



# Modernising the agricultural levies legislation

## Summary of 2023 Exposure Draft Consultation

Department of Agriculture, Fisheries and Forestry

Agricultural Policy Division

## Modernising the agricultural levies legislation

The department is streamlining and modernising the agricultural levies legislation. The current legislation has been in place since 1989 and has grown over time. Currently there are over 50 pieces of legislation governing over 110 levies across over 75 commodities and 18 levy recipient bodies. A number of these legislative instruments are due to sunset on 1 April 2025. New, streamlined legislation has been drafted to replace the existing agricultural levies legislative framework.

## Consultation scope and method

The department undertook public consultation on the draft agricultural levies legislation between 1 May 2023 and 5 June 2023. The following draft Bills, regulations, rules and accompanying factsheets were exposed for feedback:

- Draft Primary Industries (Excise) Levies Bill 2023 (Excise Bill), draft Primary Industries (Customs) Charges Bill 2023 (Customs Bill), draft Primary Industries (Services) Levies Bill 2023 (Services Bill), draft Primary Industries (Excise) Levies Regulations 2023, draft Primary Industries (Customs) Charges Regulations 2023 and accompanying fact sheets.
- Draft Primary Industries Levies and Charges Collection Bill 2023 (Collection Bill), draft Primary Industries Levies and Charges Collection Rules 2023 and accompanying fact sheets.
- Draft Primary Industries Levies and Charges Disbursement Bill 2023 (Disbursement Bill), draft Primary Industries Levies and Charges Disbursement Rules 2023 and accompanying factsheets.
- The draft regulations and rules mentioned above included details of levies and charges for 21 commodities as examples of how all levies and charges would be imposed, collected and disbursed under the new framework. Accompanying factsheets were also provided for each of those commodities.
- FAQ and overview factsheets.

The draft legislation and factsheets were published on the department's [‘Have Your Say’](#) webpage, along with surveys to guide feedback. During consultation, approximately 2,500 visits were made to the webpage, with 439 subscribers and 51 survey responses received.

The department emailed approximately 8,000 stakeholders, including industry representative bodies (IRBs), research and development corporations (RDCs), Animal Health Australia, Plant Health

Australia and levy collection agents notifying them of the published material on the Have Your Say webpage, and encouraging them to participate in the surveys and to register as a subscriber to remain updated about further consultation proposed for 2024. During and after the consultation period, the department also held meetings with stakeholders.

Twelve stakeholders made written submissions in addition to their survey response or as an alternative to completing a survey. Written submissions provided comments on the draft Bills, raised matters relevant to their respective organisation or sought further information on specific matters.

A total of 63 survey responses and written submissions were received from industry representative bodies, levy and charge payers, other organisations/stakeholders, businesses and individuals.

## Consultation responses

Consultation showed there is continued support for modernising and streamlining the agricultural levies legislation and the draft Bills generally. Feedback indicated the draft Bills were simpler and easier to understand.

Some responses raised issues specific to individual stakeholders, such as seeking clarification on certain provisions and assurances that there would be no change for them in practice. Others noted that the consultation period was too short, that there was a large amount of material to review or that they were unable to provide feedback without all of the draft regulations and rules being made available.

### Imposition and Collection

Responses provided for the Imposition and Collection Bills included views on the disclosure and use of information, and on offences, and made suggestions for improving compliance. Stakeholders also emphasised the importance of making sure the role of IRBs in consultation on establishing or amending levies was adequately expressed. Respondents also identified the need for communication and education to help improve understanding of the proposed legislation and increase compliance.

Limited feedback was received on the draft regulations and rules, most likely because draft levies and charges were not available for all commodities. There will be a further opportunity for stakeholders to provide feedback on the draft regulations and rules when more comprehensive versions are published for consultation in 2024.

### Disbursement

Responses provided for the Disbursement Bill indicated support for the proposed removal of the total levies limit (currently one of the three limits on Commonwealth matching funding to the RDCs), and the proposed methodology for the determination of the GVP limit, including calculating the average GVP based on three previous rather than the current and two previous years. Some respondents raised concern around the timing of when the determinations would be made each year and suggested that a date be included in the Disbursement Bill to provide certainty to RDCs on when the GVP limit will be known.

Some stakeholders suggested that the definition for 'research and development' could be modernised to reflect current activities of RDCs better, which included capacity building, public extension and a broad range of communication activities.

## Communication and education

Several respondents identified the need for communication and education to support implementation of the proposed new framework. It was highlighted that any changes to levy collection due dates and payment dates that would impact on industry should be clearly identified and communicated, and that an education campaign for levy payers, levy collection agents and IRBs would be useful.

## Next steps

The department considered the feedback and adjusted the draft Bills, regulations and rules as required.

The Bills were introduced into Parliament on 18 October 2023. The Bills were passed by the House of Representatives on 15 November 2023 and were introduced in the Senate on 16 November 2023.

Draft regulations and rules, including for those levies and charges that were not available at the time of the 2023 exposure draft consultation will be exposed for industry and public consultation in early 2024.

### Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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