

Primary Industries (Customs) Charges Amendment (Sweet Potatoes and Chestnuts) Regulation 2015

Select Legislative Instrument No. 221, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 10 December 2015

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Anne Ruston

Parliamentary Secretary to the Minister for Agriculture and Water Resources

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1 Name

 This is the *Primary Industries (Customs) Charges Amendment (Sweet Potatoes and Chestnuts) Regulation 2015*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 January 2016. | 1 January 2016 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under the *Primary Industries (Customs) Charges Act 1999.*

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments relating to sweet potatoes

Primary Industries (Customs) Charges Regulations 2000

1 Clause 1.1 of Schedule 10

Insert:

***sweet potato*** means the starchy, tuberous roots of the genus and species known as *Ipomoea batatas*.

2 Paragraph 17.1(g) of Schedule 10

Omit “(other than sweet potatoes)”.

3 After paragraph 17.1(h) of Schedule 10

Insert:

 (ha) sweet potatoes; or

4 At the end of Schedule 10

Add:

Part 30—Sweet potatoes

Division 30.1—Product charge

30.1 Sweet potatoes are chargeable horticultural products

 For the definition of ***chargeable horticultural products*** in clause 1 of Schedule 10 to the Customs Charges Act, sweet potatoes are chargeable horticultural products.

30.2 Rates of charge—marketing component

 For subclause 3(3) of Schedule 10 to the Customs Charges Act, the rate of charge for sweet potatoes is 1% of the free on board value of the sweet potatoes immediately before export.

30.3 Rates of levy—research and development component

 For subclause 3(5) of Schedule 10 to the Customs Charges Act, the rate of charge for sweet potatoes is 0.485% of the free on board value of the sweet potatoes immediately before export.

Note: Charge is not imposed on chargeable horticultural products if the producer has paid levy imposed by Schedule 15 to the Excise Levies Act on those products—see subclause 2(2) of Schedule 10 to the Customs Charges Act.

30.4 What is the eligible industry body for sweet potatoes

 (1) For subclause 5(6) of Schedule 10 to the Customs Charges Act, in relation to a recommendation relating to the marketing component of a charge under this Part, the eligible industry body for sweet potatoes is the Australian Sweetpotato Growers Inc. (ABN 82 577 850 667).

 (2) For subclauses 5(6), (7) and (9) of Schedule 10 to the Customs Charges Act, other than in relation to a recommendation relating to the marketing component of a charge under this Part, the eligible industry is Ausveg Limited (ABN 25 107 507 559).

Division 30.2—Special purpose charges

30.5 PHA charge

 (1) For clause 2 of Schedule 14 to the Customs Charges Act, PHA charge is imposed on sweet potatoes on which charge is imposed by Schedule 10 to the Customs Charges Act.

 (2) For clause 5 of Schedule 14 to the Customs Charges Act, the rate of PHA charge is 0.0150% of the free on board value of the sweet potatoes immediately before export.

 (3) For clause 10 of Schedule 14 to the Customs Charges Act, PHA charge on sweet potatoes is payable by the producer of the sweet potatoes.

Note: In relation to PHA charge, see the *Plant Health Australia (Plant Industries) Funding Act 2002*.

30.6 EPPR charge

 (1) For clause 2 of Schedule 14 to the Customs Charges Act, EPPR charge is imposed on sweet potatoes on which charge is imposed by Schedule 10 to the Customs Charges Act.

 (2) For clause 5 of Schedule 14 to the Customs Charges Act, the rate of EPPR charge on sweet potatoes is nil.

 (3) For clause 10 of Schedule 14 to the Customs Charges Act, EPPR charge on sweet potatoes is payable by the producer of the sweet potatoes.

Note: In relation to EPPR charge, see the *Plant Health Australia (Plant Industries) Funding Act 2002*.

Schedule 2—Amendments relating to chestnuts

Primary Industries (Customs) Charges Regulations 2000

1 Subclause 6.7(2) of Schedule 10

Omit “nil”, substitute “$10 per tonne of chestnuts”.