



Horse Disease Response Levy Act 2011

No. 115, 2011

**An Act to impose a levy to help meet costs incurred
in responding to outbreaks of diseases affecting
horses**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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**An Act to impose a levy to help meet costs incurred
in responding to outbreaks of diseases affecting
horses**

[Assented to 14 October 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Horse Disease Response Levy Act 2011*.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

3 Definitions

In this Act:

Agvet Codes has the meaning given by the *Agricultural and Veterinary Chemicals Act 1994*.

EADR agreement means the government and livestock industry cost sharing deed in respect of emergency animal disease responses made by the Commonwealth and other parties, and executed by the Commonwealth in March 2002.

manufactured feed means feed that:

- (a) is suitable for horses generally or horses of a particular kind; and
- (b) has been prepared using one or more of the following processes:
 - (i) steaming or another cooking process;
 - (ii) flaking;
 - (iii) cubing of hay;
 - (iv) starch manipulation;
 - (v) blending 2 or more sorts of feed;
 - (vi) blending 1 or more sorts of feed with 1 or more dietary supplements, medications or modifiers;
 - (vii) a process prescribed by the regulations.

worm treatment means a veterinary chemical product (as defined in the Agvet Codes) for which all the following conditions are met:

- (a) the product is a registered chemical product or a registered listed chemical product under those Codes;
- (b) there are instructions for use of the product that:
 - (i) are approved by the Australian Pesticides and Veterinary Medicines Authority under those Codes; or

- (ii) accord with an established standard for the product under those Codes, if the product is a registered listed chemical product;
- (c) those instructions:
 - (i) are for use of the product for treatment of horses for internal parasites; and
 - (ii) are not for use of the product for treatment of other animals, except other members of the horse family (Equidae), for internal parasites.

4 This Act binds the Crown

This Act binds the Crown in each of its capacities.

5 Imposition of levy

- (1) Levy is imposed on a disposal that:
 - (a) is a disposal of manufactured feed or worm treatment by a person (the *disposer*) to another person; and
 - (b) takes place in Australia; and
 - (c) is the first disposal of the feed or treatment after the feed or treatment is imported into Australia or manufactured in Australia.
- (2) The regulations may exempt from levy disposals of manufactured feed or worm treatment by specified classes of persons.

6 Who is liable to pay levy

The disposer is liable to pay the levy.

7 Amount of levy

- (1) The amount of levy on a disposal of manufactured feed is:
 - (a) nil; or
 - (b) if the regulations provide for working out the amount—the amount worked out in accordance with the regulations.

Section 8

- (2) Regulations for the purposes of paragraph (1)(b) may prescribe different ways of working out amounts of levy on disposals of different kinds of manufactured feed.

Example: The regulations may prescribe different ways of working out amounts of levy on disposals of feed manufactured using different processes.

- (3) The amount of levy on a disposal of a worm treatment is:
- (a) nil; or
 - (b) if the regulations provide for working out the amount—the amount worked out in accordance with the regulations.
- (4) Regulations for the purposes of paragraph (3)(b) may prescribe different ways of working out amounts of levy on disposals of different worm treatments.

8 Act does not impose levy on property of a State

- (1) This Act does not impose a tax on property of any kind belonging to a State.
- (2) In this section:
- property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.
- (3) For the purposes of this section, assume that a reference in section 114 of the Constitution to a State includes a reference to the Australian Capital Territory and the Northern Territory.

9 Regulations

- (1) The Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed.
- (2) Before the Governor-General makes a regulation for working out an amount for the purposes of paragraph 7(1)(b) or (3)(b), the Minister must consider whether the proposed regulation is consistent with the provisions of the EADR agreement for meeting the horse industry's liability to the Commonwealth under that agreement for cost sharing.

- (3) Subsection (2) does not apply if the parties to the EADR agreement do not include a body representative of the horse industry.

*[Minister's second reading speech made in—
House of Representatives on 6 July 2011
Senate on 23 August 2011]*

(144/11)

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