



National Residue Survey (Customs) Levy Amendment Bill 2005

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National Residue Survey (Customs) Levy Amendment Bill 2005

Date Introduced: 23 June 2005

House: House of Representatives

Portfolio: Agriculture, Fisheries and Forestry

Commencement: On Royal Assent.

Purpose

To allow the funds for monitoring the levels of chemical and other residues in several categories of apples and pears to be increased, by increasing the maximum levy rates and the operative levy rates contained in [Schedule 4](#) of the [National Residue Survey \(Customs\) Levy Act 1998](#) (the Act). The changes apply to goods exported from Australia.

Background

See the Bills Digest no. 3, 2005–06 for the National Residue Survey (Excise) Levy Amendment Bill 2005.¹

Basis of policy commitment/position of significant interest groups

See Bills Digest no. 3, 2005–06 for the National Residue Survey (Excise) Levy Amendment Bill 2005.

Main Provisions

Subclause 4(1) of Schedule 4 of the Act provides:

The rate of National Residue Survey Levy imposed by this Schedule on apples is 0.06 cents per kilogram or, if another rate (not exceeding 0.06 cents per kilogram) is prescribed by the regulations, the other rate.

Item 1 of Schedule 1 amends this subclause by substituting 0.075 for 0.06 cents per kilogram where it first appears, while **Item 2** substitutes 0.1 cent per kilogram where 0.06 cents per kilogram appears the second time. The effect is to increase both the operative rate and the maximum rate.

Subclause 4(2) of Schedule 4 of the Act provides:

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

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The rate of National Residue Survey Levy imposed by this Schedule on pears is 0.06 cents per kilogram or, if another rate (not exceeding 0.06 cents per kilogram) is prescribed by the regulations, the other rate.

Item 3 of Schedule 1 amends subclause 4(2) by substituting 0.075 for 0.06 cents per kilogram where it first appears, while **Item 4** substitutes 0.1 of a cent per kilogram where 0.06 cents per kilogram appears the second time. Again, the effect is to increase both the operative rate and the maximum rate.

Concluding Comments

See Bills Digest no. 3, 2005–06 for the National Residue Survey (Excise) Levy Amendment Bill 2005.

Note that levies must be imposed on exports as well as product sold domestically to ensure that product is treated the same irrespective of where it is sold.

Two Bills are required to satisfy section 55 of the Constitution which, in part, provides that ‘laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only’.

Endnotes

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- 1 See: <http://www.aph.gov.au/library/pubs/bd/2005-06/06bd003.pdf>

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