

2016

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Primary Industries Levies and Charges
Collection Amendment Bill 2016**

No. , 2016

(Agriculture and Water Resources)

**A Bill for an Act to amend the *Primary Industries
Levies and Charges Collection Act 1991*, and for
related purposes**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
Schedule 1—Amendments		3
Part 1—Main amendments		3
	<i>Primary Industries Levies and Charges Collection Act 1991</i>	3
Part 2—Consequential amendments		7
	<i>Australian Meat and Live-stock Industry Act 1997</i>	7
	<i>Dairy Produce Act 1986</i>	7
	<i>National Residue Survey Administration Act 1992</i>	7

A Bill for an Act to amend the *Primary Industries Levies and Charges Collection Act 1991*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Primary Industries Levies and Charges Collection Amendment Act 2016*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Primary Industries Levies and Charges Collection Act 1991

1 Paragraph 27(1)(a)

Omit “the name and address of a levy payer or charge payer or”, substitute “the name and address of a person or body who has lodged a return under the regulations or of”.

2 Subsections 27(3), (3A) and (4)

Repeal the subsections.

3 After section 27

Insert:

27A Giving of information about levy payers and charge payers

- (1) An authorised person may give the following information to an eligible recipient:
- (a) the name, address, contact details and ABN of any person who has paid, or is liable to pay, levy or charge in respect of a collection product;
 - (b) details relating to the amount of levy or charge that the person has paid, or is liable to pay, in respect of that collection product;
 - (c) such other details (if any) determined in an instrument under subsection (3), being details relating to the production or processing of that collection product.

Note 1: This subsection applies separately for each collection product in respect of which a person has paid, or is liable to pay, levy or charge.

Note 2: Section 27B sets out limits on the use of information given under this subsection.

Eligible recipient

- (2) For the purposes of this section, an ***eligible recipient*** is:

- (a) an R & D Corporation; or
- (b) the Rural Industries Research and Development Corporation established by section 9 of the *Primary Industries Research and Development Act 1989*; or
- (c) the Australian Grape and Wine Authority established by section 6 of the *Australian Grape and Wine Authority Act 2013*; or
- (d) a body covered by a declaration under section 60 of the *Australian Meat and Live-stock Industry Act 1997*; or
- (e) the body declared to be the industry services body under section 7 of the *Dairy Produce Act 1986*; or
- (f) the body declared to be the industry services body under section 6 of the *Egg Industry Service Provision Act 2002*; or
- (g) the company declared to be the industry services body under Part 3 of the *Forestry Marketing and Research and Development Services Act 2007*; or
- (h) the body declared to be the industry services body under subsection 9(1) of the *Horticulture Marketing and Research and Development Services Act 2000*; or
- (i) the body declared to be the industry services body under section 11 of the *Pig Industry Act 2001*; or
- (j) the company declared to be the industry services body under Part 3 of the *Sugar Research and Development Services Act 2013*; or
- (k) the body declared to be the research body under section 30 of the *Wool Services Privatisation Act 2000*; or
- (l) the Australian Bureau of Statistics.

Legislative instrument

- (3) For the purposes of paragraph (1)(c), the Secretary may, by legislative instrument, determine details relating to the production or processing of a collection product.

Definition

- (4) In this section:

ABN has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

27B Use of information given under section 27A

Uses

- (1) A body covered by paragraph 27A(2)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) may use information given to it under subsection 27A(1) for any of the following purposes:
 - (a) to maintain a register of levy payers or charge payers;
 - (b) to maintain a register of those persons eligible to vote in any poll conducted by, or on behalf of, the body;
 - (c) to make public any information of a statistical nature;
 - (d) in performing any of its functions:
 - (i) under a law of the Commonwealth; or
 - (ii) under a contract, deed of agreement or other agreement between the Commonwealth and the body.
- (2) In addition, a body covered by paragraph 27A(2)(d), (e), (f), (g), (h), (i), (j) or (k) may use information given to it under subsection 27A(1) to determine whether a person is, or remains eligible to be, a member or shareholder of the body.
- (3) The Australian Bureau of Statistics may use information given to it under subsection 27A(1) to perform any of its functions.

Limits on secondary disclosure

- (4) A body covered by any paragraph of subsection 27A(2) must not disclose information given to it under subsection 27A(1) to any other person or body except with the approval, in writing, of the Secretary.
- (5) Subsection (4) does not apply to the disclosure of personal information (within the meaning of the *Privacy Act 1988*) to an individual to whom that personal information relates.
- (6) If, in accordance with an approval under subsection (4), information is disclosed to a person or body, that person or body may use the information:
 - (a) for an R&D activity (within the meaning of the *Primary Industries Research and Development Act 1989*); or

- (b) for marketing activities (within the meaning of the *Primary Industries Research and Development Act 1989*); or
- (c) for biosecurity purposes; or
- (d) for National Residue Survey purposes; or
- (e) if the disclosure was by a body (the **discloser**) covered by paragraph 27A(2)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k)—in connection with any activity carried out, or proposed to be carried out, by the discloser for the benefit of producers of collection products of a particular kind.

(7) An approval under subsection (4) is not a legislative instrument.

4 At the end of subsection 29(1)

Add “, 27A or 27B”.

5 After subsection 29(1)

Insert:

- (1A) The Secretary may, in writing, delegate to an SES employee in the Department, who is at or acting at Band 1 or 2 level, the Secretary’s power under subsection 27B(4).

6 Application provisions

- (1) Paragraphs 27A(1)(a) and (b) of the *Primary Industries Levies and Charges Collection Act 1991*, as inserted by this Part, apply in relation to persons who have paid, or are liable to pay, levy or charge in respect of a collection product in the financial year in which this Part commences or in a later financial year.
- (2) Paragraph 27A(1)(c) of the *Primary Industries Levies and Charges Collection Act 1991*, as inserted by this Part, applies in relation to the production or processing of a collection product in the financial year in which this Part commences or in a later financial year.

Part 2—Consequential amendments

Australian Meat and Live-stock Industry Act 1997

7 Division 5 of Part 3

Repeal the Division.

8 Saving provision

Despite the repeal of Division 5 of Part 3 of the *Australian Meat and Live-stock Industry Act 1997* made by this Part, that Division, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to information provided under section 27 of the *Primary Industries Levies and Charges Collection Act 1991* before that commencement.

Dairy Produce Act 1986

9 Section 8

Repeal the section.

10 Saving provision

Despite the repeal of section 8 of the *Dairy Produce Act 1986* made by this Part, that section, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to information provided under subsection 27(3A) of the *Primary Industries Levies and Charges Collection Act 1991* before that commencement.

National Residue Survey Administration Act 1992

11 Subsection 11(6)

After “section 27”, insert “or 27A”.