BILLS DIGEST

Nos. 78-83 1994

Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994
Agricultural and Veterinary Chemical Products Interim Levy Imposition (Excise) Bill 1994
Agricultural and Veterinary Chemical Products Interim Levy Imposition (Customs) Bill 1994
Agricultural and Veterinary Chemical Products Interim Levy Imposition (General) Bill 1994
Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment Bill 1994
Agricultural and Veterinary Chemicals (Administration) Amendment Bill 1994

Parliament of the Commonwealth of Australia
Guide to Index of Digests: Bills Digests are numbered according to the year in which they are prepared. An index, listing Bills Digests alphabetically, appears at the end of each Bills Digest.
Caution:

Unless otherwise stated, each Bills Digest reflects the provisions of the legislation as initially presented. Digests should not be read as a complete guide to the relevant legislation and do not constitute legal advice.

Further Assistance:

More information on the background to and content of legislative proposals can be obtained from the Parliamentary Research Service officer identified on the last page of the Digest and from staff of the Bills Digest Service (BDS) on (06) 2772439 and (06) 2772438.

Additional copies of digests are available from the BDS on (06) 2772646. Each Digest may also be accessed readily via the Parliamentary Data Base Service (PDBS).
Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994

Date Introduced: 4 May 1994
House: House of Representatives
Portfolio: Primary Industries and Energy
Commencement: On a day to be fixed by Proclamation, but if the Bill is not proclaimed within six months of receiving Royal Assent, it is automatically repealed.

Purpose

To provide for the assessment and collection of levy imposed on agricultural and veterinary chemicals.

Background

Since December 1993, fourteen Bills have been introduced relating to the regulation of agricultural and veterinary chemicals in Australia.

On 16 December 1993, seven Bills were introduced which collectively provided a scheme for the evaluation, registration and control of agricultural and veterinary chemicals in the Australian Capital Territory and prescribed Territories. The Bills in the package included:

- Agricultural and Veterinary Chemicals Bill 1993;
- Agricultural and Veterinary Chemical Products (Collection of Levy) Bill 1993;
- Agricultural and Veterinary Chemical Products Levy Imposition (Excise) Bill 1993;
- Agricultural and Veterinary Chemicals Code Bill 1993;
- Agricultural and Veterinary Chemicals (Consequential Amendments) Bill 1993;
- Agricultural and Veterinary Chemical Products Levy Imposition (Customs) Bill 1993; and
- Agricultural and Veterinary Chemical Products Levy Imposition (General) Bill 1993.

[Note: The above Bills were assented to 15 March 1994 and are all referred to as 1994 Acts.].

It is the Government's intention that the Agricultural and Veterinary Chemicals Code, set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 will be adopted by the enactment of complementary legislation by each State and the Northern Territory. Were this to occur, the evaluation, approval, registration and control and supply of agricultural and veterinary chemicals would
be administered uniformly across Australia by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA). For additional information on the above package see Digest Nos. 3, 8 and 14-18 of 1994.

On 24 March 1994, the Government introduced the Primary Industries and Energy Legislation Amendment Bill 1994 [Note: The Primary Industries and Energy Legislation Amendment Bill 1994 passed the Senate on 4 May 1994 and was introduced into the House of Representatives on 9 May 1994.] Among the amendments proposed by this Bill was an extension of the life of the Agricultural and Veterinary Chemicals Act 1988 from 30 June 1994 to 30 June 1996. The rationale given by the Minister in the Second Reading Speech to that Bill for the extension is that it was "a contingency measure in the event that the States do not pass legislation for the Agricultural and Veterinary Chemicals Code to commence in their jurisdiction on 1 July 1994." For additional information on the Agricultural and Veterinary Chemicals Act 1988 see Digest No.3 of 1994.

