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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

NATIONAL RESIDUE SURVEY LEVIES REGULATIONS (VALIDATION AND
COMMENCEMENT OF AMENDMENTS) BILL 1999

EXPLANATORY MEMORANDUM

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

NATIONAL RESIDUE SURVEY LEVIES REGULATIONS (VALIDATION AND COMMENCEMENT OF AMENDMENTS) BILL 1999

OUTLINE

This Bill corrects an inconsistency between the starting dates of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* (National Residue Survey Levy Regulations) and amendments made to these regulations by Statutory Rules 1998 No. 182.

As a consequence of this inconsistency sheep traders liable to pay a 'per head' National Residue Survey levy on sheep transactions were unintentionally liable for a higher levy rate than that collected from 1 August 1998. Similarly, lamb traders were technically liable for a lower 'per head' National Residue Survey levy rate than that collected.

The purpose of Statutory Rules 182 was to make a last minute amendment at industry request to the 'per head' rate of National Residue Survey sheep and lamb transactions contained in Part 17 of the NRS Levy Regulations.

The Chief General Counsel, Attorney-Generals Department delivered an opinion on 6 May 1999 based on a request from the Standing Committee on Regulations and Ordinances (SCRO). The Standing Committee's concern was that an inconsistency between the starting dates expressed in the National Residue Survey Levy Regulations and Statutory Rules 182 was not covered by section 4 of the *Acts Interpretation Act 1901* and that Statutory Rules 182 was invalid.

The Chief General Counsel ruled that Statutory Rules 182 had been validly made but had failed to commence at the same time, 1 August 1998, as the National Residue Survey Levy Regulations. This opinion meant that the 'per head' National Residue Survey levy rate for sheep and lamb transactions first struck in April 1998 was technically the operative levy rate that should have applied to 'per head' sheep and lamb transactions from 1 August 1998; not the rate contained in Statutory Rules 182.

The impact on levy payers has been nil, and there has been no impact on the operation of the National Residue Survey sheepmeat residue monitoring program, as revenue has been received at the rate agreed to by industry as being necessary to fund the program.

FINANCIAL IMPACT STATEMENT

The proposed amendments will have no financial implications for the Commonwealth.

NOTES ON CLAUSES**Clause 1: Short title**

This clause provides for the short title of the Act to be the *National Residue Survey Levies Regulations (Validation and Commencement of Amendments) Act 1999*.

Clause 2: Commencement

This clause provides that the Act comes into effect on Royal Assent.

Clause 3: Validation and commencement of regulations

Section 1 of this clause allows for the Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998 (Amendment) (Statutory Rules No. 182 of 1998) to be validated and to have commenced on 1 August 1998.

Section 2 of this clause allows for any other regulations that amended the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* to have the same effect if the regulations referred to in section 1 had commenced on 1 August 1998.