

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

NATIONAL RESIDUE SURVEY ADMINISTRATION BILL 1992

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1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 3 November 1992

(Minister for Primary Industries and Energy)

A BILL

FOR

**An Act to establish a Trust Account for the purpose of
conducting a National Residue Survey and to provide for
the collection of National Residue Survey Levy imposed by
various Acts, and for related purposes**

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *National Residue Survey
Administration Act 1992*.

Commencement

2. This Act commences on 1 July 1993.

Act binds Crown

3. This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

PART 2—INTERPRETATION

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Interpretation

4. In this Act:

“Account” means the National Residue Survey Account;

“National Residue Survey Levy” means the levy payable under section 9 and levy of that name payable under any other Act;

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“Related Act”, in relation to a product or activity specified in column [1] of the Table, means the Act specified in column [4] opposite the product or activity;

“Table” means the Table in the Schedule to this Act.

References to other Acts

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5.(1) A reference in this Act to another Act is a reference to that other Act as in force from time to time or, if that other Act is repealed, is a reference to that other Act as in force immediately before the repeal.

(2) If:

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(a) because of subsection (1), a reference to another Act is a reference to that other Act as in force immediately before its repeal; and

(b) amendments were made to the *Primary Industries Levies and Charges Collection Act 1991* as a consequence of that repeal;

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then, for the purposes of the application of this Act, the amendments are taken not to have been made.

PART 3—NATIONAL RESIDUE SURVEY ACCOUNT

Establishment of account

6.(1) An account called the National Residue Survey Account is established by this subsection.

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(2) The Account is a trust account for the purposes of section 62A of the *Audit Act 1901*.

(3) Money in the Account that is not required for the purpose of making payments out of the Account may be invested in accordance with section 62B of the *Audit Act 1901*.

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Payments into National Residue Survey Account

7. There is to be paid into the Account:

- 5 (a) in respect of each amount of National Residue Survey Levy collected by or on behalf of the Commonwealth—an amount equal to that amount of levy; and
- (b) in respect of each amount of penalty collected by or on behalf of the Commonwealth in connection with National Residue Survey Levy—an amount equal to that amount of penalty; and
- 10 (c) in respect of each amount of a gift or other contribution made to the Commonwealth for the purposes of the National Residue Survey—an amount equal to that amount; and
- (d) gifts or other contributions made to the Account; and
- (e) amounts appropriated by the Parliament for the purposes of the National Residue Survey; and
- 15 (f) income from investment of moneys in the Account.

Payments out of account

8.(1) Amounts standing to the credit of the Account may be spent in:

- 20 (a) making payments, in accordance with an expenditure program approved by the Minister, for purposes related to the monitoring and reporting of the level of contaminants in food products produced in Australia, or produced from animals or plants produced in Australia; and
- 25 (b) making payments to the Commonwealth of amounts equal to expenses incurred by the Commonwealth in relation to:
 - (i) the collection and recovery of amounts referred to in paragraph 7(a) or (b); or
 - (ii) the administration of paragraph 7(a) or (b); or
 - 30 (iii) the monitoring and reporting of the level of contaminants in food products produced in Australia, or from animals or plants produced in Australia.

(2) Without limiting the generality of subsection (1), the reference in that subsection to expenses includes a reference to:

- 35 (a) remuneration and allowances paid to staff; and
- (b) other expenses incurred in relation to the provision of staff or the provision of the services of staff; and
- (c) expenses incurred in relation to surveys conducted for the purpose of monitoring the level of contaminants; and
- 40 (d) expenses incurred in relation to the provision of accommodation or administrative support.

PART 4—NATIONAL RESIDUE SURVEY LEVY

Liability to National Residue Survey Levy

9.(1) If, after the commencement of this Act, a person becomes liable to pay levy or charge under an Act specified in Column [4] of the Table on, or in respect of, a product or activity specified in Column [1] of that Table, the person is also liable to pay National Residue Survey Levy on that product or activity. 5

(2) National Residue Survey Levy is payable:

- (a) at the rate specified in Column [2] of the Table opposite that product or activity; or 10
- (b) if a rate of levy is prescribed in relation to the product or activity, not being a rate exceeding the rate specified in Column [3] of the Table opposite that product or activity—at that prescribed rate.

(3) If a person is liable to pay National Residue Survey Levy on a product or activity: 15

- (a) the liability arises at the same time as the liability arises under the Related Act; and
- (b) unless the contrary intention appears, a word or expression has the same meaning for the purposes of the application of this Act to the product or activity as it has in the Related Act; and 20
- (c) the provisions, other than those prescribed for the purposes of this paragraph (if any), of the *Primary Industries Levies and Charges Collection Act 1991* and the regulations made under that Act apply as if the liability was imposed by the Related Act. 25

PART 5—MISCELLANEOUS

Report by Minister

10. As soon as practicable after the end of each financial year, the Minister is to cause a report to be laid before each House of the Parliament setting out details of the operation of the National Residue Survey Account including: 30

- (a) money paid into the Account during that financial year; and
- (b) money paid out of the Account during that financial year; and
- (c) financial statements relating to the Account for that financial year; and 35
- (d) a description of activities undertaken in relation to the National Residue Survey during that financial year.

