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Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
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Submission by *United Stockowners of Australia (USA)*

**Submission-Inquiry into the Primary Industries Levies and Charges Collection
Amendment Bill 2016**

Thank you for permitting *United Stockowners of Australia (USA)* to place before the Committee a submission in relation to issues of *Privacy* and the real potential of misuse of *private and confidential* information for *Political* purposes originating from inter-alia *Section 27* of the Bill to amend the *Primary Industries Levies and Charges Collection Act 1991* which, as read, allow the *Secretary or a delegate of the Secretary* of the *Department of Agriculture and Water Resources* to make certain decisions regarding *Privacy* without the informed consent of individuals and/or Corporations which is to provide levy and charge payer information to additional rural research and development corporations and industry service bodies (RDCs) and to the Australian Bureau of Statistics. Recipients would be able to use the information for purposes including developing levy payer registers, publishing statistics and performing their functions.

The *Explanatory Memorandum* details *Section 27* of the Bill states: (emphasis added)

“In limited circumstances, the Secretary can permit, in writing, secondary disclosure of this information. Such circumstances could include provision

*of information to an information technology company engaged by an RDC for data management services. **The Secretary could also allow an industry representative body to access levy payer information to consult on amendments to a levy or to consult on an RDC's R&D plan, for example. Subsection 27B(7) of the Bill states that an approval by the Secretary of secondary disclosure is not a legislative instrument for the purposes of the Legislative Instruments Act 2003. This provision is included to assist readers.***

In a *Second Reading Speech* in support of this Bill the *Shadow Minister for Agriculture*, Mr Fitzgibbon, Member for Hunter, voiced serious concerns very specifically in relation to *Privacy* that would be implemented by inter-alia Section 27 of the Bill and for which Mr Fitzgibbon is to be congratulated for bringing this concern to the attention of the Committee but also to the attention of levy payers.

Mr Fitzgibbon says, in part, with respect to the issue of privacy: (emphasis added)

“What concerns us, as I said, is that there are a few unanswered questions about how that information might be shared, and in particular, for example, how it might be shared by the peak industry bodies or councils. In this equation we have levy payers—producers, growers et cetera—we have agents collecting money, we have the department and we have the research bodies. For those who are not familiar with research bodies, I cite organisations like the Grains Research and Development Corporation or Meat and Livestock Australia. There are many more but I will not go through them all. They are the research bodies and in some cases the marketing bodies, and then of course there are the peak organisations—the Dairy Farmers' and Cattle Councils of the world; groups that often take membership fees and seek to represent and act as a voice for the industry.

I have questions about access to information by those peak industry bodies. The explanatory memorandum and the minister's second reading speech are quite vague about the protection of this information. I do acknowledge that the department secretary will be the arbiter in determining where this information is shared, if I understand it correctly, but I do note that the explanatory memorandum says that the release of data can be 'only permitted for specific uses which directly relate to improving consultation, voting systems and the operations of an RDC.' Even the use of the word 'and' I find confusing, uncertain and unclear in terms of definitions. These are very broad, sweeping statements. I am not suggesting they are not sufficient to give integrity to the new system that we require, but I am suggesting it is appropriate for questions to be asked about those issues.”

United Stockowners of Australia absolutely share these concerns about the protection of private and confidential information particularly any dissemination of that information by political or advocacy organisations in pursuit of their own financial and political self-interest.

In relation to “peak organisations” or in other words ‘Peak Councils’ and specifically in relation to *Cattle Council of Australia (CCA)* the Committee may not be aware that CCA is primarily a ‘Political Organisation’ which is also politically, financially and socially affiliated with the unavailing political organisation the *National Farmers Federation*.

CCA, in its inception, is the brain child of political *State Farming Organisations (SFOs)* from which CCA draws its membership (membership in a SFO automatically transfers to membership of CCA) and membership in SFOs has declined to such a level currently that they represent less than 10% of all Farmers nationally. With SFO authority, recently, CCA was permitted to introduce a provision for voluntary private membership, which by all accounts, is working out about as well as the maiden voyage of the Titanic.

CCA, by regulation is defined as a ‘*Prescribed Industry Body*’ who’s functioning prescription (role and responsibility) is positioned in the ‘Industry’s’ *Memorandum of Understanding*’ which includes, amongst other things, a Government ‘*assigned constituency*’ (emphasis added) regardless of whether or not that ‘*constituency*’ wanted CCA to represent their political views and more importantly, make autonomous decisions on behalf of producers of grass-fed cattle, regulatory or otherwise with or without their consent or benefit.

Cattle Council of Australia’s current funding is derived (in order - highest to lowest) from concocted services to *Meat & Livestock Australia (MLA)*, the *Net Industry Reserve Fund* (Excises (taxes) left over from the previous industry structure) and from *fees paid by SFOs* that can afford to pay. It is plainly obvious that CCA’s finances are heavily dependent upon the *Cattle Transaction (excise) Levy* and excess *Government excise* from the previous structure, all of which are dependent upon *Government Policy* and *legislative framework*.

What is currently unknown is the fact that CCA’s assigned constituency (producers of grass-fed cattle that pay the *Cattle Transaction (excise) Levy*) do not know who’s political views they represent; is it the political policies and regulations of the Government of the day, or is it the political views of its assigned private constituency ? It is this total lack of self-awareness by these so-called ‘*Peak Councils*’, that are in one way or another dependent upon Government’s ability to raise industry excises (taxes) for their financial survival, that create the potential for duplicity at worst and a huge conflict of interest at best.

Conclusion

United Stockowners of Australia strongly opposes any amendment to the *Primary Industries Levies and Charges Collection Act 1991* that would, or could by *delegation, language or interpretation* permit the transfer of private or confidential information from the proposed Department data-base established to *identify levy payers of the Cattle Transaction (excise) Levy, including amounts of levees paid by the individual or corporate levy payer as collected by the levees collection unit*, to any third party that is a political *Peak Council* in any form, or

any other political representative industry body in any form, or to any additional rural research and development corporations in any form or any other third party in any form without the written consent of the individual or corporate levy payer.

United Stockowners of Australia strongly supports amendments to *Primary Industries Levies and Charges Collection Act 1991* that identifies *Cattle Transaction (excise) Levy* payers, including amounts of levies paid by the individual or corporate levy payer and the transfer of this information to the Government and ‘Industry’ specific operational RDC **that is not a dual political peak council (representative body) and a operational service or research & development body.**

This to say that to avoid real or perceived bias and/or corruption and potential harassment, actions that require any amendments to ‘a levy’ or to consult on an RDC’s R&D plan or to amend the rate of levy (for example) are actions between the levy payer and the levy receiving RDC, and not Peak Council(s), or dual political peak council (representative body) and a operational service or research & development body or any other industry body purporting to be a stakeholder or represent a stakeholder.

That concludes our submission; we thank the Senate Committee for its consideration of the matters we have raised and hope for changes in the proposed legislation to safeguard the privacy of identity of the taxpayers in line with the Privacy Act and Privacy Principals attached to that Act, which state that private and personal information of an entity always remains the property of that entity and can only be disseminated to third parties with the written consent of the entity; that protection should be the critical outcome and thrust of the Bill.

United Stockowners of Australia.