



Statutory Rules 1985 No. 281¹

Grain Legumes Levy Collection Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and pursuant to section 4 of the *Acts Interpretation Act 1901*, hereby make the following Regulations under the *Grain Legumes Levy Collection Act 1985*.

Dated 31 October 1985.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

JOHN KERIN
Minister of State for Primary Industry

Citation

1. These Regulations may be cited as the Grain Legumes Levy Collection Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears—
- “authorised agent” means a person appointed under regulation 5 to be an authorised agent;
 - “quarter” has the same meaning as in sub-section 5 (2) of the Act;
 - “Secretary” means Secretary to the Department;
 - “the Act” means the *Grain Legumes Levy Collection Act 1985*.

Manner of payment of levy

3. The payment of levy and other monies payable to the Commonwealth under the Act in respect of leviable grain legumes shall be made to the Collector of Public Moneys at the office of the Department in Canberra.

Returns by receivers, purchasers and growers

4. (1) A receiver or purchaser of leviable grain legumes shall furnish to the Secretary a return containing the prescribed particulars—

- (a) not later than 28 days after the last day of the quarter in which the weight of leviable grain legumes delivered to that receiver or purchaser in the levy year in which the quarter occurs exceeds the leviable weight; and
- (b) not later than 28 days after the last day of each successive quarter in which leviable grain legumes are so delivered until the expiration of the levy year.

(2) A grower of leviable grain legumes that are exported by the grower or processed by or for the grower shall furnish to the Secretary a return containing the prescribed particulars—

- (a) not later than 28 days after the last day of the quarter in which the weight of leviable grain legumes (other than leviable grain legumes to which sub-section 9 (2) or (3) of the *Grain Legumes Levy Act 1985* applies) processed or exported by the grower in the levy year in which the quarter occurs exceeds the leviable weight; and
- (b) not later than 28 days after the last day of each successive quarter in which leviable grain legumes are so processed or exported until the end of the levy year.

(3) In this regulation, “prescribed particulars” means—

- (a) the full name and address of the person furnishing the return;
- (b) the quarter to which the return relates;
- (c) the quantity of each kind of leviable grain legumes (other than leviable grain legumes to which sub-section 9 (2) or (3) of the *Grain Legumes Levy Act 1985* applies) delivered, processed or exported, as the case requires, in the quarter to which the return relates;
- (d) in the case of leviable grain legumes referred to in paragraphs (1) (a) and (2) (a)—the quantity of each kind of leviable grain legumes delivered, exported or processed, as the case may be, between the period commencing at the commencement of the levy year and the ending on the last day of the quarter in which the weight of leviable grain legumes so delivered, exported or processed, as the case requires, exceeds the leviable weight; and
- (e) the total amount of levy payable in respect of each quantity of leviable grain legumes referred to in paragraph (c) or (d).

(4) A return under this regulation shall contain a declaration, signed by the person furnishing the return or his or her authorised agent, stating that the information furnished in the return is true and correct.

Authorised agent

5. (1) A person who is required to furnish a return under regulation 4 may, by instrument, signed by that person, appoint a person to be his or her authorised agent for the purpose of signing the declaration contained in that return.

- (2) An instrument referred to in sub-regulation (1)—
 - (a) shall be in accordance with Form 1; and
 - (b) shall be lodged with the person to whom the return referred to in regulation 4 is to be furnished.

Execution and lodgment of returns

6. (1) A return referred to in regulation 5 forwarded by a receiver, purchaser or grower of leviable grain legumes—

- (a) shall be signed—
 - (i) by the receiver, purchaser or grower, or his or her authorised agent; or
 - (ii) where the receiver, purchaser or grower furnishing the return is a company, co-operative society or authority—by a director or secretary of the company, co-operative society or authority; and
- (b) shall be furnished to the Secretary by lodging it at the office of the Department in Canberra.

(2) In sub-regulation (1), a reference to a company shall be read as including a reference to a co-operative society incorporated under a law of a State or Territory.

Records to be kept

7. (1) A receiver or purchaser of leviable grain legumes or a grower who exports or processes leviable grain legumes shall keep, or cause to be kept, proper records for the period specified in sub-regulation (2), showing the quantity of each kind of leviable grain legumes received, purchased, exported or processed as the case requires, in each quarter.

(2) The period for which records are to be kept under sub-regulation (1) in respect of leviable grain legumes by a receiver, purchaser or grower of leviable grain legumes is a period of 3 years commencing on the date by which that receiver, purchaser or grower is required to furnish a return under regulation 4 in respect of those leviable grain legumes.

Penalty: \$500.

Form of warrant

8. A warrant granted under section 11 of the Act may be in accordance with Form 2.

SCHEDULE

FORMS

FORM 1

Regulation 5

COMMONWEALTH OF AUSTRALIA

GRAIN LEVY COLLECTION REGULATIONS

APPOINTMENT OF AUTHORISED AGENT UNDER REGULATION 5

To the Secretary to the Department of *(name of the Department)*:

I *(full name and address of signatory and, where the person required to furnish the return is not a natural person, the designation of the signatory)*

*acting for and on behalf of *(name of company, co-operative society or authority)*, hereby appoint *(full name, address and occupation of authorised agent)*, a specimen of whose signature appears below, to be *my authorised agent/*the authorised agent of *(name of company, co-operative society or authority)* for the purposes of signing the declaration contained in any return prepared for the purposes of regulation 5 of the Grain Legumes Levy Collection Regulations.

Dated 19 .

.....
(Signature)

Dated 19 .

.....
(Signature of authorised agent)

**Strike out if inapplicable*

FORM 2

Regulation 8

COMMONWEALTH OF AUSTRALIA

Grain Legumes Levy Collection Act 1985

WARRANT UNDER SECTION 11

To:

(full name), an authorised person for the purposes of section 11 of the *Grain Legumes Levy Collection Act 1985*.

I, *(full name)*, a Justice of the Peace, being satisfied, by information on oath *(or affirmation)* on an application by you under sub-section 11 (2) of that Act in relation to premises at.....—

- (a) that there is reasonable ground for believing that
- * those premises are premises on which leviable grain legumes are produced, stored or processed
 - * there are on those premises books, documents or papers relating to financial dealings between growers and processors of leviable grain legumes
 - * there are on those premises books, documents or papers relating to the production, storage, processing, purchase, sale or export of leviable grain legumes; and
- (b) that the issue of a warrant under sub-section 11 (3) of that Act in relation to those premises is reasonably required for the purposes of that Act.

I HEREBY AUTHORISE you, with such assistance as you think necessary, to enter the premises at

if necessary by force, during the hours of *(or at any time)*, for the purpose of exercising the powers of an authorised person under sub-section 11 (5) of the *Grain Legumes Levy Collection Act 1985*.

THIS WARRANT has no effect after *(insert date)*.

Dated 19 .

Justice of the Peace

**Strike out if inapplicable*

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 31 October 1985.