Primary Industries (Excise) Levies Amendment Regulations 2009 (No. 2)

Select Legislative Instrument 2009 No. 75

I, QUENTIN BRYCE, 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 14 May 2009

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry
1 Name of Regulations

These Regulations are the Primary Industries (Excise) Levies Amendment Regulations 2009 (No. 2).

2 Commencement

These Regulations commence on 1 July 2009.

3 Amendment of Primary Industries (Excise) Levies Regulations 1999

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

Schedule 1 Amendment
(regulation 3)

[1] Schedule 15, after Part 27

insert

Part 28 Pineapples

Division 28.1 Product levy

28.1 Pineapples are leviable horticultural products

For the definition of leviable horticultural products in clause 1 of Schedule 15 to the Excise Levies Act, pineapples are leviable horticultural products.
28.2 Pineapples that are exempt from levy

For paragraph 2 (4) (b) of Schedule 15 to the Excise Levies Act, pineapples sold by a producer by retail sale in a levy year are exempt from levy if the total quantity of fresh pineapples sold by the producer by retail sale in the levy year is not more than 30 tonnes.

Note Retail sale, for pineapples, is defined in clause 28.2 of Part 28 of Schedule 22 to the Collection Regulations.

28.3 Rate of levy — marketing component

For subclause 4 (1) of Schedule 15 to the Excise Levies Act, the rate of levy is $2 per tonne of fresh pineapples.

28.4 Rate of levy — research and development component

For subclause 4 (3) of Schedule 15 to the Excise Levies Act, the rate of levy is:

(a) $2.90 per tonne of fresh pineapples; and
(b) $1.90 per tonne of processing pineapples.

Note Fresh pineapples and processing pineapples are defined in clause 28.2 of Part 28 of Schedule 22 to the Collection Regulations.

28.5 What is the eligible industry body for pineapples

For subclauses 6 (7), (8) and (10) of Schedule 15 to the Excise Levies Act, the eligible industry body for pineapples is Growcom Australia (ABN 51 090 816 827).

Division 28.2 Special purpose levies

28.6 PHA levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, PHA levy is imposed on pineapples 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 is:

(a) 10 cents per tonne of fresh pineapples; and
(b) 10 cents per tonne of processing pineapples.

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

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

28.7 EPPR levy

(1) For clause 2 of Schedule 27 to the Excise Levies Act, EPPR levy is imposed on pineapples 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 pineapples is nil.

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

Note 1 In relation to EPPR levy, see Plant Health Australia (Plant Industries) Funding Act 2002.

Note 2 Fresh pineapples, pineapples, processing pineapples and other expressions used in this clause are defined in clause 28.2 of Part 28 of Schedule 22 to the Collection Regulations.

Note