Release of information

11.(1) Subject to subsection (2), information collected under a survey conducted using funds paid or reimbursed out of the National Residue Survey Account that identifies a particular person may not be released. 40

(2) Such information may be released to authorities of the Commonwealth, of a State or of a Territory that are responsible for the monitoring or regulation of pesticide or other residues in food related products for the purpose of such monitoring or regulation.

5 (3) This section does not affect the operation of section 27 of the *Primary Industries Levies and Charges Collection Act 1991*.

Appropriation

10 12. Amounts payable into the Account under paragraphs 7(a), (b) and (c) are payable out of the Consolidated Revenue Fund which is appropriated accordingly.

Regulations

13. The Governor-General may make regulations prescribing matters:

- 15 (a) required or permitted by this Act to be prescribed; or
(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
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SCHEDULE

Section 4

TABLE

Column [1] Product or activity on which liability arises	Column [2] Operative rate of National Residue Survey Levy	Column [3] Maximum rate of National Residue Survey Levy	Column [4] Related Act
Transaction by virtue of which the ownership of cattle is transferred	18 cents per head	35 cents per head	<i>Cattle Transaction Levy Act 1990</i>
Delivery of cattle to a processor	18 cents per head	35 cents per head	<i>Cattle Transaction Levy Act 1990</i>
Slaughter of cattle	18 cents per head	35 cents per head	<i>Cattle Transaction Levy Act 1990</i>
Exportation of cattle	18 cents per head	35 cents per head	<i>Cattle Transaction Levy Act 1990</i>
Slaughter of deer	4 cents per kilo	4 cents per kilo	<i>Deer Slaughter Levy Act 1992</i>
Slaughter of sheep and lambs	5 cents per head	10 cents per head	<i>Livestock Slaughter Levy Act 1964</i>
Slaughter of goats	5 cents per head	8 cents per head	<i>Livestock Slaughter Levy Act 1964</i>
Slaughter of buffaloes	\$2.50 per head	\$5.00 per head	<i>Livestock Slaughter Levy Act 1964</i>
Slaughter of pigs	20 cents per head	40 cents per head	<i>Pig Slaughter Levy Act 1971</i>
Meat chickens	0.006 cents per head	0.02 cents per head	<i>Meat Chicken Levy Act 1969</i>
Laying chickens	0.6 cents per head	2 cents per head	<i>Laying Chicken Levy Act 1998</i>
Leviable coarse grains	0.01% of the value of the grain	0.03% of the value of the grain	<i>Coarse Grains Levy Act 1992</i>
Leviable grain legumes	0.01% of the value of the grain legumes	0.03% of the value of the grain legumes	<i>Grain Legumes Levy Act 1985</i>
Leviable oilseeds	0.01% of the value of the oilseeds	0.03% of the value of the oilseeds	<i>Oilseeds Levy Act 1977</i>
Wheat	0.01% of the value of the grain	0.03% of the value of the grain	<i>Wheat Industry Fund Levy Act 1989</i>

SCHEDULE—continued

TABLE—continued

Column [1] Product or activity on which liability arises	Column [2] Operative rate of National Residue Survey Levy	Column [3] Maximum rate of National Residue Survey Levy	Column [4] Related Act
Milk fat content of relevant dairy produce	0.1 cents per kilo	0.5 cents per kilo	<i>Dairy Produce Levy (No. 1) Act 1986</i>
Honey	0.12 cents per kilo	0.3 cents per kilo	<i>Honey Levy (No. 1) Act 1962</i>
Honey	0.12 cents per kilo	0.3 cents per kilo	<i>Honey Levy (No. 2) Act 1962</i>
Honey that is exported from Australia	0.12 cents per kilo	0.3 cents per kilo	<i>Honey Export Charge Act 1973</i>
Onions	\$1.56 per tonne	\$5.00 per tonne	<i>Horticultural Export Charge Act 1987</i>
Potatoes	4.5 cents per tonne	10 cents per tonne	<i>Horticultural Levy Act 1987</i>
Apples and pears	25 cents per tonne	60 cents per tonne	<i>Horticultural Levy Act 1987</i>
Citrus fruits	25 cents per tonne	60 cents per tonne	<i>Horticultural Levy Act 1987</i>
Table grapes	35 cents per tonne	80 cents per tonne	<i>Horticultural Levy Act 1987</i>
Stone fruits	35 cents per tonne	80 cents per tonne	<i>Horticultural Levy Act 1987</i>
Dried fruits	52 cents per tonne	\$1.00 per tonne	<i>Dried Fruits Levy Act 1971</i>