



Primary Industries (Recovery of Levy Collection Expenses) Act 1988

No. 51 of 1988

An Act to amend various Acts to allow the Commonwealth to be reimbursed, out of primary industry funds, for expenses incurred in relation to the collection of primary industry levies, charges and taxes and other administrative expenses, and for related purposes

[Assented to 15 June 1988]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Primary Industries (Recovery of Levy Collection Expenses) Act 1988*.

Commencement

2. (1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.

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(2) The amendment of the *Australian Horticultural Corporation Act 1987* made by this Act commences immediately after section 48 of that Act commences.

(3) The amendment of the *Honey Marketing Act 1988* made by this Act commences immediately after section 54 of that Act commences.

(4) The amendments of the *Horticultural Research and Development Corporation Act 1987* made by this Act commence immediately after section 47 of that Act commences.

Miscellaneous amendments of Primary Industries legislation

3. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 3

AMENDMENTS OF PRIMARY INDUSTRIES LEGISLATION

Australian Dried Fruits Corporation Act 1978

After paragraph 30 (1) (a):

Insert the following paragraph:

- “(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts of levy referred to in section 27; or
 - (ii) the administration of section 27;”.

Australian Horticultural Corporation Act 1987

After paragraph 48 (1) (a):

Insert the following paragraph:

- “(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 47 (1) (a) or (b) or (2) (a) or (b); or
 - (ii) the administration of section 47;”.

Australian Meat and Live-stock Corporation Act 1977

After paragraph 37 (1) (a):

Insert the following paragraph:

- “(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 34 (1) (a) or (b); or
 - (ii) the administration of section 34;”.

Australian Meat and Live-stock Research and Development Corporation Act 1985

Paragraph 42 (1) (c):

After “the amounts”, insert “(other than amounts payable under paragraph 44 (ba))”.

After paragraph 44 (b):

Insert the following paragraph:

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- “(ba) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts of levy or charge referred to in paragraph 42 (1) (a) or (b); or
 - (ii) the administration of paragraph 42 (1) (a) or (b);”.

Australian Wine and Brandy Corporation Act 1980

After paragraph 35 (aa):

Insert the following paragraph:

- “(ab) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 32 (a) or (b); or
 - (ii) the administration of section 32;”.

Dairy Produce Act 1986

Subsection 71 (1):

Omit the subsection, substitute the following subsection:

- “(1) There shall be paid to the Corporation, from time to time, amounts equal to:
- (a) the amounts received by the Commonwealth as Corporation levy; and
 - (b) the amounts received by the Commonwealth in discharge of the liability of a person under subsection 62 (1) in respect of amounts of Corporation levy.”.

After paragraph 74 (1) (c):

Insert the following paragraph:

- “(ca) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 71 (1) (a) or (b); or
 - (ii) the administration of section 71;”.

Subsection 90 (1):

Omit the subsection, substitute the following subsection:

- “(1) There shall be paid to the Corporation, to be credited to the Promotion Fund, out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to:
- (a) the amounts of promotion levy that are received by the Commonwealth from time to time; and

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- (b) the amounts payable under subsection 62 (1) that are related to the promotion levy that are received by the Commonwealth from time to time.”.

After paragraph 91 (a):

Insert the following paragraph:

- “(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 90 (1) (a) or (b); or
 - (ii) the administration of subsection 90 (1);”.

Subsection 93 (1):

Omit the subsection, substitute the following subsection:

“(1) There shall be paid to the Corporation, to be credited to the Market Support Fund, out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to:

- (a) the amounts of market support levy that are received by the Commonwealth from time to time;
- (b) the amounts of the dairy products levy imposed by section 8 of the second Levy Act that are received by the Commonwealth from time to time; and
- (c) the amounts payable under subsection 62 (1) that are related to the market support levy that are received by the Commonwealth from time to time.”.

Paragraph 101 (e):

Omit the paragraph, substitute the following paragraph:

- “(e) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 93 (1) (a), (b) or (c); or
 - (ii) the administration of subsection 93 (1);”.

After paragraph 107 (b):

Insert the following paragraph:

- “(ba) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts of dairy products levy referred to in subsection 104 (1); or
 - (ii) the administration of subsection 104 (1);”.

SCHEDULE—continued

Dried Vine Fruits Equalization Act 1978

After paragraph 7 (1) (a):

Insert the following paragraph:

- “(aa) payments to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of levy; or
 - (ii) the administration of subsection 5 (1);”.

