Primary Industries (Excise) Levies Amendment Regulations 2007 (No. 9)\(^1\)

Select Legislative Instrument 2007 No. 262

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Primary Industries (Excise) Levies Act 1999*.

Dated 6 September 2007

P. M. JEFFERY
Governor-General

By His Excellency’s Command

SUSSAN LEY
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
1 Name of Regulations
These Regulations are the Primary Industries (Excise) Levies Amendment Regulations 2007 (No. 9).

2 Commencement
These Regulations commence on the day after they are registered.

3 Amendment of Primary Industries (Excise) Levies Regulations 1999
Schedule 1 amends the Primary Industries (Excise) Levies Regulations 1999.

Schedule 1 Amendments
(regulation 3)

[1] Subregulation 3 (1), after definition of EADR levy
insert
EPPR levy has the meaning given by the Plant Health Australia (Plant Industries) Funding Act 2002.

[2] Schedule 4, after the heading
insert

Part 1 Product levy
[3] Schedule 4, after clause 4

insert

Part 2 Special purpose levies

[4] Schedule 4, subclause 5 (4), at the foot

insert

Note In relation to PHA levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[5] Schedule 4, after clause 5

insert

6 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on coarse grain that is leviable coarse grain under Schedule 4 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy is 0.005% of the sale value (within the meaning of clause 2) of the grain.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on coarse grain is payable by the producer of the coarse grain.

(4) However, for clause 12 of Schedule 27 to the Excise Levies Act, popping corn is exempt from EPPR levy.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.
[6] Schedule 5, after the heading

insert

Part 1 Product levy

[7] Schedule 5, after clause 1

insert

Part 2 Special purpose levies

[8] Schedule 5, subclause 2 (3), at the foot

insert

Note In relation to PHA levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[9] Schedule 5, after clause 2

insert

3 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on cotton that is leviable cotton under Schedule 5 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on cotton is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on cotton is payable by the producer of the cotton.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.
[10] Schedule 12, after the heading
insert

Part 1 Product levy

[11] Schedule 12, after clause 4
insert

Part 2 Special purpose levies

[12] Schedule 12, subclause 5 (3), at the foot
insert
Note In relation to PHA levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[13] Schedule 12, after clause 5
insert

6 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on grain legumes that are leviable grain legumes under Schedule 12 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy is 0.005% of the value (within the meaning of subclauses 2 (2) and (3)) of the grain legumes.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on grain legumes is payable by the producer of the grain legumes.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.
[14]  **Schedule 13, before clause 1**  

*insert*

1A  **Definition for Schedule 13**  

In this Schedule:  

*prescribed goods* has the meaning given by clause 1 of Schedule 13 to the Excise Levies Act.  

*Note*  
Prescribed goods includes:  
(a) fresh grapes; and  
(b) dried grapes; and  
(c) grape juice, whether single strength or concentrated;  
being grapes or grape juice produced in Australia.

[15]  **Schedule 13, subclause 2 (3), at the foot**  

*insert*  

*Note*  
In relation to PHA levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*.

[16]  **Schedule 13, after clause 2**  

*insert*  

3  **EPPR levy**  

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on prescribed goods on which levy is imposed under Schedule 13 to the Excise Levies Act.  

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on prescribed goods is nil.  

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on prescribed goods is payable by the producer of the goods.  

*Note*  
In relation to EPPR levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*.  

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*Primary Industries (Excise) Levies Amendment Regulations 2007 (No. 9)*  

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Federal Register of Legislative Instruments F2007L03524
[17] Schedule 15, Part 1, clause 1.1, definition of *levy*

*omit*

[18] Schedule 15, Part 2, after the heading

*insert*

**Division 2.1**  
**Product levy**

[19] Schedule 15, Part 2, after clause 2.5

*insert*

**Division 2.2**  
**Special purpose levies**

2.6 **EPPR levy**

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on almonds on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on almonds is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on almonds is payable by the producer of the almonds.

*Note* In relation to EPPR levy, see *Plant Health Australia (Plant Industries) Funding Act 2002.*

[20] Schedule 15, Part 4, after the heading

*insert*

**Division 4.1**  
**Product levy**
[21] Schedule 15, Part 4, after clause 4.5

insert

Division 4.2 Special purpose levies

4.6 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on avocados on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on avocados is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on avocados is payable by the producer of the avocados.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[22] Schedule 15, Part 5, after the heading

insert

Division 5.1 Product levy

[23] Schedule 15, Part 5, after clause 5.5

insert

Division 5.2 Special purpose levies

5.6 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on cherries on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on cherries is nil.
(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on cherries is payable by the producer of the cherries.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[24] Schedule 15, Part 7, after the heading

insert

Division 7.1 Product levy

[25] Schedule 15, Part 7, clause 7.4A

omit

[26] Schedule 15, Part 7, after clause 7.5

insert

Division 7.2 Special purpose levies

7.6 PHA levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, PHA levy is imposed on citrus on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rates of PHA levy are as follows:

(a) for oranges in bulk — 3 cents per tonne of oranges;
(b) for oranges not in bulk — 0.06 of a cent per box;
(c) for other citrus in bulk — 3 cents per tonne of citrus;
(d) for other citrus not in bulk — 0.06 of a cent per box.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, PHA levy on citrus is payable by the producer of the citrus.

