



Submission to:

**Senate Standing Committees on Rural and Regional
Affairs and Transport**

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

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Prepared by:

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WAFarmers welcomes the opportunity to comment on the Primary Industries Levies and Charges Collection Amendment Bill 2016.

As background, WAFarmers is the state's largest and most influential rural advocacy and service organisation. WAFarmers represents around 3,000 Western Australian farmers from primary industries, with the majority being grain growers. As the largest WA rural advocacy group, our members are responsible for approximately 35 per cent of the overall grain production in WA.

The intention of the legislation has been well overdue, as it is required to adequately address the accountability to levy payers as specified in the Primary Industries Research and Development Act 1989.

While the consultation period for the Bill is limited and therefore doesn't allow for thorough analysis, WAFarmers offers the following comments on the proposed legislation.

WAFarmers welcomes changes to Primary Industries Levies and Charges Collection Act 1991, as it gives effect to the ability to develop a levy payer database, which is welcomed and long overdue.

It allows the provision for levy payers to be identified for their contributions, and it will also bring all RDC's into alignment. Currently only a small number of RDC's have a database of levy payers. The ability of levy payers to give direct feedback to their levy organisation is invaluable, and will increase accountability and transparency between the levy org and the levy payer.

Although WAFarmers welcomes the legislation, there are concerns with the disclosure intent of the proposed amendments. In particular, Section 27A (2)(l) Eligible recipients; WAFarmers does not support the inclusive of the Australian Bureau of Statistics as a recipient of levy payer information, without prior consent from the individual levy payers.

Section 27A (3) – Legislative instrument; WAFarmers is cautious about the strength of accountability being placed on the Secretary. We are also concerned about the role and position of the Secretary, in this context. In the *Primary Industries Levies and Charges Collection Act 1991*, the secretary is defined in Schedule 1, Section 4. Interpretation, as "**Secretary** means the Secretary of the Department." WAFarmers requests further definition, clarification about the role, authority, and the accountability of the Secretary. As a safeguard, the Secretary's approval in writing, as specified in 27B (4), must be endorsed or approved by the relevant Minister.

Section 27B (1-3) – Uses; WAFarmers welcomes the specific description of the uses of the information as described in 27B (1). However 27B (3) is concerning, as WAFarmers does not approve of levy payer information being freely available to Australian Bureau of Statistics, without specific consent from the levy payer. WAFarmers does not consider that Section to be in the best interest of the levy payer, as 'to perform any of its functions', does not give confidence about the ownership and use of the data. WAFarmers considers the legislation to enable ABS to have free access to the data, without adequate safeguards. WAFarmers requests that the Section is removed.



If the proposed changes to Section 27B (3) and Section 27A (2) isn't amended, WAFarmers proposes the following for consideration; with the development of a levy payer database, each individual levy payer would then be contacted to provide consent for their levy information to be disclosed to Australian Bureau of Statistics. WAFarmers considers that the inclusion of an annual opt-in system, to be preferable. It gives levy payers a level of ownership regarding the data that would not be offered in the current proposal.

Levy payers remain concerned about the ownership of data, and as such the inclusion of allowances for disclosures of third party information. WAFarmers encourages safeguarding the levy payer information to ensure the information remains within government only, and would not be utilised for any other reasons other than those described in Section 27B (1-2).

In summary, WAFarmers welcomes the potential to increase levy payer engagement with their RDC. However, allowances should be made to ensure that the legislation serves the original intention as described in the Primary Industries Research and Development Act 1989. WAFarmers requests further clarification on the role of the secretary in the disclosure, accountability, and overall appropriateness in the role. WAFarmers also requests that the Australian Bureau of Statistics not have legislated access to levy payer information, as identified in the *Primary Industries Levies and Charges Collection Amendment Bill 2016*.

WAFarmers welcomes further engagement on this issue, as the current level of engagement, including the time to comment, isn't adequate to consider the potential consequences of the legislation.