Presented and read a first time

Primary Industries (Customs) Charges Amendment Bill 2013

No. , 2013

(Agriculture, Fisheries and Forestry)

A Bill for an Act to amend the law relating to primary industry charges, and for related purposes
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### Schedule 1—Amendments

*Primary Industries (Customs) Charges Act 1999*  

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*Primary Industries (Customs) Charges Amendment Bill 2013*
A Bill for an Act to amend the law relating to primary industry charges, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Primary Industries (Customs) Charges Amendment Act 2013*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule.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 (Customs) Charges Act 1999

1 Section 3
Omit “sets out”, substitute “also deals with”.

2 Paragraph 2(a) of Schedule 1
Omit “(not exceeding $18.00)”.

3 Clause 2 of Schedule 1 (note 1)
Omit “and Energy”.

4 After clause 3 of Schedule 1
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.

(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 charge 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).

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

Omit “(not exceeding 3 cents)”.

6 Paragraph 3(1)(b) of Schedule 2

Omit “(not exceeding 0.5 cent)”.

7 At the end of clause 5 of Schedule 2

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) 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 live-stock export marketing body; and

(b) in relation to regulations for the purposes of paragraph 3(1)(b) of this Schedule—the live-stock export 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 charge 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).

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

Omit “(not exceeding $6.50)”.

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

Omit “(not exceeding $2.00)”.

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10 Paragraph 3(2)(a) of Schedule 3
Omit “(not exceeding $1.90)”.

11 Paragraph 3(2)(b) of Schedule 3
Omit “(not exceeding 40 cents)”.

12 At the end of clause 5 of Schedule 3
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) or 3(2)(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) or 3(2)(a) of this Schedule—the industry marketing body; and

(b) in relation to regulations for the purposes of paragraph 3(1)(b) or 3(2)(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 charge concerned.

(5) The regulations must not, for the purposes of paragraph 3(1)(a), 3(1)(b), 3(2)(a) or 3(2)(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).

13 Subclause 3(1) of Schedule 5
Omit “(1)”.

14 Subclause 3(2) of Schedule 5
Repeal the subclause.

15 Clause 5 of Schedule 5
Before “Before”, insert “(1)”.

16 Clause 5 of Schedule 5

Omit “3(1)(a)”, substitute “3(a)”.  

17 At the end of clause 5 of Schedule 5

Add:

(2) If there is no representative industry organisation, then, before the Governor-General makes regulations specifying an amount for the purposes of paragraph 3(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.

(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 charge.

(4) The regulations must not, for the purposes of paragraph 3(a) of this Schedule, specify an amount greater than the amount recommended to the Minister under subclause (1) or (2).

18 Subclause 3(5) of Schedule 6

Repeal the subclause.

19 Clause 5 of Schedule 6

Before “Before”, insert “(1)”.  

20 At the end of clause 5 of Schedule 6

Add:

(2) If there is no representative industry organisation, then, before the Governor-General makes regulations specifying a percentage for the purposes of paragraph 3(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.

(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 charge.
21 Clause 1 of Schedule 9 (definition of R&D authority)

Repeal the definition, substitute:

\[ \textit{R&D authority}, \text{ in relation to a charge, means the R&D Corporation established under the Primary Industries Research and Development Act 1989 to which the charge is attached.} \]

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

Omit “and Energy”.

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

Repeal the definition.

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

Repeal the definition.

25 Paragraph 3(b) of Schedule 9

Omit “...not exceeding 1.50 cents per kilogram.”.

26 At the end of clause 5 of Schedule 9

Add:

\[ \begin{array}{l}
\text{(4) The R&D authority must not make a recommendation under subclause (3) unless it has consulted the persons who are required to pay the charge concerned.} \\
\text{(5) The regulations must not, for the purposes of clause 3, prescribe a rate of charge greater than the rate recommended to the Minister by the R&D authority or by the producers’ organisation.} 
\end{array} \]

27 Subclause 3(1) of Schedule 10

Omit “(4),”.

28 Subclause 3(2) of Schedule 10

Repeal the subclause.
29 Paragraphs 5(9)(a) and (b) of Schedule 10

Omit “leviable”, substitute “chargeable”.

30 At the end of clause 5 of Schedule 10

Add:

(11) The regulations must not, for the purposes of subclause 3(3) or 3(5) fix a rate of charge greater than the rate recommended to the Minister by the industry services body.

31 Paragraph 3(a) of Schedule 11

Omit “(not exceeding 55 cents)”.

32 Paragraph 3(b) of Schedule 11

Omit “(not exceeding 25 cents)”.

33 Paragraph 4(a) of Schedule 11

Omit “(not exceeding 50 cents)”.

34 Paragraph 4(b) of Schedule 11

Omit “(not exceeding 25 cents)”.

35 Paragraph 5(a) of Schedule 11

Omit “(not exceeding 55 cents)”.

36 Paragraph 5(b) of Schedule 11

Omit “(not exceeding 25 cents)”.

37 At the end of clause 7 of Schedule 11

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(a), 3(b), 4(a), 4(b), 5(a) or 5(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(a), 4(a) or 5(a) of this Schedule—the live-stock export marketing body; and

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(b) in relation to regulations for the purposes of paragraph 3(b), 4(b) or 5(b) of this Schedule—the live-stock export 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 charge concerned.

(5) The regulations must not, for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(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).

38 Paragraph 3(a) of Schedule 12
Omit “(not exceeding 40 cents)”.

39 Paragraph 3(b) of Schedule 12
Omit “(not exceeding 12 cents)”.

40 Paragraph 4(a) of Schedule 12
Omit “(not exceeding 90 cents)”.

41 Paragraph 4(b) of Schedule 12
Omit “(not exceeding 37 cents)”.

42 Paragraph 5(a) of Schedule 12
Omit “(not exceeding $1.02)”.

43 Paragraph 5(b) of Schedule 12
Omit “(not exceeding 25 cents)”.

44 At the end of clause 7 of Schedule 12
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(a), 3(b), 4(a), 4(b), 5(a) or 5(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(a),
4(a) or 5(a) of this Schedule—the industry marketing body;
and
(b) in relation to regulations for the purposes of paragraph 3(b),
4(b) or 5(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 charge concerned.

(5) The regulations must not, for the purposes of paragraph 3(a), 3(b),
4(a), 4(b), 5(a) or 5(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).

45 Subclause 3(1) of Schedule 13
Omit “(1)”.

46 Subclause 3(2) of Schedule 13
Repeal the subclause.

47 At the end of clause 5 of Schedule 13
Add:

(4) The regulations must not, for the purposes of clause 3, prescribe a
rate of charge greater than the rate recommended to the Minister
under subclause 5(1).

48 At the end of clause 8 of Schedule 14
Add:

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

49 At the end of clause 9 of Schedule 14
Add:

(3) Subclause (1) does not apply to the marketing component, or the
research and development component, of a charge imposed under
Part 2 of this Schedule.
50 At the end of clause 13 of Schedule 14

Add:

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