



Primary Industries (Excise) Levies Amendment Act 2013

No. 145, 2013

**An Act to amend the law relating to primary
industry levies, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 145, 2013

An Act to amend the law relating to primary industry levies, and for related purposes

[Assented to 13 December 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Primary Industries (Excise) Levies
Amendment Act 2013*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	13 December 2013
2. Schedule 1	The day this Act receives the Royal Assent.	13 December 2013
3. Schedule 2, Part 1	At the same time as the provision(s) covered by table item 2. However, the provision(s) do not commence at all if Schedule 1 to the <i>Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Act 2013</i> commences at or before that time.	13 December 2013
4. Schedule 2, Part 2, item 4	Immediately after the commencement of Schedule 1 to the <i>Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Act 2013</i> . However, the provision(s) do not commence at all if the provision(s) covered by table item 3 do not commence.	1 July 2014
5. Schedule 2, Part 2, items 5 and 6	The later of: (a) the start of the day on which this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Act 2013</i> . However, the provision(s) do not commence	1 July 2014 (paragraph (b) applies)

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Primary Industries (Excise) Levies Act 1999

1 Section 3

Omit “sets out”, substitute “also deals with”.

2 Paragraph 3(1)(a) of Schedule 1

Omit “(not exceeding 6 cents)”.

3 Paragraph 3(1)(b) of Schedule 1

Omit “(not exceeding 1 cent)”.

4 Subclause 5(1) of Schedule 1

Omit “recommendation”, substitute “recommendations”.

5 At the end of clause 5 of Schedule 1

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 3(1)(a) or 3(1)(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:
 - (a) in relation to regulations for the purposes of paragraph 3(1)(a) of this Schedule—the body declared under section 60 of the *Australian Meat and Live-stock Industry Act 1997* to be the meat processor marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 3(1)(b) of this Schedule—the body declared under section 60 of the *Australian Meat and Live-stock Industry Act 1997* to be the meat processor research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the levy concerned.
- (5) The regulations must not, for the purposes of paragraph 3(1)(a) or 3(1)(b) of this Schedule, prescribe an amount greater than the

amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

6 Paragraph 2(a) of Schedule 2

Omit “(not exceeding \$18.00)”.

7 Clause 2 of Schedule 2 (note 1)

Omit “*and Energy*”.

8 After clause 3 of Schedule 2

Insert:

3A Regulations

- (1) The Minister may, by notice in the *Gazette*, declare a body to be the body whose recommendations about the amount to be prescribed for the purposes of paragraph 2(a) of this Schedule are to be taken into consideration under subclause (2).
- (2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 2(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.
- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 2(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.
- (4) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, the Corporation must consult with the persons who are required to pay the levy concerned.
- (5) The regulations must not, for the purposes of paragraph 2(a) of this Schedule, prescribe an amount greater than the amount recommended to the Minister under subclause (2) or (3).

9 Paragraph 6(1)(a) of Schedule 3

Omit “(not exceeding \$6.50)”.

10 Paragraph 6(1)(b) of Schedule 3

Omit “(not exceeding \$2.00)”.

11 Paragraph 6(2)(a) of Schedule 3

Omit “(not exceeding \$1.90)”.

12 Paragraph 6(2)(b) of Schedule 3

Omit “(not exceeding 40 cents)”.

13 Paragraph 6(3)(a) of Schedule 3

Omit “(not exceeding \$6.50)”.

14 Paragraph 6(3)(b) of Schedule 3

Omit “(not exceeding \$2.00)”.

15 At the end of clause 8 of Schedule 3

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 6(1)(a), 6(1)(b), 6(2)(a), 6(2)(b), 6(3)(a) or 6(3)(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:
 - (a) in relation to regulations for the purposes of paragraph 6(1)(a), 6(2)(a) or 6(3)(a) of this Schedule—the industry marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 6(1)(b), 6(2)(b) or 6(3)(b) of this Schedule—the industry research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the levy concerned.
- (5) The regulations must not, for the purposes of paragraph 6(1)(a), 6(1)(b), 6(2)(a), 6(2)(b), 6(3)(a) or 6(3)(b) of this Schedule, prescribe an amount greater than the amount recommended to the

Minister for the purposes of that paragraph under subclause (2) or (3).

