

Queensland



*Primary Producers' Organisation and Marketing Act 1926*

# **PRIMARY PRODUCERS' (LEVY ON CANE GROWERS) REGULATION 1994**

**Reprinted as in force on 6 July 1994  
(includes amendments up to SL No. 235 of 1994)**

**Reprint No. 1**

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# Information about this reprint

This regulation is reprinted as at 6 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use expressions consistent with current legislative drafting practice (s 29)
- omit provisions that are no longer required (ss 39 and 40).

**Also see Endnotes for—**

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**

# Queensland



## PRIMARY PRODUCERS' (LEVY ON CANE GROWERS) REGULATION 1994

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## **PRIMARY PRODUCERS' (LEVY ON CANE GROWERS) REGULATION 1994**

[as amended by all amendments that commenced on or before 6 July 1994<sup>2</sup>]

### **PART 1—PRELIMINARY**

#### **Short title**

1. This regulation may be cited as the *Primary Producers' (Levy on Cane Growers) Regulation 1994*<sup>3-4</sup>.

#### **Definitions**

2. In this regulation—

“**assigned**” to a mill, in relation to land, means the land is assigned to the mill under the *Sugar Industry Act 1991*;

“**cane testing**” means the weighing, examining or testing of sugarcane for its quantity, quality or condition;

“**grower**” means grower of sugarcane;

“**insurance cover**” means cover by way of an insurance policy, compensation scheme or both, to protect a grower against financial loss caused by water or fire damage to sugarcane;

“**mill**” of a mill suppliers' committee means the mill for which it is constituted.

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## **PART 2—GENERAL LEVIES**

### **Cane Growers' Council may make a general levy**

**3.(1)** The Queensland Cane Growers' Council may make a general levy on growers for administrative purposes.

**(2)** This section applies to the whole sugar industry.

**(3)** The levy is 12.5 cents per tonne of sugarcane delivered by a grower to a mill.

### **District cane growers' executive may make a general levy**

**4.(1)** A district cane growers' executive may make a general levy, for administrative purposes, on growers in its district.

**(2)** Before making a levy under this section, a district cane growers' executive must obtain the consent of the Queensland Cane Growers' Council.

**(3)** The levy is the relevant amount set out in Schedule 1.

### **Maryborough District Cane Growers' Executive may make a further general levy**

**5.(1)** The Maryborough District Cane Growers' Executive (the "**executive**") may make a further general levy, for administration purposes, on growers who supply sugarcane grown on land in the Mungar, Pilerwa, Pioneers Rest, Yengarie or Yerra area to the Maryborough Mill.

**(2)** Before making a levy under this section, the executive must obtain the consent of the Queensland Cane Growers' Council.

**(3)** The levy is 0.25 cents per tonne of sugarcane grown on land mentioned in subsection (1) and assigned to the Maryborough Mill.

### **Mill suppliers' committee may make a general levy**

**6.(1)** A mill suppliers' committee may make a general levy, for administrative purposes, on growers who supply cane to its mill.

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(2) Before making a levy under this section, a mill suppliers' committee must obtain the consent of the Queensland Cane Growers' Council.

(3) The levy is the relevant amount set out in Schedule 2.

## **PART 3—PARTICULAR LEVIES**

### **Application of this Part**

7. This Part applies subject to section 15 (Limitation on power to make a particular levy).

### **Certain district cane growers' executives may make a particular levy to effect insurance cover**

8.(1) A district cane growers' executive mentioned in Schedule 3 may make a particular levy on growers in its district.

(2) Before making a levy under this section, a district cane growers' executive must obtain the consent of the Queensland Cane Growers' Council.

(3) The levy is the relevant amount set out in Schedule 3.

(4) Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made by a district cane growers' executive under this section may be spent only on insurance cover for the growers in its district.

### **Certain district cane growers' executives may make a particular levy to fund cane testing**

9.(1) A district cane growers' executive mentioned in Schedule 4 may make a particular levy on growers in its district.

(2) Before making a levy under this section, a district cane growers' executive must obtain the consent of the Queensland Cane Growers' Council.

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(3) The levy is the relevant amount set out in Schedule 4.

(4) Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made by a district cane growers' executive under this section may be spent only on cane testing and research and development relating to cane testing for the growers in its district.

**Isis District Cane Growers' Executive may make a particular levy on certain growers to fund fire fighting equipment**

**10.(1)** The Isis District Cane Growers' Executive (the "**executive**") may make a particular levy on growers supplying sugarcane to the Isis Central Mill.

