



TRIPlicate
Administering Department
copy with documents sent
Council Secretariat in connection with the
making of this legislation.
ExCo Secretariat: Please complete this copy by
inserting signatures, date of making and instrument
No. and send to:
Legislative Services Unit
Office of Legislative Drafting
Attorney-General's Department



Rural Industries Research and Development Corporation Regulations 2000

Statutory Rules 2000 No. 324

324

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Primary Industries and Energy Research and Development Act 1989*.

Dated 1 DEC 2000 2000

WILLIAM DEANE
Governor-General

By His Excellency's Command

JUDITH TROETH
Parliamentary Secretary to the Minister for Agriculture,
Fisheries and Forestry

Contents

	Page
Part 1	Preliminary
1	Name of Regulations 3
2	Commencement 3
3	Rural Industries Research and Development Corporation Regulations — repeal 3
4	Transitional 4
5	Definitions 4
6	Primary industries for which the Corporation is established 4
Part 2	Attachment of levies
Division 1	Buffalo levy
7	Definition 6
8	Attachment of buffalo levies 6
9	Accounting records for buffalo levies 7
Division 2	Goat fibre levy
10	Definition 8
11	Attachment of goat fibre levy 8
12	Accounting records for goat fibre levy 8
Division 3	Honey levy
13	Definition 9
14	Attachment of honey levies 9
15	Accounting records for honey levies 10
Division 4	Kangaroo levy
16	Definition 11
17	Attachment of kangaroo levy 12
18	Accounting for kangaroo levy 12
Division 5	Laying chicken levy
19	Definition 13
20	Attachment of laying chicken levy 13
21	Accounting records for laying chicken levy 14

		Page
Division 6	Meat chicken levy	
	22 Definitions	15
	23 Attachment of meat chicken levy	15
	24 Accounting records for meat chicken levy	15
Division 7	Pasture seed levy	
	25 Definition	16
	26 Attachment of pasture seed levy	17
	27 Accounting records for pasture seed levy	17
Division 8	Rice levy	
	28 Definition	18
	29 Attachment of rice levy	18
	30 Accounting records for rice levy	19
Part 3	Gross value of production	
	31 Method of calculation of gross value of production	20

Part 1 Preliminary

1 Name of Regulations

These Regulations are the *Rural Industries Research and Development Corporation Regulations 2000*.

2 Commencement

These Regulations commence on 1 January 2001.

3 Rural Industries Research and Development Corporation Regulations — repeal

The following Statutory Rules are repealed:

- 1990 Nos. 198 and 199
- 1992 Nos. 131 and 201

Regulation 4

- 1995 Nos. 102, 166 and 205
- 1998 No. 105.

4 Transitional

Despite the repeal of regulations by regulation 3, those regulations (as in force or having effect immediately before the commencement of regulation 3) continue to have effect in relation to levies attached to the Corporation before the commencement of regulation 3.

5 Definitions

In these Regulations:

Collection Act means the *Primary Industries Levies and Charges Collection Act 1991*.

Corporation means the Rural Industries Research and Development Corporation established under subsection 9 (1) of the PIERD Act.

Customs Charges Act means the *Primary Industries (Customs) Charges Act 1999*.

Excise Levies Act means the *Primary Industries (Excise) Levies Act 1999*.

PIERD Act means the *Primary Industries and Energy Research and Development Act 1989*.

6 Primary industries for which the Corporation is established

- (1) For subsection 9 (2) of the PIERD Act, the primary industries in respect of which the Corporation is established are the following:
 - (a) the growing and harvesting of plants, grains, seeds, fruit or vegetables;
 - (b) the raising and breeding of animals;
 - (c) the production and processing of meat and the distribution and sale of meat and meat products;
 - (d) the production of animal and plant fibres;

