EXPLANATORY STATEMENT

STATUTORY RULES 2004 No. 356

Issued by Authority of the Minister for Agriculture, Fisheries and Forestry

*Primary Industries (Customs) Charges Act 1999*
*Primary Industries Levies and Charges Collection Act 1991*

*Primary Industries (Customs) Charges Amendment Regulations 2004 (No. 7)*
*Primary Industries Levies and Charges Collection Amendment Regulations 2004 (No. 4)*

Statutory Basis
Section 8 of the *Primary Industries (Customs) Charges Act 1999* (the Customs Act) and subsection 30 (1) of the *Primary Industries Levies and Charges Collection Act 1991* (the Collection Act) provide that the Governor-General may make regulations, not inconsistent with the these Acts, prescribing all matters required or permitted by these Acts to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to these Acts.

Purpose of the Regulations
The purpose of the *Primary Industries (Customs) Charges Amendment Regulations 2004* (the Customs Regulations) is to activate a charge on the export of certain live animals. The revenue will be received by the live-stock export marketing and the live-stock export research body, as declared by the Minister.

The purpose of the *Primary Industries Levies and Charges Collection Amendment Regulations 2004* is to provide for the efficient and effective collection of the charge imposed under the proposed Customs Regulations.

Background to the Regulations
The “Livestock Export Review” conducted by Dr John Keniry recommended that the Australian Livestock Export Corporation Ltd (LiveCorp) be responsible for research and development, marketing, improved quality assurance and capability for the live export industry (Recommendation 2).

On 30 March 2004, the Government announced its support for this recommendation as part of its response to the Keniry Review, and that these new bodies would be funded by way of a compulsory Customs Charge. This would replace the voluntary contribution system which has been in place to date, but has not yielded the revenue required by LiveCorp to undertake these functions for the industry.

To effect this change, amendments were also required to the *Australian Meat and Live-Stock Industries Act 1997* to allow entities to be declared the live-stock export marketing body and the live-stock export research body.
DETAILS OF THE PRIMARY INDUSTRIES (CUSTOMS) CHARGES AMENDMENT REGULATIONS 2004 (No. 7)

Explanation of Clauses Under the Regulations

Regulation 1 provides for the citation of the regulations

Regulation 2 provides that the regulations will commence on their notification in the Gazette.

Regulation 3 provides that Schedule 1 amends the Primary Industries (Customs) Charges Regulations 2000.

Schedule 1 amends Schedules 2, 3, 11 and 12 of the Primary Industries (Customs) Charges Regulations 2000.

Schedule 2, Clause 1 is omitted to remove the provision that no charge is payable by cattle exporters.

Schedule 2, Clause 2 is substituted to amend the charge rates to be applied to cattle to those requested by the body specified in the declaration (i.e. the live-stock export marketing and research body) (as stipulated in Clause 5 of Schedule 2 of the Customs Charges Act). The rates will be:

0.6426 of a cent per kilogram – for marketing
0.0714 of a cent per kilogram – for research

Schedule 11, Clause 1 is omitted to remove the provision that no charge is payable by exporters of livestock (sheep, lambs and goats).

Schedule 11, subclause 2 (1) is substituted to amend the charge rate to be applied to sheep to 27 cents per head for marketing.

Schedule 11, subclause 2 (2) is substituted to amend the charge rate to be applied to sheep to 3 cents per head for research.

Schedule 11, subclause 3 (1) is substituted to amend the charge rate to be applied to lambs to 27 cents per head for marketing.

Schedule 11, subclause 3 (2) is substituted to amend the charge rate to be applied to lambs to 3 cents per head for research.

Schedule 11, subclause 4 (1) is substituted to amend the charge rate to be applied to goats to 23.75 cents per head for marketing.

Schedule 11, subclause 4 (2) is substituted to amend the charge rate to be applied to goats to 1.25 cents per head for research.

Schedule 3, subclause 1 (1), note is substituted with industry research, to distinguish between the industry research body and the livestock export research body.