16 Clause 1 of Schedule 4 (paragraph (b) of the definition of *growers' organisation*)

Omit “the Grains Council of”, substitute “Grain Producers”.

17 Paragraph 6(1)(b) of Schedule 4

Omit “(not exceeding 3% of the value of the grain)”.

18 Subclause 6(2) of Schedule 4

Omit “(not exceeding 3% of the value of the grain)”.

19 Clause 8 of Schedule 4

Before “Before”, insert “(1)”.

20 At the end of clause 8 of Schedule 4

Add:

- (2) If there is no growers' organisation, then, before the Governor-General makes regulations for the purposes of clause 6, the Minister must take into consideration any relevant recommendation made to the Minister by the Research and Development Corporation established under the *Grains Research and Development Corporation Regulations 1990*.
- (3) Before that Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of clause 6, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

21 Clause 3 of Schedule 5

Omit “(not exceeding \$3.0267 per 227 kg)”.

22 Clause 5 of Schedule 5

Before “Before”, insert “(1)”.

23 At the end of clause 5 of Schedule 5

Add:

- (2) If there is no growers' organisation, then, before the Governor-General makes regulations for the purposes of clause 3, the Minister must take into consideration any relevant recommendation made to the Minister by the Research and Development Corporation established under the *Cotton Research and Development Corporation Regulations 1990*.
- (3) Before that Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of clause 3, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

24 Clause 11 of Schedule 6 (table item 3)

Repeal the item.

25 Clause 12 of Schedule 6 (table item 3)

Repeal the item.

26 Before subclause 14(2) of Schedule 6

Insert:

- (1) Before the Governor-General makes regulations for the purposes of clause 10 (so far as it relates to paragraph 6(1)(d) of this Schedule), the Minister must take into consideration any relevant recommendation made to the Minister by the industry services body under subsection 9(1) of the *Dairy Produce Act 1986*.
- (1A) The regulations must not, for the purposes of clause 10 (so far as it relates to paragraph 6(1)(d) of this Schedule), prescribe a rate of levy greater than the rate recommended to the Minister under subsection 9(1) of the *Dairy Produce Act 1986*.

27 Subclause 3(4) of Schedule 7 (paragraph (a) of the definition of *prescribed amount*)

Omit “, not exceeding 30 cents,”.

28 Clause 5 of Schedule 7

Before “Before”, insert “(1)”.

29 At the end of clause 5 of Schedule 7

Add:

- (2) If there is no representative industry organisation, then, before the Governor-General makes regulations specifying an amount for the purposes of paragraph (a) of the definition of *prescribed amount* in subclause 3(4), the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.
- (3) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of paragraph (a) of the definition of *prescribed amount* in subclause 3(4), specify a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

30 Subclause 4(1) of Schedule 8

Omit “(1)”.

31 Subclause 4(2) of Schedule 8

Repeal the subclause.

32 Subclause 5(5) of Schedule 8

Repeal the subclause.

33 Clause 7 of Schedule 8

Before “Before”, insert “(1)”.

34 Clause 7 of Schedule 8

Omit “subclause 4(1) or 5(1)”, substitute “clause 4 or subclause 5(1)”.

35 At the end of clause 7 of Schedule 8

Add:

- (2) If there is no representative industry organisation, then, before the Governor-General makes regulations for the purposes of clause 4 or subclause 5(1), the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.
- (3) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of clause 4 or subclause 5(1), specify a percentage greater than the percentage recommended to the Minister for the purposes of that clause or subclause under subclause (1) or (2).

36 Clause 1 of Schedule 9 (definition of *R&D authority*)

Repeal the definition, substitute:

R&D authority, in relation to a levy, means the R&D Corporation established under the *Primary Industries Research and Development Act 1989* to which the levy is attached.

37 Clause 1 of Schedule 9 (definition of *R&D Corporation*)

Omit “*and Energy*”.

38 Clause 1 of Schedule 9 (definition of *R&D Council*)

Repeal the definition.

39 Clause 1 of Schedule 9 (definition of *R&D Fund*)

Repeal the definition.

40 Subclause 4(2) of Schedule 9

Repeal the subclause.

