



## Operating Procedures 2009/10 season



The Grain Licensing Authority (GLA) is the regulatory Authority for prescribed grains in Western Australia (WA). The GLA operates under the *Grain Marketing Act 2002* to protect:

1. any market power and consequent price premiums that may exist for the main export licence holder,
2. the State's reputation as a grain exporter and
3. the State's grain industry generally.

The GLA operates on a cost recovery basis. If the amount of revenue received from the Main Export Licence (MEL) holder and Special Export Licence (SEL) applicants exceeds the State's expenses in administering the Act the excess is repaid as a rebate.

The GLA is adopting the following operating procedures for the 2009/10 season:

- All applications and information supplied to the GLA will be treated as confidential.
- Every SEL application will be assessed on its merits, taking into consideration the Act, Ministerial Guidelines and the operating procedures set out in this document.
- The GLA will base its decisions on the evidence presented to it and all stakeholders are encouraged to supply as much information as possible to the GLA in support of their position. In conducting its assessments, the GLA undertakes its own market research and analysis, collecting information from various independent sources as well as from the MEL holder and SEL applicants.
- In regards to its decisions, the GLA will, for each season, make the following information available on its website [www.gla.wa.gov.au](http://www.gla.wa.gov.au) :
  - total tonnes applied for by grain type and market
  - total tonnes granted and declined by grain type and market
  - total tonnes shipped to date under SELs

### Assessment criteria

- Section 29 (3) of the Grain Marketing Act 2002 (GMA) contemplates a licence being granted to authorise both buying of grain for export *and* the export of that grain. Consequently an application for a licence should be made before the grain to be exported is purchased.
- In its review of the GMA in 2008, the Economic Regulation Authority (ERA) concluded that there has been no evidence of price premiums due to market power available to the main export licence holder or any other net public benefit provided by restricting bulk exports. Due to this finding the GLA will not reject a licence using this criterion.
- The GLA will still need to consider whether granting a licence would impact negatively on the State's reputation as a grain exporter or the State's grain industry generally.
- The GLA will process applications for any tonnage to any market destination through the one application form and application fee however there must be a separate application for each prescribed grain type.

### Application fees

- Applications for SEL's are deemed to be received when all components of the application and the application fee is received by the GLA. The application will not be processed until the fee is received.



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- Application fees are based on the total number of tonnes for all seasons applied for in one application. *For example an application of 50,000 tonnes per annum over 3 years will attract a fee \$20,000 as the total number of tonnes is 150,000.*

For 20,000 tonnes or less	\$5,000
For more than 20,000 tonnes but not more than 50,000 tonnes	\$10,000
For more than 50,000 tonnes	\$20,000

- As per section 6 of the *Grain Marketing Regulations 2002*, if the amount paid for a SEL application fee exceeds the State's expenses attributable to the deciding of the application and the determination of any appeal, the excess funds will be rebated following publication of the notice required by regulation 8. This will be as soon as practicable after the end of the financial year in which the fee was received.

### Appeals

- Under section 40 (3) of the Act, any applicant who is aggrieved by a licensing decision of the Authority, may within 30 days after receiving notice of the decision appeal to the Minister in writing. The Minister will make a determination within 30 days of the notice being received. Any costs associated with the determination of an appeal will be deducted from any potential rebate due to the applicant. For further information on the appeal process, please contact the Office of the Minister for Agriculture and Food on (08) 9213 6700.

### Licence conditions and fees

- A \$500 annual licence fee will be payable upon grant of a licence and on the anniversary of the date the licence was granted each year the licence remains in effect.
- Matters specified on a licence will include the name of the licence holder, type of prescribed grain, the season and quantity, the market/s, the licence term and the quality of grain to be shipped.
- The GLA will consider amendments to licences only if sufficient justification can be provided. These must be submitted in writing.
- Under Section 36 (3) a licence is not transferable.