

Poultry Industry Levy

No. 19 of 1965

An Act to levy Moneys in respect of Hens
kept for Commercial purposes.

[Assented to 28 May, 1965]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Poultry Industry Levy Act* 1965. Short title.
2. This Act shall come into operation on the first day of July, One thousand nine hundred and sixty-five. Commence-ment.
3. The *Poultry Industry Levy Collection Act* 1965 shall be read as one with this Act. Collection Act to be read as one with this Act.
4. In this Act, unless the contrary intention appears—Definitions.
 - “hen” means a female domesticated fowl that is not less than six months old;
 - “levy” means levy imposed by this Act;
 - “prescribed day” means the last day of each successive period of fourteen days after the date on which this Act comes into operation;
 - “the Council” means The Council of Egg Marketing Authorities of Australia.
5. Subject to this Act, a levy is, on each prescribed day, imposed in respect of hens kept for commercial purposes on that day. Imposition of levy.
- 6.—(1.) The rate of levy is such amount in respect of each hen as is prescribed. Rate of levy.
 - (2.) Before making any regulations for the purposes of the last preceding sub-section, the Governor-General shall take into consideration any recommendation with respect to the rate of levy made to the Minister by the Council, and regulations shall not be made prescribing a rate in excess of the rate last recommended by the Council to the Minister.

(3.) If the sum of the rate of levy for a prescribed day and the rates of levy for the preceding prescribed days occurring on or after the last preceding first day of July exceeds Ten shillings, levy is not imposed on that first-mentioned prescribed day or on any succeeding prescribed day occurring before the next following first day of July.

(4.) In the last preceding sub-section, "rate of levy", in relation to a prescribed day, means the amount prescribed by the regulations made for the purposes of sub-section (1.) of this section that are in force on that day.

Levy payable
by the owner.

7. Levy imposed by this Act in respect of a hen is payable by the owner of the hen.

Exemptions
in respect of
hens for home
use and for the
production of
"broilers".

8.—(1.) Levy is not payable by a person who, on the day on which the levy is imposed, does not own more than twenty hens.

(2.) Levy is payable by the owner of hens only in respect of such number of hens owned by him on the day on which the levy is imposed as exceeds the sum of twenty and a number ascertained in accordance with the formula $\frac{ab}{c}$, where—

a is a number equal to the number of broiler breeder hens owned by him on that day;

b is a number equal to the number of eggs produced by broiler breeder hens owned by him during the period that is the prescribed period in relation to that day, being eggs that have been or are to be used, whether by him or by another person, for the purpose of hatching broiler chickens;

c is a number equal to the number of eggs produced by broiler breeder hens owned by him during the period that is the prescribed period in relation to that day.

(3.) In the last preceding sub-section—

"broiler breeder hen" means a hen used for the purpose of producing broiler chickens;

"broiler chicken" means a chicken to be used otherwise than for producing eggs;

"prescribed period", in relation to a day on which levy is imposed, means—

(*a*) if that day is the thirtieth day of September, the thirty-first day of December, the thirty-first day of March or the thirtieth day of June—the period of three months ending on that day; or

(b) in any other case—the period of three months ending on the thirtieth day of September, the thirty-first day of December, the thirty-first day of March or the thirtieth day of June that last preceded that day.

9.—(1.) An authorized person may, by instrument in writing, direct that any hens that, at any time while the instrument remains in force, are in the possession or control of a person but of which that person is not the owner shall, for the purposes of this Act, be deemed to be owned by that person, and the direction has effect accordingly. Ownership
of hens.

(2.) In this section, “ authorized person ” means the Minister or a person authorized in writing by him to give directions under this section.

10.—(1.) Levy is not imposed on hens included in a prescribed class of hens. Prescribed
exemptions.

(2.) Before making any regulations for the purposes of the last preceding sub-section, the Governor-General shall take into consideration any recommendation with respect to the proposed regulations made to the Minister by the Council.

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.
