

# Barley Research Levy Act 1980

No. 169 of 1980

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## An Act to impose a levy on certain barley produced in Australia

[Assented to 17 December 1980]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

### Short title

1. This Act may be cited as the *Barley Research Levy Act 1980*.

### Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

### Barley Research Act to be read as one with this Act

3. The *Barley Research Act 1980* shall be read as one with this Act.

### Interpretation

4. (1) In this Act, unless the contrary intention appears—

“grower”, in relation to any barley, means—

- (a) except where paragraph (b) applies—the person who owns the barley immediately after it is harvested; or
- (b) where, under a marketing law, the barley vests in a board or authority at or before the time when it is harvested—the person who would have owned the barley at that time but for that law;

“growers organization” means the organization known as the Australian Wheatgrowers’ Federation or, if another organization is, for the time being, prescribed for the purposes of this definition, that other organization;

“levy” means levy imposed by this Act;

“marketing law” means a law of a State relating to the marketing of barley or of primary products including barley.

- (2) Where—

- (a) a grower of any barley causes or permits the barley to be delivered to another person or to be taken out of his possession or control by another person; or

(b) any barley is taken out of the possession or control of the grower by another person in pursuance of a marketing law, the grower shall, for the purposes of this Act, be deemed to have delivered the barley to that other person.

(3) Where a grower of any barley delivers the barley to a person for carriage (either by that person or a succession of persons commencing with that person) to another person otherwise than for further carriage, the delivery shall, for the purposes of this Act, be deemed to have been to the last-mentioned person.

(4) If the ownership of any barley passes from the grower of the barley to a person in a way that does not involve, or to a number of persons in succession in ways none of which involves, the delivery of the barley to any person, a reference in this Act to the grower shall, in relation to the barley, be read as a reference to that person or to the last of those persons, as the case may be.

### **Imposition of levy**

5. (1) Subject to this Act, levy is imposed on barley produced in Australia and harvested on or after 1 September 1980.

(2) Levy is not payable on any barley unless the grower of the barley delivers the barley to another person otherwise than for storage on behalf of the grower.

### **Rate of levy**

6. The rate of levy on barley is 15 cents per tonne or, if another rate (not being a rate higher than 20 cents per tonne) is, for the time being, prescribed for the purposes of this section, that other rate.

### **By whom levy payable**

7. Levy on any barley is payable by the grower of the barley.

### **Exemption from levy**

8. The regulations may exempt from levy barley of a specified class.

### **Regulations**

9. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The growers organization may make recommendations to the Minister with respect to regulations to be made for the purposes of section 6.

(3) Before making regulations for the purposes of section 6, the Governor-General shall take into consideration any relevant recommendation made by the growers organization under sub-section (2).