

2004-2005

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL 2005

EXPLANATORY MEMORANDUM

(Circulated by authority of the Parliamentary Secretary to Minister for  
Agriculture, Fisheries and Forestry, Senator the Hon Richard Colbeck)

## NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL 2005

### GENERAL OUTLINE

#### National Residue Survey (Customs) Levy Act 1998

The proposed amendments insert a new operative levy rate of 0.075 of a cent per kilogram for fresh apples and pears exported from Australia and also increase the present maximum rate of 0.060 of a cent per kilogram for all apples and pears exported from Australia to 0.10 of a cent per kilogram in the National Residue Survey (Customs) Levy Act 1998. The proposed amendment to the maximum levy rate has been put in place to allow the apple and pear industry scope to expand its operative rate of levy by subordinate legislation where access to further funding for residue monitoring programs may be required.

### FINANCIAL IMPACT STATEMENT

The proposed amendments to the National Residue Survey (Customs) Levy Act 1998 have no financial impact on the Commonwealth.

## NOTES ON CLAUSES

### Clause 1: Short title

This clause provides for the short title of the Act to be the *National Residue Survey (Customs) Levy Amendment Act 2005*.

### Clause 2: Commencement

This clause provides that the Act comes into effect on Royal Assent.

### Clause 3: Schedule(s)

Clause 3 provides that each Act specified in a Schedule to the Act is amended or repealed as set out in the applicable items in the schedule and that any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1 – Amendments

### NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY ACT 1998

#### Item 1 Subclause 4(1) of Schedule 4

This item inserts the new rate of operative levy of 0.075 of a cent per kilogram applying to the export from Australia for fresh apples under the National Residue Survey (Customs) Levy Act 1998.

#### Item 2 Subclause 4(1) of Schedule 4

This item inserts a new maximum rate of levy of 0.10 of a cent per kilogram for fresh apples that allows industry scope for expansion of its operative rate of levy by subordinate legislation in the event of a trade dislocating residue incident where access to further funding for residue monitoring programs may be required.

#### Item 3 Subclause 4(2) of Schedule 4

This item inserts the new rate of operative levy of 0.075 of a cent per kilogram applying to the export from Australia for fresh pears under the National Residue Survey (Customs) Levy Act 1998.

#### Item 4 Subclause 4(2) of Schedule 4

This item inserts a new maximum rate of levy of 0.10 of a cent per kilogram for fresh pears that allows industry scope for expansion of its operative rate of levy by subordinate legislation in the event of a trade dislocating residue incident where access to further funding for residue monitoring programs may be required.

#### Item 5 Application of amendments

This item allows for these amendments to apply on fresh apples and pears exported from Australia on or after the first day of the quarter following Royal Assent. If the first quarter starts less than 30 days after Royal Assent the start date will be the second quarter after Royal Assent. This will allow levy payers to be given one month's notice of the start date of the new levy. For the purpose of the amendment 'quarter' is defined as a period of three months beginning on 1 January, 1 April, 1 July or 1 October of a year.