

MEAT INDUSTRY (AMENDMENT) BILL 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Pastures Protection (Rates) Amendment Bill 1985.

The object of this Bill is to amend the Meat Industry Act 1978 so as to impose meat industry levies to assist in funding the Meat Industry Authority ("the Authority") and for other purposes.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 defines the "Principal Act".

Clause 4 sets out the Schedules contained in the proposed Act.

Clause 5 is a formal provision that gives effect to the Schedules of amendments.

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LEVIES

Schedule 1 (1) inserts into the Principal Act a definition of "meat industry levy".

Schedule 1 (2) inserts into the Principal Act a new Part VA containing the following provisions relating to meat industry levies:

PART VA—MEAT INDUSTRY LEVY

DIVISION 1—*Amount of meat industry levy*

- (a) Proposed section 59A (Meat industry levy) provides for the payment of an annual meat industry levy by occupiers of land liable to pay an animal health rate in that year under the Pastures Protection Act 1934. The amount of the proposed levy is to be calculated by adding \$5 and an amount calculated according to the carrying capacity of the land. The maximum meat industry levy payable is to be \$60. Notice of the amount of the levy is to be given in writing by the Authority or its agent. Refunds are to be given to persons who pay the Authority or its agents more than \$60 in respect of different parcels of land.
- (b) Proposed section 59B (Irregularity) enables the Minister to extend the time for the giving of notice of the amount of a meat industry levy.

DIVISION 2—*Liability for meat industry levy*

- (c) Proposed section 59C (Liability—generally) states that every meat industry levy shall be due and payable to and recoverable by the Meat Industry Authority after 31 days after service of notice of the amount payable. The proposed section also establishes the primary liability of an occupier for payment of a meat industry levy. The liability of joint occupiers of land is set out and it is provided that an owner of land shall be liable for payment of the levy after the expiration of 12 months after the date on which the levy became due and payable. The proposed section makes it an offence to fail to pay the whole of the levy on or before the due date and imposes a penalty of \$1,000. An owner who pays a meat industry levy may recover it from the occupier of the land.
- (d) Proposed section 59D (Liability where an estate or interest is transferred) provides that a person who ceases to be an occupier or owner of land in respect of which a meat industry levy is payable shall continue to be liable for a levy of which notice has been given before the person ceases to be an occupier or owner or before the Authority or its agent receives notice of the person so ceasing. It also sets out the liability for levies as between new and former occupiers and owners.
- (e) Proposed section 59E (Notice of changes in occupancy or ownership of land) requires a person to give notice to the Authority or its agent of ceasing to be or becoming the occupier or owner of land in respect of which a meat industry levy is payable. It makes it an offence to fail to comply with the requirement and imposes a penalty not exceeding \$500.
- (f) Proposed section 59F (Liability of person becoming occupier or owner) makes a new occupier or owner liable for payment of the current meat industry levy and amounts of levies owing to the Authority. The proposed section does not apply to new holders of Crown land. The proposed section also provides for application to the Authority for and the issue and use of a certificate as to the amount owed to the Authority. An owner or occupier who pays any meat industry levy which accrued during a previous occupancy or ownership may recover that levy from the previous occupier or owner.

DIVISION 3—*Recovery of meat industry levies*

- (g) Proposed section 59G (Facilitation of recovery) prevents objection being taken to the validity of a meat industry levy during proceedings for recovery of the levy. It also provides for the manner for proceedings for objection to the validity of a rate to be prescribed.
- (h) Proposed section 59H (Overdue meat industry levies—extra charges) provides for interest to be charged after 60 days on unpaid meat industry levies and for that interest to be deemed to be part of the levies.
- (i) Proposed section 59I (Recovery of meat industry levies) provides that unpaid meat industry levies may be recovered by the Authority or its agent in any court of competent jurisdiction. All levies payable by the same person in respect of occupation or ownership of the same or different land may be recovered by proceedings in one action. The proposed section also sets out the Local Court in which such proceedings may be taken.

DIVISION 4—*Miscellaneous*

- (j) Proposed section 59J (Collection of meat industry levies) enables the Authority to enter into an agreement or arrangement with a pastures protection board or the Council of Advice on behalf of the Pastures Protection Boards' Association of New South Wales for or with respect to the issue of notices and the undertaking by boards on behalf of the Authority of the collection and recovery of meat industry levies.
- (k) Proposed section 59K (Waiver of refund of meat industry levies) gives the Minister power to direct the Authority to waive payment of a meat industry levy or to refund a levy, and to authorise the Authority to write off any amount owing to it where the Minister is satisfied that the amount is not recoverable.
- (l) Proposed section 59L (Levy book) provides that every meat industry levy shall be entered in a prescribed levy book kept by the Authority. An amendment of the levy book will be deemed to be a determination by the Authority of the amount payable under a levy. The proposed section provides that an entry shall be evidence of the matters recorded in the levy book and that a copy of such an entry shall be evidence of the entry and the matters recorded.
- (m) Proposed section 59M (Exemptions) enables the regulations to exempt any land or any person or class of person from the operation of all or any of the provisions of the proposed Part.
- (n) Proposed section 59N (Evidence of agent) states that, in proceedings for the purposes of the proposed Part, proof shall not, until evidence is given to the contrary, be required of the appointment of an agent of the Authority.

Schedule 1 (3) enables meat industry levies to be paid into a fund and used for the expenses of the Authority.

Schedule 1 (4) inserts into the Principal Act a power to make regulations with respect to notices of the amount of a meat industry levy, objections by occupiers to the validity of a meat industry levy and all other matters incidental to the regulation of meat industry levies.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

Schedule 2 (1) omits the arrangement provision of the Principal Act.

Schedule 2 (2) amends the Principal Act so as to make it clear that an unlicensed person can be guilty of the offence of operating a slaughtering place or a knackery by using premises for either purpose on only one occasion.

Schedule 2 (3) inserts into the Principal Act proposed section 75A (Delegation by Minister) which gives the Minister power to delegate the Minister's functions under the Principal Act.
