

EXPLANATORY STATEMENT

Issued by Authority of the Secretary of the Department of Agriculture, Fisheries and Forestry

Primary Industries Levies and Charges Collection Act 2024

*Primary Industries Levies and Charges Collection Amendment (Wine Export Charge) Rules
2025*

Legislative Authority

The *Primary Industries Levies and Charges Collection Act 2024* (the Act) provides for the collection of agricultural levies imposed by regulations under the *Primary Industries (Excise) Levies Act 2024* or the *Primary Industries (Services) Levies Act 2024* and agricultural charges imposed by regulations under the *Primary Industries (Customs) Charges Act 2024*.

Section 59 of the Act provides that, for better securing the payment of levy or charge imposed in relation to the collection of commodities/services, the Secretary of the Department of Agriculture, Fisheries and Forestry may, by legislative instrument, make rules prescribing matters required or permitted by the Act to be prescribed by the rules, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Purpose

The purpose of the *Primary Industries Levies and Charges Collection Amendment (Wine Export Charge) Rules 2025* (the Amendment Rules) is to amend the *Primary Industries Levies and Charges Collection Rules 2024* (the Collection Rules) to clarify requirements relating to when wine export charge is due and payable on an annual basis (rather than a quarterly basis) and streamline processes to enable efficient operational arrangements. In particular, the amendments provide that:

- wine export charge will be due and payable on an annual basis for certain low volume exporters without the need to apply to the Secretary for approval; and
- other charge payers may continue to apply for approval to pay charge on an annual basis aligning with existing arrangements.

Background

The agricultural levy system is a long-standing partnership between industry and the Australian Government to facilitate industry investment in strategic activities. The Collection Rules, which commenced on 1 January 2025, are part of a modernised legislative framework that provides for the imposition and collection of agricultural levies and charges, and disbursement of related amounts.

The Collection Rules set out detailed requirements for the collection of levies and charges for each product that is subject to a levy or charge imposed by the *Primary Industries (Excise) Levies Regulations 2024* and the *Primary Industries (Customs) Charges Regulations 2024* (the Customs Charges Regulations). These requirements include when persons are liable to

pay levy or charge and to whom the levy and charge is payable. Amounts equal to amounts collected under the Collection Rules are generally disbursed under the *Primary Industries Levies and Charges Disbursement Act 2024* to recipient bodies and other entities to support activities including research and development, marketing, biosecurity activities, biosecurity responses, and National Residue Survey testing.

Impact and effect

The Amendment Rules are intended to ensure that provisions that allow charge payers to apply for approval to make an annual payment of wine export charge (rather than quarterly payments) will operate as intended and enable streamlined and efficient application processes.

The wine export charge is imposed by the Customs Charges Regulations on wine that is produced in, and exported from, Australia and is payable by the person who holds the export licence. The amendments provide that certain low volume exporters – persons for whom the total amount of wine export charge payable on wine they exported in the previous financial year was less than \$1,000 and that amount was payable on an annual basis – will be liable to make an annual payment of charge for the financial year (rather than quarterly payments). These charge payers will not be required to apply to the Secretary for approval to make the payments annually. The amendments also clarify the process for other charge payers to apply for approval to pay on an annual basis thereby supporting arrangements that best meet industry needs.

Consultation

The measures in this instrument were developed in consultation with Wine Australia which collects the wine export charge from charge payers on behalf of the Commonwealth in accordance with an agreement with the Commonwealth under section 12 of the Act. Wine Australia was supportive of the proposed changes which supports established administrative processes between Wine Australia and charge payers.

Details/Operation

Details of the Amendment Rules are set out in Attachment A.

Other

The Rules are 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 Attachment B.

The Amendment Rules commence the later of 1 September 2025; and the day after registration. The Amendment Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the *Primary Industries Levies and Charges Collection Amendment (Wine Export Charge) Rules 2025*

Section 1—Name

This section provides that the name of the instrument is the *Primary Industries Levies and Charges Collection Amendment (Wine Export Charge) Rules 2025* (the Amendment Rules).

Section 2—Commencement

This section provides that the Amendment Rules commence on the later of:

- (a) 1 September 2025; and
- (b) the day after the Amendment Rules are registered.

