

Primary Industries (Excise) Levies Amendment Regulations 2002 (No. 8) 2002 No. 287

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 287

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

Primary Industries (Excise) Levies Act 1999

Primary Industries (Customs) Charges Act 1999

Primary Industries Levies and Charges Collection Act 1991

Primary Industries (Excise) Levies Amendment Regulations 2002 (No. 8)

Primary Industries (Customs) Charges Amendment Regulations 2002 (No. 4)

Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 5)

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

The Australian honey industry currently pays a statutory levy and export charge on honey production of 0.75 cents per kilogram to the Rural Industries Research and Development Corporation (RIRDC) to enable research and development (R&D) to be undertaken on behalf of the industry. RIRDC is a statutory body which undertakes and co-ordinates R&D programs for a number of agricultural industries.

The purpose of the Regulations is to implement a proposal by the Australian Honey Bee Industry Council (AHBIC), the peak body representing the honey industry in Australia, to increase the operative rates for honey production levy and charge to 0.8 cents per kilogram.

Subclauses 4(1)(b) and 4(2)(b) of Schedule 14 of the Levies Act and Clause 3 of Schedule 9 of the Charges Act provide that regulations may fix a rate of R&D levy and export charge on honey production, respectively.

Subclause 6(4) of Schedule 14 of the Levies Act and subclause 5(3) of Schedule 9 of the Charges Act provide that before the Governor-General makes regulations to respectively fix rates of R&D levy and export charge on honey production the Minister must take into consideration any relevant recommendations made to the Minister by RIRDC or AHBIC.

The Regulations give effect to the recommendations of RIRDC and AHBIC.

The amendments in the Primary Industries Levies and Charges Collection Amendment Regulations 2002 are administrative in nature to reflect an AHBIC decision that there be a change from a monthly to a quarterly requirement for when levy and charge are due for payment and to make an amendment to when levy is due for payment for producers who lodge annual returns.

Details of the Regulations are set out in the Attachment.

The Office of Regulation Review (ORR) was consulted in the preparation of the Regulations. ORR have advised that it is not necessary to prepare a Regulation Impact Statement on this matter (ORR no 2002/3195).

The Regulations commence on 1 January 2003.

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ATTACHMENT

PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT REGULATIONS 2002 (No. 8)

Regulation 1 provides for the name of the regulations to be the *Primary Industries (Excise) Levies Amendment Regulations 2002 (No 8)*.

Regulation 2 provides for the commencement date to be 1 January 2003.

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

Schedule 1 Amendment

Item 1 substitutes Schedule 14 of the Excise Levies Regulations.

Schedule 14 Honey

Clause 1 sets the operative R&D levy rate on the sale of honey at 0.8 cents per kilogram.

Clause 2 sets the operative R&D levy rate on honey used in the production of other goods at 0.8 cents per kilogram

- note indicates that there is a NRS excise levy on honey.

PRIMARY INDUSTRIES (CUSTOMS) CHARGES AMENDMENT REGULATIONS 2002 (No. 4)

Regulation 1 provides for the name of the regulations to be the *Primary Industries (Customs) Charges Amendment Regulations 2002 (No. 4)*.

Regulation 2 provides for the commencement date to be 1 January 2003.

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

Schedule 1 Amendment

Item 1 substitutes Schedule 9 in the Customs Charges Regulations.

Schedule 9 Honey

Clause 1 sets the operative rate of the R&D charge on honey of 0.8 cents per kilogram

- note indicates that there is a NRS customs levy on honey.

PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT REGULATIONS 2002 (No. 5)

Regulation 1 provides for the name of the regulations to be the *Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 5)*.

Regulation 2 provides for the commencement date to be 1 January 2003.

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

Schedule 1 Amendments

Item 1 substitutes clauses 5, 6, 7 and 8 of Schedule 21 of the Collection Regulations.

Clause 5 provides for a change from a monthly to a quarterly requirement for when levy and charge are due for payment

- note indicates penalty can be imposed.

Clause 6 specifies who must lodge a quarterly return

- note indicates offences may be applicable.

Clause 7 specifies when a quarterly return must be lodged

- note indicates offences may be applicable.

Clause 8 specifies when levy is due for payment for producers who lodge annual returns

- note indicates penalty can be imposed.

Item 2 amends what must be included in a return to reflect the change from monthly to quarterly returns; amends what must be included in a return to reflect the change from monthly to quarterly returns in relation to chargeable honey; and amends what must be included in a return to reflect the change from monthly to quarterly returns in relation to leviable honey.