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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

CANNED FRUITS LEVY COLLECTION BILL 1979

EXPLANATORY MEMORANDUM

(Circulated by the Minister for Primary Industry,
the Hon. P.J. Nixon, M.P.)

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This Bill provides for the collection of the levy to be imposed by the enactment of the Canned Fruits Levy Bill 1979.

This Bill should be read in conjunction with the Canned Fruits Levy Bill 1979.

Short title

Clause 1 provides for the Act to be cited as the Canned Fruits Levy Collection Act 1979.

Commencement

Clause 2 relates to sub-section 5(1A) of the Acts Interpretation Act 1901 which provides that every Act shall come into operation on the 28th day after the day on which the Act receives Royal Assent unless the contrary intention appears in the Act, as with this Bill. The Bill, like the Canned Fruits Marketing Bill 1979 and the Canned Fruits Levy Bill 1979 is to come into operation as from 1 January 1980.

Interpretation

Clause 3 defines terms used in the Bill and is self explanatory.

Time for payment of levy

Clause 4 specifies when the levy, excluding penalties, is due and payable. 50% of the levy due in the first half of a season is payable on 15 July and the balance on 15 January in the following year. Levy imposed during the last half of a season is also payable on that date.

Penalty for non-payment

Clause 5 provides that a penalty is to be paid at the rate of 10% per annum on any unpaid levy, calculated from the time when the levy was due to be paid.

Provision is made for the penalty to be remitted on application, on a decision either by the Minister; or an authorized person where the penalty does not exceed \$500.

Recovery of levy

Clause 6 specifies that either the levy or penalty that is due and payable is a debt due to the Commonwealth, and any statement made by the Commonwealth concerning this matter is considered prima facie evidence that the debt exists.

Refund of levy

Clause 7 provides for the refund by the Commonwealth of the levy in respect of overpayment or where payment has been made on canned fruits which were destroyed, unfit for human consumption or used for a canner's own domestic requirements. In respect of any refund by the Commonwealth the Corporation shall repay the Commonwealth the moneys involved, where such moneys have been paid to the Corporation under Section 42 of the Canned Fruits Marketing Act.

Access to premises, books & c.

Clause 8 provides that an authorised person may enter premises either with the consent of the occupier or under the issue of a warrant to determine whether there are any canned fruits on which the levy is payable. A warrant of search may be issued where there is reasonable ground for believing that either canned fruits or related documents exist on a premises.

A penalty of \$500 is provided where a person hinders or obstructs without reasonable excuse an authorised person acting in respect of a warrant.

This clause also specifies the functions of an authorised person in respect of searching for canned fruits and related papers on premises.

Appointment of authorised persons

Clause 9 provides for the Minister to appoint authorised persons in respect of the purposes of the Act.

Power to call for returns

Clause 10 empowers an authorised person to require a person to furnish to him information in relation to the operation of the Act.

Offences in relation to returns, & c.

Clause 11 provides that a penalty of \$500 may be imposed on a person refusing or failing to furnish information required under the Act. This penalty also applies to a person furnishing false or misleading information.

Review of decisions

Clause 12 provides that applications may be made to the Administrative Appeals Tribunal for the review of a decision made by the Minister or an authorised person, in respect of whether a penalty should be remitted in respect of the non-payment or late payment of the levy.

Regulations

Clause 13 provides for the Governor-General to make regulations under the Act. Regulations will be required in relation to the manner of levy payment, keeping of records by producers of canned fruits, furnishing of information by persons, and the prescription of penalties for offences against the regulations.