(2) Before making a levy under this section, the executive must obtain the consent of the Queensland Cane Growers' Council.

(3) The levy is 4 cents per tonne of sugarcane grown on land assigned to the Isis Central Mill.

(4) Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made under this section may be spent only on supplying fire fighting equipment, in conjunction with the Isis Shire Council, for the Childers Volunteer Fire Brigade.

**Maryborough District Cane Growers' Executive may make a particular levy to fund certain costs of the Canegrowers' Building in Maryborough**

**11.(1)** The Maryborough District Cane Growers' Executive (the "**executive**") may make a particular levy on growers in its district.

(2) Before making a levy under this section, the executive must obtain the consent of the Queensland Cane Growers' Council.

(3) The levy is 1 cent per tonne of sugarcane grown on land assigned to the Maryborough Mill.

(4) Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made under this section may be

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spent only on rates, insurance, repairs, improvements and administration costs for the Canegrowers' Building at 10 Bazaar Street, Maryborough.

**Certain mill suppliers' committees may make a particular levy to effect insurance cover**

**12.(1)** A mill suppliers' committee mentioned in Schedule 5 may make a particular levy on growers who supply cane to its mill.

**(2)** Before making a levy under this section, a mill supplier's committee must obtain the consent of the Queensland Cane Growers' Council.

**(3)** The levy is the relevant amount set out in Schedule 5.

**(4)** Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made by a mill suppliers' committee under this section may be spent only on insurance cover for the growers who supply cane to its mill.

**Certain mill suppliers' committees may make a particular levy to fund cane testing**

**13.(1)** A mill suppliers' committee mentioned in Schedule 6 may make a particular levy on growers who supply cane to its mill.

**(2)** Before making a levy under this section, a mill suppliers' committee must obtain the consent of the Queensland Cane Growers' Council.

**(3)** The levy is the relevant amount set out in Schedule 6.

**(4)** Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made by a mill suppliers' committee under this section may be spent only on cane testing and research and development relating to cane testing for the growers who supply cane to its mill.

**Plane Creek Central Mill Suppliers' Committee may make a particular levy to fund certain costs of a proposal for a sugarcane railway line**

**13A.(1)** The Plane Creek Central Mill Suppliers' Committee may make a

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particular levy on growers who supply sugarcane to the Plane Creek Central Mill and deliver the sugarcane to a place at or near 1 of the following places—

- (a) Mount Christian;
- (b) Ilbilbie;
- (c) West Hill;
- (d) Orkobie;
- (e) Tinerta;
- (f) Karloo;
- (g) Carmila;
- (h) Carmila West;
- (i) Flaggy Rock.

(2) Before making a levy under this section, the mill suppliers' committee must obtain the consent of the Queensland Cane Growers' Council.

(3) The levy is 36 cents per tonne of sugarcane supplied by the grower to the mill.

(4) Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made under this section may be spent only on investigations, feasibility studies and other costs relating to the proposal for the construction of a sugarcane railway line between the junction of the railway line at the township of Koumala and the place known as Karloo.

**Plane Creek Central Mill Suppliers' Committee may make a further particular levy to fund construction of a sugarcane railway line**

**13B.(1)** The Plane Creek Central Mill Suppliers' Committee may make a further particular levy on growers who supply sugarcane to the Plane Creek Central Mill and—

- (a) deliver the sugarcane to a place at or near—
  - (i) an existing or proposed section of the railway line mentioned

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in Schedule 7; or

(ii) Carmila, Carmila West, or Beach Road, Carmila; or

(b) grow the sugarcane in a place known as Flaggy Rock south of grid reference AMG 75 71000 mN on Carmila map number 8754.<sup>1</sup>

(2) Before making a levy under this section, the mill suppliers' committee must obtain the consent of the Queensland Cane Growers' Council.

(3) The levy is—

(a) for a grower mentioned in subsection (1)(a)(i)—the relevant amount specified in Schedule 7; and

(b) for a grower mentioned in subsection (1)(a)(ii)—the amount calculated at the rate of \$1.57 per tonne of sugarcane supplied by the grower to the mill; and

(c) for a grower mentioned in subsection (1)(b)—the amount calculated at the rate of \$1.72 per tonne of sugarcane supplied by the grower to the mill.

(4) The levy may be made for not more than 10 consecutive sugarcane crushing seasons of the mill, starting with the 1995 crushing season.

