



Primary Industries (Customs) Charges Amendment Act 2013

No. 144, 2013

**An Act to amend the law relating to primary
industry charges, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 144, 2013

An Act to amend the law relating to primary industry charges, and for related purposes

[Assented to 13 December 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Primary Industries (Customs)
Charges Amendment Act 2013*.

2 Commencement

- (1) Each provision of this Act 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
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	13 December 2013
2. Schedule 1	The day this Act receives the Royal Assent.	13 December 2013
3. Schedule 2, Part 1	At the same time as the provision(s) covered by table item 2. However, the provision(s) do not commence at all if Schedule 1 to the <i>Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Act 2013</i> commences at or before that time.	13 December 2013
4. Schedule 2, Part 2	The later of: (a) the start of the day on which this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Act 2013</i> . However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	1 July 2014 (paragraph (b) applies)
Note:	This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.	

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

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Primary Industries (Customs) Charges Act 1999

1 Section 3

Omit “sets out”, substitute “also deals with”.

2 Paragraph 2(a) of Schedule 1

Omit “(not exceeding \$18.00)”.

3 Clause 2 of Schedule 1 (note 1)

Omit “*and Energy*”.

4 After clause 3 of Schedule 1

Insert:

3A Regulations

- (1) The Minister may, by notice in the *Gazette*, declare a body to be the body whose recommendations about the amount to be prescribed for the purposes of paragraph 2(a) of this Schedule are to be taken into consideration under subclause (2).
- (2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 2(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.
- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 2(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation.
- (4) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, the Corporation must consult with the persons who are required to pay the charge concerned.

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- (5) The regulations must not, for the purposes of paragraph 2(a) of this Schedule, prescribe an amount greater than the amount recommended to the Minister under subclause (2) or (3).

5 Paragraph 3(1)(a) of Schedule 2

Omit “(not exceeding 3 cents)”.

6 Paragraph 3(1)(b) of Schedule 2

Omit “(not exceeding 0.5 cent)”.

7 At the end of clause 5 of Schedule 2

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(1)(a) or 3(1)(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:
- (a) in relation to regulations for the purposes of paragraph 3(1)(a) of this Schedule—the live-stock export marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 3(1)(b) of this Schedule—the live-stock export research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.
- (5) The regulations must not, for the purposes of paragraph 3(1)(a) or 3(1)(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

8 Paragraph 3(1)(a) of Schedule 3

Omit “(not exceeding \$6.50)”.

9 Paragraph 3(1)(b) of Schedule 3

Omit “(not exceeding \$2.00)”.

10 Paragraph 3(2)(a) of Schedule 3

Omit “(not exceeding \$1.90)”.

11 Paragraph 3(2)(b) of Schedule 3

Omit “(not exceeding 40 cents)”.

12 At the end of clause 5 of Schedule 3

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(1)(a), 3(1)(b), 3(2)(a) or 3(2)(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:
 - (a) in relation to regulations for the purposes of paragraph 3(1)(a) or 3(2)(a) of this Schedule—the industry marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 3(1)(b) or 3(2)(b) of this Schedule—the industry research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.
- (5) The regulations must not, for the purposes of paragraph 3(1)(a), 3(1)(b), 3(2)(a) or 3(2)(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

13 Subclause 3(1) of Schedule 5

Omit “(1)”.

14 Subclause 3(2) of Schedule 5

Repeal the subclause.

15 Clause 5 of Schedule 5

Before “Before”, insert “(1)”.

16 Clause 5 of Schedule 5

Omit “3(1)(a)”, substitute “3(a)”.

17 At the end of clause 5 of Schedule 5

Add:

- (2) If there is no representative industry organisation, then, before the Governor-General makes regulations specifying an amount for the purposes of paragraph 3(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.
- (3) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the charge.
- (4) The regulations must not, for the purposes of paragraph 3(a) of this Schedule, specify an amount greater than the amount recommended to the Minister under subclause (1) or (2).

18 Subclause 3(5) of Schedule 6

Repeal the subclause.

19 Clause 5 of Schedule 6

Before “Before”, insert “(1)”.

20 At the end of clause 5 of Schedule 6

Add:

- (2) If there is no representative industry organisation, then, before the Governor-General makes regulations specifying a percentage for the purposes of paragraph 3(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.

- (3) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the charge.
- (4) The regulations must not, for the purposes of paragraph 3(a) of this Schedule, specify a percentage greater than the percentage recommended to the Minister under subclause (1) or (2).

21 Clause 1 of Schedule 9 (definition of *R&D authority*)

Repeal the definition, substitute:

R&D authority, in relation to a charge, means the R&D Corporation established under the *Primary Industries Research and Development Act 1989* to which the charge is attached.

22 Clause 1 of Schedule 9 (definition of *R&D Corporation*)

Omit “*and Energy*”.

23 Clause 1 of Schedule 9 (definition of *R&D Council*)

Repeal the definition.