This Bill forms one of a package of six Bills which collectively provide cost recovery arrangements for the National Registration Scheme for Agricultural and Veterinary Chemicals. The other Bills in this package are the:

- Agricultural and Veterinary Chemical Products Interim Levy Imposition (Excise) Bill 1994;
- Agricultural and Veterinary Chemical Products Interim Levy Imposition (Customs) Bill 1994;
- Agricultural and Veterinary Chemical Products Interim Levy Imposition (General) Bill 1994;
- Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment Bill 1994; and
- Agricultural and Veterinary Chemicals (Administration) Amendment Bill 1994.

Despite not being expressly stated in the Explanatory Memoranda to this package of Bills, the reason for the package is the delay of the States and the Northern Territory in drafting and passing complementary legislation giving effect to the Agricultural and Veterinary Chemicals Code. It should be emphasised that the delay is not due to any change in State and Territory policy. There continues, according to the Department of Primary Industries and Energy, to be agreement at the Ministerial level for a uniform scheme for the evaluation, registration and control of agricultural and veterinary chemicals in Australia. The Department, however, was unable to provide the Bills Digest Service with a date as to when the necessary drafting would be completed and the legislation passed.

Pending the passage of the State and Territory legislation, this package of Bills provides "interim" cost recovery arrangements for the operation of the National Registration Scheme for Agricultural and Veterinary Chemicals, as governed by the provisions of the Agricultural and Veterinary Chemicals (Administration) Act 1992. [Note: The "interim" nature of this package is reflected in the wording of the commencement clauses and those provisions which specify when amounts of levy are to be paid.] For additional information on this Act see the Digest for the Agricultural and Veterinary Chemicals (Administration) Bill 1992 and the Agricultural and Veterinary Chemicals Amendment Bill 1992. Copies of the Digests for these Bills may be accessed readily via the Parliamentary Data Base Service.

-2-
Main Provisions

The provisions of this Bill, for the most part, are identical in effect to those, contained in the Agricultural and Veterinary Chemical Products (Collection of Levy) Bill 1993 (see the "Background" to this Digest). The differences between the two Bills lie in those provisions which specify when amounts levy are to be paid and the commencement clause.

Important Definitions:

The term "chemical product" is defined by clause 3 as an agricultural or veterinary chemical product, other than a product exempted under the regulations from levy.

The term "leviable disposal" is defined by clause 3 to mean:

* where an Australian chemical product is disposed of, or applied to a use by a manufacturer; or
* where an imported chemical product is disposed of or applied to a use in Australia by an importer.

The term "leviable value" is defined by clause 3 to mean:

* in the case of a wholesale arms length sale between parties - the amount received by the manufacturer or importer for the sale; or
* otherwise, the notional wholesale value of the chemical product at the time of disposal.

The term "notional wholesale value" is defined by clause 3 as the amount the NRA determines a manufacturer or importer of a chemical product would have received had the product been sold by wholesale to a person with whom the manufacturer or importer was dealing at arms's length.

The term "prescribed date for payment", as relates to any levy payable, is defined by clause 3 as:

* where the levy is payable because an assessment, the date stated in the assessment; or
* where the levy is payable otherwise, the later of:
  - 1 June next following the end of a relevant calendar year; or
  - six weeks from the day this Bill comes into effect; or
  - a later day determined by the NRA.

The term "total leviable value" is defined by clause 3 as the sum of the leviable value of leviable disposals of a chemical product that took place anywhere in Australia during a relevant calendar year.
The term "relevant calendar year" is defined by clause 3 as the calendar year commencing 1 January 1993.

Power of NRA to Make Certain Determinations: The NRA may make a determination, in writing, to the manufacturer or importer of a chemical product of the amount that they would have received at a particular time under the definition of "notional wholesale value". In addition, the NRA may by determination through a notice in the Gazette, set a due date later than the "prescribed date for payment" (clause 7).

