

S.I. No. 145 of 1990

## **TOBACCO RESEARCH AND DEVELOPMENT REGULATIONS -**

### *Citation*

1. These Regulations may be cited as the Tobacco Research and Development Regulations.

### *Commencement*

2. These Regulations commence on 1 August 1990.

### *Interpretation*

3. In these Regulations, unless the contrary intention appears:

"Council" means the Tobacco Research and Development Council specified in regulation 4;

"Fund" means the Tobacco Research and Development Fund specified in regulation 5;

"the Act" means the Primary Industries and Energy Research and Development Act 1989;

"tobacco industry" means the Australian industry concerned with the production, distribution, processing and sale of tobacco leaf;

"tobacco leaf" means tobacco leaf grown in Australia.

### *Establishment of Council*

4. An R & D Council to be known as the Tobacco Research and Development Council is declared to be established in respect of the tobacco industry

### *Tobacco Research and Development Fund*

5. For the purposes of section 107 of the Act, the R & D Fund established in respect of the Council is to be known as the Tobacco Research and Development Fund

### *Levy attached to the Fund*

6. (1) For the purposes of paragraph 5 (1) (a) of the Act, a levy imposed:

(a) by section 4 of the Tobacco Charge Act (No. 1) 1955; and

(b) by section 5 of the Tobacco Charge Act (No. 2) 1955; and

(c) by section 4 of the Tobacco Charge Act (No. 3) 1955; is declared to be attached to the Fund.

(2) For the purposes of paragraph 5 (3) (a) of the Act, so much of a levy as is received because of the operation:

(a) of paragraph 5 (b) of the Tobacco Charge Act (No. 1) 1955; and

(b) of paragraph 6 (b) of the Tobacco Charge Act (No. 2) 1955; and

(c) of paragraph 5 (b) of the Tobacco Charge Act (No. 3) 1955; is declared to be the research component of the levy.

(3) For the purposes of paragraph 5 (3) (b) of the Act, the tobacco industry is declared to be the primary industry to which a levy specified in subregulation (1) relates.

#### Gross value of production of tobacco

7. (1) The Minister is to determine the gross value of production of tobacco for a financial year that commences on or after 1 July 1991 (in this regulation called "the relevant year") by calculating the value in accordance with the formula:

$A + B + C$

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3 where:

A is the value of tobacco leaf produced in the financial year ending 1 year before the start of the relevant year; and

B is the value of tobacco leaf produced in the financial year immediately before the relevant year; and

C is the estimated value of tobacco leaf to be produced in the relevant year.

(2) A reference to the value of tobacco leaf 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 tobacco leaf produced; or

(b) the estimated gross value of tobacco leaf to be produced; by the tobacco industry in that financial year.