



Fisheries Research and Development Corporation Amendment (Farmed Prawns) Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 28 November 2019

David Hurley
Governor-General

By His Excellency's Command

Bridget McKenzie
Minister for Agriculture

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1 Name

This instrument is the *Fisheries Research and Development Corporation Amendment (Farmed Prawns) Regulations 2019*.

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 2020.	1 January 2020

Note: This table relates only to the provisions of this instrument as originally made.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 Research and Development Act 1989*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Fisheries Research and Development Corporation Regulations 1991

1 Regulation 4B (heading)

Omit “farmed prawns”, substitute “product levies on farmed prawns”.

2 After regulation 4B

Insert:

4BA Levies attached to the Corporation—white spot disease repayment levies on farmed prawns

Interpretation

(1) In this regulation:

final repayment year means the first financial year ending after the commencement of this regulation when the outstanding industry debt at the end of the year is nil.

final repayment year surplus means the amount that is the difference between:

- (a) the total repayment levies amount for the final repayment year; and
- (b) the outstanding industry debt at the end of the financial year immediately preceding the final repayment year.

first repayment year means the financial year ending on 30 June 2020.

indexation factor for a financial year has the meaning given by subregulations (8) and (9).

index number for a financial year means the All Groups Consumer Price Index number (being the weighted average of 8 capital cities) published by the Australian Statistician for that year.

later repayment year means a financial year commencing on or after 1 July 2020.

outstanding industry debt at the end of a financial year has the meaning given by subregulations (5) and (6).

repayment levy means:

- (a) the levy referred to in paragraph (2)(a); or
- (b) the charge referred to in paragraph (2)(b).

total repayment levies amount for a financial year means the amount worked out by:

- (a) calculating the total amount of all repayment levies received by the Commonwealth during the financial year; and
- (b) adding any amounts of penalty received by the Commonwealth during the financial year for non-payment of repayment levy; and

- (c) subtracting any overpaid amounts of repayment levy, and any overpaid amounts of penalty for non-payment of repayment levy, that were refunded by the Commonwealth during the financial year (whether or not those overpaid amounts were received by the Commonwealth during the financial year).

Note: Section 18 of the *Primary Industries Levies and Charges Collection Act 1991* deals with refunds of the overpaid amounts referred to in paragraph (c).

Repayment levies attached to the Corporation

- (2) For the purposes of paragraph 5(1)(a) of the Act, the following levies are attached to the Corporation:
- (a) the levy imposed by Division 3.3 of Schedule 27 to the *Primary Industries (Excise) Levies Regulations 1999*;
 - (b) the charge imposed by Division 2.3 of Schedule 14 to the *Primary Industries (Customs) Charges Regulations 2000*.

Research component of repayment levies

- (3) For the purposes of paragraph 5(3)(a) of the Act, the research component of a levy referred to in paragraph (2)(a) or (b) of this regulation (the **relevant repayment levy**) is the sum of the following amounts:
- (a) the amount of the final repayment year surplus that is attributable to the relevant repayment levy (as worked out under subregulation (4));
 - (b) any amounts of the relevant repayment levy that are due for payment before the end of the final repayment year but are not received by the Commonwealth before the end of that year;
 - (c) any amounts of the relevant repayment levy that are due for payment after the end of the final repayment year.

Note: For when the relevant repayment levy is due for payment, see Part 3 of Schedule 37 to the *Primary Industries Levies and Charges Collection Regulations 1991*.

- (4) The amount of the final repayment year surplus that is attributable to a levy referred to in paragraph (2)(a) or (b) (the **relevant repayment levy**) is worked out using the following formula:

$$\frac{\text{Relevant repayment levy amount for the final repayment year}}{\text{Total repayment levies amount for the final repayment year}} \times \text{Final repayment year surplus}$$

where:

relevant repayment levy amount for the final repayment year means the amount worked out by:

- (a) calculating the total amount of the relevant repayment levy received by the Commonwealth during the final repayment year; and
- (b) adding any amounts of penalty received by the Commonwealth during the final repayment year for non-payment of the relevant repayment levy; and
- (c) subtracting any overpaid amounts of the relevant repayment levy, and any overpaid amounts of penalty for non-payment of the relevant repayment levy, that were refunded by the Commonwealth during the final repayment

year (whether or not those overpaid amounts were received by the Commonwealth during the final repayment year).

Outstanding industry debt

- (5) The **outstanding industry debt** at the end of the financial year ending on 30 June 2019 is \$3,998,312.
- (6) The **outstanding industry debt** at the end of a financial year commencing on or after 1 July 2019 (the **relevant repayment year**) is:
- (a) if the total repayment levies amount for the relevant repayment year is less than the outstanding industry debt at the end of the immediately preceding financial year—the amount worked out by calculating the difference between that outstanding industry debt and the total repayment levies amount for the relevant repayment year and multiplying that difference by the indexation factor for the relevant repayment year; or
 - (b) otherwise—nil.
- (7) For the purposes of subregulation (6), the outstanding industry debt at the end of a financial year is to be rounded to the nearest whole cent (rounding 0.5 cents upwards).

Indexation factor

- (8) The **indexation factor** for the first repayment year is the number worked out using the following formula:

$$\frac{A - \left(\frac{A - B}{2} \right)}{B}$$

where:

A is the index number for the first repayment year.

B is the index number for the financial year immediately preceding the first repayment year.

- (9) The **indexation factor** for a later repayment year is the number worked out by dividing the index number for the later repayment year by the index number for the financial year immediately preceding the later repayment year.
- (10) An indexation factor worked out under subregulation (8) or (9) is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (11) In working out an indexation factor under subregulation (8) or (9):
- (a) use only index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
 - (b) disregard index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Primary industry to which repayment levies relate

- (12) For the purposes of paragraph 5(3)(b) of the Act, the fishing industry is the primary industry to which each repayment levy relates.