

# **Primary Industries Levies, Charges and Collection (Laying Chicken and Meat Chicken) Repeal Regulations 2000 2000 No. 322**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2000 No. 322**

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

*Primary Industries Levies and Charges Collection Act 1991*

*Primary Industries (Customs) Charges Act 1999*

*Primary Industries (Excise) Levies Act 1999*

Primary Industries Levies and Charges Collection Amendment Regulations 2000 (No. 4)

Primary Industries Levies, Charges and Collection (Laying Chicken and Meat Chicken) Repeal Regulations 2000

Section 30 of the *Primary Industries Levies and Charges Collection Act 1991* (the Collection Act), section 8 of the *Primary Industries (Excise) Levies Act 1999* (the Excise Levies Act) and section 8 of the *Primary Industries (Customs) Charges Act 1999* (the Customs Charges Act) provide that the Governor-General may make regulations prescribing matters required or permitted to be prescribed by the Acts, or necessary or convenient to be prescribed for carrying, out or giving effect to the Acts.

The purpose of the Primary Industries Levies and Charges Collection Amendment Regulations 2000 (No. 4) was to:

- i) continue the process of migrating regulations that were made under repealed Acts to the new legislative structure under the Excise Levies Act, the Customs Charges Act and the Collection Act. These relate to Schedule 23 (laying chickens) and Schedule 28 (meat chickens) of the Primary Industries Levies and Charges Collection Regulations 1991;
- ii) establish a collection mechanism for a research and development (R&D) levy on kangaroo meat for human consumption. This relates to Schedule 37 of the Primary Industries Levies and Charges Collection Regulations 1991 (other levies and charges).

The purpose of the Primary Industries Levies, Charges and Collection (Laying Chicken and Meat Chicken) Repeal Regulations 2000 was to reduce the amount of legislation by repealing old regulations for laying chickens and meat chickens and include these provisions in a new consolidated set of regulations. the *Primary Industries Levies and Charges Collection Amendment Regulations 2000 (No. 4)*. The Regulations also allow for transition provisions to apply on the repeal of the old regulations. This relates to Schedule 16 (laying chickens) and Schedule 19 (meat chickens) of the Excise Levies Act.

There were no policy changes. or new requirements, for levy payers under the above.

The Excise Levies Act, and the Customs Charges Act consolidated the imposition of duties of excise and of customs on various primary industry commodities and products. In the consolidation process, the former individual levies and charges imposition acts were repealed.

Regulations made under the repealed Acts continued in force under transitional provisions in the Excise Levies Act and Customs Charges Act. The Collection Act provides the mechanisms for an efficient and effective collection process of all primary industry excise levies and customs charges. The *Primary Industries Levies and Charges Collection Regulations 1991* (the Collection Regulations), made under the Collection Act, contain the details required for the collection process.

The Regulations are part of a package that, together with other regulations under the *Primary Industries and Energy Research and Development Act 1989*, the *Primary Industries Levies and Charges Collection Act 1991*, the *Primary Industries (Excise) Levies Act 1999*, the *Primary Industries (Customs) Charges Act 1999*, the *National Residue Survey (Customs) Levy Act 1998*, and the *National Residue Survey (Excise) Levy Act 1998*, continued the process of replacing old regulations that were previously supported by repealed Acts and, as a consequence, updated existing collection regulations to reflect the changes. The other proposed regulations are the *Primary Industries (Excise) Levies Amendment Regulations 2000 (No. 5)*, the *Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations 2000 (No. 4)*, and the *Rural Industries Research and Development Corporation Regulations 2000*.

Establish a collection mechanism for an R&D levy on kangaroo meat for human consumption

The Regulations established a collection mechanism for an R&D levy on kangaroo meat for human consumption.

Separate regulations, the *Primary Industries (Excise) Levies Amendment Regulations 2000 (No. 5)* imposed the R&D levy on kangaroo meat for human consumption, while other separate regulations, the *Rural Industries Research and Development Corporation Regulations 2000*, attached the R&D levy for the purpose of the Rural Industries Research and Development Corporation. The R&D levy of 3.5 cents per carcase, was required by industry as a source of funding for R&D projects. The previous "voluntary" levy raised insufficient funds for R&D.