Section 3—Authority

This section provides that the Amendment Rules are made under the *Primary Industries Levies and Charges Collection Act 2024* (the Act).

Section 4—Schedules

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Primary Industries Levies and Charges Collection Rules 2024

Item 1—Clause 65-1 of Schedule 2

This item amends clause 65-1 of Schedule 2 to the *Primary Industries Levies and Charges Collection Rules 2024* (the Collection Rules), which provides a simplified outline of Part 2-4 of Schedule 2.

The item omits and substitutes certain wording in the explanation of wine export charge provisions. The substituted text provides that the wine export charge is payable after the end of each quarter in a financial year, except in certain circumstances when the charge is payable on an annual basis for that year.

The amendment is consequential to the amendments that are made by item 2 of Schedule 1 to the Amendment Rules, which change the circumstances when a charge is due and payable for a quarter in a financial year.

Item 2—Subclause 70-1(1) of Schedule 2 (table)

This item repeals and substitutes the table (including the note) in subclause 70-1(1) of Schedule 2 to the Collection Rules, which prescribes, for the purposes of section 8 of the Act, when charge imposed on wine that is exported from Australia in a quarter in a financial year is due and payable and to whom it is payable.

The changes made to the table by item 2 of Schedule 1 to the Amendment Rules relate to the rules that provide when the charge is due and payable. In summary, the key changes are to:

- (a) provide an additional case in which the charge is due and payable on an annual basis that is based on the liability of the charge payer in the previous year; and
- (b) consequential to that change, provide for different rules for when charge is due and payable for a quarter in the financial year beginning on 1 July 2025 and for when charge is due and payable for a quarter in any later financial year. These changes address that in the financial year beginning on 1 July 2025, any liability of the charge payer for the previous year would arise under the former *Primary Industries (Customs) Charges Act 1999* (the former Customs Charges Act).

Item 1 of the new table in subclause 70-1(1) of Schedule 2 provides for when charge payable for a quarter in the financial year beginning on the 1 July 2025 is due and payable. Paragraph (a) of the rule in item 1 of this new table provides that the charge is due and payable on the last day of the first calendar month after the end of the quarter, unless paragraph (b) applies.

Paragraph (b) of the rule in item 1 of this new table provides that the charge is due and payable on 31 July 2026 if:

- there is an automatic entitlement for the charge payer to pay the charge on an annual basis for the financial year beginning on 1 July 2025; or
- the charge payer holds an approval under clause 70-3 to pay the charge on an annual basis for the financial year beginning on 1 July 2025.

Item 2 of the new table in subclause 70-1(1) of Schedule 2 provides for when charge payable for a quarter in a financial year beginning on or after 1 July 2026 (the *current year*) is due and payable. The applicable year is referred to as the *current year*. Paragraph (a) of the rule in item 2 of this new table provides that the charge is due and payable on the last day of the first calendar month after the end of the quarter, unless paragraph (b) applies.

Paragraph (b) of the rule in item 2 of this new table provides that the charge is due and payable on 31 July in the next financial year after the current year if:

- there is an automatic entitlement for the charge payer to pay the charge on an annual basis for the current year; or
- the charge payer holds an approval under clause 70-3 to pay the charge on an annual basis for the current year.

Item 3 in the new table in subclause 70-1(1) of Schedule 2, which provides for the charge to be payable to Wine Australia or the Commonwealth, depending on whether an agreement is in force under section 12 of the Act for Wine Australia to collect the charge on behalf of the Commonwealth, is unchanged. At the time of the Amendment Rules, charge is payable to Wine Australia, as there is an agreement in force under section 12 of the Act for Wine Australia, on behalf of the Commonwealth, to collect the charge.

Note 1 replicates the previous note that refers to the section 9 of the Act for penalty for late payment and renumbers the note consequential to the addition of Note 2.

Note 2 refers to subclause 70-1(4) as providing for when a charge payer has an *automatic entitlement* to pay charge on an annual basis for a financial year.

These amendments – specifically, the new rules in paragraph (b) of items 1 and 2 of the new table in subclause 70-1(1) – give effect to the policy objective to provide for certain low volume exporters to pay charge annually without having to apply for an approval from the Secretary.