Regulation 6

- (e) the industry concerned with:
 - (i) the raising, breeding and slaughter of deer;
 - (ii) the export of live deer;
 - (iii) the production, processing and export of deer velvet;
 - (f) the industry concerned with:
 - (i) the production, processing, sale and distribution of honey, beeswax and pollen;
 - (ii) the provision of pollination services by honeybees;
 - (iii) the breeding, sale and distribution of queen bees;
 - (g) the production, processing, manufacture, distribution and sale of animal milk and animal milk products;
 - (h) the production and processing of eggs and the distribution and sale of eggs and processed egg products;
 - (j) the growing, harvesting and processing of trees;
 - (k) the production of animal feed;
 - (l) a primary industry that the Minister specifies under subregulation (2) to be a primary industry for the purposes of subsection 9 (2) of the PIERD Act.
- (2) The Minister may, by order, specify a primary industry in respect of which the Corporation is established.

Part 2 Attachment of levies

Division 1 Buffalo levy

7 Definition

In this Division:

buffalo industry means the part of the primary industry specified in paragraph 6 (1) (c) that is concerned with the raising of buffalo, the production and processing of buffalo meat, and the distribution and sale of buffalo meat and buffalo meat products.

8 Attachment of buffalo levies

- (1) For paragraph 5 (1) (a) of the PIERD Act, the following levies are attached to the Corporation:
 - (a) levy imposed by clause 1 of Schedule 2 to the Excise Levies Act;
 - (b) charge imposed by clause 1 of Schedule 1 to the Customs Charges Act.
- (2) For paragraph 5 (3) (a) of the PIERD Act, the research component of the levy is so much of the levy as is payable because of the operation of:
 - (a) for levy mentioned in paragraph (1) (a) — paragraph 2 (a) of Schedule 2 to the Excise Levies Act; and
 - (b) for charge mentioned in paragraph (1) (b) — paragraph 2 (a) of Schedule 1 to the Customs Charges Act.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the buffalo industry is the primary industry to which each levy relates.

9 Accounting records for buffalo levies

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of the funding of R & D activities relating to the buffalo industry.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records kept under subregulation (1):
 - (a) amounts of levy mentioned in subregulation 8 (2) that are received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;
 - (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities relating to the buffalo industry;
 - (d) amounts received by the Corporation:
 - (i) from the sale of property paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating to the buffalo industry; or
 - (ii) from the sale of property produced in the course of carrying out R & D activities relating to that industry; or
 - (iii) from dealings in patents or other intellectual property arising out of the carrying out of R & D activities relating to that industry; or
 - (iv) for work paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating to that industry;
 - (e) amounts paid to the Corporation as interest on investment of an amount mentioned in any of paragraphs (a) to (d).
- (3) For paragraph 40 (1) (b) of the PIERD Act, all amounts spent under section 33 of the PIERD Act in relation to the buffalo industry are to be debited in the accounting records kept under subregulation (1).

- (4) For subsection 40 (2) of the PIERD Act, the only R & D activities on which amounts credited under subregulation (2) can be spent are R & D activities relating to the buffalo industry.

Division 2 Goat fibre levy

10 Definition

In this Division:

goat fibre levy means levy imposed by clause 2 of Schedule 11 to the Excise Levies Act.

11 Attachment of goat fibre levy

- (1) For paragraph 5 (1) (a) of the PIERD Act, goat fibre levy is attached to the Corporation.
- (2) For paragraph 5 (3) (a) of the PIERD Act, the whole of the levy is the research component of the levy.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the growing of goat fibre is the primary industry to which the levy relates.

12 Accounting records for goat fibre levy

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of the funding of R & D activities in relation to the growing of goat fibre.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records kept under subregulation (1):
- (a) amounts of goat fibre levy received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;
 - (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities in relation to the growing of goat fibre;

- (d) amounts received by the Corporation:
- (i) from the sale of property paid for in connection with research and development relating to the growing of goat fibre; or
 - (ii) from the sale of property produced, or from dealing in patents in respect of inventions made, in connection with research and development relating to the growing of goat fibre; or
 - (iii) in respect of work paid for in connection with research and development relating to the growing of goat fibre;
- (e) amounts paid to the Corporation as interest on investment of an amount mentioned in any of paragraphs (a) to (d).
- (3) For paragraph 40 (1) (b) of the PIERD Act, all amounts specified in section 33 of the PIERD Act that are required to be paid by the Corporation in relation to the growing of goat fibre are to be debited in the accounting records kept under subregulation (1).
- (4) For subsection 40 (2) of the PIERD Act, the only R & D activities on which amounts credited under subregulation (2) can be spent are R & D activities in relation to the growing of goat fibre.