Schedule 11, subclause 2 (1), note is substituted with live-stock export marketing, to distinguish between the industry marketing body and the livestock export marketing body.
Schedule 11, subclause 2 (2), note is substituted with live-stock export research, to distinguish between the industry research body and the livestock export research body.

Schedule 11, subclause 3 (1), note is substituted with live-stock export marketing, to distinguish between the industry marketing body and those directed to the livestock export marketing body.

Schedule 11, subclause 3 (2), note is substituted with live-stock export research, to distinguish between funds directed to the industry research body and those the livestock export research body.

Schedule 11, subclause 4 (1), note is substituted with live-stock export marketing, to distinguish between the industry marketing body and the livestock export marketing body.

Schedule 11, subclause 4 (2), note is substituted with live-stock export research, to distinguish between the industry research body and the livestock export research body.

Schedule 12, subclause 2 (4), note is substituted with industry marketing, to distinguish between the industry marketing body and the livestock export marketing body.

Schedule 12, subclause 2 (4), note is substituted with industry research, to distinguish between the industry research body and the livestock export research body.

Schedule 12, subclause 3 (4), note is substituted with industry marketing, to distinguish between the industry research body and the livestock export research body.

Schedule 12, subclause 3 (4), note is substituted with industry research, to distinguish between the industry research body and the livestock export research body.

Schedule 12, subclause 4 (1), note is substituted with industry marketing, to distinguish between the industry research body and the livestock export research body.

Schedule 12, subclause 4 (2), note is substituted with industry research, to distinguish between the industry research body and the livestock export research body.
DETAILS OF THE PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT REGULATIONS 2004 (No. 4)

Explanation of Clauses Under the Regulations

Regulation 1 provides for the citation of the regulations

Regulation 2 provides that the regulations will commence on 1 January 2005.

Regulation 3 provides that Schedule 1 amends the Primary Industries Levies and Charges Collections Regulations 1991.

Schedule 1 amends Schedules 5 and 24 of the Primary Industries Levies and Charges Collection Regulations 2000.

Schedule 5, Clause 6 is substituted to improve the terminology used to express the date when charge becomes payable.

Schedule 5, Clause 7 is substituted to name both producers and exporting agents as persons who must lodge returns.

Schedule 5, Clause 10 is substituted to name both producers and exporting agents as persons who must retain records relating to exports of cattle.

Schedule 24, Clause 5 is substituted to improve the terminology used to express the date when charge becomes payable.

Schedule 24, Clause 6 is substituted to is substituted to name both producers and exporting agents as persons who must lodge returns.

Schedule 24, Subclause 8 (2) (b) is omitted to remove the requirement to state the total value of the sheep.

Schedule 24, Subclause 8 (2) (c) is omitted to remove the requirement to state the number of sheep exported on which charge is not payable.

Schedule 24, Subclause 8 (2) (d) is omitted to remove the requirement to state the number of chargeable sheep that were exported.

Schedule 24, Subclause 8 (2) (e) is omitted to remove the requirement to state the value per head of the chargeable sheep.

Schedule 24, Subclause 8 (3) (b) is omitted to remove the requirement to state the total value of the lambs.

Schedule 24, Subclause 8 (3) (c) is omitted to remove the requirement to state the number of lambs exported on which charge is not payable.

Schedule 24, Subclause 8 (3) (d) is omitted to remove the requirement to state the total number of chargeable lambs that were exported.
Schedule 24, Subclause 8 (3) (e) is omitted to remove the requirement to state the value per head of the chargeable lambs.

Schedule 24, Subclause 8 (4) (b) is omitted to remove the requirement to state the total value of the goats.

Schedule 24, Subclause 8 (4) (c) is omitted to remove the requirement to state the number of goats exported on which charge is not payable.

Schedule 24, Subclause 8 (4) (d) is omitted to remove the requirement to state the total number of chargeable goats that were exported.

Schedule 24, Subclause 8 (4) (e) is omitted to remove the requirement to state the value per head of the chargeable goats.

Schedule 24, Clause 9 is substituted to name both producers and exporting agents as persons who must retain records relating to exports of live-stock.