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**Grain Legumes Levy Act 1985**

**No. 106 of 1985**

**An Act to impose a levy on certain grain legumes produced in Australia**

[*Assented to 16 October 1985*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title**

**1.** This Act may be cited as the *Grain Legumes Levy Act 1985.*

**Commencement**

**2. (1)** Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.

**(2)** The remaining provisions of this Act shall come into operation on a day to be fixed by Proclamation.

**Acts to be read as one**

**3.** The *Grain Legumes Levy Collection Act 1985* is incorporated, and shall be read as one, with this Act.

**Interpretation**

**4. (1)** In this Act, unless the contrary intention appears—

“grower”, in relation to leviable grain legumes, means—

(a) except where paragraph (b) applies—the person who owns the grain legumes immediately after they are harvested; or

(b) where, under a marketing law, the grain legumes vest in a board or authority at or before that time—the person who would have owned the grain legumes at that time, but for that law;

“growers’ organisation” means the organisation known as the Australian Wheatgrowers’ Federation or such other organisation as is from time to time prescribed for the purposes of this definition;

“leviable grain legumes” means—

(a) the seeds of lupins or field peas; or

(b) the seeds of any other leguminous plants, being seeds of a kind that is or kinds that are from time to time prescribed for the purposes of this definition;

“leviable weight”, in relation to a levy year, means 15 tonnes or, if, before the commencement of the levy year, another weight is prescribed in relation to that year, that prescribed weight;

“levy” means an amount of levy imposed by this Act;

“levy year” means—

(a) the period commencing on the day fixed by Proclamation for the purposes of sub-section 2 (2) and ending on the 30 September next following that day; or

(b) the year commencing on the 1 October next following the 30 September referred to in paragraph (a) or any subsequent year;

“marketing law” means a law of a State or Territory relating to the marketing of leviable grain legumes;

“processing”, in relation to leviable grain legumes, means the hulling, crushing (whether or not for the production of meal), packing for sale or any other treatment of leviable grain legumes other than a treatment consisting only of cleaning or drying the grain legumes.

**(2)** Where—

(a) a grower of leviable grain legumes causes or permits those grain legumes to be delivered to another person or allows another person to take those grain legumes out of the grower’s possession or control; or

(b) leviable grain legumes are taken out of the possession or control of the grower by another person pursuant to a marketing law,

the grower of those leviable grain legumes shall, for the purposes of this Act, be deemed to have delivered those grain legumes to that other person.

**(3)** Where a grower of leviable grain legumes delivers those grain legumes to a person for carriage (either by that person or by a succession of persons

commencing with that person) to another person otherwise than for further carriage, the delivery shall, for the purposes of this Act, be deemed to have been to that last-mentioned person.

**(4)** If the ownership of leviable grain legumes passes from the grower of those grain legumes to a person in a way that does not involve, or to a number of persons in succession, in ways none of which involves, the delivery of those grain legumes to any person, a reference in this Act to the grower shall, in relation to those grain legumes, be read as a reference to that person or to the last of those persons, as the case may be.

**(5)** Where, by virtue of a regulation made for the purposes of the definition of “leviable grain legumes” in sub-section (1), seeds of a particular kind or kinds commence to be leviable grain legumes during a levy year, a reference in this Act to “leviable grain legumes” delivered or processed in that year shall not be read as including a reference to any seeds of the kind or kinds prescribed by that regulation that were delivered or processed, as the case may be, before the date of commencement of that regulation.

**Act to bind Crown**

**5.** This Act binds the Crown in right of the States, of the Northern Territory and of Norfolk Island.

**Imposition of levy**

**6. (1)** Subject to this Act, levy is imposed on leviable grain legumes produced in Australia.

**(2)** Levy is not payable on leviable grain legumes unless, on or after the date that is the relevant date in relation to the grain legumes, the grower of the grain legumes—

(a) delivers the grain legumes to another person, otherwise than for storage on behalf of the grower; or

(b) processes the grain legumes.

**(3)** In sub-section (2), the “relevant date” means—

(a) in relation to the seeds of lupins or field peas—the day that is fixed by Proclamation for the purposes of sub-section 2 (2); and

(b) in relation to grain legumes of a kind or kinds prescribed by regulation for the purposes of the definition of “leviable grain legumes” in sub-section 4 (1)—the date of commencement of that regulation.

**Rate of levy**

**7.** The rate of levy in respect of leviable grain legumes is $0.75 per tonne or such other rate (not being a rate higher than $2.60 per tonne) as is from time to time prescribed for the purposes of this section.

**By whom levy payable**

**8.** Levy on leviable grain legumes is payable by the grower of the grain legumes.

**Exemption from levy**

**9. (1)** Where the weight of leviable grain legumes delivered to a particular person in a levy year by growers of grain legumes is less than the leviable weight, levy is not imposed on those grain legumes.

**(2)** Where—

(a) leviable grain legumes produced by a grower are processed by or for the grower; and

(b) those grain legumes, or all the products and by-products of the processing of those grain legumes, are used by the grower for domestic purposes or on the grower’s farm,

levy is not imposed on those grain legumes.

**(3)** Where the weight of leviable grain legumes produced by a grower that is processed by the grower in a levy year (other than leviable grain legumes processed by the grower on which levy is not imposed by virtue of sub-section (2)) is less than the leviable weight, levy is not imposed on those leviable grain legumes.

**Regulations**

**10. (1)** The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**(2)** Before making regulations for the purposes of—

(a) the definition of “leviable weight” in sub-section 4 (1);

(b) the definition of “leviable grain legumes” in sub-section 4 (1); or

(c) section 7,

the Governor-General shall take into consideration any relevant recommendation made to the Minister by the growers’ organisation.

[*Minister’s second reading speech made in—*

*House of Representatives on 22 August 1985*

*Senate on 8 October 1985*]