Division 3 Honey levy

13 Definition

In this Division:

honeybee industry means the primary industry specified in paragraph 6 (1) (f).

14 Attachment of honey levies

- (1) For paragraph 5 (1) (a) of the PIERD Act, the following levies are attached to the Corporation:
- (a) levy imposed by clause 2 of Schedule 14 to the Excise Levies Act;

Regulation 15

- (b) levy imposed by clause 3 of Schedule 14 to the Excise Levies Act;
 - (c) charge imposed by clause 2 of Schedule 9 to the Customs Charges Act.
- (2) For paragraph 5 (3) (a) of the PIERD Act, the research component of the levy is:
- (a) for levy mentioned in paragraph (1) (a) — so much of the levy as is payable because of the operation of paragraph 4 (1) (b) of Schedule 14 to the Excise Levies Act; and
 - (b) for levy mentioned in paragraph (1) (b) — so much of the levy as is payable because of the operation of paragraph 4 (2) (b) of Schedule 14 to the Excise Levies Act; and
 - (c) for charge mentioned in paragraph (1) (c) — the whole of the charge.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the honeybee industry is the primary industry to which each levy relates.

15 Accounting records for honey levies

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of the funding of R & D activities relating to the honeybee industry.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records kept under subregulation (1):
- (a) amounts of levy mentioned in subregulation 14 (2) that are received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;
 - (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities relating to the honeybee industry;

17 Attachment of kangaroo levy

- (1) For paragraph 5 (1) (a) of the PIERD Act, levy imposed by clause 1.2 of Part 1 of Schedule 27 to the *Primary Industries (Excise) Levies Regulations 1999* is attached to the Corporation.
- (2) For paragraph 5 (3) (a) of the PIERD Act, the whole of the levy is the research component of the levy.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the kangaroo industry is the primary industry to which the levy relates.

18 Accounting for kangaroo levy

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of the funding of R & D activities relating to the kangaroo industry.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records kept under subregulation (1):
 - (a) amounts of levy mentioned in subregulation 17 (2) that are received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;
 - (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities relating to the kangaroo industry;
 - (d) amounts received by the Corporation:
 - (i) from the sale of property paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating to the kangaroo industry; or
 - (ii) from the sale of property produced in the course of carrying out R & D activities relating to that industry; or

- (iii) from dealings in patents or other intellectual property arising out of the carrying out of R & D activities relating to that industry; or
 - (iv) for work paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating to that industry;
 - (e) amounts paid to the Corporation as interest on investment of an amount mentioned in any of paragraphs (a) to (d).
- (3) For paragraph 40 (1) (b) of the PIERD Act, all amounts spent under section 33 of the PIERD Act in relation to the kangaroo industry are to be debited in the accounting records kept under subregulation (1).
- (4) For subsection 40 (2) of the PIERD Act, the only R & D activities on which amounts credited under subregulation (2) can be spent are R & D activities relating to the kangaroo industry.

Division 5 Laying chicken levy

19 Definition

In this Division:

egg industry means the primary industry specified in paragraph 6 (1) (h).

20 Attachment of laying chicken levy

- (1) For paragraph 5 (1) (a) of the PIERD Act, levy imposed by clause 3 of Schedule 16 to the Excise Levies Act is attached to the Corporation.
- (2) For paragraph 5 (3) (a) of the PIERD Act, so much of the levy as is payable because of the operation of paragraph 4 (a) of Schedule 16 to the Excise Levies Act is the research component.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the egg industry is the primary industry to which the levy relates.