Item 3—Subclause 70-1(2) of Schedule 2

Items 3 to 5 of Schedule 1 to the Amendment Rules amend subclause 70-1(2) of Schedule 2 to the Collection Rules, which provides for charge payers to give returns for a quarter in a financial year or for a financial year. The table in subclause 70-1(2) that prescribes the requirements in relation to giving returns only has effect if charge imposed on wine that is exported from Australia in a quarter in a financial year is payable to the Commonwealth. At the time of the Amendment Rules, charge is payable to Wine Australia, as there is an

agreement in force under section 12 of the Act for Wine Australia, on behalf of the Commonwealth, to collect the charge.

Item 3 omits “item 2” from subclause 70-1(2) of Schedule 2 to the Collection Rules and substitutes “item 3”.

This item is consequential to the amendment that is made by item 2 of Schedule 1 to the Amendment Rules. It ensures that the requirements in subclause 70-1(2) in relation to the giving of returns continue to apply only if charge is payable to the Commonwealth.

Item 4—Subclause 70-1(2) of Schedule 2 (table item 1, column headed “Rule”)

This item omits the words “charge payer holds an approval under clause 70-3 to pay the charge on an annual basis for that year” from table item 1, column headed “Rule” in subclause 70-1(2) of Schedule 2 to the Collection Rules and substitutes the words “charge payable by the charge payer is due and payable on an annual basis for that year”.

This item is consequential to the amendment made to the table in subclause 70-1(1) by item 2 of Schedule 1 to the Amendment Rules. Specifically, as a result of the new rules in paragraph (b) of items 1 and 2 of the new table in subclause 70-1(1), charge may now be due and payable on an annual basis without a person holding an approval under clause 70-3.

Item 5—Subclause 70-1(2) of Schedule 2 (cell at table item 2, column headed “Rule”)

This item repeals the cell at table item 2, column headed “Rule” in subclause 70-1(2) of Schedule 2 to the Collection Rules and substitutes “The charge payer for wine in relation to which charge is due and payable on an annual basis for that year”.

Prior to this amendment, the cell at table item 2, column headed “Rule” in subclause 70-1(2) of Schedule 2 to the Collection Rules provided that “The charge payer for wine who holds an approval under clause 70-3 to pay the charge on an annual basis for that year”.

This item is consequential to the amendment made to the table in subclause 70-1(1) by item 2 of Schedule 1 to the Amendment Rules. Specifically, as a result of the new rules in paragraph (b) of items 1 and 2 of the new table in subclause 70-1(1), charge may now be due and payable on an annual basis without a person holding an approval under clause 70-3.

Item 6—At the end of clause 70-1 of Schedule 2

This item inserts a new subsection heading “*Automatic entitlement to pay charge on an annual basis*” and a new subclause 70-1(4) of Schedule 2 to the Collection Rules.

New subclause 70-1(4) provides that a charge payer has an *automatic entitlement* to pay charge on an annual basis for a financial year if:

- for the financial year beginning on 1 July 2025—both of the following apply:

- the charge payer was liable to pay charge imposed by Schedule 13 to the former Customs Charges Act on wine for the financial year beginning on 1 July 2024;
- the total amount payable by the charge payer on wine for the financial year beginning on 1 July 2024 was less than \$1,000 and that amount was payable on an annual basis; or
- for a financial year beginning on or after 1 July 2026—both of the following apply:
 - the charge payer was liable to pay charge on wine for the previous financial year;
 - the total amount of charge on wine payable by the charge payer for the previous financial year was less than \$1,000 and that amount was payable on an annual basis.

The purpose of new subclause 70-1(4) is to provide for when charge imposed on wine that is exported from Australia in a quarter in a financial year will be due and payable by a charge payer on an annual basis, rather than after the end of the quarter, without requiring the charge payer to apply for approval under clause 70-3.

If a charge payer has an automatic entitlement to pay the charge on an annual basis, the rules in subparagraph (b)(i) of items 1 and 2 of the table in subclause 70-1(1) (as inserted by item 2 to Schedule 1 to the Amendment Rules) provide that charge is due and payable on 31 July in the next financial year.