Liability for Levy for Disposals: Where a chemical product was or is registered in any jurisdiction on 1 January 1994, a levy will be payable on leviable disposals that took place anywhere in Australia during that year [subclause 8(1)]. The person liable to pay the levy is the interested person [subclause 8(2)] (Basically, the person, or their successor in law, who applied for the registration, or renewal of registration, of a chemical product.). If a chemical product was registered in more than one jurisdiction and different persons were the interested persons, those persons are jointly and severally liable to pay the levy [subclause 8(3)].

Amount of Levy: The amount of levy payable during a relevant calendar year in respect of leviable disposals of a particular chemical product is:

* $500 - where the total leviable value of the chemical product for that year is less than $25 000;
* $830 - where the total leviable value of the chemical product for that year is between $25 000 and $100 000; or
* subject to a maximum levy of $20 000, $830 plus the total leviable value of the chemical product for that year multiplied by the prescribed rate of levy, where the total leviable value of the chemical product for that year is more than $100 000 (clause 9).

Payment of Levy: The person liable to pay levy is required to do so by the prescribed date for payment clause 10.

Calculation of Levy by Person Liable: The NRA may, where it appears to it that a person may be liable to pay levy during a relevant calendar year, by written notice: 

* tell that person the rate of levy payable in respect of chemical products for that year; and
* require that person:
  - to carry out the levy calculations; and
  - within one month of that period stated in the notice, notify the NRA of the results of the calculations and basis on which the calculations were made [subclause 12(1)].
It will be an offence, punishable by a maximum penalty of 30 penalty units (currently $3000) for a person, without reasonable excuse, to refuse or fail to comply with directions in a notice [subclause 12(2)].

Assessment of Levy by NRA: The NRA may make an assessment of whether any levy is payable for leviable disposals of a particular chemical product during a relevant calendar year [subclause 13(1)]. An assessment is to state the total leviable value of the product for the calendar year concerned and the amount of levy payable [subclause 13(3)]. The NRA must give written notice of an assessment to the relevant interested person, whether any levy is payable or not [subclause 13(5)]. Where levy is payable, the notice is to state the date by which the levy is to be paid [subclause 13(7)], and the date stated is not to be earlier than:

* the date that, apart from the assessment, would be the prescribed date for payment; or
* the 21st day after receipt of the notice [subclause 13(8)].

An NRA assessment will be reviewable by the Administrative Appeals Tribunal [subclause 13(11)].

Enforcement Provisions: The NRA may sue to recover any levy that has not been paid before the prescribed date, or any late payment penalty that is payable [subclause 16(1)].

The other provisions contained in Part 4 of this Bill, clauses 17-30, contain standard enforcement provisions that provide for the monitoring of, and ensure the compliance with, this proposed Act. For example, clause 22 deals with an application for a warrant to enter and search a premises suspected of containing evidence that would constitute an offence.

Review by Administrative Appeals Tribunal: Clause 31 provides that an application may be made to the Administrative Appeals Tribunal for a review of certain NRA decisions, including:

* an NRA decision determining, or refusing to determine, a later date for the purposes of the definition of 'prescribed date for payment' [see subclause 3(1)];
* an NRA decision determining the amount that a manufacturer or importer of a chemical product would have received at a particular time under the definition of 'notional wholesale value' [see subclause 7(a)]; or
* an NRA decision to waive, or refuse to waive, the whole or part of an amount of a late payment penalty [see subclause 11(2)].

Self-incrimination: It will be a reasonable excuse for a person to refuse or fail to give information, produce a document, or do anything required of them under this proposed Act, if it would tend to incriminate them (clause 32).

Exemption from Liability for Damages: Immunity from actions for damages is provided by clause 36 in relation to anything done or omitted to be done in good faith in the performance or purported performance of any function, or the exercise
or purported exercise of any power, conferred by this proposed Act by certain bodies and persons, including the Commonwealth, the NRA, or an NRA consultant or inspector.

Ian Ireland (Ph. 06 2772438)
Bills Digest Service
Parliamentary Research Service

9 May 1994

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.


Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval systems, without the prior written consent of the Parliamentary Library, other than by Members of the Australian Parliament in the course of their official duties.

