

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

LAYING CHICKEN LEVY COLLECTION BILL 1988

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary Industries  
and Energy, the Honourable John Kerin, MP)

LAYING CHICKEN LEVY COLLECTION BILL 1988GENERAL OUTLINE

This Bill contains arrangements for the collection of the levy that may be imposed under the Laying Chicken Levy Bill 1988.

2. As the levy on laying chickens (i.e. chickens to be raised for egg production) would in most cases be paid by hatchery owners who already pay a research levy under the Meat Chicken Levy Act 1969 in respect of chickens intended for meat production, the Bill identifies laying chickens as female chickens intended for the production of eggs. For ease of collection and for the convenience of the industry, the collection arrangements for the Laying Chicken Levy have been aligned, as far as practicable, with those for the Meat Chicken Levy.

3. Like the latter levy, the Laying Chicken Levy is to be collected by the Department of Primary Industries and Energy on monthly hatchings, with 2 months being allowed for payment.

FINANCIAL IMPACT STATEMENT

4. Should the need arise for the Laying Chicken Levy to be activated in place of the present egg research levy on hen quotas, there will be some increase in clerical costs to industry and collection costs to Government. The increase would be mainly due to greater frequency of levy payments (monthly versus twice a year). On the other hand, the increase in costs would be minimised by the fact that the new levy would be collected largely in conjunction with the existing Meat Chicken Levy, with synchronized payments. Also, many of the records kept by hatcheries could serve for the purposes of both levies.

NOTES ON INDIVIDUAL CLAUSESClause 1: Short title

5. Short title of the Act for citation purposes.

Clause 2: Commencement

6. The Act will come into operation simultaneously with the Act imposing the levy to be collected.

Clause 3: Interpretation

7. Defines terms used in the Act.

Clause 4: Nominal groups of 100 chickens

8. This provision is to meet the convenience of the industry by harmonising collection procedure with industry's practice of disregarding small variations in chicken batches.

Clause 5: When levy due for payment

9. Sub-clause (1) provides for the levy to be paid on laying chickens hatched during a month and allows 2 months for payment.

Sub-clause (2) is to meet a situation where less than 1,000 laying chickens were hatched in the initial month or months of a financial year. In such cases, the obligation to pay levy will not arise until a minimum of 1,000 chickens has been hatched. The aim is to avoid the necessity of handling payments that are too small for economic collection.

Clause 6: Penalty for late payment

10. Standard provision common to most Commonwealth levy legislation.

Clause 7: Remission of penalty

11. Again, a standard provision allowing the remission of penalty for late payment of levy where this is considered to be justifiable (e.g. a delay in payment due to circumstances beyond the control of the levy payer).

Sub-clause (3) requires the Minister or an authorised person to advise an applicant of a decision taken to refuse his application for remission of penalty.

Clause 8: Recovery of levy and other amounts

12. Formally empowers the Commonwealth to take action for recovery of unpaid levy and penalty for late payment.

Clause 9: Powers of authorised person in relation to premises

13. Provisions of this kind are included in most Commonwealth levy legislation to enable authorised persons (who would normally be officers of the Department of Primary Industries and Energy) to verify compliance with levy legislation. Appropriate safeguards are included to protect civil rights, and the powers of inspection are limited to matters required to check compliance.

Clause 10: Warrant to enter premises

14. Cases arise where persons who should be paying levy seek to avoid doing so, and refuse to allow duly authorised inspectors access to their premises and records. In such cases a formal warrant is required to secure access. The provisions of this clause cater for this eventuality and are similar to those contained in other levy legislation.

Clause 11: Obstructing or hindering authorised persons

15. Experience with other levies indicates that even where authorised inspectors gain entry to the premises of persons liable to pay levy, attempts may be made to prevent them from checking particular areas or records. This clause provides for penalties to deter or punish such conduct.

Clause 12: Identity cards

16. As a safeguard to ensure that only duly authorised persons are permitted to enter the premises of levy payers and check commercial records etc, provision is made for such persons to have identity cards, with a penalty for persons who retain such cards after ceasing to be authorised persons.

Clause 13: Power to require returns etc

17. Although it is intended that regular (e.g. monthly) returns needed for levy collection purposes will be prescribed by regulation, it is considered necessary for authorised inspectors to be empowered to request further information on an ad hoc basis, e.g. where regular returns are incomplete or appear to contain wrong data. This clause provides for such requests to be made in writing, and requires that recipients be given time to respond.

Clause 14: Offences in relation to returns etc

18. This clause covers offences and penalties not provided for elsewhere in the Act. Its provisions are along the lines of those in other levy legislation.

Clause 15: Conduct of directors, servants and agents

19. Provides that, subject to certain conditions, (i) conduct of directors, servants or agents of a body corporate can be taken as that of the body corporate and (ii) conduct of agents acting for a person other than a body corporate can be taken as that of the other person.

Clause 16: Appointment of authorised persons

20. A provision formally empowering the Secretary of the Department of Primary Industries and Energy to appoint authorised persons to assist in the administration of the Act (e.g. levy inspectors).

Clause 17: Review of decisions

21. Enables a dissatisfied person to appeal to the Administrative Appeals Tribunal against decisions refusing to grant a remission of penalty for late payment. Requires the Minister or an authorised person, when notifying such decisions, to inform the people affected of their rights in this regard.

Clause 18: Delegation by Secretary

22. Empowers the Secretary of the Department of Primary Industries and Energy to delegate his powers in relation to levy collection arrangements to officers in the Department.

Clause 19: Payment of levy into Research Fund

23. Provisions of the Rural Industries Research Act 1985 require that where a new research levy is introduced a Research Council and Trust Fund be established. In this case, a new levy is merely to replace an old one, and use can be made of the existing Poultry Research Council and Trust Fund. The deeming provision made in this clause enables that to be done.

Clause 20: Regulations

24. The regulation-making provisions in this clause are similar to those in other levy legislation, and identify the principal matters which may be prescribed. These are confined to matters considered necessary for the administration of this legislation.