24 Clause 1 of Schedule 9 (definition of *R&D Fund*)

Repeal the definition.

25 Paragraph 3(b) of Schedule 9

Omit “, not exceeding 1.50 cents per kilogram,”.

26 At the end of clause 5 of Schedule 9

Add:

- (4) The R&D authority must not make a recommendation under subclause (3) unless it has consulted the persons who are required to pay the charge concerned.
- (5) The regulations must not, for the purposes of clause 3, prescribe a rate of charge greater than the rate recommended to the Minister by the R&D authority or by the producers’ organisation.

27 Subclause 3(1) of Schedule 10

Omit “(4),”.

28 Subclause 3(2) of Schedule 10

Repeal the subclause.

29 Paragraphs 5(9)(a) and (b) of Schedule 10

Omit “leviable”, substitute “chargeable”.

30 At the end of clause 5 of Schedule 10

Add:

- (11) The regulations must not, for the purposes of subclause 3(3) or 3(5) fix a rate of charge greater than the rate recommended to the Minister by the industry services body.

31 Paragraph 3(a) of Schedule 11

Omit “(not exceeding 55 cents)”.

32 Paragraph 3(b) of Schedule 11

Omit “(not exceeding 25 cents)”.

33 Paragraph 4(a) of Schedule 11

Omit “(not exceeding 50 cents)”.

34 Paragraph 4(b) of Schedule 11

Omit “(not exceeding 25 cents)”.

35 Paragraph 5(a) of Schedule 11

Omit “(not exceeding 55 cents)”.

36 Paragraph 5(b) of Schedule 11

Omit “(not exceeding 25 cents)”.

37 At the end of clause 7 of Schedule 11

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:

- (a) in relation to regulations for the purposes of paragraph 3(a), 4(a) or 5(a) of this Schedule—the live-stock export marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 3(b), 4(b) or 5(b) of this Schedule—the live-stock export research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.
- (5) The regulations must not, for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

38 Paragraph 3(a) of Schedule 12

Omit “(not exceeding 40 cents)”.

39 Paragraph 3(b) of Schedule 12

Omit “(not exceeding 12 cents)”.

40 Paragraph 4(a) of Schedule 12

Omit “(not exceeding 90 cents)”.

41 Paragraph 4(b) of Schedule 12

Omit “(not exceeding 37 cents)”.

42 Paragraph 5(a) of Schedule 12

Omit “(not exceeding \$1.02)”.

43 Paragraph 5(b) of Schedule 12

Omit “(not exceeding 25 cents)”.

44 At the end of clause 7 of Schedule 12

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this

Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:

- (a) in relation to regulations for the purposes of paragraph 3(a), 4(a) or 5(a) of this Schedule—the industry marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 3(b), 4(b) or 5(b) of this Schedule—the industry research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.
- (5) The regulations must not, for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

45 Subclause 3(1) of Schedule 13

Omit “(1)”.

46 Subclause 3(2) of Schedule 13

Repeal the subclause.

47 At the end of clause 8 of Schedule 14

Add:

- (3) Subclause (1) does not apply to the marketing component, or the research and development component, of a charge imposed under Part 2 of this Schedule.

48 At the end of clause 9 of Schedule 14

Add:

- (3) Subclause (1) does not apply to the marketing component, or the research and development component, of a charge imposed under Part 2 of this Schedule.

49 At the end of clause 13 of Schedule 14

Add:

- (5) The regulations must not, for the purposes of Part 3 of this Schedule, prescribe a rate of charge (in respect of the marketing component, or the research and development component, of the charge) greater than the rate recommended to the Minister in accordance with subclause (2) or (3).

Schedule 2—Contingent amendments relating to wine production

Part 1—Amendments relating to maximum rate of charge

Primary Industries (Customs) Charges Act 1999

1 At the end of clause 5 of Schedule 13

Add:

- (4) The regulations must not, for the purposes of clause 3, prescribe a rate of charge greater than the rate recommended to the Minister under subclause (1).

Part 2—Other amendments

Primary Industries (Customs) Charges Act 1999

2 After clause 4 of Schedule 13

Insert:

5 Regulations

- (1) The Minister may, by notice in the *Gazette*, declare a body to be the body whose recommendations about the amount to be prescribed for the purposes of clause 3 of this Schedule are to be taken into consideration under subclause (2).
- (2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations for the purposes of clause 3 of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.
- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of clause 3 of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Australian Grape and Wine Authority established under the *Australian Grape and Wine Authority Act 2013*.
- (4) Before the Australian Grape and Wine Authority makes such a recommendation to the Minister, the Authority must consult with the persons who are required to pay the charge concerned.
- (5) The regulations must not, for the purposes of clause 3 of this Schedule, prescribe an amount greater than the amount recommended to the Minister under subclause (2) or (3).

[Minister's second reading speech made in—
House of Representatives on 20 November 2013
Senate on 5 December 2013]

(227/13)
