

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Agriculture

Primary Industries (Excise) Levies Act 1999

Primary Industries (Excise) Levies (Designated Bodies) Declaration 2013

Legislative Authority

The *Primary Industries (Excise) Levies Act 1999* (the Act) provides for the imposition of Plant Health Australia (PHA) levies and charges imposed on plant products.

Clause 13 of Schedule 27 to the Act provides that the Minister may declare a specified body to be a designated body for one or more specified products.

Purpose

The purpose of the *Primary Industries (Excise) Levies (Designated Bodies) Declaration 2013* (the Declaration) is to declare Grain Producers Australia Limited and AUSVEG Limited as designated bodies for relevant leviable PHA plant products.

Background

The Act provides for the collection of duties of excise from a number of primary industries and allows for the operative levy rates to be increased or decreased by the Governor-General by regulation on the advice of the Minister. The Minister must consider the recommendations on rates of levy made by the relevant organisation for each industry.

Clause 13 of Schedule 27 to the Act allows the Minister to recognise a particular industry organisation as being the representative of that industry for the purpose of consultation with government. In this case, Grain Producers Australia Limited (GPA) and AUSVEG Limited (AUSVEG) are recognised as the representatives of a number of plant products and, as such, will be declared the designated bodies for the grains and vegetable industries as a whole.

Impact and Effect

The Declaration will ensure the government can receive information from and consult with GPA and AUSVEG (as PHA's designated bodies) about the Act and levy issues.

Consultation

GPA (the national representative body for grain producers) and AUSVEG (the national peak industry body for vegetable and potato producers) were consulted by the Department of Agriculture and have agreed to the making of the declaration.

The Office of Best Practice Regulation (OBPR) has advised that the declaration will have minor impacts and a Regulation Impact Statement is not required (OBPR reference 15250).

The Office of Parliamentary Counsel was consulted in the development of this instrument.

Details/Operation

Details of the Declaration are set out below.

Section 1 – Name of Declaration

This section provides for the name of the Declaration to be the *Primary Industries (Excise) Levies (Designated Bodies) Declaration 2013*.

Section 2 – Commencement

This section provides for the Declaration to commence on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – Definition

This section provides that the meaning of the ‘Act’ as referred to in the Declaration is the *Primary Industries (Excise) Levies Act 1999*.

Section 4 – Declaration of designated bodies

This section declares GPA and AUSVEG as the designated bodies for two or more PHA plant products and lists the plant products they represent.

Subsection 4(1) declares that GPA is the designated body for the following relevant plant products:

- (a) wheat; and
- (b) the products included in the definition of *leviable coarse grains* (such as barley, triticale, oats and cereal rye) in clause 1 of Schedule 4 to the Act; and
- (c) the products included in the definition of *leviable grain legumes* (such as the seeds of lupins, field peas or peanuts) in clause 1 of Schedule 12 to the Act; and
- (d) the products included in the definition of *leviable oilseeds* (such as sunflower seed, linseed, soy bean, safflower seed or rapeseed) in clause 1 of Schedule 20 to the Act.

Subsection 4(2) declares that AUSVEG is the designated body for the following relevant plant products:

- (a) unprocessed potatoes; and
- (b) processing potatoes; and
- (c) vegetables (such as asparagus, garlic, hard onions, melons, mushrooms, potatoes, seed sprouts or tomatoes), other than the products mentioned in paragraphs (a) to (j) of clause 17.1 of Part 17 of Schedule 15 to the *Primary Industries (Excise) Levies Regulations 1999*.

Statement of Compatibility with Human Rights

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

Primary Industries (Excise) Levies (Designated Bodies) Declaration 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

This Legislative Instrument declares Grain Producers Australia Limited and AUSVEG Limited as designated bodies for relevant leviable Plant Health Australia plant products.

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. Barnaby Joyce MP
Minister for Agriculture**