

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2013 No. 178**

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

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

## **AGRICULTURAL AND VETERINARY CHEMICAL PRODUCTS (COLLECTION OF LEVY) AMENDMENT (2012-2013 LEVIABLE DISPOSALS) REGULATION 2013**

### **Legislative Authority**

Subsection 39(1) of the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994* (Collection Act) provides that the Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed; or necessary or convenient to be prescribed for carrying out or giving effect to this Act; and, in particular, prescribing the way in which notices may be given by or to the Australian Pesticides and Veterinary Medicines Authority (APVMA) (a Commonwealth authority) under the Collection Act. Section 12C of the Collection Act provides specific authority to prescribe rates of levy in regulations.

### **Purpose**

The Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment (2012-2013 Leviable Disposals) Regulation 2013 (Amendment Regulation) amends the Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995 (Principal Levy Regulations).

The Amendment Regulation commences on the day after it is registered. Consistent with an approved and published Cost Recovery Impact Statement, the purpose of the Amendment Regulation is to clarify that reduced levy rates apply to levies payable in respect of leviable disposals in the 2012-2013 financial year. This ensures clarity as to the original intention of the amendments made to the Principal Levy Regulations on 1 July 2013 by the Agricultural and Veterinary Chemicals Legislation Amendment (2013 Measures No.1) Regulation 2013.

### ***Legislative Instruments Act 2003***

The Amendment Regulation is a disallowable legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LI Act). Section 54 of the LI Act means that the Amendment Regulation is not subject to sunseting as the amendments to regulations in the Amendment Regulation are enabled by legislation which facilitates the establishment and operation of a scheme involving the Commonwealth and one or more states.

## **Cost Recovery Impact Statement and Regulatory Impact Analysis**

The Amendment Regulation clarifies reductions in the rates of levies payable consistent with an approved Cost Recovery Impact Statement (CRIS) that is accessible at [http://www.apvma.gov.au/about/work/cost\\_recovery.php](http://www.apvma.gov.au/about/work/cost_recovery.php).

The Amendment Regulation only clarifies a reduction in the rate of levy from the CRIS that was intended to apply in respect of leviable disposals in the 2012-2013 financial year. The Office of Best Practice Regulation was consulted and advised that the measures were machinery and that no further regulatory impact analysis was required (ID 15005).

### **Public Consultation**

No additional public consultation has been undertaken as the Amendment Regulation is to clarify a reduction in the rates of the levies payable consistent with an approved and published Cost Recovery Impact Statement for which public consultation has already occurred.

### **DETAILS OF THE AMENDMENT REGULATIONS**

The details of the Amendment Regulation, including the impact and effect of the amending regulations are at [Attachment A](#).

### **HUMAN RIGHTS COMPATIBILITY ASSESSMENT**

This legislative instrument 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 [Attachment B](#).

**Details of the Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment (2012-2013 Leviable Disposals) Regulation 2013**

**Section 1 – Name of Regulation**

This section provides that the title of the regulation is the Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment (2012-2013 Leviable Disposals) Regulation 2013 (Amendment Regulation).

**Section 2 – Commencement**

This section provides that the Amendment Regulation commences on the day after it is registered.

**Section 3 – Authority**

This section specifies that the Amendment Regulation is made under the authority in the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994* (Collection Act).

**Section 4 – Schedule(s)**

This section provides that each instrument in a Schedule of the Amendment Regulation is amended as described in the Schedule.

**Schedule 1 – Amendments to the Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995 (Principal Levy Regulations)**

**Items 1 to 4 – Subregulations 6A(2) and 6A(3)**

For the authority in section 12C of the Collection Act and consistent with the approved Cost Recovery Impact Statement, these items amend subregulations 6A(2) and 6A(3) of the Principal Levy Regulations to clarify the reduction in the rates of the levies payable in respect of leviable disposals in the 2012-13 financial year. The Collection Act defines a ‘leviable disposal’. The reduction in these levy rates is a consequence of changes to application fees and new cost recovery arrangements for monitoring compliance with good manufacturing practice requirements for veterinary chemical products.

Items 1 and 2 amend subregulation 6A(2) to specify that the rates of the levy in this subregulation apply to leviable disposals in the 2006-2007 financial year and each financial year up to and including the 2011-2012 financial year. Items 3 and 4 amend subregulation 6A(3) to specify that the lower rates of the levy in this subregulation apply to leviable disposals during the 2012-2013 financial year. Until any variation of these rates in the future, the rates of the levies in subregulation 6A(3) also apply to leviable disposals in succeeding financial years.

## **STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

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

### **Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment (2012-2013 Leviable Disposals) Regulation 2013**

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***

The Amendment Regulation commences on the day after it is registered. The Amendment Regulation clarifies the reduction in the rates of the levies consistent with an approved and published Cost Recovery Impact Statement and the original intention of the amendments made to the Principal Levy Regulations on 1 July 2013 by the Agricultural and Veterinary Chemicals Legislation Amendment (2013 Measures No.1) Regulation 2013.

#### ***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. Peter Douglas Sidebottom MP**  
**Parliamentary Secretary for Agriculture, Fisheries and Forestry**