

EXPLANATORY STATEMENT

SELECT LEGISLATIVE INSTRUMENT No. 19, 2015

Issued by Authority of the Minister for Agriculture

Wool Services Privatisation Act 2000

Wool Services Privatisation (Wool Levy Poll) Amendment (Frequency of Recommendations) Regulation 2015

Section 39 of the *Wool Services Privatisation Act 2000* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act. In particular, regulations may be made for matters of a transitional or saving nature arising from the amendments or repeals made by the Act.

Section 32 of the Act provides that the declared research body for the wool industry must conduct a poll before it can make a recommendation in relation to rate-setting clauses. The poll determines the rate of the levy paid by wool growers for the following three year period. The conduct of the poll is governed by the *Wool Services Privatisation (Wool Levy Poll) Regulations 2003* (the Regulations).

The *Wool Services Privatisation (Wool Levy Poll) Amendment (Frequency of Recommendations) Regulation 2015* (the Regulation) amends the Regulations so that the timing of the recommendation, and therefore of the poll, is governed by the Regulations instead of by the Act.

The Regulation reduces red tape by allowing any future changes to the timing of the poll to occur through an amendment to the Regulations rather than the Act.

The Regulation removes the *Note* in Section 3 of the Regulations, and inserts a Section 18A into the Regulations to specify timing for when the research body must make a recommendation to the Minister for Agriculture based on the outcomes of the poll.

Timing for the poll was previously prescribed within subsections 32 (2) and (3) of the Act; with reference to note subsections 32 (2) and (3) of the Act specified in *Note* under Section 3 of the Regulations. Australian Wool Innovation (AWI) is the declared research body for the wool industry. Following extensive consultation with industry stakeholders, including AWI, a decision was made in December 2013 to remove the timing of the poll from the Act through the *Rural Research and Development Legislation Amendment Act 2013*.

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required for this Regulation as it is of a machinery nature (ID:17077).

Amendment of the Regulations to include timing was delayed to enable wool industry representatives time to gauge support from levy payers for changing the timing of the poll from three to four or five years. This consultation was subsequently postponed and timing of the poll now remains unchanged at every three years.

Details of the Regulation are set out in Attachment A.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation 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.

ATTACHMENT A

Details of the *Wool Services Privatisation (Wool Levy Poll) Amendment (Frequency of Recommendations) Regulation 2015*

Section 1 – Name of Regulation

This is the *Wool Services Privatisation (Wool Levy Poll) Amendment (Frequency of Recommendations) Regulation 2015*.

Section 2 – Commencement

This instrument commences on the day after it is registered.

Section 3 – Authority

This instrument is made under the *Wool Services Privatisation Act 2000*.

Schedule 1 – Amendments

This instrument amends the *Wool Services Privatisation (Wool Levy Poll) Regulations 2003*.

Item 1 – Regulation 3 (note)

Repeal the note

Item 2 – After regulation 18

Insert:

18A When must research body make rate-setting recommendations

For subsection 32(3) of the Act, each recommendation must be made not later than 3 years after the previous recommendation made under that subsection.

Statement of Compatibility with Human Rights

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

*Wool Services Privatisation (Wool Levy Poll) Amendment (Frequency of Recommendations)
Regulation 2015*

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 purpose of the amendment was to remove the reference to *Note* in Section 3 of the *Wool Services Privatisation (Wool Levy Poll) Regulations 2003* (the Regulations) and to insert Section 18A into the Regulations to specify timing for when the research body must make a recommendation to the Minister for Agriculture based on the outcomes of the Wool Levy Poll.

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**