# Primary Industries (Customs) Charges Amendment Regulations 2003 (No. 4) 2003 No. 27 

## EXPLANATORY STATEMENT

## STATUTORY RULES 2003 No. 27

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 2003 (No. 4)
Primary Industries (Customs) Charges Amendment Regulations 2003 (No. 4)
Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 2)
Section 8 of the Primary Industries (Excise) Levies Act 1999 (the Excise 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) each provides 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.

Sub clause 14(2) of Schedule 27 to the Excise Act provides that if there is a body designated in relation to a particular product, and before the Governor-General makes regulations, the Minister must take into consideration any relevant recommendation made to the Minister by the designated industry body. Sub clause 13(2) of Schedule 14 to the Charges Act provides that if there is a body designated in relation to a particular product, and before the Governor-General makes regulations, the Minister must take into consideration any relevant recommendation made to the Minister by the designated industry body.

The regulations implement a compulsory levy (and/or an export charge) on certain products to enable levies and charges to be used fund the industry's share of the costs of responding to emergency animal diseases and which will also be used to repay the Commonwealth for underwriting livestock industries' costs for those outbreaks. The Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 4), (the Excise regulations), and the Primary Industries (Customs) Charges Amendment Regulations 2003 (No. 4), (the Charges regulations), respectively set the initial rate of levy and export charge.

The Government approved the Emergency Animal Disease Response Agreement (EADRA) in March 2002. The Government decision states that industry can repay any amounts paid for by the Commonwealth on behalf of industry under the agreement, via a statutory levy or charge. To allow the repayment arrangements via a levy to come into law, it was necessary to amend the Australian Animal Health Council (Live-stock Industries) Funding Act 1996. New emergency animal disease response levies and charges will be imposed on participating animal industry signatories by these regulations under Schedule 27 to the Primary Industries (Excise) Levies Act 1999 and under Schedule 14 to the Primary Industries (Customs) Charges Act 1999. At this stage, the new levy will be set at zero, with the exception of the honey-bee industry. For all current signatories, except the honey industry, this means that there will be no increase in the levy burden from the outset. However, should an outbreak occur, there could be an increased levy burden on levy payers in the affected industry.

The Office of Regulation Review has been consulted and the relevant Regulation Impact Statement identifier is RIS ID number 2703.

Details of the regulations, namely, the Excise regulations, the Charges regulations and the Collection regulations, are contained in attachments 1,2 and 3 respectively.

The regulations commence on 1 April 2003.

## ATTACHMENT 1

## PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT REGULATIONS 2003 (No. 4).

Regulation 1 provides for the name of the regulations to be the Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 4).

Regulation 2 provides for the regulations to commence on 1 April 2003.
Regulation 3 provides that Schedules 1 and 2 amend the Primary Industries (Excise) Levies Regulations 1999.

## SCHEDULE 1 AMENDMENTS

Item 1 inserts a new clause $2 B$ of the Reader's guide to include reference to a levy to fund national emergency animal disease responses.

Item 2 amends regulation 3 and inserts a reference to the Emergency Animal Disease Response Levy (EADRL).

Item 3 inserts a new clause 3 in Schedule 3 that specifies the new rate of EADR levy on cattle transactions, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

Item 4 inserts a new clause 3 in Schedule 6 that specifies the new rate of EADRL on dairy produce, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

Item 5 inserts a new clause 3 in Schedule 14 that specifies the new rate of the new EADRL on honey, the authority under which the levy is imposed and who pays the levy. The operative rate will be 0.5 cents per kilogram.

Item 6 inserts a new clause 3 in Schedule 16 that specifies the new rate of the new EADRL on laying chickens, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

Item 7 inserts a new clause 7 in Schedule 18 that specifies the new rate of the new EADRL on sheep transactions and lamb transactions, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil. A levy on goats has not been approved.

Item 8 inserts a new clause 2 in Schedule 19 that specifies the new rate of the new EADRL on meat chickens, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

Item 9 inserts a new clause 2 in Schedule 22 that specifies the new rate of the new EADRL on pig slaughter, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

## ATTACHMENT 2

## PRIMARY INDUSTRIES (CUSTOMS) CHARGES AMENDMENT REGULATIONS 2003 (No.

 4).Regulation 1 provides for the name of the regulations to be the Primary Industries (Customs) Charges Amendment Regulations 2003 (No. 4).

Regulation 2 provides for the regulations to commence on 1 April 2003 for the Honey component.

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

## SCHEDULE 1 AMENDMENTS

Item 1 inserts a new clause 2B of the Reader's guide to include reference to a charge to fund national emergency animal disease responses.

Item 2 amends regulation 3 and inserts a reference to the Emergency Animal Disease Response Charge (EADRC).

Item 3 inserts a new clause 2 in Schedule 3 that specifies the new rate of EADRC on export of cattle, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

Item 4 inserts a new clause 1 in Schedule 4 that specifies the new rate of EADRC on dairy produce, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

Item 5 inserts a new clause 2 in Schedule 9 that specifies the new rate of EADRC on honey, the authority under which the levy is imposed and who pays the levy. The operative rate will be 0.5 cents per kilogram.

Item 6 inserts a new clause 5 in Schedule 12 that specifies the new rate of EADRC export of sheep and lambs, the authority under which the levy is imposed and who pays the levy. The operative rate will be nil.

## ATTACHMENT 3

## PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT REGULATIONS 2003 (No. 2).

Regulation 1 provides for the name of the regulations to be the Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 2).

Regulation 2 provides for the regulations to commence on 1 April 2003.
Regulation 3 provides that Schedules 1 and 2 amend the Primary Industries Levies and Charges Collection Regulations 1991.

## SCHEDULE 1 AMENDMENTS

Item 1 amends the definition of "charge" in Schedule 6 to include reference to the Emergency Animal Disease Response Charge (EADRC) on the export of cattle.

Item 2 amends the definition of "levy" in Schedule 7 to include reference to the Emergency Animal Disease Response Levy (EADRL) on cattle transactions.

Item 3 amends the definition of "charge" in Schedule 10 to include reference to the EADRC on dairy produce.

Item 4 amends the definition of "levy" in Schedule 10 to include reference to the EADRL on dairy produce.

Item 5 inserts a new clause 6A to Schedule 10 to include 'Liability of intermediaries - exporting agents' to the new EADRC changes.

Item 6 inserts a new heading in Schedule 10 'When charge or levy is due for payment'.
Item $\mathbf{7}$ inserts the words "charge or levy" into Schedule 10 clause 7.
Item 8 amends the definition of "charge" in Schedule 21 to include reference to the Emergency Animal Disease Response Charge (EADRC) on honey.

Item 9 amends the definition of "levy" in Schedule 21 to include reference to the Emergency
Animal Disease Response Levy (EADRL) on honey.
Item 10 amends the definition of "levy" in Schedule 23 to include reference to the Emergency
Animal Disease Response Levy (EADRL) on laying chickens.
Item 11 amends the definition of "charge" in Schedule 25 to include reference to the Emergency Animal Disease Response Charge (EADRC) on export of sheep and lambs.

Item 12 amends the definition of "levy" in Schedule 27 to include reference to the Emergency Animal Disease Response Levy (EADRL) on sheep transactions and lamb transactions.

Item 13 amends the definition of "levy" in Schedule 28 to include reference to the Emergency Animal Disease Response Levy (EADRL) on meat chickens.

Item 14 amends the definition of "levy" in Schedule 31 to include reference to the Emergency Animal Disease Response Levy (EADRL) on pig slaughter.