41 Clause 6 of Schedule 9

Repeal the clause, substitute:

6 Regulations

- (1) The Minister may, by notice in the *Gazette*, declare a body to be a body whose recommendations about regulations for the purposes of clause 4 are to be taken into consideration under subclause (2).
- (2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations for the purposes of clause 4, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.
- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of clause 4, the Minister must take into consideration any relevant recommendation made to the Minister by the R&D authority.
- (4) Before the R&D authority makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (5) The regulations must not, for the purposes of this Schedule, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (2) or (3).

42 Subclause 3(5) of Schedule 10

Repeal the subclause.

43 Clause 5 of Schedule 10

Before “Before”, insert “(1)”.

44 At the end of clause 5 of Schedule 10

Add:

- (2) If there is no industry body, then, before the Governor-General makes regulations for the purposes of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the company that is declared to be the industry

services body under Part 3 of the *Forestry Marketing and Research and Development Services Act 2007*.

- (3) Before the industry services body makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of this Schedule, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

45 Paragraph 3(b) of Schedule 11

Omit “(not exceeding 5%)”.

46 Clause 5 of Schedule 11

Before “Before”, insert “(1)”.

47 At the end of clause 5 of Schedule 11

Add:

- (2) The Minister may, by notice in the *Gazette*, declare a body to be a body whose recommendations about prescribing a percentage for the purposes of clause 3 are to be taken into consideration under subclause (3).
- (3) If a declaration is in force under subclause (2), then, before the Governor-General makes regulations prescribing a percentage for the purposes of clause 3, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.
- (4) If there is no declaration in force under subclause (2), then, before the Governor-General makes regulations in relation to the matters mentioned in subclause (1), the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.
- (5) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must

consult with the persons who are required to pay the levy concerned.

- (6) The regulations must not, for the purposes of clause 3, prescribe a percentage greater than the percentage recommended to the Minister under subclause (3) or (4).

48 Clause 1 of Schedule 12 (definition of *growers' organisation*)

Omit “the Grains Council of”, substitute “Grain Producers”.

49 Subclause 6(1) of Schedule 12

Omit “(1)”.

50 Subclause 6(2) of Schedule 12

Repeal the subclause.

51 Clause 8 of Schedule 12

Before “Before”, insert “(1)”.

52 At the end of clause 8 of Schedule 12

Add:

- (2) If there is no growers' organisation, then, before the Governor-General makes regulations for the purposes of paragraph 6(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Research and Development Corporation established under the *Grains Research and Development Corporation Regulations 1990*.
- (3) Before that Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of paragraph 6(b) of this Schedule, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

53 Clause 1 of Schedule 13 (definition of *representative organisation*)

Repeal the definition, substitute:

representative organisation, in relation to a levy, means an organisation declared under section 7 of the *Primary Industries Research and Development Act 1989* to be a representative organisation of the R&D Corporation, established under that Act, to which the levy is attached.

54 Subclause 5(2) of Schedule 13 (definition of *standard amount*)

Omit “, not exceeding \$2,”.

55 Clause 7 of Schedule 13

Before “Before”, insert “(1)”.

56 At the end of clause 7 of Schedule 13

Add:

- (2) If there is no representative organisation, then, before the Governor-General makes regulations for the purposes of the definition of *standard amount* in subclause 5(2), the Minister must take into consideration any relevant recommendation made to the Minister by the Research and Development Corporation established under the *Grape and Wine Research and Development Corporation Regulations 1991*.
- (3) Before that Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of the definition of *standard amount* in subclause 5(2), prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

57 Clause 1 of Schedule 14 (definition of *R&D authority*)

Repeal the definition, substitute:

R&D authority, in relation to a levy, means the R&D Corporation established under the *Primary Industries Research and Development Act 1989* to which the levy is attached.

58 Clause 1 of Schedule 14 (definition of *R&D Corporation*)

Omit “*and Energy*”.

59 Clause 1 of Schedule 14 (definition of *R&D Council*)

Repeal the definition.

60 Clause 1 of Schedule 14 (definition of *R&D Fund*)

Repeal the definition.

61 Paragraph 4(1)(a) of Schedule 14

Omit “(not exceeding 5 cents per kilogram of honey)”.

62 Paragraph 4(1)(b) of Schedule 14

Omit “(not exceeding 1.50 cents per kilogram of honey)”.

63 Paragraph 4(2)(a) of Schedule 14

Omit “(not exceeding 5 cents per kilogram of honey)”.