(5) Subject to section 14 (Application of unused funds raised by a particular levy), the amount raised by a levy made under this section may be spent only on the following costs of the sugarcane railway line between the junction of the railway line at the township of Koumala and the place known as Karloo—

(a) administration and development;

(b) construction;

(c) repayment of loans for the costs mentioned in paragraphs (a) and (b).

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<sup>1</sup> The map may be inspected at the office of the Department of Lands at the corner of Wood and River Streets, Mackay.

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### **Application of unused funds raised by a particular levy**

#### **14. If—**

- (a) a particular levy is made by a district cane growers' executive or a mill suppliers' committee under this regulation; and
- (b) after applying the amount raised to the purpose for which the particular levy was made, a balance remains;

the balance may be spent on administrative purposes in the interests of the growers on whom the particular levy was made.

## **PART 4—POLLS REGARDING PARTICULAR LEVIES**

### **Limitation on power to make a particular levy**

**15.(1)** A body empowered to make a particular levy under Part 3 may make the levy from—

- (a) for a levy other than under section 13A or 13B—14 June 1994; or
- (b) for a levy under section 13A or 13B—19 July 1994.

**(2)** Despite subsection (1), the body must not make the levy if, on a poll held under the Act, the majority of votes is against the making of the levy.

### **Request to hold a poll**

**16.(1)** In this section—

**“affected grower”**, in relation to a particular levy, means a grower on whom the particular levy may be made under this regulation.

**(2)** Before a particular levy is made, an affected grower may request the Minister, in writing, to hold a poll of affected growers, to decide whether the particular levy will be made.

**(3)** A request must be sent to the Minister by—

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- (a) for a levy other than under section 13A or 13B—10 June 1994; or
  - (b) for a levy under section 13A or 13B—15 July 1994.
- (4) A request may be sent to the following address—

Minister for Primary Industries  
Department of Primary Industries  
GPO Box 46  
Brisbane Q 4000.

### **Conduct of poll**

**17.(1)** For the purposes of section 30(8A) of the Act, this section prescribes the procedure for holding a poll before a particular levy is made.

- (2) The Minister must by Gazette notice declare—
- (a) a poll is to be held; and
  - (b) the name of the returning officer appointed by the Minister for the purposes of the poll; and
  - (c) the last day (the “**polling day**”) and time for the return of ballot papers to the returning officer; and
  - (d) the form of the official roll of persons eligible to vote in the poll; and
  - (e) the day, at least 30 days before the polling day, on which the official roll is to close; and
  - (f) the form of the ballot paper; and
  - (g) the requirements for making a valid vote.

(3) After the poll is held, the Minister must by Gazette notice declare the result of the poll.

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## **PART 5—DUTIES OF MILL OWNERS**

### **Mill owner to deduct levy**

**18.(1)** A mill owner must deduct, from the amount payable to a grower for sugarcane supplied to the mill, the amount of a levy payable by the grower under this regulation in respect of the sugarcane.

**(2)** For the purposes of this section, it is irrelevant whether or not the sugarcane was grown on land assigned to the mill.

Maximum penalty—

- (a) the amount that was not deducted; or
- (b) 20 penalty units;

whichever is less.

### **Mill owner to keep records**

**19.** A mill owner must record the following information about the amount deducted, in respect of sugarcane supplied to the mill, under section 18 (Mill owner to deduct levy)—

- (a) the name of the mill;
- (b) the name of the mill to which the land on which the sugarcane was grown is assigned;
- (c) the period over which the sugarcane was supplied to the mill;
- (d) the tonnage of the sugarcane supplied;
- (e) the amount deducted.

### **Mill owner to deliver deducted levy and records**

**20.** A mill owner must, within 7 days after deducting the amount of a levy under section 18 (Mill owner to deduct levy), send to the body that made the levy—

- (a) the amount deducted; and

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- (b) the record made under section 19 (Mill owner to keep records) about the deduction.

Maximum penalty—

- (a) the amount of the deduction; or  
(b) 20 penalty units;

whichever is less.

## **PART 6—PAYMENT AND RECOVERY OF LEVIES**

### **Growers must pay levies**

**21.** A grower must pay a levy made under this regulation.

Maximum penalty—

- (a) the amount of the levy; or  
(b) 20 penalty units;

whichever is less.

### **Recovery of levies**

**22.** The Queensland Cane Growers' Council, a district cane growers' executive or a mill suppliers' committee may recover an amount it has levied on a person (the "**person liable**") under this regulation from—

- (a) the person liable; or  
(b) a person holding money to the credit of the person liable;

as a debt in a court of competent jurisdiction.

