

1980

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Barley Research Levy Bill 1980

Barley Research Bill 1980

EXPLANATORY MEMORANDUM

*(Circulated by authority of the Minister for Primary Industry,
the Hon. Peter Nixon, MP)*

OUTLINE

At present the Commonwealth contributes annually to barley research in only 3 States. It does not contribute to research in NSW, Queensland or Tasmania. After consultations with Australian barley producers and State Governments, a scheme similar to the wheat research scheme was developed for barley. The fundamental provisions of the scheme were endorsed by Australian Agricultural Council in August 1979.

The legislation provides for the establishment of a barley research scheme financed by way of a levy on barley production and a Commonwealth contribution not exceeding the amounts collected by way of the levy. It is intended that the levy will apply to barley harvested on or after 1 September 1980.

Barley Research Levy Bill 1980

The Barley Research Levy Bill 1980 provides for the imposition of a levy on the production of barley. The initial operative rate of levy has been set at 15 cents per tonne with provision for it to be varied by regulation up to a maximum of 20 cents per tonne. The grower is liable to pay the levy. It is not payable, however, unless the grower delivers the barley. For convenience, the levy is collected from the receivers of the barley.

Barley Research Bill 1980

The Barley Research Bill 1980 provides for the collection of the levy and establishes a Barley Research Trust Account into which are to be paid the levy and the Commonwealth contribution. Each State's levy moneys are to be returned to it for research purposes approved by the State's Barley Industry Research Committee. A Barley Industry Research Council will make recommendations to the Minister regarding the allocation of the Commonwealth's contribution for national research purposes.

BARLEY RESEARCH LEVY BILL 1980

NO. OF
CLAUSE

CLAUSE NOTES

- 4.(3) Removes a carrier or carriers from liability and deems the barley to have been delivered to the person who receives it from the carrier(s)
- 4.(4) Provides that if ownership of the barley changes but no delivery takes place the new owner will be regarded as the grower.
- 5.(1),(2)
& 7 The levy is imposed on barley harvested on or after 1 September 1980 and delivered to another person. It is not imposed on barley retained on the farm.
- 9.(1) A standard provision for the making of regulations necessary for the administration of the Act.
- 9.(2) &
(3) Provides for the grower's organisation to make recommendations to the Minister for Primary Industry concerning the rate of levy to be imposed and for the Governor-General to take these recommendations into consideration before making the necessary regulations.

BARLEY RESEARCH BILL 1980

NO. OF
CLAUSE

CLAUSE NOTES

- 3.(3) Establishes that for the purpose of this Act a purchaser is a person who takes delivery of barley (other than for storage) whether or not he is liable to pay the grower. This covers a situation where barley is delivered to a person as a gift or in settlement of a debt.
4. Marketing authorities established under State legislation are subject to the provisions of this Act.
- 5.(1)(2) As the levy applies to barley harvested on or after
(3) 1 September 1980, a period of 8 weeks from the commencement of the Act is provided for the payment of levy on deliveries made during the quarter commencing 1 September 1980. For all other quarters the levy is due within 2 weeks of the end of the quarter concerned.
- 6.(1) To ensure payment of the levy to the Commonwealth, where the grower has delivered barley to a person that person is liable to make payment on behalf of the grower in respect of the levy where that levy has not been paid by the grower.
- 6.(2)(a) A person may refuse to take delivery of barley unless the grower agrees to pay the levy.
- 6.(2)(b) The person to whom the barley is delivered has an automatic right to deduct amounts from his payment to the grower in respect of levy that may become payable. The grower is discharged from his liability to pay that levy to the extent of the amount deducted.
- 6.(3) A barley marketing authority cannot use this Act to refuse to accept deliveries of barley where it is required to do so under a State marketing law.
- 6.(4) The person to whom barley is delivered has the right to recover from the grower any portion of the full levy not yet paid by the grower.
- 6.(5) To enable the Minister for Primary Industry in special circumstances to release a person to whom barley is delivered from his liability to pay the levy on behalf of a grower eg. where a grower has become bankrupt.
- 6.(6) Similar provisions apply to penalties as to the levy.