64 Paragraph 4(2)(b) of Schedule 14

Omit “(not exceeding 1.50 cents per kilogram of honey)”.

65 Subclause 6(4) of Schedule 14

Omit “4(1)(b) or 4(2)(b)”, substitute “4(1)(a), 4(1)(b), 4(2)(a) or 4(2)(b)”.

66 At the end of clause 6 of Schedule 14

Add:

- (5) The R&D authority must not make a recommendation under subclause (4) in relation to paragraph 4(1)(a), 4(1)(b), 4(2)(a) or 4(2)(b) of this Schedule unless the R&D authority has consulted with the persons required to pay the levy concerned.
- (6) The regulations must not prescribe a rate of levy greater than the rate recommended to the Minister:

- (a) in the case of regulations for the purposes of paragraph 4(1)(a) or 4(2)(a) of this Schedule—by the producers’ organisation; and
- (b) in the case of regulations for the purposes of paragraph 4(1)(b) or 4(2)(b) of this Schedule—by the R&D authority or the producers’ organisation.

67 Subclause 3(1) of Schedule 15

Omit “(1) The”, substitute “The”.

68 Subclause 3(1) of Schedule 15

Omit “4(1), (2),”, substitute “4(1),”.

69 Subclauses 3(2) and (3) of Schedule 15

Repeal the subclauses.

70 At the end of clause 6 of Schedule 15

Add:

- (12) The regulations must not fix a rate of levy greater than the rate recommended to the Minister:
 - (a) in the case of regulations for the purposes of subclauses 4(1) and (3)—by the industry services body; and
 - (b) in the case of regulations for the purposes of subclause 4(4)—by the body mentioned in subclause (10) of this clause.

71 Paragraph 4(a) of Schedule 16

Omit “(not exceeding 30 cents)”.

72 Paragraph 3(1)(a) of Schedule 17

Omit “(not exceeding 70 cents)”.

73 Paragraph 3(1)(b) of Schedule 17

Omit “(not exceeding 25 cents)”.

74 Paragraph 3(2)(a) of Schedule 17

Omit “(not exceeding 50 cents)”.

75 Paragraph 3(2)(b) of Schedule 17

Omit “(not exceeding 25 cents)”.

76 Paragraph 3(3)(a) of Schedule 17

Omit “(not exceeding 55 cents)”.

77 Paragraph 3(3)(b) of Schedule 17

Omit “(not exceeding 25 cents)”.

78 At the end of clause 5 of Schedule 17

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(1)(a), 3(1)(b), 3(2)(a), 3(2)(b), 3(3)(a) or 3(3)(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:
 - (a) in relation to regulations for the purposes of paragraph 3(1)(a), 3(2)(a) or 3(3)(a) of this Schedule—the body declared under section 60 of the *Australian Meat and Live-stock Industry Act 1997* to be the meat processor marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 3(1)(b), 3(2)(b) or 3(3)(b) of this Schedule—the body declared under section 60 of the *Australian Meat and Live-stock Industry Act 1997* to be the meat processor research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the levy concerned.
- (5) The regulations must not, for the purposes of paragraph 3(1)(a), 3(1)(b), 3(2)(a), 3(2)(b), 3(3)(a) or 3(3)(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

79 Paragraph 4(1)(a) of Schedule 18

Omit “(not exceeding 40 cents)”.

80 Paragraph 4(1)(b) of Schedule 18

Omit “(not exceeding 12 cents)”.

81 Paragraph 4(3)(a) of Schedule 18

Omit “(not exceeding 90 cents)”.

82 Paragraph 4(3)(b) of Schedule 18

Omit “(not exceeding 37 cents)”.

83 Paragraph 4(4)(a) of Schedule 18

Omit “(not exceeding \$1.02)”.

84 Paragraph 4(4)(b) of Schedule 18

Omit “(not exceeding 25 cents)”.