## SCHEDULE 1

### GENERAL LEVIES BY DISTRICT CANE GROWERS' EXECUTIVES

section 4(3)

**Note**—the levy that may be made by a district cane growers' executive mentioned in column 1, in respect of cane supplied to a mill mentioned opposite in column 2, is the rate set out opposite in column 3.

<b>District Cane Growers' Executive</b>	<b>Mill</b>	<b>Amount per tonne of cane delivered to the mill (cents)</b>
Bundaberg	Bingera, Fairymead, Millaquin .	10.00
Burdekin	Inkerman, Invicta, Kalamia, Pioneer . . . . .	3.63
Cairns	Babinda Central, Mulgrave Central . . . . .	13.00
Herbert River	Macknade, Victoria . . . . .	8.00
Innisfail	Mourilyan, South Johnstone Central . . . . .	16.20
Isis	Isis Central . . . . .	12.50
Mackay	Farleigh, Marian Central, Plane Creek Central, Pleystowe, Racecourse Central . . . . .	9.40
Maryborough	Maryborough . . . . .	7.00
Mossman	Mossman Central . . . . .	12.00
Proserpine	Proserpine Central . . . . .	12.00
Southern	Moreton Central, Rocky Point . .	0.50
Tully River	Tully River Central . . . . .	10.00

## SCHEDULE 2

### GENERAL LEVIES BY MILL SUPPLIERS' COMMITTEES

section 6(3)

**Note**—the levy that may be made by a mill suppliers' committee mentioned in column 1 is the amount calculated, for the tonnage of cane supplied to its mill, at the rate set out opposite in column 2.

<b>Mill Suppliers' Committee</b>	<b>Amount per tonne of cane delivered to the mill (cents)</b>
Babinda Central . . . . .	1.05
Bingera . . . . .	1.50
Fairymead . . . . .	1.50
Farleigh . . . . .	4.50
Inkerman . . . . .	9.00
Invicta . . . . .	8.00
Kalamia . . . . .	8.72
Macknade . . . . .	2.50
Marian Central . . . . .	4.40
Millaquin . . . . .	2.00
Moreton Central . . . . .	14.00
Mourilyan . . . . .	2.00
Mulgrave Central . . . . .	2.50
Pioneer . . . . .	7.50
Plane Creek Central . . . . .	3.40
Pleystowe . . . . .	3.50
Racecourse Central . . . . .	3.50
Rocky Point . . . . .	7.50
South Johnstone Central . . . . .	1.50
Victoria . . . . .	1.00

### SCHEDULE 3

#### PARTICULAR LEVIES BY DISTRICT CANE GROWERS' EXECUTIVES—INSURANCE COVER

section 8(1), (3)

**Note**—the levy that may be made by a district cane growers' executive mentioned in column 1, in respect of cane supplied to a mill mentioned opposite in column 2, is the rate set out opposite in column 3.

<b>District Cane Growers' Executive</b>	<b>Mill</b>	<b>Amount per tonne of cane delivered to the mill (cents)</b>
Isis	Isis Central . . . . .	0.50
Mossman	Mossman Central . . . . .	0.82
Tully River	Tully River Central . . . . .	0.50

## SCHEDULE 4

### PARTICULAR LEVIES BY DISTRICT CANE GROWERS' EXECUTIVES—CANE TESTING

section 9(1), (3)

**Note**—the levy that may be made by a district cane growers' executive mentioned in column 1, in respect of cane supplied to a mill mentioned opposite in column 2, is the rate set out opposite in column 3.

<b>District Cane Growers' Executive</b>	<b>Mill</b>	<b>Amount per tonne of cane delivered to the mill (cents)</b>
Isis	Isis Central . . . . .	3.00
Maryborough	Maryborough . . . . .	3.10
Mossman	Mossman Central . . . . .	2.10
Proserpine	Proserpine Central . . . . .	2.00
Tully River	Tully River Central . . . . .	2.50

## SCHEDULE 5

### PARTICULAR LEVIES BY MILL SUPPLIERS' COMMITTEES—INSURANCE COVER

section 12(1), (3)

**Note**—the levy that may be made by a mill suppliers' committee mentioned in column 1 is the amount calculated, for the tonnage of cane supplied to its mill, at the rate set out opposite in column 2.

