

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

SUGAR CANE LEVY COLLECTION BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister  
for Primary Industry the Hon. John Kerin, MP)



## SUGAR CANE LEVY COLLECTION BILL 1987

### OUTLINE

The Sugar Cane Levy Bill and the Sugar Cane Levy Collection Bill are similar in content to Research Acts already in operation for other rural industries such as grain legumes and cotton. The legislation provides for the imposition and collection of a levy on growers and millers of sugar cane to finance the Research Scheme. The levy will be applied to sugar cane delivered and accepted by a raw sugar mill for milling on or after 1 June 1987.

The initial rate of the levy will be set at \$0.05/tonne with a provision for the rate to be varied to a maximum of \$0.10/tonne. The levy is to be paid 50 per cent by the grower and 50 per cent by the mill.

The Rural Industries Research Act 1985 established the administrative and organisational arrangements necessary for this scheme. The more important features of that legislation are

- a research scheme will be administered by a Research Council whose members will be selected by an independent Selection Committee comprising up to three members provided by the industry involved
- a research scheme will have clearly identified goals to be encompassed in a 5 year strategic plan which will be developed in consultation with the industry and approved by the Minister
- the Research Council through its Chairman, will be required to report annually to a meeting of industry representatives.

### Financial Impact Statement

If levy collections begin with the 1987 harvest, research expenditure under the scheme can begin in 1988-89. The Commonwealth will match expenditure of industry moneys from the Trust Fund \$ for \$ up to a limit of 0.5% of the average annual Gross Value of Production of raw sugar. The initial annual Commonwealth contribution will be about \$1.25 million.

The Commonwealth will meet half the costs of administering the Trust Fund, providing secretariat services, etc. The Commonwealth's share of these costs has been estimated at around \$25,000 for a full year.

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NOTES ON CLAUSES

Clause 1:     Short Title

1. The clause provides the mode of citation of the Act.

Clause 2:     Commencement

2. The Bill commences on the same day that the Sugar Cane Levy Bill 1987 commences.

Clause 3:     Interpretation

3. Sub-clause 3(1) provides definitions of the terms "appoint" and "authorised person".
4. Sub-clause 3(2) provides that the proportion of levy paid is that determined under Paragraphs 8(a) or (b) of the Sugar Cane Levy Bill.

Clause 4:     Act to bind Crown

5. Provides that Act binds the Crown in rights of States, Northern Territory and Norfolk Island.

Clause 5:     Time for payment of levy

6. Clause 5 provides that the levy is due and payable within the month following the month in which the raw sugar mill accepted the sugar cane.

Clause 6:     Liability of Miller

7. For administrative convenience the miller is liable for payment to the Commonwealth of amounts equal to the levy and is authorised to deduct relevant amounts from payments to growers. The grower is discharged from liability to pay the levy.

Clause 7:     Penalty for non-payment

8. Sub-clause 7(1) provides for a penalty of 20% per annum to be imposed in addition to the levy if the levy is not paid by the due date.
9. Sub-clauses 7(2) and 7(3) provide interpretation of who is liable for payment of the penalty.
10. Sub-clauses 7(4) and 7(5) provide that penalty may be remitted by the Minister, or if it does not exceed \$500, by a person authorised by the Minister.

Clause 8: Recovery of Levy etc

11. This clause provides that debts due to the Commonwealth by way of levy or penalty may be recovered by the Commonwealth.

Clause 9: Refund of Levy

12. Sub-clause 9(1) provides for levy which has been overpaid to be refunded by the Commonwealth.
13. Sub-clause 9(2) enables refund from the Research Fund of amounts which have been overpaid.

Clause 10: Power to call for information

14. This clause empowers an authorised person to call for returns or information relevant to the operation of this Act. Such returns or information may require verification by statutory declaration.

Clause 11: Access to Premises

15. Sub-clause 11(1) enables an authorised person to enter premises with the consent of the occupier.
16. Sub-clause 11(2) enables the authorised person to seek a warrant if that person believes that documents exist in relation to sugar cane or that sugar cane is produced, stored or processed on those premises.
17. Sub-clause 11(3) Where a Justice of the Peace is satisfied that reasonable grounds exist for the authorised person to be issued with a warrant the Justice of the Peace may grant a warrant which will enable the authorised person to enter such premises where the consent of the occupier is not given.
18. Sub-clause 11(4) A warrant so granted is to be effective for a maximum period of 1 month from the date of issue.
19. Sub-clause 11(5) provides that where an authorised person has entered premises, he may search for and take stock of sugar cane and to examine or copy any documents relevant to sugar cane.
20. Sub-clause 11(6) provides a penalty for obstruction of the authorised person in the exercise of powers under sub-clause 11(1) or 11(3) (see items 18 and 20).
21. Sub-clause 11(7) provides a definition of what is meant by "examinable documents".

Clause 12: Offences in relation to returns etc

22. Sub-clause 12(1) provides that it is an offence without reasonable excuse to fail to furnish a return or provide information required under the Act.
23. Sub-clause 12(2) provides that a person is not excused from submitting a return or providing information if by doing so the person might tend to be incriminated. Any return or information submitted cannot be used as evidence in proceedings for recovery of a penalty under clause 7 (see items 11 to 13) or in criminal proceedings against the person except in relation to an offence against sub-clauses 12(1) or 12(3) (see items 25 and 27).
24. Sub-clause 12(3) provides for penalties in relation to false or misleading statements or documents.

Clause 13: Appointment of Authorised Persons

25. This clause provides that the Minister may appoint in writing a person to be an authorised person.

Clause 14: Review of Decisions

26. This clause provides for the review by the Administrative Appeals Tribunal of a decision made under sub-clause 7(4) in relation to the remission of penalties for the late payment of levy.

Clause 15: Regulations

27. This clause provides for the making of regulations by the Governor-General to prescribe matters necessary to give effect to the Act. These matters include requiring the keeping of records, manner of payment of levies and other moneys, requiring the furnishing of returns, and prescribing penalties for offences against the regulations.