21 Accounting records for laying chicken levy

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of the funding of R & D activities relating to the egg industry.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records kept under subregulation (1):
 - (a) amounts of levy mentioned in subregulation 20 (2) that are received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;
 - (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities relating to the egg industry;
 - (d) amounts received by the Corporation:
 - (i) from the sale of property paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating to the egg industry; or
 - (ii) from the sale of property produced in the course of carrying out R & D activities relating to that industry; or
 - (iii) from dealing in patents or other intellectual property arising out of the carrying out of R & D activities relating to that industry; or
 - (iv) for work paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating that industry;
 - (e) amounts paid to the Corporation as interest on investment of an amount mentioned in any of paragraphs (a) to (d).
- (3) For paragraph 40 (1) (b) of the PIERD Act, all amounts spent under section 33 of the PIERD Act in relation to the egg industry are to be debited in the accounting records kept under subregulation (1).
- (4) For subsection 40 (2) of the PIERD Act, the only R & D activities on which amounts credited under subregulation (2) can be spent are R & D activities in relation to the egg industry.

Division 6 Meat chicken levy

22 Definitions

In this Division:

meat chicken has the same meaning as in Schedule 19 to the Excise Levies Act.

meat chicken industry means the part of the primary industry specified in paragraph 6 (1) (c) that is concerned with the raising of meat chickens, the production and processing of chicken meat, and the distribution and sale of chicken meat and chicken meat products.

23 Attachment of meat chicken levy

- (1) For paragraph 5 (1) (a) of the PIERD Act, levy imposed by clause 2 of Schedule 19 to the Excise Levies Act is attached to the Corporation.
- (2) For paragraph 5 (3) (a) of the PIERD Act, so much of the levy as is payable because of the operation of paragraph 3 (a) of Schedule 19 to the Excise Levies Act is the research component.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the meat chicken industry is the primary industry to which the levy relates.

24 Accounting records for meat chicken levy

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of the funding of R & D activities relating to the meat chicken industry.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records kept under subregulation (1):
 - (a) amounts of levy mentioned in subregulation 23 (2) that are received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;

- (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities relating to the meat chicken industry;
 - (d) amounts received by the Corporation:
 - (i) from the sale of property paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating to the meat chicken industry; or
 - (ii) from the sale of property produced in the course of carrying out R & D activities relating to that industry; or
 - (iii) from dealing in patents or other intellectual property arising out of the carrying out of R & D activities relating to that industry; or
 - (iv) for work paid for by money spent by the Corporation under section 33 of the PIERD Act on R & D activities relating that industry;
 - (e) amounts paid to the Corporation as interest on investment of an amount mentioned in any of paragraphs (a) to (d).
- (3) For paragraph 40 (1) (b) of the PIERD Act, all amounts spent under section 33 of the PIERD Act in relation to the meat chicken industry are to be debited in the accounting records kept under subregulation (1).
- (4) For subsection 40 (2) of the PIERD Act, the only R & D activities on which amounts credited under subregulation (2) can be spent are R & D activities in relation to the meat chicken industry.

Division 7 Pasture seed levy

25 Definition

In this Division:

pasture seed levy means levy imposed by clause 2 of Schedule 21 to the Excise Levies Act.

26 Attachment of pasture seed levy

- (1) For paragraph 5 (1) (a) of the PIERD Act, pasture seed levy is attached to the Corporation.
- (2) For paragraph 5 (3) (a) of the PIERD Act, the whole of the levy is the research component of the levy.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the growing of pasture seeds is the primary industry to which the levy relates.