<b>Mill Suppliers' Committee</b>	<b>Amount per tonne of cane delivered to the mill (cents)</b>
Bingera . . . . .	0.82
Farleigh . . . . .	2.81
Invicta . . . . .	6.00
Kalamia . . . . .	2.30
Macknade . . . . .	0.75
Marian Central . . . . .	3.00
Millaquin . . . . .	0.82
Moreton Central . . . . .	0.82
Mourilyan . . . . .	2.60
Mulgrave Central . . . . .	2.78
Pioneer . . . . .	4.00
Plane Creek Central . . . . .	2.75
Pleystowe . . . . .	2.04
Racecourse Central . . . . .	1.71
Rocky Point . . . . .	0.80
South Johnstone Central . . . . .	5.50
Victoria . . . . .	0.75

## SCHEDULE 6

### PARTICULAR LEVIES BY MILL SUPPLIERS' COMMITTEES—CANE TESTING

section 13(1), (3)

**Note**—the levy that may be made by a mill suppliers' committee mentioned in column 1 is the amount calculated, for the tonnage of cane supplied to its mill, at the rate set out opposite in column 2.

<b>Mill Suppliers' Committee</b>	<b>Amount per tonne of cane delivered to the mill (cents)</b>
Babinda Central . . . . .	3.10
Bingera . . . . .	2.90
Fairymead . . . . .	3.10
Farleigh . . . . .	3.10
Inkerman . . . . .	3.10
Invicta . . . . .	3.10
Kalamia . . . . .	3.10
Macknade . . . . .	3.10
Marian Central . . . . .	3.10
Millaquin . . . . .	3.10
Moreton Central . . . . .	3.10
Mourilyan . . . . .	3.10
Mulgrave Central . . . . .	2.50
Pioneer . . . . .	3.10
Plane Creek Central . . . . .	3.10
Pleystowe . . . . .	3.10
Racecourse Central . . . . .	3.10
Rocky Point . . . . .	3.10
South Johnstone Central . . . . .	3.10
Victoria . . . . .	3.10

## SCHEDULE 7

### PARTICULAR LEVY BY PLANE CREEK CENTRAL MILL SUPPLIERS' COMMITTEE—CONSTRUCTION OF RAILWAY LINE

section 13B(1)(a)(i) and (3)(a)

**Note—(1)** The levy that may be made by the mill suppliers' committee on a grower who delivers sugarcane to a place at or near an existing or proposed section of the railway line between Koumala and Karloo, described in column 1, is the amount calculated, for the tonnage of sugarcane supplied by the grower to the mill, at the rate specified opposite in column 2.

**(2)** The section of railway line is between points on the line expressed as kilometres from the railway line junction at Koumala.

<b>Section of railway line between junction of line at Koumala and Karlool</b>	<b>Amount per tonne of sugarcane supplied to the mill</b>
<b>(km)</b>	<b>(\$)</b>
up to and no more than 2	0.30
over 2 and no more than 5	0.50
over 5 and no more than 9	0.70
over 9 and no more than 11	1.16
over 11 and no more than 28	1.20
over 28 and no more than 33	1.32
over 33 and no more than 39	1.34

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SCHEDULE 7 (continued)

over 39 and no more than 41.5	1.47
over 41.5 and no more than 45	1.57

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 July 1994. Future amendments of the Primary Producers' (Levy on Cane Growers) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 List of legislation

**Primary Producers' (Levy on Cane Growers) Regulation 1994 SL No. 167**  
 notfd Gaz 27 May 1994 pp 699–702  
 commenced on date of notification  
 as amended by—

**Primary Producers' (Levy on Cane Growers) Amendment Regulation (No. 1)  
1994 SL No. 235**  
 notfd Gaz 1 July 1994 pp 1170–77  
 commenced on date of notification

*Primary Producers' (Levy on Cane Growers)  
Regulation 1994*

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## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

**Plane Creek Central Mill Suppliers' Committee may make a particular levy to fund certain costs of a proposal for a sugarcane railway line**

s 13A      ins 1994 SL No. 235 s 3

**Plane Creek Central Mill Suppliers' Committee may make a further particular levy to fund construction of a sugarcane railway line**

s 13B      ins 1994 SL No. 235 s 3

**Limitation on power to make a particular levy**

s 15      sub 1994 SL No. 235 s 4

**Request to hold a poll**

s 16      amd 1994 SL No. 235 s 5

### **PART 7—REPEALS**

**Pt hdg**      om R1 (see RA s 39)

**Repeals**

s 23      om R1 (see RA s 40)

### **SCHEDULE 7—PARTICULAR LEVY BY PLANE CREEK CENTRAL MILL SUPPLIERS' COMMITTEE—CONSTRUCTION OF RAILWAY LINE**

ins 1994 SL No. 235 s 6