85 At the end of clause 6 of Schedule 18

Add:

- (3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 4(1)(a), 4(1)(b), 4(3)(a), 4(3)(b), 4(4)(a) or 4(4)(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:
 - (a) in relation to regulations for the purposes of paragraph 4(1)(a), 4(3)(a) or 4(4)(a) of this Schedule—the industry marketing body; and
 - (b) in relation to regulations for the purposes of paragraph 4(1)(b), 4(3)(b) or 4(4)(b) of this Schedule—the industry research body.
- (4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the levy concerned.
- (5) The regulations must not, for the purposes of paragraph 4(1)(a), 4(1)(b), 4(3)(a), 4(3)(b), 4(4)(a) or 4(4)(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

86 Clause 1 of Schedule 19 (definition of *R&D authority*)

Repeal the definition, substitute:

R&D authority, in relation to a levy, means the R&D Corporation established under the *Primary Industries Research and Development Act 1989* to which the levy is attached.

87 Clause 1 of Schedule 19 (definition of *R&D Corporation*)

Omit “*and Energy*”.

88 Clause 1 of Schedule 19 (definition of *R&D Council*)

Repeal the definition.

89 Clause 1 of Schedule 19 (definition of *R&D Fund*)

Repeal the definition.

90 Paragraph 3(a) of Schedule 19

Omit “(not exceeding 1 cent)”.

91 Clause 1 of Schedule 20 (definition of *growers’ organisation*)

Omit “the Grains Council of”, substitute “Grain Producers”.

92 Paragraph 7(b) of Schedule 20

Omit “(not exceeding 3% of the value of the leviable oilseeds)”.

93 Clause 9 of Schedule 20

Before “Before”, insert “(1)”.

94 At the end of clause 9 of Schedule 20

Add:

- (2) If there is no growers’ organisation, then, before the Governor-General makes regulations for the purposes of clause 7, the Minister must take into consideration any relevant recommendation made to the Minister by the Research and Development Corporation established under the *Grains Research and Development Corporation Regulations 1990*.

- (3) Before that Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of clause 7, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

95 Clause 1 of Schedule 21 (definition of growers' organisation)

Omit "the Grains Council of", substitute "Grain Producers".

96 Subclause 5(2) of Schedule 21

Omit "by instrument published in the *Gazette*", substitute "by legislative instrument".

97 After subclause 5(3) of Schedule 21

Insert:

- (3A) If there is no growers' organisation, then, before the Minister makes an instrument under subclause (2), the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.
- (3B) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.

98 Subclause 5(4) of Schedule 21

Omit "exceeds \$50.00 per tonne", substitute "is greater than the rate recommended to the Minister under subclause (3) or (3A)".

99 Subclause 5(5) of Schedule 21

Repeal the subclause.

100 Paragraph 3(a) of Schedule 22

Omit "(not exceeding \$1)".

101 Paragraph 3(b) of Schedule 22

Omit “(not exceeding \$2.50)”.

102 After subclause 5(1) of Schedule 22

Insert:

- (1A) Before the industry services body makes a recommendation to the Minister under subclause (1), it must consult with the persons who are required to pay the levy concerned.

103 Clause 1 of Schedule 23 (paragraph (a) of the definition of *rice industry body*)

Repeal the paragraph, substitute:

- (a) a State marketing authority; or

104 Subclause 3(2) of Schedule 23

Repeal the subclause.

105 Subclauses 3(5) and (6) of Schedule 23

Repeal the subclauses, substitute:

- (5) The regulations must not specify a rate of levy imposed by this Schedule for a variety of rice unless the rate is recommended to the Minister by a rice industry body.
- (6) Before a recommendation is made to the Minister under subclause (5), the body making the recommendation must consult with each other body that is a rice industry body.
- (6A) If the recommendation relates to a variety of rice that is harvested in a State that has a State marketing authority and the recommendation is not made by the State marketing authority, the State marketing authority must, in writing, endorse the recommendation.

106 Clause 6 of Schedule 23

Before “Before”, insert “(1)”.

107 At the end of clause 6 of Schedule 23

Add:

- (2) The regulations must not, for the purposes of subclause 3(1), specify a rate of levy greater than the rate recommended to the Minister under subclause 3(5).

108 Clause 6 of Schedule 24

Before “Before”, insert “(1)”.

109 At the end of clause 6 of Schedule 24

Add:

- (2) If there are no sugar industry organisations, then, before the Governor-General makes regulations for the purposes of clause 4, the Minister must take into consideration any relevant recommendation made to the Minister by the body that is declared to be the industry services body under Part 3 of the *Sugar Research and Development Services Act 2013*.
- (3) Before the industry services body makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
- (4) The regulations must not, for the purposes of clause 4, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

110 Clause 1 of Schedule 25 (definition of *growers’ organisation*)

Omit “the Grains Council of”, substitute “Grain Producers”.