27 Accounting records for pasture seed levy

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of the funding of R & D activities in relation to the growing of pasture seeds.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records kept under subregulation (1):
 - (a) amounts of pasture seed levy received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;
 - (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities in relation to the growing of pasture seeds;
 - (d) amounts received by the Corporation:
 - (i) from the sale of property paid for in connection with research and development relating to the growing of pasture seeds; or
 - (ii) from the sale of property produced in connection with research and development relating to the growing of pasture seeds; or
 - (iii) from dealing with patents in respect of inventions made in connection with, or intellectual property arising out of, research and development relating to the growing of pasture seeds; or

Regulation 28

- (iv) in respect of work paid for in connection with research and development relating to the growing of pasture seeds;
 - (e) amounts paid to the Corporation as interest on investment of an amount mentioned in any of paragraphs (a) to (d).
- (3) For paragraph 40 (1) (b) of the PIERD Act, all amounts specified in section 33 of the PIERD Act that are required to be paid by the Corporation in relation to the growing of pasture seeds are to be debited in the accounting records kept under subregulation (1).
- (4) For subsection 40 (2) of the PIERD Act, the only R & D activities on which amounts credited under subregulation (2) can be spent are R & D activities in relation to the growing of pasture seeds.

Division 8 Rice levy

28 Definition

In this Division:

rice levy means levy imposed by clause 2 of Schedule 23 to the Excise Levies Act.

29 Attachment of rice levy

- (1) For paragraph 5 (1) (a) of the PIERD Act, rice levy is attached to the Corporation.
- (2) For paragraph 5 (3) (a) of the PIERD Act, the whole of the levy is the research component of the levy.
- (3) For paragraph 5 (3) (b) of the PIERD Act, the levy relates to the rice-growing industry.

30 Accounting records for rice levy

- (1) For paragraph 40 (1) (a) of the PIERD Act, the Corporation is to keep separate accounting records of funding of R & D activities relating to the growing of rice.
- (2) For paragraph 40 (1) (b) of the PIERD Act, the following amounts are to be credited in the accounting records:
 - (a) amounts of rice levy received by the Commonwealth under the Collection Act and paid to the Corporation under paragraph 30 (1) (a) of the PIERD Act;
 - (b) amounts paid to the Corporation by the Commonwealth under paragraph 30 (1) (b) of the PIERD Act;
 - (c) amounts received by the Corporation as contributions to the cost of R & D activities in relation to the growing of rice;
 - (d) amounts received by the Corporation:
 - (i) from the sale of property paid for in connection with research and development relating to the growing of rice; or
 - (ii) from the sale of property produced in connection with research and development relating to the growing of rice; or
 - (iii) from dealing with patents in respect of inventions made in connection with, or intellectual property arising out of, research and development relating to the growing of rice; or
 - (iv) in respect of work paid for in connection with research and development relating to the growing of rice;
 - (e) amounts paid to the Corporation as interest on investment of an amount mentioned in any of paragraphs (a) to (d).
- (3) For paragraph 40 (1) (b) of the PIERD Act, all amounts spent under section 33 of the PIERD Act in relation to the growing of rice are to be debited in the accounting records.
- (4) For subsection 40 (2) of the PIERD Act, amounts credited in the accounting records may be spent only on R & D activities related to the growing of rice.

Part 3 Gross value of production

31 Method of calculation of gross value of production

- (1) For subsection 32 (2) of the PIERD Act, the Minister is to determine the gross value of production, for a financial year (the *relevant financial year*), of the produce of a primary industry in respect of which a levy has been attached to the Corporation in accordance with the formula:

$$\frac{A + B + C}{3}$$

where A, B and C are respectively:

- (a) the estimated value of the leviable goods to be produced in the relevant financial year; and
 - (b) the value of the leviable goods produced in the financial year immediately before the relevant financial year (the *previous financial year*); and
 - (c) the value of the leviable goods produced in the financial year immediately before the previous financial year.
- (2) A reference to the value of leviable goods produced or to be produced in a financial year is a reference to the production figure supplied by the Australian Bureau of Agricultural and Resource Economics that shows:
- (a) the gross value of leviable goods produced by the primary industry in that financial year; or
 - (b) the estimated gross value of leviable goods to be produced by the primary industry in that financial year.

Note

1. Notified in the *Commonwealth of Australia Gazette* on \sphericalangle 2000.

8 December