



The Hon. Sid Sidebottom MP

Parliamentary Secretary for Agriculture, Fisheries and Forestry
Member for Braddon

REF: MNMT2012-03114

Ms Sarah Bannerman
Assistant Legislation Officer
Senate Table Office
Parliament House
CANBERRA ACT 2600

Dear Ms Bannerman

I would be grateful if you could arrange for re-tabling of the explanatory statement for the *Primary Industries (Excise) Levies (Pasture Seeds) Declaration 2012*. The legislative instrument was made pursuant to the *Primary Industries (Excise) Levies Act 1999* (the Act) to clarify arrangements for the collection of the pasture seed research levy. It was tabled in the Senate on 18 June 2012. The Federal Register of Legislative Instruments number is F2012L01056.

The explanatory statement was amended to include more detail on why the *Pasture Seed Levy Declaration 1999* was revoked and the basis for changes to the rates of levy for some pasture seed species listed under Schedule 21 of the Act. The amended version for re-tabling is enclosed.

If you have any queries, please contact Mr Des Naughton of the Department of Agriculture, Fisheries and Forestry on 02 6272 5674 or email at des.naughton@daff.gov.au. Could you also advise Ms Amy Tang when the statement is re-tabled at regulations@daff.gov.au.

Thank you for your assistance on this matter.

Yours sincerely

Sid Sidebottom

10th September 2012

Enc.

EXPLANATORY STATEMENT

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

Primary Industries (Excise) Levies Act 1999

Primary Industries (Excise) Levies (Pasture Seeds) Declaration 2012

Subclause 5(1) of Schedule 21 to the *Primary Industries (Excise) Levies Act 1999* (the Act) contains a table which specifies the rates of pasture seed levy that are imposed in respect of specified plant species. Subclause 5(2) provides that the Minister may, by instrument, declare that the table in subclause 5(1) is to be amended in the manner specified in the instrument.

When primary industry research levies, including the pasture seed levy, were consolidated under the Act, the pasture seed levy was changed from a cultivar based levy to a species based levy.

A transitional arrangement was included under the Act to provide for the continuation of the *Pasture Seed Levy Declaration 1999* (the 1999 Declaration) under which the levy was collected on a cultivar basis, but the declaration was not revoked after transition, as intended.

Levy collection agents have been collecting the levy on a species basis but at the rates set in the 1999 Declaration which was still in effect.

The purpose of the Declaration is to clarify the situation by:

- revoking any previous declarations that had the effect of altering the table in subclause 5(1) (see clause 3 of the Declaration); and
- restating the cultivar-based rates in the 1999 Declaration as species-based rates in the 2012 Declaration, see clause 4 of the 2012 Declaration and Schedule 1 to the Declaration.

Prior to the 2012 Declaration, the effective rate for lucerne and all clover species (except subterranean clover) was \$15 per tonne, in accordance with the 1999 Declaration rather than the lower rates of \$14 and \$12.50 per tonne, respectively in Schedule 21 of the Act. The restating of this rate will ensure continuity of the effective rate for these species.

The 2012 Declaration will retain the status quo in respect of levy rates and leviable species but remove uncertainty about pasture seed levy collection arrangements caused by the existence of the 1999 Declaration, which is no longer required. The cultivar-based rates in the 1999 Declaration are restated as species-based rates in the 2012 Declaration.

The Declaration is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (see subclause 5(5) of Schedule 21 to the Act and paragraph 6(d) of the *Legislative Instruments Act 2003*).

The Declaration commences on the day after it is registered on the Federal Register of Legislative Instruments.

Subclause 5(3) of Schedule 21 to the Act requires that before making the Declaration, the Minister takes into consideration any relevant recommendation made by the growers' organisation. Grain Producers Australia, the industry representative organisation, and the Rural Industries Research and Development Corporation, which manages the pasture seed industry research and development program, were both consulted regarding the Declaration and supported the proposed approach. The Office of Best Practice Regulation was consulted in the preparation of the Declaration (Reference Number ID 13448).

Statement of Compatibility with Human Rights

The Declaration 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*. The instrument does not engage any of the applicable rights or freedoms and is, therefore, compatible with human rights as it does not raise any human rights issues.