EXPLANATORY STATEMENT

**SELECT LEGISLATIVE INSTRUMENT No. 56, 2015**

Issued by Authority of the Minister for Agriculture

*Primary Industries (Customs) Charges Act 1999*

*Primary Industries (Customs) Charges Amendment (Honey) Regulation 2015*

**Legislative Authority**

Section 8 of the *Primary Industries (Customs) Charges Act 1999* (Customs Charges 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.

Schedule 14 to the Customs Charges Act provides that regulations may impose charges on primary industry products, set the rate of the charges and identify the person liable to pay the charge.

Schedule 9 to the *Primary Industries (Customs) Charges Regulations 2000* (Principal Regulations) provides that an Emergency Animal Disease Response (EADR) charge is imposed on honey.

**Purpose**

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

* remove the EADR charge on honey;
* introduce a Plant Health Australia (PHA) charge on honey; and
* introduce an Emergency Plant Pest Response (EPPR) charge on honey.

**Background**

The Customs Charges Act provides for the imposition of primary industry charges on prescribed products, such as honey exported from Australia, payable by the producer of the honey.

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. The 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 of PHA and EPPR charges on honey 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 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 a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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 (Customs) Charges Amendment (Honey) Regulation 2015***

Section 1 – Name

This section provides that the name of the Amendment Regulation is the *Primary Industries (Customs) Charges 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 (Customs) Charges Act 1999*.

Section 4 – Schedule

This section provides that the *Primary Industries (Customs) Charges Regulations 2000* are amended as set out in Schedule 1.

Schedule 1 – Amendments

**Item 1** inserts a new heading before clause 1 of Schedule 9 to the Principal Regulations.

The purpose of this amendment is to insert a Part heading to separate the different charges included in the Regulations (refer also item 2).

**Item 2** removes the EADR charge from Schedule 9 to the Principal Regulations and adds a new Part including a PHA charge set at 0.1 of a cent per kilogram of honey and payable by the producer of the honey, and an EPPR charge set at 2.9 cents per kilogram of honey and payable by the producer of the honey.

**Attachment**

**Statement of Compatibility with Human Rights**

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

***Primary Industries (Customs) Charges 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 (Customs) Charges Regulations 2000* to remove the Emergency Animal Disease Response charge and introduce a Plant Health Australia charge and an Emergency Plant Pest Response charge on honey, payable by the producer of the honey, to realign the honey industry more appropriately with the plant sector rather than the animal sector.

**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**