Published by the Department of the Parliamentary Library, 1994.
Agricultural and Veterinary Chemical Products
Interim Levy Imposition (Excise) Bill 1994

Date Introduced: 4 May 1994
House: House of Representatives
Portfolio: Primary Industries and Energy
Commencement: On the same day as the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994, unless that Bill is repealed by subclause 2(2) of that Bill, in which case this Bill is taken to have been repealed on the same day. Each bill in this package of measures must come into effect, if it is to commence at all, within six months of receiving Royal Assent.

Purpose

To impose an interim levy on agricultural and veterinary chemical products manufactured in Australia.

Background

The reader is referred to the background contained in the Digest of the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994.

This Bill and the Agricultural and Veterinary Chemical Products Interim Levy Imposition (Customs) Bill 1994 and Agricultural and Veterinary Chemical Products Interim Levy Imposition (General) Bill 1994 are bills which impose taxation. Three separate bills are required to satisfy section 55 of the Constitution, which in part provides:

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

Depending on the circumstances in which a tax is imposed, the tax may be defined to be a customs duty, an excise duty or a tax. Customs duties are applied to imports. Excise duties are applied to domestic production. The tax imposed by this Bill is a duty of excise imposed on agricultural and veterinary chemical products manufactured in Australia, whereas other bills in this package respectively impose customs duties and taxes.
Main Provisions

**Imposition of Levy:** A levy will be imposed on agricultural and veterinary chemical products manufactured in Australia by clause 3.

**Levy not Imposed on State Property:** This Bill will not impose a levy on property of any kind belonging to a State [subclause 4(1)]. The terms 'property of any kind belonging to a State' is defined by subclause 4(2) to have the same meaning as in section 114 of the Constitution. Section 114 of the Constitution provides:

A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.²

Endnotes

1. Subclause 2(2) of the *Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994* provides that where a commencement date is not fixed within six months of the Bill receiving the Royal Assent, it will be taken to be repealed on the day after that period.


Ian Ireland (Ph. 06 2772438)
Bills Digest Service
Parliamentary Research Service

9 May 1994

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.


Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval systems, without the prior written consent of the Parliamentary Library, other than by Members of the Australian Parliament in the course of their official duties.

Published by the Department of the Parliamentary Library, 1994.
Agricultural and Veterinary Chemical Products
Interim Levy Imposition (Customs) Bill 1994

Date Introduced: 4 May 1994  
House: House of Representatives  
Portfolio: Primary Industries and Energy  
Commencement: On the same day as the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994, unless that Bill is repealed by subclause 2(2) of that Bill\(^1\), in which case this Bill is taken to have been repealed on the same day. Each bill in this package of measures must come into effect, if it is to commence at all, within six months of receiving Royal Assent.

Purpose

To impose an interim levy on imported agricultural and veterinary chemical products sold wholesale.

Background

The reader is referred to the background contained in the Digest of the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994.

This Bill and the Agricultural and Veterinary Chemical Products Interim Levy Imposition (Excise) Bill 1994 and Agricultural and Veterinary Chemical Products Interim Levy Imposition (General) Bill 1994 are bills which impose taxation. Three separate bills are required to satisfy section 55 of the Constitution, which in part provides:

> Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

Depending on the circumstances in which a tax is imposed, the tax may be defined to be a customs duty, an excise duty or a tax. Customs duties are applied to imports. Excise duties are applied to domestic production. The tax imposed by this Bill is a duty of customs imposed on imported agricultural and veterinary chemical products sold wholesale, whereas other bills in this package respectively impose excise duties and taxes.
Main Provisions

**Imposition of Levy:** A levy will be imposed on imported agricultural and veterinary chemical products sold wholesale clause 3.

**Levy not Imposed on State Property:** This Bill will not impose a levy on property of any kind belonging to a State [subclause 4(1)]. The terms 'property of any kind belonging to a State' is defined by subclause 4(2) to have the same meaning as in section 114 of the Constitution. Section 114 of the Constitution provides:

A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State. 

