

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

**NATIONAL RESIDUE SURVEY (EXCISE)
LEVY AMENDMENT BILL 1999**

REVISED EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Agriculture, Fisheries and Forestry,
the Hon Mark Vaile, MP)

**THIS MEMORANDUM TAKES ACCOUNT OF AMENDMENTS MADE BY
THE HOUSE OF REPRESENTATIVES TO THE BILLS AS INTRODUCED**

NATIONAL RESIDUE SURVEY (EXCISE) LEVY AMENDMENT BILL 1999

GENERAL OUTLINE

The proposed amendments to the *National Residue Survey (Excise) Levy Act 1998* are intended to ensure consistency between that Act and the proposed *Primary Industries (Excise) Levies Act 1999*.

The proposed amendments are required because of the proposed repeal of existing levies legislation and its replacement by the *Primary Industries (Customs) Charges Act 1999* and *Primary Industries (Excise) Levies Act 1999*.

FINANCIAL IMPACT STATEMENT

There will be no financial impact on the Commonwealth. The intent of this Bill is to provide for consequential amendments, primarily of a definitional nature, which are required as a result of the proposed enactment of the *Primary Industries (Excise) Levies Act 1999*.

NOTES ON CLAUSES

Clause 1 - Short Title

This clause provides for the Act to be called the *National Residue Survey (Excise) Levy Amendment Act 1999*.

Clause 2 - Commencement

This clause provides for the Act to commence on commencement of section 1 of the *Primary Industries (Excise) Levies Act 1999*.

Clause 3 - Schedule(s)

This clause provides that the Acts referred to in the Schedules are amended or repealed as set out in the relevant Schedule, and any other item in a Schedule to this Act has effect according to its terms.

SCHEDULE 1 - AMENDMENT OF THE NATIONAL RESIDUE SURVEY (EXCISE) LEVY ACT 1999

Subclause 1(1) of Schedule 1 (definitions of *cattle*, *dairy cattle*, *licensed dairy farmer* and *lot-fed cattle*)

The *Cattle Transactions Levy Act 1997* is being repealed by the *Primary Industries Levies and Charges (Consequential Amendments) Act 1999* and replaced by Schedule 3 of that Act. This amendment will ensure consistency between the definitions of “cattle”, “dairy cattle”, “licensed dairy farmer” and “lot fed cattle” used in the *National Residue Survey (Excise) Levy Act 1998* and the *Primary Industries (Excise) Levies Act 1999*.

Subparagraph 2(2)(d)(iii) of Schedule 1

The *Beef Production Levy Act 1990* is being repealed by the *Primary Industries Levies and Charges (Consequential Amendments) Act 1999* and replaced by Schedule 1 of that Act. This amendment will ensure consistency between the definitions used in the *National Residue Survey (Excise) Levy Act 1998* and the *Primary Industries (Excise) Levies Act 1999*.

Paragraph 3(1)(c) of Schedule 1 (rate of levy)

After paragraph 3(1)(c) of Schedule 1 (rate of levy)

These items amend the NRS legislation so that the grass fed and lot fed components of the cattle transaction levy can be clearly and separately identified. The change has been requested by the Cattle Council of Australia and the Australian Lot Feeders' Association. The initial operative rate and maximum rate will be the same, with future operative rates to be changed by regulation.

The item will also make the NRS legislation consistent with the cattle transactions provisions in the *Primary Industries (Excise) Levies Bill 1999*, in which the grass fed and lot fed components are separate.

Clause 1 of Schedule 2

This item provides for the insertion of the definition of *leviable amount* in relation to coarse grains. The leviable amount for leviable coarse grains is \$25.00 in a levy year unless another amount is prescribed. A levy year is a financial year.

After subclause 5(1) of Schedule 2

After subclause 5(2) of Schedule 2

These items are required because of a change to the legislation for the imposition of levy on coarse grains in Schedule 4 to the *Primary Industries (Excise) Levies Act 1999*, which provides for the exemption from levy of leviable coarse grain which are either processed by the producer for commercial use, or where the amount of levy payable in a levy year on leviable coarse grain which is either delivered or processed would be less than the leviable amount. The leviable amount is set at \$25.00 in a levy year unless another amount is prescribed.

Clause 2 of Schedule 3

This item amends the definition of the National Residue Survey Levy on relevant dairy produce to ensure that the provisions for the imposition of this levy remain in place beyond 30 June 2000. This aspect of the National Residue Survey Levy on relevant dairy produce becomes consistent with National Residue Survey legislation for other rural industries.

Clause 1 of Schedule 4

This item redefines dried vine fruits to include new grape varieties and existing tablegrape varieties which are increasingly being dried, processed and marketed. It is required as a consequence of a change to Schedule 9 to the *Primary Industries (Excise) Levies Bill 1999*.

Clause 1 of Schedule 6

This item reduces the annual levy liability threshold for grain legumes from \$50 to \$25 in a levy year, below which levy on grain legumes is not imposed. The item is required as a consequence of a change to the definition of leviable amount in the Schedule 12 to the *Primary Industries (Excise) Levies Bill 1999*.

Paragraph 2(2)(d) of Schedule 7

This item amends a reference in the *National Residue Survey (Excise) Levy Act 1998* to the *Honey Levy Act (No 1) 1962* to refer to the *Primary Industries (Excise) Levies Act 1999* Schedule 14 of which replaces the (repealed) *Honey Levy Act (No 1) 1962*.

Clause 1 of Schedule 9 (definition of *horticultural products*)

The *Horticultural Levy Act 1987* is repealed by the *Primary Industries (Excise) Levies Act 1999* and replaced by Schedule 15 of that Act. This amendment will ensure consistency between the definitions of “horticultural products” used in the *National Residue Survey (Excise) Levy Act 1998* and the *Primary Industries (Excise) Levies Act 1999*.

Clause 4 of Schedule 10

This item redefines who is liable to pay the levy to reflect the fact that the hatchery is responsible for payment of the levy. It is required as a consequence of a change to the corresponding clause in Schedule 17 to the *Primary Industries (Excise) Levies Bill 1999*.

Subclause 1(2) of Schedule 12

This item repeals a definition, which is no longer relevant because of the separate development of the chicken meat and egg industries since the *Meat Chicken Levy Act 1969*. It is required as a consequence of the repeal of the corresponding clause in Schedule 19 to the *Primary Industries (Excise) Levies Bill 1999*.

Clause 1 of Schedule 13 (paragraph (a) of the definition of *leviable amount*)

This item reduces the annual levy liability threshold for oilseeds from \$50 to \$25 in a levy year, below which levy on oilseeds is not imposed. The item is required as a consequence of a change to the definition of *leviable amount* in the Schedule 20 to the *Primary Industries (Excise) Levies Bill 1999*.

Subclause 1(1) of Schedule 15 (definitions of *lamb, sheep and slaughter*)

The *Live-stock Transactions Levy Act 1997* is repealed by the *Primary Industries (Excise) Levies Act 1999* and replaced by Schedule 18 of that Act. This amendment will ensure consistency between the definitions of “lamb”, “sheep” and “slaughter” used in the *National Residue Survey (Excise) Levy Act 1998* and the *Primary Industries (Excise) Levies Act 1999*.

Application of amendments

The *National Residue Survey (Excise) Levy Amendment Bill 1999* will commence on the commencement date of the *Primary Industries (Excise) Levy Bill 1999*. To avoid any doubt about the commencement date of the amendments, this item has been included to make it clear that those amendments will apply to *leviable transactions*, which occur on or after the commencement date of the new Act.