

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Agriculture

Plant Health Australia (Plant Industries) Funding Act 2002

Plant Health Australia (Plant Industries) Funding Determination 2014

Legislative Authority

The *Plant Health Australia (Plant Industries) Funding Act 2002* (the Act) provides for funds raised by the Plant Health Australia (PHA) levies and charges to be appropriated to PHA.

The Minister is able to declare a PHA Plant Industry Member to be the designated body for a plant product. The funds raised through the levy or charge on that plant product are used to discharge the Plant Industry Member's yearly contribution to PHA.

Grain Producers Australia Limited (GPA) and AUSVEG Limited (AUSVEG) are Plant Industry Members that have been declared by the Minister under the *Primary Industries (Excise) Levies (Designated Bodies) Declaration 2014* as the designated bodies for two or more plant products.

Subsection 10(3) of the Act provides that where two or more PHA plant products have the same designated body, the Minister must determine what proportion of the yearly contribution relates to each of the plant products. The Minister must have regard to PHA's advice on the proportions.

Purpose

The *Plant Health Australia (Plant Industries) Funding Determination 2014* apportions, in percentage terms, the 2014-15 yearly contribution to PHA for plant products represented by GPA and AUSVEG.

Background

PHA levies are introduced and administered by the Australian Government at the request of industry. PHA levies are collected by the Department of Agriculture, which disburses the funds collected to PHA.

PHA was established in 2000 to facilitate a national approach to enhance Australia's plant health status through effective partnerships between government and industry on matters such as pest preparedness and prevention, and emergency response and management. PHA's budget, including its core annual running costs, are subject to agreement by its government and industry members at the PHA Annual General Meeting. PHA's core annual running costs are shared between its members, with plant industries' liabilities generally met through a PHA levy or charge. The financial contributions of industry members to PHA are set each year in accordance with the procedure set out in the Constitution of Plant Health Australia Limited.

Impact and Effect

The Determination apportions (in percentage terms) the yearly contributions to PHA for the relevant PHA plant products for GPA and AUSVEG. There is no change to the PHA levy or charge rates collected from producers of each of the relevant plant products. Amongst PHA's aims are minimisation of plant pest impacts, enhancement of Australia's plant health status and safeguarding the livelihood of producers.

Consultation

Following consultation with GPA and AUSVEG (the designated industry bodies for grain producers and vegetable and potato producers respectively) PHA advised the Minister for Agriculture on 14 July 2014 that the proportions of the 2014-15 contribution for relevant grains, vegetables, unprocessed potatoes and processing potatoes would not change from those set out in the *Plant Health Australia (Plant Industries) Funding Determination 2013*.

The Office of Best Practice Regulation (OBPR) has advised that no Regulation Impact Statement is required for the Determination (OBPR Reference Number 17264).

Details of the *Plant Health Australia (Plant Industries) Funding Determination 2014*

Section 1 – Name of determination

This section provides that the name of the Determination is the *Plant Health Australia (Plant Industries) Funding Determination 2014*.

Section 2 – Commencement

This section provides that the Determination will commence on the day after it is registered.

Section 3 – Authority

This section provides that the Determination is made under the *Plant Health Australia (Plant Industries) Funding Act 2002*.

Section 4 – Schedule(s)

This section provides that any instruments specified in Schedule 1 of the Determination are amended or repealed as intended.

Section 5 – Definition

This section provides that the meaning of ‘Act’ as referred to in the Determination is the *Plant Health Australia (Plant Industries) Funding Act 2002*.

Section 6 – Determination of proportion of yearly contribution – Grain Producers Australia Limited

This section sets the proportion of the yearly contribution for GPA for 2014-15 that relates to each relevant PHA plant product. The PHA plant products are listed in column 2, and their corresponding proportions in column 3, of the table shown in subsection 6(2) of the Determination.

Section 7 – Determination of proportion of yearly contribution – AUSVEG Limited

This section sets the proportion of the yearly contribution for AUSVEG for 2014-15 that relates to each relevant PHA plant product. The PHA plant products are listed in column 2, and their corresponding proportions in column 3, of the table shown in subsection 7(2) of the Determination.

Schedule 1 – Repeal

This part repeals the *Plant Health Australia (Plant Industries) Funding Determination 2013*, which is superseded by the Determination.

Statement of Compatibility with Human Rights

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

Plant Health Australia (Plant Industries) Funding Determination 2014

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 determines the yearly funding contributions for Plant Health Australia (PHA) plant products to PHA and repeals the *Plant Health Australia (Plant Industries) Funding Determination 2013*.

This Legislative Instrument apportions in percentage terms the portion paid by each relevant PHA plant product for contributions to PHA for Grain Producers Australia Limited and AUSVEG Limited for 2014-15. There is no change to the PHA levy or charge rates collected from producers of each of the relevant PHA plant products.

This Legislative Instrument will enable Grain Producers Australia Limited and AUSVEG Limited to continue to meet their annual membership subscriptions to PHA.

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.

The Hon. Barnaby Joyce MP
Minister for Agriculture