Endnotes

1. Subclause 2(2) of the *Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994* provides that where a commencement date is not fixed within six months of the Bill receiving the Royal Assent, it will be taken to be repealed on the day after that period.


Ian Ireland (Ph. 06 2772438)  
Bills Digest Service  
Parliamentary Research Service  

10 May 1994

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.


Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval systems, without the prior written consent of the Parliamentary Library, other than by Members of the Australian Parliament in the course of their official duties.

Published by the Department of the Parliamentary Library, 1994.
Agricultural and Veterinary Chemical Products
Interim Levy Imposition (General) Bill 1994

Date Introduced: 4 May 1994
House: House of Representatives
Portfolio: Primary Industries and Energy
Commencement: On the same day as the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994, unless that Bill is repealed by subclause 2(2) of that Bill\(^1\), in which case this Bill is taken to have been repealed on the same day. Each bill in this package of measures must come into effect, if it is to commence at all, within six months of receiving Royal Assent.

Purpose

To impose an interim levy on agricultural and veterinary chemical products imported for purposes other than wholesale.

Background

The reader is referred to the background contained in the Digest of the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994.

This Bill and the Agricultural and Veterinary Chemical Products Interim Levy Imposition (Customs) Bill 1994 and Agricultural and Veterinary Chemical Products Interim Levy Imposition (Excise) Bill 1994 are bills which impose taxation. Three separate bills are required is to satisfy section 55 of the Constitution, which in part provides:

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

Depending on the circumstances in which a tax is imposed, the tax may be defined to be a customs duty, an excise duty or a tax. Customs duties are applied to imports. Excise duties are applied to domestic production. The tax imposed by this Bill, which is neither a duty of customs or duty of excise, is a tax imposed on agricultural and veterinary chemical products imported for purposes other than wholesale sale, whereas other bills in this package respectively impose excise and customs duties.
Main Provisions

**Imposition of Levy:** A levy will be imposed on agricultural and veterinary chemical products imported for purposes other than wholesale sale by clause 3.

**Levy not Imposed on State Property:** This Bill will not impose a levy on property of any kind belonging to a State [subclause 4(1)]. The terms 'property of any kind belonging to a State' is defined by subclause 4(2) to have the same meaning as in section 114 of the Constitution. Section 114 of the Constitution provides:

A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.²

**Endnotes**

1. Subclause 2(2) of the *Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994* provides that where a commencement date is not fixed within six months of the Bill receiving the Royal Assent, it will be taken to be repealed on the day after that period.


Ian Ireland (Ph. 06 2772438)
Bills Digest Service
Parliamentary Research Service

10 May 1994

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.


Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval systems, without the prior written consent of the Parliamentary Library, other than by Members of the Australian Parliament in the course of their official duties.

Published by the Department of the Parliamentary Library, 1994.
Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment Bill 1994

Date Introduced: 4 May 1994
House: House of Representatives
Portfolio: Primary Industries and Energy
Commencement: On the same day as the Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994. However, if the proposed Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994 is repealed by subclause 2(2) of that Bill¹, this Bill will be taken to have been repealed on the same day. Each bill in this package of measures must come into effect, if it is to commence at all, within six months of receiving Royal Assent.

Purpose

To prevent levy payable on chemical products disposed of during 1993 being collected twice, i.e. under both the Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994 and the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994.

Background

The reader is referred to the background contained in the Digest for the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994 and Agricultural and Veterinary Chemical Products (Collection of Levy) Bill 1994².

Main Provisions

The Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994 (the Principal Act) will be amended as follows:

* Subsection 3(1) of the Principal Act, by omitting subparagraph (a)(i) of the definition of 'prescribed date for payment'.

