The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Primary Industries (Excise) Levies
Amendment Bill 2013

No.  , 2013

(Agriculture, Fisheries and Forestry)

A Bill for an Act to amend the law relating to
primary industry levies, and for related purposes
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Part 1—Amendments

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- *Primary Industries (Excise) Levies Act 1999*
- *Sugar Research and Development Services (Consequential Amendments—Excise) Act 2013*
A Bill for an Act to amend the law relating to primary industry levies, and for related purposes

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

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<td>The day this Act receives the Royal Assent.</td>
<td>However, if Schedule 1 to the <em>Sugar Research and Development Services (Consequential Amendments—Excise) Act 2013</em> commences before the start of the day this Act receives the Royal Assent, the provision(s) do not commence at all.</td>
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<td>5. Schedule 2, Part 1</td>
<td>The day this Act receives the Royal Assent.</td>
<td>However, if Schedule 1 to the <em>Sugar Research and Development Services (Consequential Amendments—Excise) Act 2013</em> has not commenced before the start of the day this Act receives the Royal Assent, the provision(s) do not commence at all.</td>
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<td>6. Schedule 2, Part 2</td>
<td>Immediately after the commencement of Schedule 1 to the <em>Sugar Research and Development Services (Consequential Amendments—Excise) Act 2013</em>.</td>
<td>However, if Schedule 1 to the <em>Sugar Research and Development Services (Consequential Amendments—Excise) Act 2013</em> commences before the start of the day this Act receives the Royal Assent, the provision(s) do not commence at all.</td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted.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
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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)”.

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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)”.

Primary Industries (Excise) Levies Amendment Bill 2013 No. 9, 2013 9
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

(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”.

14 Primary Industries (Excise) Levies Amendment Bill 2013 No. 1, 2013
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)”.
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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 grower’s 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 grower’s 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 4 of Schedule 24
Omit “(not exceeding 15 cents per tonne)”. 
109 Clause 6 of Schedule 24
Before “Before”, insert “(1)”.

110 At the end of clause 6 of Schedule 24
Add:

(2) If there is no sugar industry organisation, 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 Research and Development Corporation established under the Sugar 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 4, prescribe a rate of levy greater than the rate recommended to the Minister under subclause (1) or (2).

111 Clause 1 of Schedule 25 (definition of growers’ organisation)
Omit “the Grains Council of”, substitute “Grain Producers”.

112 Paragraph 5(b) of Schedule 25
Repeal the paragraph, substitute:

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

113 Clause 7 of Schedule 25
Before “Before”, insert “(1)”.

114 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).

115 Subclause 7(2) of Schedule 26 (definition of research amount)
Omit “, not exceeding $10,”.

116 Subclauses 7(3) and (4) of Schedule 26
Repeal the subclauses.

117 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).

118 Paragraph 9(3)(a) of Schedule 26
After “subclause (1)”, insert “or (2A)”.

119 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).

120 Subclause 9(5) of Schedule 26
After “purposes of”, insert “the definition of research amount in”.

121 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).

122 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.

123 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.

124 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

Part 1—Amendments

Primary Industries (Excise) Levies Act 1999

1 Clause 6 of Schedule 24
Before “Before”, insert “(1)”.

2 At the end of clause 6 of Schedule 24
Add:

(2) If there is no sugar industry organisation, 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).
Part 2—Amendments

Primary Industries (Excise) Levies Act 1999

3 Clause 4 of Schedule 24
Omit “15 cents per tonne”, substitute “70 cents per tonne”.

4 Clause 6 of Schedule 24
Before “Before”, insert “(1)”.

5 At the end of clause 6 of Schedule 24
Add:

(2) If there is no sugar industry organisation, 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).

Sugar Research and Development Services (Consequential Amendments—Excise) Act 2013

6 Item 7 of Schedule 1
Repeal the item.