There was a contemporaneous reduction under separate regulations, the *Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations 2000 (No. 4)*, in the National Residue Survey levy in relation to the kangaroo meat for human consumption industry. The reduction was 3.5 cents per carcase. Accordingly there was no overall change in the previous overall levy rate of 4 cents per carcase.

The Regulations commence on 1 January 2001.

Details of the substantive provisions contained in the *Primary Industries Levies and Charges Collection Amendment Regulations 2000 (No. 4)* are included in Attachment 1, and those for the *Primary Industries Levies, Charges and Collection (Laying Chicken and Meat Chicken) Repeal Regulations 2000* are included in Attachment 2.

## ATTACHMENT 1

### PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT REGULATIONS 2000 (No. 4)

**Regulation 1** gives the name of the regulations as the Primary Industries Levies and Charges Collection Amendment Regulations 2000 (NO. 4).

**Regulation 2** provides that the regulations commence 1 January 2001.

**Regulation 3** states that Schedule 1 amends the Primary Industries Levies and Charges Collection Regulations 1991.

#### **Schedule      AMENDMENTS**

**Item 1** substitutes existing regulation 9 by indicating that the Schedules have effect.

**Item 2** replaces the explanation given for the existing Schedule 23 about Laying Chickens.

The clauses of the Schedule contain substantive provisions setting out collection requirements and other matters relating to the collection of levies and charges. The basic details included are:

- \* Application;
- \* Definitions;
- \* What is a levy year;
- \* Who is a producer;
- \* When is levy due for payment;
- \* Who must lodge a return;
- \* When must a return be lodged;
- \* What must be included in a return; and
- \* What records must be kept.

Item 3 replaces the explanation given for the existing Schedule 28 about Meat Chickens.

The clauses of the Schedule contain substantive provisions setting out collection requirements and other matters relating to the collection of levies and charges. The basic details included are:

- \* Application;
- \* Definitions;
- \* What is a levy year;
- \* Who is a producer;

- \* When is levy due for payment;
- \* Who must lodge a return;
- \* When must a return be lodged;
- \* What must be included in a return; and
- \* What records must be kept.

Item 4 inserts after Schedule 36 a new Schedule 37 about other levies and charges. Part 1 of this Schedule deals with kangaroos.

The clauses of Schedule 37 Part 1 contain substantive provisions setting out collection requirements and other matters relating to the collection of the new kangaroo levy. The basic details included are:

- \* Application;
- \* Definitions;
- \* What is a levy year;
- \* Who is a producer;
- \* When is levy due for payment;
- \* Who must lodge a return;
- \* When must a return be lodged;
- \* What must be included in a return; and
- \* What records must be kept.

## ATTACHMENT 2

PRIMARY INDUSTRIES LEVEES, CHARGES AND COLLECTION (LAYING CHICKEN AND MEAT CHICKEN) REPEAL REGULATIONS 2000.

**Regulation 1** gives the name of the regulations as the Primary Industries Levies, Charges and Collection (Laying Chicken and Meat Chicken) Repeal Regulations 2000.

**Regulation 2** provides that the regulations commence 1 January 2001.

**Regulation 3** provides for the repeal of regulations by Schedule 1.

**Regulation 4** provides savings provisions, such that, despite the repeal of regulations by regulation 3, those regulations still apply to levies and charges imposed before the commencement of Schedule 1.

### **Schedule 1      REPEALS**

Item 1 provides lists of regulations made under the repealed *Laying Chicken Levy Act 1988* but still having effect under Schedule 16 to the *Primary Industries (Excise) Levies Act 1999* to be repealed.

Item 2 provides lists of regulations made under the repealed *Meat Chicken Levy Act 1969* but still having effect under Schedule 19 to the *Primary Industries (Excise) Levies Act 1999* to be repealed.

Item 3 provides that the *Primary Industries Levies and Charges Collection (Laying Chicken) Regulations*, [Statutory Rules 1991 No. 182 as amended], are to be repealed.

Item 4 provides that the *Primary Industries Levies and Charges Collection (Meat Chicken) Regulations*, [Statutory Rules 1991 No. 181 as amended], are to be repealed.