The subclause distinguishes between a financial year beginning on 1 July 2025 and a financial year beginning on or after 1 July 2026 to reflect that:

- in the financial year beginning on 1 July 2025, any liability of the charge payer for the previous year would arise under the former Customs Charges Act; and
- in a financial year beginning on or after 1 July 2026, any liability of the charge payer for the previous year would arise under the *Primary Industries (Customs) Charges Regulations 2024* (the Customs Charges Regulations). The term ‘charge’ is defined in section 4 of the Act as a charge imposed by regulations under the *Primary Industries (Customs) Charges Act 2024*.

Item 7—Subclause 70-3(1) of Schedule 2

This item inserts “(the **current year**)” after “in a financial year” and before “may apply to the Secretary for an approval to pay the charge on an annual basis for that year” in subclause 70-3(1) of Schedule 2 to the Collection Rules.

The purpose of this amendment is to include a tag to distinguish between the current financial year and previous or later financial years in other provisions in clause 70-3.

Item 8—Subclause 70-3(1) of Schedule 2 (note)

This item omits “a financial year” after “If the charge payer holds an approval under this clause for” in the note to subclause 70-3(1) and substitutes “the current year”.

This item is consequential to the amendment that is made by item 7 of Schedule 1 to the Amendment Rules.

Item 9—Subclauses 70-3(2) and (3) of Schedule 2

This item repeals subclauses 70-3(2) and (3) of Schedule 2 to the Collection Rules and substitutes new subclauses 70-3(2) and (3).

Subclause 70-3(1) of Schedule 2 to the Collection Rules provides that a person who is a charge payer for charge imposed on wine that is exported in a financial year (the **current year**) may apply to the Secretary for an approval to pay the charge on an annual basis for that year.

New subclauses 70-3(2) and (3) specify the requirements for making an application under clause 70-3.

New subclause 70-3(2) provides for how the application must be made, what the application must include, when the application must be made, and clarifies that other relevant information may be included in the application. Specifically, as amended by this item, subclause 70-3(2) provides that an application under clause 70-3:

- must be made in writing; and
- must include all of the following information:
 - the person’s full name;
 - the person’s business or residential address (not being a post office or post office bag);
 - the person’s ABN (if any);
 - if the person is a company and does not have an ABN—the person’s ACN;
 - the total amount of applicable wine export charge that was payable by the person for each of the previous 3 financial years; and
- must be made before the end of the first quarter in the current year in which charge is imposed on wine exported by the person; and
- may include any other information the charge payer considers relevant to the application.

Subsection 9(1) of the *Electronic Transactions Act 1999* provides for when a requirement to give information in writing is taken to have been met when the information is given by means of an electronic communication.

Prior to this amendment, subclause 70-3(2) required an application under clause 70-3 to be in the approved form and include the information required by that form. The amendments to this clause ensure the application process better aligns with operational arrangements.

A note inserted by this item under new subclause 70-3(2) provides, “For ***applicable wine export charge***, see subclause (11)”. This note makes clear that the new term ‘applicable wine export charge’ is given meaning by new subclause 70-3(11), which is inserted by item 10 of Schedule 1 to the Amendment Rules, as explained below.

New subclause 70-3(3) provides for other requirements in relation to persons making applications under clause 70-3. Specifically, as amended by this item, subclause 70-3(3) provides that a person may apply under clause 70-3 only if:

- the person reasonably believes that the total amount of charge that the person will pay, or will be likely to pay, in relation to wine and the current year will be less than \$1,000; and
- the person does not have an automatic entitlement to pay charge on an annual basis for the current year under subclause 70-1(4).

These amendments clarify the circumstances in which a charge payer may make a valid application to the Secretary for approval to pay wine export charge on an annual basis.

The reasonable belief requirement in new paragraph 70-3(3)(a) replicates the requirement in subclause 70-3(3) that was repealed by this item.

The requirements in new paragraph 70-3(3)(b) are consequential to the amendments made to subclause 70-1(1) that provide a person will be liable to pay charge on an annual basis without the need to apply for approval, if they meet certain requirements. A person will satisfy the requirements in paragraph 70-3(3)(b) to apply for approval if they do not have an automatic entitlement to pay charge on an annual basis under subclause 70-1(4).

