

HOUSE OF REPRESENTATIVES

Presented and read a first time

(Primary Industries and Energy)

A BILL

FOR

An Act to amend the *Horticultural Levy Act 1987*

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Horticultural Levy Amendment Act 1994*.

5 (2) In this Act, “**Principal Act**” means the *Horticultural Levy Act 1987*¹.

Commencement

2.(1) This Act commences on a day to be fixed by Proclamation.

10 (2) If this Act does not commence under subsection (1) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

Imposition of levy

3. Section 6 of the Principal Act is amended:

- (a) by inserting in subsection (1) “(other than leviable horticultural products of a class prescribed for the purpose of subsection (2))” after “leviable horticultural products”;

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- (b) by adding at the end:

“(2) Subject to this Act, levy is imposed on leviable horticultural products of a class prescribed for the purpose of this subsection on the basis of the amount of leviable horticultural products of that class that is presumed, in accordance with regulations made under section 14, to be produced in Australia.”.

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Rate of levy

4. Section 7 of the Principal Act is amended:

- (a) by omitting “subsection (2)” from subsection (1) and substituting “subsections (2) and (3)”;

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- (b) by adding at the end:

“(3) If the Australian Statistician has published an annual gross value of production in relation to a class of horticultural products for the first 3 of the 4 immediately preceding financial years, the rate of levy in the current financial year in relation to products in that class must not be such that the total levy collected is likely to exceed 5% of the average of the gross values of production in those 3 years.”.

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Regulations

5. Section 14 of the Principal Act is amended by inserting after subsection (2) the following subsection:

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“(2A) Without limiting the manner of determining the amount of leviable horticultural products of a class prescribed for the purposes of subsection (2) that is presumed to be produced in Australia, the regulations may prescribe a manner of determining that amount by reference to any one or more of the following:

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- (a) the area under cultivation for the production of those leviable horticultural products;

- (b) the number or quantity of trees, shrubs, plants, bulbs, corms or tubers used or to be used for the production of those leviable horticultural products;

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- (c) the maturity of trees, shrubs or plants under cultivation for the production of those leviable horticultural products.”.

NOTE

1. No. 168, 1987, as amended. For previous amendments, see No. 47, 1989; Nos. 26 and 42, 1991.

