

South Australia

Plant Health (Fees) Variation Regulations 2011

under the *Plant Health Act 2009*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Plant Health Regulations 2009*

- 4 Substitution of Schedule 2
 - Schedule 2—Fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Plant Health (Fees) Variation Regulations 2011*.

2—Commencement

These regulations will come into operation on 1 July 2011.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Plant Health Regulations 2009*

4—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Fees

1 In this Schedule—

- (a) *inspection* includes a survey inspection;
 - (b) *survey inspection* means an inspection by an inspector of a growing crop to determine if the crop is free from pests;
-

- (c) if a charge for a service or time taken to travel to or from the site of an audit or inspection is expressed as an amount per hour—
 - (i) a charge is payable for services provided or travelling time for less than or more than an hour (with a minimum charge payable for 15 minutes for services provided or travelling time); and
 - (ii) the amount payable is to be determined by multiplying the amount per hour by the proportion that the number of minutes for which the services are provided or the time is taken to travel rounded to the nearest 5 minutes bears to 60 minutes.

2 Application fees—

- | | | |
|------|---|--|
| (a) | on lodging an application for accreditation authorising the carrying out of an activity at only 1 specified premises (section 16 of the Act) | \$288.00 |
| (b) | on lodging an application for accreditation authorising the carrying out of an activity at more than 1 specified premises (section 16 of the Act) | \$288.00 plus
\$288.00 for each
additional
premises |
| (c) | on lodging an application for variation of accreditation (section 22 of the Act)— | |
| (i) | if the variation is to authorise the carrying out of the activity authorised under the accreditation at additional specified premises | \$288.00 for each
additional
premises |
| (ii) | for any other variation | \$56.50 |

Note—

If more than 1 application for variation of the type referred to in subparagraph (ii) is made in any year, the fee is payable only on lodging the first such application.

- (d) on lodging an application for registration as importer (section 26 of the Act)—

Note—

An accredited person applying for registration is not required to pay this fee.

- | | | |
|------|---|----------|
| (i) | if registration is restricted to the importing of diagnostic samples for testing | \$41.25 |
| (ii) | in any other case | \$113.00 |
| (e) | on lodging an application for variation of registration as importer (section 30 of the Act) | \$30.75 |

Note—

An accredited person applying for variation of registration is not required to pay this fee.

- | | | |
|-----|--|---------|
| (f) | on lodging an application for review by the Minister (section 35 of the Act) | \$30.75 |
|-----|--|---------|

- 3 Annual fees—
- | | | |
|-----|---|---|
| (a) | for a person whose accreditation authorises the carrying out of an activity at only 1 specified premises (section 21 of the Act) | \$113.00 |
| (b) | for a person whose accreditation authorises the carrying out of an activity at more than 1 specified premises (section 21 of the Act) | \$113.00 plus \$113.00 for each additional premises |
| (c) | for a registered importer (section 29 of the Act) | \$61.50 |

Note—

A registered importer who is also an accredited person is not required to pay this fee.

- 4 Penalty for default in payment of an annual fee or lodgment of an annual return—
- | | | |
|-----|---|----------|
| (a) | for an accredited person (section 21 of the Act) | \$170.00 |
| (b) | for a registered importer (section 29 of the Act) | \$92.50 |
- 5 Fee for a book of certificates to be issued by an accredited person under the Act \$22.60
- 6 Fee for issue of plant health certificate under the Act \$22.60
- 7 Fees for audits and inspections—
- | | | |
|------|--|---------------------------------|
| (a) | for an audit or inspection during ordinary business hours | \$98.50 per hour |
| (b) | for an audit or inspection after hours— | |
| (i) | on a week day | \$148.00 plus \$148.00 per hour |
| (ii) | on a weekend or public holiday— | |
| (A) | if the inspection has been prearranged with the auditor or inspector | \$198.00 plus \$198.00 per hour |
| (B) | in any other case | \$247.00 plus \$247.00 per hour |

- 8 Fees for time taken to travel to or from the site of an audit or inspection—

Notes—

- | | | |
|-----|---|------------------|
| 1 | These fees are in addition to the fees under clause 7. | |
| 2 | If, on any particular trip, more than 1 site is visited for an audit or inspection, the fees under this clause will be apportioned on an equitable basis between the persons responsible for the fees charged for the relevant audits or inspections. | |
| (a) | for travelling time to or from the site during ordinary business hours | \$98.50 per hour |

(b) for travelling time to or from the site after hours—

(i) on a week day—

(A) if not more than 3 hours \$148.00 per hour,
up to a maximum
of \$396.00

(B) if more than 3 hours \$396.00

Note—

If it takes more than 3 hours to travel to or from a site, the fee for the travelling time is set at a fixed rate.

(ii) on a weekend or public holiday \$198.00 per hour

9 Fee for disposal of plants or plant related products affected by a pest Actual cost incurred

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 9 June 2011

No 96 of 2011

MAFF11/04CS