

Poultry Industry Levy Collection

No. 20 of 1965

An Act relating to the Collection of Levy under the
Poultry Industry Levy Act 1965.

[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* Short title.
Collection Act 1965.

Commence-
ment.

2. This Act shall come into operation on the first day of July, One thousand nine hundred and sixty-five.

Interpretation.

3.—(1.) In this Act, unless the contrary intention appears—

“levy” means levy imposed by the *Poultry Industry Levy Act 1965*;

“the Council” means The Council of Egg Marketing Authorities of Australia;

“the State Egg Board”, in relation to a State, means—

(a) the authority constituted by or under a State Act of that State that exercises powers and functions under that Act in relation to the marketing of eggs; or

(b) if there is more than one such authority for the State—such one of those authorities as is approved by the Minister for the purposes of this Act.

(2.) For the purposes of this Act, an amount of levy shall be deemed to have been collected by the State Egg Board for a State if it is paid to the Board under section 6 of this Act or an amount equal to the amount of the levy is deducted by the Board under that section from moneys payable by the Board to a person.

Due date for
payment.

4.—(1.) An amount of levy is payable upon the expiration of the prescribed period after the day on which the levy is imposed.

(2.) For the purposes of the last preceding sub-section, “the prescribed period” is—

(a) if the owner of the hens in respect of which the levy is payable is included in a class of owners in relation to which a period is specified in the regulations—that period; and

(b) in any other case—fourteen days.

(3.) Regulations shall not be made for the purposes of this section except on the recommendation of the Council made to the Minister by the Council.

Arrangements
for collection
of levy by
State Egg
Boards.

5.—(1.) For better securing the payment of levy, the Commonwealth may enter into an arrangement with a State with respect to the collection of levy in that State, on behalf of the Commonwealth, by the State Egg Board for that State.

(2.) Without prejudice to the generality of the last preceding sub-section, an arrangement under that sub-section with a State may provide for—

(a) the keeping by the State Egg Board for that State of accounts and records in relation to amounts of levy collected by the Board;

- (b) the payment by the State Egg Board to the Commonwealth of amounts of levy collected by the Board;
- (c) the furnishing by the State Egg Board to the Minister of information with respect to amounts of levy collected by the Board and of amounts paid by it to the Commonwealth; and
- (d) the inspection and audit of the accounts and records kept by the State Egg Board with respect to amounts of levy collected by the Board.

6.—(1.) While an arrangement under the last preceding section between the Commonwealth and a State is in force—

Collection of
levy by State
egg Boards.

- (a) payment of an amount of levy that is payable in respect of hens kept in that State shall be made to the State Egg Board for that State; and
- (b) the State Egg Board for that State may retain out of any moneys payable by the Board to any person an amount not exceeding the amount of any levy that the person is liable to pay.

(2.) Where, under the last preceding sub-section, a person pays an amount of levy to the State Egg Board for a State or an amount in respect of levy is deducted by the State Egg Board for a State from moneys payable by the Board to a person, the person is, to the extent of the amount so paid or deducted, discharged from his liability to pay the levy to the Commonwealth.

7.—(1.) The *Audit Act* 1901–1964 does not apply in relation to amounts of levy collected by a State Egg Board.

Audit Act
does not apply
to levy collected
by State Egg
Boards.

(2.) The last preceding sub-section shall not be construed as affecting the operation of the *Audit Act* 1901–1964 in relation to moneys paid by the State Egg Board for a State to the Commonwealth.

8.—(1.) Where the liability of a person to pay levy is not discharged at or before the time when the levy is payable, there is payable by that person to the Commonwealth, by way of penalty, in addition to the amount of the levy, an amount calculated at the rate of ten per centum per annum upon the amount of the levy from time to time remaining unpaid, to be computed from the time when the levy became payable.

Penalty for
non-payment.

(2.) The Minister may, in a particular case, for reasons which in his discretion he thinks sufficient, remit the whole or a part of an amount payable under this section.

9.—(1.) The following amounts may be recovered by the Commonwealth as debts due to the Commonwealth:—

Recovery of
levy.

- (a) an amount of levy that is payable;

(b) an amount payable by way of penalty under the last preceding section; and

(c) an amount payable to the Commonwealth by the State Egg Board for a State in pursuance of an arrangement entered into under section 5 of this Act.

(2.) In proceedings for the recovery of an amount referred to in the last preceding sub-section, an averment or statement in the complaint, claim or declaration of the plaintiff is evidence of the matter so averred or stated.

Offences.

10.—(1.) A person shall not—

(a) fail or neglect duly to furnish a return or information that he is required under the regulations to furnish;
or

(b) furnish, in pursuance of the regulations, a return or information that is false or misleading in a material particular.

Penalty: One hundred and fifty pounds.

(2.) A prosecution for an offence against this section may be commenced at any time.

Access to books, &c.

11.—(1.) For the purposes of this Act, a person authorized in writing by the Minister to exercise powers under this section may, at all reasonable times and on production of that authority, enter any building or place where, in the opinion of that person, there are any books, documents or other papers relating to the keeping of hens for commercial purposes or the hatching of chickens, and may take extracts from, and make copies of, any such books, documents or other papers.

(2.) A person shall not, without reasonable excuse, obstruct or hinder a person acting in pursuance of an authority under this section.

Penalty: Fifty pounds.

Regulations.

12. 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 or for facilitating the collection or recovery of any debt due to the Commonwealth under this Act and, in particular—

(a) providing for the manner of payment of levy and other moneys payable to the Commonwealth under this Act;

(b) requiring persons to furnish returns or information to such persons and authorities, including the State Egg Board for a State, as are prescribed; and

(c) prescribing penalties not exceeding a fine of One hundred pounds for offences against the regulations.