



Sugar Cane Levy Act 1987

No. 25 of 1987

An Act to impose a levy on sugar cane produced in Australia

[Assented to 26 May 1987]

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 *Sugar Cane Levy Act 1987*.

Commencement

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

Acts to be read as one

3. The *Sugar Cane Levy Collection Act 1987* is incorporated, and shall be read as one, with this Act.

Interpretation

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

“accepted sugar cane” means sugar cane accepted at a sugar mill for processing;

“grower”, in relation to sugar cane, means the person who owns the sugar cane immediately after it is harvested;

“levy” means an amount of levy imposed by this Act;

“miller”, in relation to accepted sugar cane, means the person who, when the sugar cane was accepted at the sugar mill for processing, was the proprietor of the sugar mill;

“organisation” includes a body or association, whether incorporated or not;

“premises” includes place;

“processing” means processing for the purpose of producing raw sugar;

“sugar cane” means stalks (whether whole or not) of the sugar cane plant;

“sugar industry organisations” means the organisations known as:

- (a) the Australian Sugar Producers’ Association Limited;
- (b) the Co-operative Sugar Millers’ Association Limited;
- (c) the New South Wales Cane Growers Association;
- (d) the New South Wales Sugar Milling Co-operative Limited;
- (e) the Proprietary Sugar Millers’ Association Proprietary Limited; and
- (f) the Queensland Cane Growers’ Association;

respectively, and such other organisations as are prescribed from time to time for the purposes of this definition;

“sugar mill” means any premises at which sugar cane is processed.

(2) If the ownership of sugar cane passes from the grower of that sugar cane 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 that sugar cane to any person, a reference in this Act to the grower shall, in relation to that sugar cane, be read as a reference to that person or to the last of those persons, as the case may be.

Act to bind Crown

5. This Act binds the Crown in right of each of the States, of the Northern Territory and of Norfolk Island.

Imposition of levy

6. (1) Subject to this Act, levy is imposed on sugar cane produced in Australia.

(2) Levy is not payable on sugar cane unless on or after 1 June 1987 the sugar cane is accepted at a sugar mill for processing.

Rate of levy

7. The rate of levy in respect of sugar cane is \$0.05 per tonne or such other rate (not being a rate higher than \$0.10 per tonne) as is prescribed from time to time for the purposes of this section.

By whom levy payable

8. Levy on accepted sugar cane is payable:

- (a) as to 50% of the levy or such other percentage as is prescribed from time to time for the purposes of this paragraph—by the grower of that sugar cane; and
- (b) as to the remainder of the levy—by the miller of that sugar cane.

Regulations

9. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Before making regulations for the purposes of:

- (a) section 7; or
- (b) paragraph 8 (a);

the Governor-General shall take into consideration any relevant recommendation arising out of consultations between the Minister and the sugar industry organisations.

*[Minister's second reading speech made in—
House of Representatives on 2 April 1987
Senate on 7 May 1987]*