

## **EXPLANATORY STATEMENT**

Issued by Authority of the Deputy Prime Minister and Minister for Agriculture and Water Resources

*Primary Industries (Excise) Levies Act 1999*

*Primary Industries (Customs) Charges Act 1999*

*Primary Industries (Excise) Levies (Designated Bodies) Amendment Declaration 2017*

*Primary Industry (Customs) Charges (Designated Bodies) Declaration 2017*

### **Legislative Authority**

Part 4, clause 13 of Schedule 27 of the *Primary Industries (Excise) Levies Act 1999* and Part 4, clause 12 of Schedule 14 to the *Primary Industries (Customs) Charges Act 1999* provide that the Minister may, by writing, declare that a specified body is a designated body in relation to one or more specified products.

Section 3 of the *Plant Health Australia (Plant Industries) Funding Act 2002* (PHA Funding Act) defines, for the purposes of that Act, a *relevant Plant Industry Member* for a plant product as the Plant Industry Member that the Minister declares is the designated body for the plant product under:

- (a) clause 13 of Schedule 27 to the *Primary Industries (Excise) Levies Act 1999*; or
- (b) clause 12 of Schedule 14 to the *Primary Industries (Customs) Charges Act 1999*.

### **Purpose**

The purpose of the *Primary Industries (Excise) Levies (Designated Bodies) Amendment Declaration 2017* is to revoke the *Primary Industries (Excise) Levies (Designated Bodies) Declaration 2013* and declare 27 Plant Health Australia (PHA) Industry member organisations as ‘designated bodies’ under clause 13 of Schedule 27 to the *Primary Industries (Excise) Levies Act 1999* (Excise Levies Act).

The purpose of the new *Primary Industry (Customs) Charges (Designated Bodies) Declaration 2017* is to declare 18 PHA industry member organisations as ‘designated bodies’ under clause 12 of Schedule 14 to the *Primary Industries (Customs) Charges Act 1999* (Custom Charges Act).

### **Background**

The *Primary Industries (Excise) Levies (Designated Bodies) Declaration 2013* (Excise Declaration) declares only three industry representative organisations to be designated bodies: Grain Producers Australia Ltd in relation to specified grain products, AUSVEG Ltd in relation to vegetables, potatoes and processing potatoes, and Wine Grape Growers Australia Inc in relation to two grape products.

There are currently no designated bodies declared under the Customs Charges Act.

Levy disbursement payments by the Commonwealth to PHA must be made in accordance with section 4 of the *Plant Health Australia (Plant Industries) Funding Act 2002* (PHA Funding Act). Under the PHA Funding Act, the Commonwealth may make payments to PHA where the industry representative body for a plant product is a 'relevant Plant Industry Member' as defined in section 3 of the PHA Funding Act.

To meet the definition of 'relevant Plant Industry Member', the PHA industry member must be declared under either clause 13 of Schedule 27 to the Excise Levies Act or clause 12 of Schedule 14 to Customs Charges Act, as the 'designated body' for the leviable plant products it represents.

If a PHA industry member does not meet the definition of 'relevant Plant Industry Member' under the PHA Funding Act, the Commonwealth is not authorised to disburse PHA levies to PHA under section 4 of the PHA Funding Act for the leviable products represented by that body.

### **Impact and Effect**

The declarations will ensure all PHA industry member organisations meet the definition of 'relevant Plant Industry Member' and provide clear legislative authority for the Commonwealth to make levy disbursement payments to PHA under section 4 of the PHA Funding Act.

There are no practical or procedural implications for levy payers. The PHA levy will continue to be collected by the Commonwealth. The levy amounts that industry members pay, and the mechanisms through which they are paid, will not change.

### **Consultation**

The department consulted PHA on the declarations and is liaising with PHA to notify members of the changes. The Office of Best Practice Regulation has advised that a regulation impact statement is not required (ID 22510).

### **Details / Operation**

Details of the declarations are set out in Attachments A and B.

The declarations are 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 the Attachment C.

The declarations are legislative instruments for the purposes of the *Legislation Act 2003*.

**Details of the Primary Industries (Excise) Levies (Designated Bodies) Amendment Declaration 2017**

**Section 1 – Name**

This section provides that the name of the Declaration is the *Primary Industries (Excise) Levies (Designated Bodies) Amendment Declaration 2017*.

**Section 2 – Commencement**

This section provides for the Declaration to commence the day after the instrument is registered.

**Section 3 – Authority**

This section provides that the Declaration is made under the *Primary Industries (Excise) Levies Act 1999*.

**Section 4 – Schedule**

This section provides for the *Primary Industries (Excise) Levies (Designated Bodies) Declaration 2013* to be amended as set out in Schedule 1.

**Schedule 1**

Item 1 repeals section 4 of the *Primary Industries (Excise) Levies (Designated Bodies) Declaration 2013* and substitutes a new section 4 listing declaring 27 Plant Health Australia industry member organisations, declaring each as designated bodies for a specified product or products.

**Details of the Primary Industry (Customs) Charges (Designated Bodies) Declaration 2017**

Section 1 – Name

This section provides that the name of the Declaration is the *Primary Industry (Customs) Charges (Designated Bodies) Declaration 2017*.

Section 2 – Commencement

This section provides for the Declaration to commence the day after it the instrument is registered.

Section 3 – Authority

This section provides that the Declaration is made under the *Primary Industries (Customs) Charges Act 1999*.

Section 4 – Designated bodies

This section declares eighteen Plant Health Australia industry member organisations as designated bodies for a specified product or products.

## **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) Amendment Declaration 2017***

### ***Primary Industry (Customs) Charges (Designated Bodies) Declaration 2017***

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 *Primary Industries (Excise) Levies (Designated Bodies) Amendment Declaration 2017* is to declare twenty-four additional Plant Health Australia industry member organisations as ‘designated bodies’ under clause 13 of Schedule 27 to the *Primary Industries (Excise) Levies Act 1999*.

The purpose of the new *Primary Industry (Customs) Charges (Designated Bodies) Declaration 2017* is to declare eighteen Plant Health Australia industry member organisations as ‘designated bodies’ under clause 12 of Schedule 14 to the *Primary Industries (Customs) Charges Act 1999*.

### **Human rights implications**

These Legislative Instruments do not engage any of the applicable rights or freedoms.

### **Conclusion**

These Legislative Instruments are compatible with human rights as they do not raise any human rights issues.

**The Hon. Barnaby Joyce MP**  
**Deputy Prime Minister and Minister for Agriculture and Water Resources**