Primary Industries (Customs) Charges Amendment Regulations 2002 (No. 2) 2002 No. 154

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 154

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

Primary Industries (Excise) Levies Act 1999

Primary Industries (Excise) Levies Amendment Regulations 2002 (No. 5)

Primary Industries (Customs) Charges Act 1999

Primary Industries (Customs) Charges Amendment Regulations 2002 (No. 2)

Primary Industries Levies and Charges Collection Act 1991

Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 3)

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

Section 30 of the *Primary Industries Levies and Charges Collection Act 1991* (the Collection Act) provides that the Governor-General may make regulations not inconsistent with that Act, prescribing matters required or permitted by that Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Part 3 of Schedule 15 of the Primary Industries (Excise) Levies Regulations 1999 and Part 3 of Schedule 10 of the Primary Industries (Customs) Charges Regulations 2000 impose a levy and charge respectively on apples and pears.

The purpose of the Regulations is to change the unit of calculation of levy/charge on apples and pears (other than those used for juicing or processing) from a standard box to kilograms and identify the rate/s of levy/charge as being for marketing or research and development in accordance with the *Horticulture Marketing and Research and Development Services Act 2000.*

The Regulations will:

- restate the rate of levy and export charge in per kilogram terms; express a condition for exemption from levy/charge in kilograms; amend headings and references to subclauses to identify the purpose of levy/charge; and remove superfluous references to "box" (Primary Industries (Excise) Levies Amendment Regulations and the Primary Industries (Customs) Charges Amendment Regulations); and

- remove a superfluous definition to "box"; and express a condition for exemption from submitting monthly returns in kilograms (Primary Industries Levies and Charges Collection Amendment Regulations).

The Australian Apple and Pear Growers Association (AAPGA) requested that the method of calculating levy/charge on apples and pears (except those used for juicing or processing) be changed from a "per box" rate to a "per kg" rate. The changes will have a zero effect on the amount of levy/charge imposed.

Schedule 15, clauses 6(7) and 6(8) of the Excise Act and Schedule 10, clauses 5(6) and 5(7) of the Customs Act state that the industry services body must consult with the industry body before making recommendations to the Minister on the rates of levy and charge. The AAPGA has consulted with Horticulture Australia Limited (HAL) and HAL has submitted written support for the changes to the Minister.

Details of the Regulations are set out in the Attachment.

The Regulations will commence on 1 August 2002.

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ATTACHMENT

PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT REGULATIONS 2002 (No. 5)

Regulation 1 provides for the name of the regulations to be the *Primary Industries (Excise) Levies Amendment Regulations 2001 (No. 5).*

Regulation 2 provides for the regulations to commence on 1 August 2002.

Regulation 3 provides that Schedule 1 amends the *Primary Industries (Excise) Levies Regulations 1999.*

SCHEDULE 1 AMENDMENTS

Item 1 amends Schedule 15, paragraph 3.2(a) to omit '500 boxes' and insert '9000 kilograms' as a condition for exemption from levy on apples and pears.

Item 2 amends Schedule 15, clause 3.2, notes 1 and 2 to remove a superfluous reference to a definition of 'box'.

Item 3 amends Schedule 15, clauses 3.3 and 3.4 to express the rates of levy for the marketing and R&D components of levy on apples and pears (other than those used for juicing or processing) as cents per kilogram. The headings for clauses 3.3 and 3.4 are amended to specifically identify the rates of levy as being for marketing or R&D respectively. The note in clause 3.3 and note 1 in clause 3.4 are removed as superfluous and note 2 in clause 3.4 becomes the only note to that clause.

Item 4 amends headings in Schedule 15 to specifically identify the rate/s of levy as being for marketing or R&D. The individual clauses are listed in the table below.

Clause	**Commodity**	**Purpose**
2.4	Almonds	research and development
4.3	Avocados	marketing
4.4	Avocados	research and development
5.4	Cherries	research and development
6.3	Chestnuts	marketing
6.4	Chestnuts	research and development
7.3	Citrus	marketing
7.4	Citrus	research and development
8.3	custard apples	marketing
8.4	custard apples	research and development
10.3	Macadamia nuts	marketing
10.4	Macadamia nuts	research and development
11.4	Nashi	research and development
12.3	nursery products	marketing
12.4	nursery products	research and development
13.4	Passionfruit	research and development
14.4	Potatoes	research and development
15.3	stone fruit	marketing
15.4	stone fruit	research and development
16.4	Strawberries	research and development
17.5	Vegetables	research and development

PRIMARY INDUSTRIES (CUSTOMS) CHARGES AMENDMENT REGULATIONS 2002 (No. 2)

Regulation 1 provides for the name of the regulations to be the *Primary Industries (Customs) Charges Amendment Regulations 2002 (No. 2).*

Regulation 2 provides for the regulations to commence on 1 August 2002.

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

SCHEDULE 1 AMENDMENTS

Item 1 amends Schedule 10, clauses 3.3 and 3.4 to express the rates of charge for the marketing and R&D components of charge on apples and pears as cents per kilogram. The headings for clauses 3.3 and 3.4 are amended to specifically identify the rates of charge as being for marketing or R&D respectively. In clause 3.3 a reference to a subclause in the primary Act is relating to the purpose of the charge is amended to correctly identify the purpose as marketing. Note 2 in clauses 3.3 and 3.4 are removed as superfluous and note 1 in clauses 3.3 and 3.4 becomes the only note to those clauses.

Item 2 amends Schedule 10, clause 9.2 heading to specifically identify the rate of charge on dried vine fruits as being for marketing. The clause is amended to refer to subclause 3.3 of Schedule 10 of the Customs Charges Act which states the purpose of the charge as marketing. Note 1 is removed as superfluous and note 2 becomes the only note to the clause.

Item 3 amends headings in Schedule 10 to specifically identify the rate/s of charge as being for marketing or R&D. The individual clauses are listed in the table below.

Clause	**Commodity**	**Purpose**
2.4	almonds	research and development
4.3	Avocados	marketing
4.4	Avocados	research and development
5.4	cherries	research and development
6.3	Chestnuts	marketing
6.4	Chestnuts	research and development
7.3	citrus	marketing
7.4	citrus	research and development
8.3	custard apples	marketing
8.4	custard apples	research and development
10.3	Macadamia nuts	marketing
10.4	Macadamia nuts	research and development
11.4	nashi	research and development
13.4	Passionfruit	research and development
14.4	potatoes	research and development
15.3	stone fruit	marketing
15.4	stone fruit	res arch and development
17.5	Vegetables	research and development

PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT REGULATIONS 2002 (No. 3)

Regulation 1 provides for the name of the regulations to be the *Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 3).*

Regulation 2 provides for the regulations to commence on 1 August 2002.

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

SCHEDULE 1 AMENDMENTS

Item 1 amends Schedule 22, clause 3.2 to remove a superfluous definition of 'box'.

Item 2 amends Schedule 22, paragraph 3.10(1)(b) to omit '500 boxes' and insert '9000 kilograms' as a minimum amount as a condition for lodging an annual return for apples and pears.