

Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment Regulations 2000 (No. 1) 2000 No. 91

EXPLANATORY STATEMENT

STATUTORY RULES 2000 No. 91

Issued by the Authority of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry

Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994

Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment Regulations 2000 (No. 1)

Section 39 of the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Section 11 of the Act permits the Regulations to specify the rate of the levy, for a given calendar year, in respect of leviable disposals of agricultural and veterinary chemical products that were registered during the whole or any part of the last 6 months of that calendar year.

Section 12 of the Act permits the Regulations to specify the rate of the levy in respect of leviable disposals of agricultural and veterinary chemical products that were registered during the whole or any part of the first 6 months of a given calendar year but were not registered on 1 July in that calendar year.

Subsection 39 (2) provides that the rate of levy prescribed by the Regulations must not exceed 2%.

The purpose of the Regulations is to amend the *Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations* (the Principal Regulations), to specify a reduced rate of levy on leviable disposals of agricultural and veterinary chemicals.

The proceeds of the levy are used to fund the National Registration Authority for Agricultural and Veterinary Chemicals (NRA). The Principal Regulations presently specify a levy rate of 0.75 %. Other sources of funds for the NRA are the fees payable upon application for registration of a new active ingredient or a new agricultural or veterinary chemical product, the fees for annual renewal of such products, and a small Budget appropriation as a contribution to the costs of administering the "minor use" program.

The Regulations specify:

* a levy rate of 0.65% for the whole calendar year that began on 1 January 1999 and subsequent years for the purposes of Section 11 of the Act; and

* a levy rate of 0.65% in respect of the first six months of the year that began on 1 January 1999 and subsequent years for the purposes of Section 12 of the Act.

The levy is being reduced because the NRA Board advised that it wished to achieve a revenue neutral budget on an annual basis and believed its revenue and reserves presently exceed the requirements for funds to carry out its statutory functions. The reduction in levy is estimated to reduce the revenue of the NRA to a level consistent with expenditure to carry out its statutory functions.

In respect of the provisions of subsection 48(2) of the *Acts Interpretation Act 1901*, the Regulations will not disadvantage any person other than the NRA, an authority of the Commonwealth. In this context the Regulations are being made at the request of NRA.

Details of the Regulations are at Attachment A.

The Regulations commence on gazettal.

Attachment A

AGRICULTURAL AND VETERINARY CHEMICAL PRODUCTS (COLLECTION OF LEVY) AMENDMENT REGULATIONS 2000 (No. 1)

Regulation 1 names the Regulations.

Regulation 2 specifies that the Regulations will commence on gazettal.

Regulation 3 provides that the Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations are amended by Schedule 1.

Schedule 1:

- * substitutes the Name of Regulations, replacing "Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations" with "*Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995*";
- * specifies the levy rate of 0.65% in respect of the year that began on 1 January 1999 and each succeeding calendar year; and
- * specifies the levy rate of 0.65% in respect of the first 6 months of the year that began on 1 January 1999 and each succeeding calendar year.