- 7.(1)and (2) Provides penalties for late payment of levy by the grower or the person to whom the barley is delivered. The amount of the penalty is calculated at the rate of 10% per annum on the outstanding levy payments.
- 7.(3)and (4) Provides that the Minister, or a person authorised by him may remit the whole or part of a penalty imposed under this clause. An authorised person may not remit amounts in excess of \$500.
- 9.(1)(2) and (3) Provides for the refund of levy and penalty moneys overpaid or incorrectly paid on exempt barley to the Commonwealth.
- 10.(2) This Audit Act reference is a normal requirement for trust moneys.
- 11.(1)(a) Allows for any levy or associated penalty raised to be paid into the Consolidated Revenue Fund. It also allows for an equivalent amount to be transferred into the Barley Research Trust Account.
- 11.(1)(b) Provides for payment into the Research Trust Account of the Commonwealth's contribution to barley research.
- 11.(1)(c) The Research Account may receive donations.
- 11.(1)(d) Provides that any revenue produced by research activities or as a result of expenditure from the Research Account is paid into the Research Account.
- 11.(1)(e) Provides for payment into the Research Account of money earned by way of interest, sale of property or work done as a result of expenditure from the Research Account.
- 11.(2) The Commonwealth's contribution to research is not to exceed net levy payments.
- 11.(3) The levy money and the Commonwealth's contribution paid into the Research Account are payable from the Consolidated Revenue Fund, which is appropriated accordingly.
- 12.(1) A separate account will be kept within the Research Account of the Commonwealth's contribution and donations for barley research in general.

- 12.(2) Separate accounts will be kept within the Research Account of monies received by way of levy on barley produced in each State. Donations which specify expenditure in a given State are to be paid into that State's account.
- 12.(3) Provides, where appropriate, for the sharing between these accounts of monies earned by research activities, interest, sale of property or work done as a result of expenditure from the Research Account.
- 13.(1) Expenditure of the Commonwealth's contribution is to be on research approved by the Minister and on the expenses, remuneration and allowances of members of the Barley Industry Research Council and advisers to the Council appointed by the Minister or an authorised officer.
- 13.(2)(a) The recommendation of the Council is required before the Minister can approve expenditure of the Commonwealth's contribution from the Research Account.
- 13.(2)(b) To avoid duplication and to ensure that research undertaken by way of payments from the Research Account would not be research normally undertaken by research organisations from sources of funds outside the Research Account.
- 13.(3) Expenditure of mainland State levy monies to be on research approved by mainland State Committees and on the expenses, remuneration and allowances of members of State Barley Industry Research Committees and advisers to those Committees appointed by the Minister for Primary Industry or an authorised officer.
- 13.(4) In the case of Tasmania, expenditure of monies from the levy on barley production in that State to be with the approval of the Minister responsible for agriculture in Tasmania.
- 13.(5) Refunds of levy and penalty monies overpaid or incorrectly paid on exempt barley are to be debited to the separate account within the Research Account of the State in which the barley is produced.
- 14.(1) Provides the authority for the Commonwealth to enter into agreements for purposes of or in connection with research to be financed in whole or part from the Commonwealth's contribution to the Research Account.

- 14.(2) Ensures that monetary benefits arising from Research Account expenditure under 14.(1) accrue back to the Account. The contingencies covered relate to:-
- (a) repayment of monies used for a purpose not specified in the agreement.
 - (b) Either
 - repayment of any net income derived from -
 - (i) property acquired with research funds;
 - (ii) patents acquired in the course of research,
 - or
 - assignment of income earning property and patents to the Commonwealth where acquired with money from the Research Account.
 - (c) repayment to the Research Account of monies derived from disposal of assets bought with monies from the Research Account.
- 16.(1) This section sets out the composition of the Council as 10 persons. Representation on the Barley Industry Research Council is similar to that for the Wheat Industry Research Council.
- 22.(1) As is the case with wheat research there will be no Research Committee established in Tasmania. Because of the relatively small quantity of barley produced the proceeds of the levy in that State will be small and it would not be necessary to establish a Committee to approve expenditure on research projects in that State. For the purposes of this Act the Tasmanian Minister responsible for agriculture will carry out the functions of a State Committee.
- 26.(1) Provides for State Research Committees to keep the Research Council informed of the barley research approved in each State and the cost of that research.
- 26.(2) Provides for the Minister for Primary Industry to make arrangements with the Tasmanian Minister responsible for agriculture for the Council to be informed of the barley research approved in Tasmania and the cost of the research.
- 27.(1)(2) Customary provision to cover the payment of fees, and (3) expenses and allowances for members and deputy members of the Council and State Committees.

- 27.(4) Members of the Council and Committees are subject to the Remuneration Tribunals Act. Non public servant members receive remuneration from the Research Account. Public Servant members are only eligible for their normal remuneration under the Public Service Act.
- 27.(5) A standard provision to safeguard the interests of Members of Parliament.
33. In proceedings for the recovery of levy or penalties (Section 8) this provides that a Commonwealth Government statement in the complaint is accepted as prima-facie evidence unless proof to the contrary is offered.
35. Provides that the Administrative Appeals Tribunal may review, on application, decisions taken by the Minister or an authorised officer in regard to
- (a) releasing a person to whom barley is delivered, because of special circumstances, from liability to pay the whole or part of the levy on behalf of the grower.
 - (b) remitting, for reasons thought to be sufficient, the whole or part of a penalty for late payment of the levy.