2) paid during that year,

the excess is to be repaid as a rebate to the person who paid a fee under this regulation or, if more than one fee was paid for the year, is to be distributed as rebates between the persons paying in proportion to the parts of the financial year for which each of those persons paid a fee that was not refunded.

6. Special export licence application fee

- (1) The application fee that section 35(1) of the Act requires is to accompany an application for a special export licence is as shown in the Table to this subregulation.

Table

| Matter | Fee |
|--|----------|
| Application for a special export licence for a quantity of prescribed grain of 20 000 tonnes or less | \$5 000 |
| Application for a special export licence for a quantity of prescribed grain of more than 20 000 tonnes but not more than 50 000 tonnes | \$10 000 |

| Matter | Fee |
|--|----------|
| Application for a special export licence for a quantity of prescribed grain of more than 50 000 tonnes | \$20 000 |

- (2) If the amount that a person pays as a special export licence application fee exceeds the State's expenses, as shown in a notice published under regulation 8, attributable to the deciding of the application and the determination of any appeal under section 40(5) of the Act, the excess is to be repaid as a rebate to the person who paid the fee.
- (3) The rebate is payable as soon as the circumstances described in subregulation (2) are established.

7. Annual fee for special export licence

- (1) A person who holds a special export licence is required to pay to the Authority for each financial year for the whole or any part of which the licence is held an annual fee of \$500.
- (2) A fee under subregulation (1) is to be paid upon the grant of the licence and, during the term of the licence, at the beginning of each financial year after the licence is granted.

8. Minister's statement

As soon as practicable after the end of a financial year, the Minister is to cause a notice to be published in the *Gazette* showing —

- (a) for that year the amounts of —
 - (i) expenses attributable to the deciding of each application for a special export licence;
 - (ii) expenses attributable to the determination of each appeal under section 40(5) of the *Grain Marketing Act 2002*;
 - (iii) expenses attributable to each grant of a special export licence;
 - (iv) all other expenses incurred in administering the *Grain Marketing Act 2002*;
 - (v) revenue from each application fee for a licence;
 - (vi) revenue from other licence fees; and
 - (vii) all other revenues received under the *Grain Marketing Act 2002*;

and

- (b) the amount of any rebate paid under regulation 5(7) or regulation 6(2), specifying the kind of licence to which each rebate relates, and the payment to which the rebate relates.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.