New paragraph 70-3(3)(b) ensures that a person liable to pay on an annual basis without the need to apply for approval cannot make a valid application to the Secretary. This ensures that the Secretary would not be obliged to make a decision, under subclause 70-3(4) of Schedule 2 to the Collection Rules, on an application that does not need approval.

In circumstances where a charge payer makes an application to the Secretary, the information included would be relevant levy/charge information under section 4 of the Act.

That information would be protected by the *Privacy Act 1988* (the Privacy Act) and other laws, subject to the authorised use and disclosure provisions in Division 3 of Part 5 of the Act.

Each provision in Division 3 of Part 5 of the Act that authorises the use or disclosure of relevant levy/charge information provides an authorisation for the purposes of the Privacy Act and other laws.

The Act contains restrictions relating to the disclosure of personal information. Specifically, subsection 28(4) of the Act provides that specified provisions authorising the use or disclosure of relevant levy/charge information for certain purposes do not apply to the disclosure of personal information.

There are also requirements against unauthorised use or disclosure of protected information provided in Division 4 of Part 5 of the Collection Act. Section 45 of that Act includes an offence and a civil penalty provision for the unauthorised use or disclosure of protected information, which covers information (including commercially sensitive information) the disclosure of which could reasonably be expected to found an action by a person (other than the Commonwealth) for breach of a duty of confidence.

Further, under Subdivision B of Division 3 of Part 5 of the Act, a declared recipient body or a statutory recipient body commits an offence if they use or disclose information they have received or accessed concerning levy payers or charge payers (including their names and contact details and the amounts of levy and charge they have paid), other than for an authorised purpose.

As an Australian Government agency, the Department of Agriculture, Fisheries and Forestry (the department) is bound by the Australian Privacy Principles (the APPs) in the Privacy Act and the Australian Government Agencies Privacy Code (the Privacy Code). These obligations extend to the department's employees, contractors and agents. Personal information is held in accordance with the collection and security requirements of the APPs, the department's policies and procedures and the Australian Government Protective Security Policy Framework.

The Department maintains robust policies and procedures to protect any personal information which it holds, as documented in the Department's Privacy Policy (<https://www.agriculture.gov.au/about/commitment/privacy>).

Item 10—Paragraphs 70-3(6)(a) and (b) of Schedule 2

This item repeals paragraphs 70-3(6)(a) and (b) of Schedule 2 to the Collection Rules and substitutes new paragraphs 70-3(6)(a) and (b).

New paragraph 70-3(6)(a) provides that the Secretary must have regard to the likelihood that the total amount of charge imposed on wine that the person will be liable to pay for the current year will be less than \$1,000.

Prior to this amendment, paragraph 70-3(6)(a) required the Secretary to have regard to the total amount of charge imposed on wine the person is likely to be liable to pay for that year. The new provision more closely aligns with the requirement in new paragraph 70-3(3)(a) that a person may only apply if they reasonably believe that the total amount of charge that the person will pay, or will be likely to pay, in relation to wine and that year will be less than \$1,000.

New paragraph 70-3(6)(b) provides that the Secretary must have regard to the total amount of applicable wine export charge that was payable by the person for each of the previous 3 financial years.

Prior to this amendment, paragraph 70-3(6)(b) required the Secretary to have regard to the total amount of charge on wine that was payable by the person for the previous financial year. The new provision more closely aligns with the requirement in new subparagraph 70-3(2)(b)(v) that an application under clause 70-3 must include the total amount of applicable wine export charge that was payable by the person for each of the previous 3 financial years.

The Secretary is not limited to only having regard to these matters, as made clear by subclause 70-3(7) of Schedule 2 to the Collection Rules.

Item 11—At the end of clause 70-3 of Schedule 2

This item inserts a new subclause 70-3(11) of Schedule 2 to the Collection Rules, including a new subheading “*Applicable wine export charge*”, after subclause 70-3(10).

New subclause 70-3(11) provides that, the ***applicable wine export charge*** for a financial year is:

- for a financial year beginning before 1 July 2025—the charge imposed by Schedule 13 to the former Customs Charges Act on wine that is exported from Australia; or
- for a financial year beginning on or after 1 July 2025—the charge imposed by clause 70-1 of Schedule 2 to the Customs Charges Regulations on wine that is exported from Australia.