111 Paragraph 5(b) of Schedule 25

Repeal the paragraph, substitute:

- (b) if another percentage is prescribed by the regulations—that other percentage.

112 Clause 7 of Schedule 25

Before “Before”, insert “(1)”.

113 At the end of clause 7 of Schedule 25

Add:

-
- (2) If there is no growers' organisation, then, before the Governor-General makes regulations for the purposes of paragraph 5(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Research and Development Corporation established under the *Grains Research and Development Corporation Regulations 1990*.
 - (3) Before that Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
 - (4) The regulations must not, for the purposes of paragraph 5(b) of this Schedule, prescribe a percentage greater than the percentage recommended to the Minister under subclause (1) or (2).

114 Subclause 7(2) of Schedule 26 (definition of *research amount*)

Omit “, not exceeding \$10,”.

115 Subclauses 7(3) and (4) of Schedule 26

Repeal the subclauses.

116 Subclause 9(5) of Schedule 26

After “purposes of”, insert “the definition of *research amount* in”.

117 At the end of clause 9 of Schedule 26

Add:

- (6) The Minister may, by notice in the *Gazette*, declare a body to be a body whose recommendations about the amount to be prescribed for the purposes of the definition of *research amount* in subclause 7(2) are to be taken into consideration under subclause (7).
 - (7) If a declaration is in force under subclause (6), then, before the Governor-General makes regulations for the purposes of the definition of *research amount* in subclause 7(2), the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.
 - (8) If there is no:
-

- (a) declared winemakers' organisation; or
 - (b) declaration in force under subclause (6);
- then, before the Governor-General makes regulations for the purposes of the definition of **research amount** in subclause 7(2), the Minister must take into consideration any relevant recommendation made to the Minister by the Research and Development Corporation established under the *Grape and Wine Research and Development Corporation Regulations 1991*.
- (9) Before that Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the levy concerned.
 - (10) The regulations must not, for the purposes of the definition of **research amount** in subclause 7(2), prescribe an amount greater than the amount recommended to the Minister under subclause (4), (7) or (8).

118 At the end of clause 9 of Schedule 27

Add:

- (3) Subclause (1) does not apply to the marketing component, or the research and development component, of a levy imposed under Part 2 of this Schedule.

119 At the end of clause 10 of Schedule 27

Add:

- (3) Subclause (1) does not apply to the marketing component, or the research and development component, of a levy imposed under Part 2 of this Schedule.

120 At the end of clause 14 of Schedule 27

Add:

- (5) The regulations must not, for the purposes of Part 3 of this Schedule, prescribe a rate of levy (in respect of the marketing component, or the research and development component, of the levy) greater than the rate recommended to the Minister in accordance with subclause (2) or (3).

Schedule 2—Contingent amendments relating to wine production

Part 1—Amendments relating to declared bodies

Primary Industries (Excise) Levies Act 1999

1 After subclause 9(2) of Schedule 26

Insert:

- (2A) The Minister may, by notice in the *Gazette*, declare a body to be a body whose recommendations about regulations to be made for the purposes of paragraph 7(1)(a) of this Schedule are to be taken into consideration under subclause (3).

2 Paragraph 9(3)(a) of Schedule 26

After “subclause (1)”, insert “or (2A)”.

3 After subclause 9(3) of Schedule 26

Insert:

- (3A) The regulations must not, for the purposes of paragraph 7(1)(a) of this Schedule, prescribe a rate of charge greater than the rate recommended to the Minister under subclause (1) or (2A).

Part 2—Other amendments

Primary Industries (Excise) Levies Act 1999

4 Subclauses 9(2A) and (3A) of Schedule 26

Repeal the subclauses.

5 Subclause 9(8) of Schedule 26

Omit “Research and Development Corporation established under the *Grape and Wine Research and Development Corporation Regulations 1991*”, substitute “Australian Grape and Wine Authority established under the *Australian Grape and Wine Authority Act 2013*”.

6 Subclause 9(9) of Schedule 26

Omit “that Research and Development Corporation”, substitute “the Australian Grape and Wine Authority”.

[Minister’s second reading speech made in—
House of Representatives on 20 November 2013
Senate on 5 December 2013]

(226/13)