Honey Marketing Act 1988

After paragraph 54 (1) (a):

Insert the following paragraph:

- “(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 50 (a), (b), (c), (d) or (e); or
 - (ii) the administration of section 50;”.

Horticultural Research and Development Corporation Act 1987

Subsection 46 (1):

After “each amount”, insert “(other than an amount payable under paragraph 47 (1) (aa))”.

After paragraph 47 (1) (a):

Insert the following paragraph:

- “(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts referred to in paragraph 45 (1) (a) or (b) or (2) (a) or (b); or
 - (ii) the administration of section 45;”.

Pig Industry Act 1986

After paragraph 25 (1) (a):

Insert the following paragraph:

- “(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
- (i) the collection or recovery of amounts of levy referred to in subsection 23 (1); or
 - (ii) the administration of section 23;”.

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Rural Industries Research Act 1985

Paragraph 7 (1) (b):

After “the amounts”, insert “(other than amounts payable under paragraph 9 (1) (da), (2) (aa) or (3) (b))”.

After paragraph 9 (1) (d):

Insert the following paragraph:

“(da) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (i) the collection or recovery of amounts referred to in paragraph 7 (1) (a) that are receivable by the Commonwealth in respect of goods of that kind or those kinds; or
- (ii) the administration of paragraph 7 (1) (a) in respect of goods of that kind or those kinds;”.

After paragraph 9 (2) (a):

Insert the following paragraph:

“(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (i) the collection or recovery of amounts referred to in paragraph 7 (1) (a) that are receivable by the Commonwealth in respect of goods of that kind or those kinds; or
- (ii) the administration of paragraph 7 (1) (a) in respect of goods of that kind or those kinds;”.

Subsection 9 (3):

Omit the subsection, substitute the following subsection:

“(3) The money in the Barley Research Trust Fund or the Wheat Research Trust Fund, being money standing to the credit of an account kept in accordance with paragraph 8 (2) (b) in relation to the State of Tasmania, may be paid out of that account:

- (a) with the approval of the appropriate Minister of that State, for the purposes of undertaking research and development activities in respect of goods of the kind or kinds in respect of which that Research Fund was established, being activities that the appropriate Minister of that State determines to be of special significance for the State of Tasmania; and
- (b) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
 - (i) the collection or recovery of amounts referred to in paragraph 7 (1) (a) that are receivable by the Commonwealth in respect of goods of that kind or those kinds; or

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- (ii) the administration of paragraph 7 (1) (a) in respect of goods of that kind or those kinds.”.

Tobacco Marketing Act 1965

Paragraph 21 (a):

Omit “and” (last occurring).

After paragraph 21 (a):

Insert the following paragraph:

“(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (i) the collection or recovery of charge imposed by the *Tobacco Charge Act (No. 1) 1955*, the *Tobacco Charge Act (No. 2) 1955*, or the *Tobacco Charge Act (No. 3) 1955*, additional charge imposed under section 18 of the *Tobacco Charge Assessment Act 1955* or penalty imposed under section 29 of that Act; or
- (ii) the administration of section 19 of this Act; and”.

Wool Marketing Act 1987

After subparagraph 49 (2) (a) (iii):

Insert the following subparagraph:

“(iiiia) in the payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (A) the collection or recovery of tax imposed by a Wool Tax Act or additional tax payable under section 38 or 61 of the *Wool Tax (Administration) Act 1964*; or
- (B) the administration of section 47 of this Act;”.

After paragraph 52 (a):

Insert the following paragraph:

“(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (i) the collection or recovery of tax imposed by a Wool Tax Act or additional tax payable under section 38 or 61 of the *Wool Tax (Administration) Act 1964*; or
- (ii) the administration of section 47 of this Act;”.

Paragraph 93 (1) (b):

After “the amounts”, insert “(other than amounts payable under paragraph 94 (1) (aa))”.

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After paragraph 94 (1) (a):

Insert the following paragraph:

“(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (i) the collection or recovery of tax imposed by a Wool Tax Act or additional tax payable under section 38 or 61 of the *Wool Tax (Administration) Act 1964*; or
- (ii) the administration of section 47 of this Act;”.

[*Minister's second reading speech made in—
House of Representatives on 25 May 1988
Senate on 30 May 1988*]