The term “applicable wine export charge” is used throughout clause 70-3, as amended by the Amendment Rules, when reference is made to the payment of charge in a previous year.

Clause 70-1 of Schedule 2 to the Customs Charges Regulations applies in relation to wine that is exported on or after 1 July 2025, whether the wine is produced before, on or after that day (see clause 70-5 of Schedule 2 to the Customs Charges Regulations).

For wine exported before 1 July 2025, charge was imposed by Schedule 13 to the former Customs Charges Act and collected under the *Primary Industries Levies and Charges Collection Act 1991* (the former Collection Act). The former Customs Charges Act and the former Collection Act were repealed by Schedule 1 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024* (the Consequential Act) from 1 January 2025 but continued to apply in relation to the charge in relation to the 2024-25 financial year by operation of item 2 of Schedule 4 to the Consequential Act.

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 (Wine Export Charge)
Rules 2025***

This disallowable 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

The purpose of the *Primary Industries Levies and Charges Collection Amendment (Wine Export Charge) Rules 2025* (the Amendment Rules) is to amend the *Primary Industries Levies and Charges Collection Rules 2024* (the Collection Rules) to clarify requirements relating to when wine export charge is due and payable on an annual basis (rather than a quarterly basis) and streamline processes to enable efficient operational arrangements. In particular, the amendments provide that:

- wine export charge will be due and payable on an annual basis for certain low volume exporters without the need to apply to the Secretary for approval; and
- other charge payers may continue to apply for approval to pay charge on an annual basis aligning with existing arrangements.

Human rights implications

This legislative instrument engages the right to protection from arbitrary interferences with privacy – Article 17 of the *International Covenant on Civil and Political Rights* (ICCPR).

Right to protection from arbitrary interference with privacy

Article 17 of the ICCPR prohibits arbitrary or unlawful interference with an individual's privacy, family, home or correspondence, and protects a person's honour and reputation from unlawful attacks. The right to privacy includes respect for informational privacy and is engaged by any provisions which permit the disclosure of personal information. It also includes: the right to respect for confidential and private information, particularly the storing, use and sharing of such information; and the right to control dissemination of information about a person's private life.

For an interference with the right to privacy to be permissible, the interference must be authorised by law, be for a reason consistent with the ICCPR and be reasonable in the particular circumstances. The information required by the obligations in the rules is authorised by the Act and is for a reason consistent with the ICCPR and reasonable to ensure the integrity of the agricultural levy system.

Provision of information

The Amendment Rules require charge payers who are applying for approval to pay wine export charge on an annual basis to provide certain information that could include personal information, such as the person's full name and address. By facilitating the collection, use, storage and sharing of personal information through these applications, the Rules, in turn, engage, and may operate to limit the right to privacy.

The provision for charge payers to apply to the Secretary to pay wine export charge on an annual basis, rather than each quarter, underpins the legitimate operational objective of administering the levy/charge system. It provides a facility for persons to apply for approval to make an annual payment of charge for that year, rather than quarterly payments. In cases where approval is granted, this reduces the burden on charge payers to otherwise make multiple charge payments in a year. The information required to be included in the application is necessary for the Secretary to identify and contact the applicant and assess the application. A person who participates in the wine export process and has decided to apply for approval to make an annual payment of charge for a financial year should expect that a certain amount of personal information may need to be provided to the Secretary in order to enable them to be identified and the application for approval to be assessed.

To the extent that these measures could be seen as limiting the prohibition of arbitrary interference with privacy in Article 17 of the ICCPR, any limitation would be permissible as the measures are proportionate, reasonable and necessary in the circumstances to achieve a legitimate objective for the benefit of all participants. The information collected and used is strictly limited to that necessary for the proper administration of the levy/charge system.

Conclusion

The measures in the legislative instrument are 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* as it promotes the protection of the human rights it engages. To the extent that it may limit human rights, those limits are reasonable, necessary and proportionate to the instrument's legitimate objectives.

Adam Phillip Fennessy PSM

Secretary of the Department of Agriculture, Fisheries and Forestry