Note In relation to PHA levy, see Plant Health Australia (Plant Industries) Funding Act 2002.
Note 2 Citrus and other expressions used in this clause are defined in clause 7.2 of Part 7 of Schedule 22 to the Collection Regulations.

7.7 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on citrus on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rates of EPPR levy on citrus is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on citrus is payable by the producer of the citrus.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[27] Schedule 15, Part 9, after the heading insert

Division 9.1 Product levy

[28] Schedule 15, Part 9, after clause 9.4 insert

Division 9.2 Special purpose levies

9.5 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on dried vine fruits on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on dried vine fruits is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on dried vine fruits is payable by the producer of the dried vine fruits.
Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[29] Schedule 15, Part 10, after the heading

insert

Division 10.1 Product levy


insert

Division 10.2 Special purpose levies

10.6 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on macadamia nuts on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on macadamia nuts is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on macadamia nuts is payable by the producer of the macadamia nuts.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[31] Schedule 15, Part 16, after the heading

insert

Division 16.1 Product levy
[32] Schedule 15, Part 16, clause 16.4A
*omit*

[33] Schedule 15, Part 16, after clause 16.5
*insert*

**Division 16.2 Special purpose levies**

**16.6 PHA levy**

1. For clause 2 of Schedule 27 to the Excise Levies Act, PHA levy is imposed on strawberries on which levy is imposed by Schedule 15 to the Excise Levies Act.

2. For clause 6 of Schedule 27 to the Excise Levies Act, the rate of PHA levy on strawberries is 8 cents for every 1,000 strawberry runners, or part of every 1,000 strawberry runners, sold for use in the production of the strawberries.

3. For clause 11 of Schedule 27 to the Excise Levies Act, PHA levy on strawberries is payable by the producer of the strawberries.

*Note* In relation to PHA levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*.

**16.7 EPPR levy**

1. For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on strawberries on which levy is imposed by Schedule 15 to the Excise Levies Act.

2. For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on strawberries is nil.

3. For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on strawberries is payable by the producer of the strawberries.

*Note* In relation to EPPR levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*. 
Division 21.1 Product levy

Division 21.2 Special purpose levies

21.6 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on mangoes on which levy is imposed by Schedule 15 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on mangoes is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on mangoes is payable by the producer of the mangoes.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

Part 1 Product levy
[37] Schedule 20, after clause 3

insert

Part 2 Special purpose levies

[38] Schedule 20, subclause 4 (3), at the foot

insert

Note In relation to PHA levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[39] Schedule 20, after clause 4

insert

5 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on oilseeds that are leviable oilseeds under Schedule 20 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy is 0.005% of the value (within the meaning of subclauses 2 (2) and (3)) of the oilseeds.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on oilseeds is payable by the producer of the oilseeds.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[40] Schedule 23, after the heading

insert

Part 1 Product levy
[41] **Schedule 23, after clause 2**

\[\text{insert}\]

**Part 2** Special purpose levies

[42] **Schedule 23, subclause 3 (1)**

\[\text{substitute}\]

(1) For clause 2 of Schedule 27 to the Excise Levies Act, PHA levy is imposed on rice on which levy is imposed by Schedule 23 to the Excise Levies Act.

[43] **Schedule 23, subclause 3 (3), at the foot**

\[\text{insert}\]

**Note** In relation to PHA levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*.

[44] **Schedule 23, after clause 3**

\[\text{insert}\]

4 **EPPR levy**

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on rice on which levy is imposed by Schedule 23 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on rice is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on rice is payable by the producer of the rice.

**Note** In relation to EPPR levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*.
[45] Schedule 25, after the heading
insert

Part 1 Product levy

[46] Schedule 25, after clause 4
insert

Part 2 Special purpose levies

[47] Schedule 25, subclause 5 (3), at the foot
insert

Note In relation to PHA levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

[48] Schedule 25, after clause 5
insert

6 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on wheat on which levy is imposed by Schedule 25 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy is 0.005% of the sale value of the wheat, calculated in accordance with clause 2 of this Schedule.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on wheat is payable by the producer of the wheat.

Note In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.
[49] Schedule 26, after the heading

insert

Part 1  Product levy

[50] Schedule 26, clause 1, heading

substitute

1  Definitions for Schedule 26

[51] Schedule 26, clause 1, after definition of *grape industry*

insert

*prescribed goods* has the meaning given by clause 1 of Schedule 26 to the Excise Levies Act.

*Note*  Prescribed goods includes:
(a)  fresh grapes; and
(b)  dried grapes; and
(c)  grape juice, whether single-strength or concentrated;
being grapes or grape juice produced in Australia.

[52] Schedule 26, after clause 4

insert

Part 2  Special purpose levies

[53] Schedule 26, subclause 5 (3), at the foot

insert

*Note*  In relation to PHA levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*. 
[54] **Schedule 26, after clause 5**

*insert*

6 **EPPR levy**

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on prescribed goods on which levy is imposed by Schedule 26 to the Excise Levies Act.

(2) For clause 6 of Schedule 27 to the Excise Levies Act, the rate of EPPR levy on prescribed goods is nil.

(3) For clause 11 of Schedule 27 to the Excise Levies Act, EPPR levy on prescribed goods is payable by the producer of the goods.

*Note* In relation to EPPR levy, see *Plant Health Australia (Plant Industries) Funding Act 2002*.

**Note**