EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 325

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

Primary Industries Levies and Charges Collection Act 1991

Primary Industries Levies and Charges Collection Amendment Regulation 2012 (No. 1)

Section 30 of the Primary Industries Levies and Charges Collection Act 1991 (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed for carrying out or giving effect to the Act.

The Primary Industries Levies and Charges Collection Regulations 1991 establish collection requirements for the Wheat Export Charge (WEC) imposed by Part 5 of Schedule 14 to the Primary Industries (Customs) Charges Regulations 2000. The sole purpose of the WEC is to fund the operations of Wheat Exports Australia (WEA).

Government reforms to wheat export marketing arrangements include abolishing the WEC and the Wheat Export Accreditation Scheme on 10 December 2012 and winding-up WEA on 31 December 2012. While the Wheat Export Marketing Amendment Act 2012, passed by parliament in November 2012, is the primary vehicle for implementing these reforms, amendments to related legislation are required to give full effect to the government’s decision.

The Regulation repeals Part 2 of Schedule 34 of the Primary Industries Levies and Charges Collection Regulations 1999 by removing the collection requirements for the WEC. The WEC was abolished separately by the Primary Industries (Customs) Charges Amendment Regulation 2012 (No. 2).

As WEA is in a strong financial position, the removal of the WEC on 10 December 2012 will not limit its ability to finalise its outstanding commitments, such as producing its ‘Report for Growers’ publication, before being abolished on 31 December 2012.

The Office of Best Practice Regulation was consulted on the reforms and a Regulation Impact Statement (ID 12707) is available at: www.ris.finance.gov.au/files/2012/03/03-Wheat-Export-Marketing-RIS.pdf.

The Regulation is compatible with the human rights and freedoms recognised or declared under section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011. A full statement of compatibility is set out in the Attachment.

Details of the Primary Industries Levies and Charges Collection Amendment Regulation 2012 (No. 1) are set out below:

Section 1 – Name of Regulation

This Section provides for the title of the Regulation to be the Primary Industries Levies and Charges Collection Amendment Regulation 2012 (No. 1).
Section 2 – Commencement

This Section provides for the Regulation to commence on 10 December 2012.

Section 3 – Amendment of Primary Industries Levies and Charges Collection Regulations 1991

This Section provides for the Primary Industries Levies and Charges Collection Regulations 1991 to be amended as set out in Schedule 1.

Schedule 1 – Amendments

**Item 1** omits Schedule 34, Part 2 which applies to chargeable wheat imposed by Part 4 of Schedule 14 of the Primary Industries (Customs) Charges Regulations 2000 and abolishes the collection requirements for this charge.
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Primary Industries Levies and Charges Collection Amendment Regulation 2012 (No. 1)
This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Legislative Instrument
This Legislative Instrument omits Part 2 of Schedule 34 of the Primary Industries Levies and Charges Collection Regulations 1991 which applies to chargeable wheat imposed by Part 4 of Schedule 14 of the Primary Industries (Customs) Charges Regulations 2000. This removes the collection requirements for this charge.

Human rights implications
This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion
This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Senator the Hon. Joseph William Ludwig
Minister for Agriculture, Fisheries and Forestry