

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Agriculture and Water Resources

Primary Industries Levies and Charges Collection Act 1991

Primary Industries Levies and Charges Collection Amendment (Honey) Regulations 2018

The *Primary Industries Levies and Charges Collection Act 1991* (the Act) makes provision for the rationalisation and efficient and effective collection of primary industry levies and charges.

Section 30 of the Act provides that the Governor-General may make regulations not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The *Primary Industries Levies and Charges Collection Amendment (Honey) Regulations 2018* (the Regulations) is a minor corrective amendment to Schedule 21 (Honey) to the *Primary Industries Levies and Charges Collection Regulations 1991* (PILCC Regulations).

The Regulations correct an inaccurate figure in Clause 11B(1)(c) of Schedule 21 to the PILCC Regulations, which requires honey levy payers, when applying for an exemption from lodging quarterly returns, to include a statement that they believe that the amount of the levy and charge is, or is likely to be, less than \$2,000. The correct figure should be \$4,000, which is referenced in paragraph 11A of Schedule 21 to the PILCC Regulations. Paragraph 11A provides that a honey levy payer may apply for an exemption from lodging quarterly returns for a levy year if they have reasonable grounds for believing that the sum of levy and charge payable for the year is, or is likely to be, less than \$4,000.

On 1 July 2015, the overall liability of honey levy payers, through the imposition of both a honey levy and a honey charge, doubled from 2.3 cents to 4.6 cents per kilogram of honey. In line with this, the sum of levy and charge below which a honey levy payer is eligible to apply for an exemption from lodging quarterly returns doubled from \$2,000 to \$4,000.

The *Primary Industries Levies and Charges Collection Amendment (Sweet Potatoes and Honey) Regulation 2015* amended paragraph 11A of Schedule 21 to the PILCC Regulations to reflect this change. However, paragraph 11B(1)(c) of Schedule 21 was not amended. This discrepancy was identified within the Department of Agriculture and Water Resources. The proposed Regulations amend the figure in paragraph 11B(1)(c) of Schedule 21 so that the levy and charge referenced in a honey levy payer's statement when applying for an exemption reflects the correct amount of \$4,000. This change is in line with industry's original request. No additional consultation was undertaken with industry.

Details of the Regulations are set out in Attachment A.

The Act specifies no conditions that need to be satisfied before the power to make the proposed Regulations may be exercised.

The Regulations 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 Attachment B.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

Authority: Section 30 of the
*Primary Industries Levies
and Charges Collection
Act 1991*

Details of the *Primary Industries Levies and Charges Collection Amendment (Honey) Regulations 2018*

Section 1 – Name

This section provides that the name of the instrument is the *Primary Industries Levies and Charges Collection Amendment (Honey) Regulations 2018*.

Section 2 – Commencement

This section provides for the instrument to commence on 1 July 2018.

Section 3 – Authority

This section provides that the instrument is made under the *Primary Industries Levies and Charges Collection Act 1991*.

Section 4 – Schedules

This section provides that the instrument is amended as set out in Schedule 1.

Schedule 1 – Amendments

Primary Industries Levies and Charges Collection Regulations 1991

Item 1 - Paragraph 11B(1)(c) of Schedule 21

This item omits the figure “\$2 000” and substitutes the figure “\$4,000” to reflect the amount of levy and charge referenced in a honey levy payer’s statement when applying for an exemption, consistent with the figure set out in paragraph 11A of Schedule 21 to the *Primary Industries Levies and Charges Collection Regulations 1991*.

Statement of Compatibility with Human Rights

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

Primary Industries Levies and Charges Collection Amendment (Honey) Regulations 2018

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 *Primary Industries Levies and Charges Collection Amendment (Honey) Regulations 2018* (the Regulations) provide a corrective amendment to Clause 11B(1)(c) of Schedule 21 to the *Primary Industries Levies and Charges Regulations 1991* (PILCC Regulations) for consistency with Clause 11A of Schedule 21. Clause 11B(1)(c) of Schedule 21 should refer to \$4,000 as the amount of levy and charge referenced in a honey levy payer's statement when applying for an exemption consistent with the figure referenced in Clause 11A of Schedule 21 to the PILCC Regulation.

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. David Littleproud MP
Minister for Agriculture and Water Resources