

## **EXPLANATORY STATEMENT**

### **SELECT LEGISLATIVE INSTRUMENT No. 53, 2015**

Issued by Authority of the Minister for Agriculture

*Primary Industries Levies and Charges Collection Act 1991*

*Primary Industries Levies and Charges Collection Amendment (Honey) Regulation 2015*

#### **Legislative Authority**

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

Schedules 1 and 2 to the Collection Act provide the Acts that impose a charge and levy respectively, including the *Primary Industries (Customs) Charges Act 1999* and the *Primary Industries (Excise) Levies Act 1999*.

Clause 2 of Schedule 21 to the *Primary Industries Levies and Charges Collection Regulations 1991* (Principal Regulations) provides for the definitions of *charge* and *levy*.

Paragraph 9 of Schedule 21 to the Principal Regulations provides who must lodge an annual return for a levy year.

#### **Purpose**

The purpose of the *Primary Industries Levies and Charges Collection Amendment (Honey) Regulation 2015* (Amendment Regulation) is to amend the Principal Regulations to:

- remove the Emergency Animal Disease response (EADR) charge and levy imposed on honey from the definitions;
- introduce an Emergency Plant Pest Response (EPPR) charge and levy imposed on honey to the definitions;
- introduce a Plant Health Australia (PHA) charge and levy imposed on honey to the definitions; and
- increase the threshold for producers of leviable honey who must lodge an annual return from a total weight of the honey sold or used of 600 to 1500 kilograms.

#### **Background**

The Australian Honey Bee Industry Council (AHBIC) is the peak industry body for honey producers in Australia and is a member of both Animal Health Australia (AHA) and PHA. AHBIC is a signatory to both the EADR Agreement and EPPR Deed, legally binding agreements between the Commonwealth, state and territory governments, Animal Health Australia/Plant Health Australia and industry, for the management and funding of emergency responses to animal/plant disease incursions.

The AHBIC has requested the amendments contained in the Amendment Regulation in order to align the honey industry's levy arrangements more appropriately with the plant sector rather than the animal sector, as over the last several years management of honey bee and pollination-related biosecurity has moved to the plant sector.

## **Impact and Effect**

The introduction and collection of PHA and EPPR levies and charges on honey would allow charges to be provided directly to PHA, and allow AHBIC to cease its AHA membership and withdraw as a signatory to the EADR Agreement. This would result in reduction of costs to the industry for costs associated with AHA membership. The new levies and charges would also facilitate industry funding of industry-supported investment in honey bee biosecurity programs.

The charge proposal meets the requirements of the Australian Government *Levy Principles and Guidelines*.

## **Consultation**

The amendments have been requested by AHBIC, who consulted with, and received majority support from, actual and potential levy and charge payers.

The Department of Treasury has confirmed costings undertaken by the Department of Agriculture (the Department) for the proposal and that the changes will have no net impact on the Budget.

The Department consulted with the Office of Parliamentary Counsel in the drafting of the amendments. The Office of Best Practice Regulation (OBPR) advised that the regulation impact statement (RIS) meets best practice consistent with the *Australian Government Guide to Regulation* (OBPR reference 17593).

The Amendment Regulation is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in the Attachment.

## **Details of the *Primary Industries Levies and Charges Collection Amendment (Honey) Regulation 2015***

### Section 1 – Name

This section provides that the name of the Amendment Regulation is the *Primary Industries Levies and Charges Collection Amendment (Honey) Regulation 2015*.

### Section 2 – Commencement

This section provides that the Amendment Regulation commences on 1 July 2015.

### Section 3 – Authority

This section provides that the Amendment Regulation is made under the *Primary Industries Levies and Charges Collection Act 1991*.

### Section 4 – Schedule

This section provides that *Primary Industries Levies and Charges Collection Regulations 1991* are amended as set out in Schedule 1.

## Schedule 1 – Amendments

**Item 1** amends the definition of *charge* to refer to the Emergency Plant Pest Response (EPPR) charge imposed by Schedule 9 to the Customs Charges Regulations or the Plant Health Australia (PHA) charge imposed by Schedule 9 to the Customs Charges Regulations. This item removes the reference to the Emergency Animal Disease Response (EADR) charge imposed on honey by clause 2 of Schedule 9 to the Customs Charges Regulations.

**Item 2** amends the definition of *levy* to refer to the EPPR levy imposed by Schedule 14 of the Excise Levies Regulations or the PHA levy imposed by Schedule 14 of the Excise Levies Regulations. This item removes the reference to the EADR levy imposed on honey by clause 3 of Schedule 14 to the Excise Levies Regulations.

**Item 3** amends paragraph 9(b) of Schedule 21 so that a producer of honey must lodge a return for a levy year if, among other things, the total weight of the honey sold or used in that levy year is more than 1500 kilograms (previously 600 kilograms).

**Statement of Compatibility with Human Rights**

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

***Primary Industries Levies and Charges Collection Amendment (Honey) Regulation 2015***

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 amends the *Primary Industries Levies and Charges Collection Amendment (Honey) Regulation 2015* to:

- remove the Emergency Animal Disease response (EADR) charge and levy imposed on honey from the definitions;
- introduce an Emergency Plant Pest Response (EPPR) charge and levy imposed on honey to the definitions;
- introduce a Plant Health Australia (PHA) charge and levy imposed on honey to the definitions; and
- increase the threshold for producers of leviable honey who must lodge an annual return from a total weight of the honey sold or used of 600 to 1500 kilograms.

**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**