The term 'prescribed date for payment', as relates to any levy payable, is defined by section 3 of the Principal Act as:

* except if the levy is payable because of an assessment:

  - two months from the commencement date, or if the National Registration Authority for Agricultural and Veterinary Chemicals
Agricultural and Veterinary Chemical Products
(Collection of Levy) Amendment Bill 1994

(NRA) determines a later day, that later day, where the levy is payable under subsection 7(1) [section 3(1)(a)(i)];

- 1 June 1994, where the levy is payable under subsection 8(1);

- a date prescribed by the regulation or, if no date is prescribed, 1 September, where the levy is payable under subsection 9(1); or

* where the levy is payable because of an assessment, the date stated in the assessment.

* Section 7 of the Principal Act by repealing the section.

Section 7 of the Principal Act deals with liability for levy payments in respect of leviable disposals during 1993. Under section 7, where a chemical product was registered in a State/Northern Territory or participating Territory (i.e. the Australian Capital Territory or a prescribed Territory) at the commencement of the Principal Act, levy is payable on leviable disposals that took place anywhere in Australia during the year commencing 1 January 1993. However, levy is not payable if the total leviable value of the disposals for that year was less than $100 000.

* Section 10 of the Principal Act by repealing the section.

Section 10 of the Principal Act deals with the amount of levy payable in respect of leviable disposals during 1993. The total amounts of levy payable is limited to a maximum of $15 750, or a prescribed amount.

Endnotes

1. Subclause 2(2) of the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994 provides that where a commencement date is not fixed within six months of the Bill receiving the Royal Assent, it will be taken to be repealed on the day after that period.


Ian Ireland (Ph. 06 2772438)
Bills Digest Service
Parliamentary Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

Agricultural and Veterinary Chemical Products  
(Collection of Levy) Amendment Bill 1994

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval systems, without the prior written consent of the Parliamentary Library, other than by Members of the Australian Parliament in the course of their official duties.

Published by the Department of the Parliamentary Library, 1994.
Agricultural and Veterinary Chemicals (Administration) Amendment Bill 1994

Date Introduced: 4 May 1994
House: House of Representatives
Portfolio: Primary Industries and Energy
Commencement: On the same day as the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994, unless that Bill is repealed by subclause 2(2) of that Bill¹, in which case this Bill will be taken to have been repealed on the same day. Each bill in this package of measures must come into effect, if it is to commence at all, within six months of receiving Royal Assent.

Purpose

To make amounts of levy or late payment penalty paid into the Consolidated Revenue Fund under clause 16 of the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994 payable to the NRA.

Background

The reader is referred to the background and outline of provisions contained in the Digests for the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994, Agricultural and Veterinary Chemicals (Administration) Bill 1992 and Agricultural and Veterinary Chemicals Amendment Bill 1992. Copies of the Digests for the latter two Bills may be accessed readily via the Parliamentary Data Base Service.

Main Provisions

Part 7 (sections 58-69) of the Agricultural and Veterinary Chemicals (Administration) Act 1992 (the Principal Act) deals with NRA finances. The NRA's funds consist of moneys appropriated by Parliament [section 58(1)]; fees received by the Commonwealth under the Agricultural and Veterinary Chemicals Act 1988 or the Agvet Codes or Agvet Regulations [section 58(2)(a)]; amounts of levy or late payment penalties paid into the Consolidated Revenue Fund under any Act providing for the collection of a levy imposed in respect of the disposal of chemical products [section 58(2)(aa) and amounts paid by a State/Territory to the Commonwealth for the purposes of the NRA [section 58(2)(b)].
A new paragraph 58(2)(ab) will be inserted into the Principal Act by clause 3, the effect of which will be to make amounts of levy or late payment penalty paid into the Consolidated Revenue Fund under clause 16 of the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994 payable to the NRA.

The rationale for this amendment, as stated in the Explanatory Memorandum to this Bill, is to "enable the current recoverable cost incurred in the evaluation of chemical products under the National Registration Scheme for Agricultural and Veterinary Chemicals to be payable to the National Registration Authority for Agricultural and Veterinary Chemicals."

Endnotes

1. Subclause 2(2) of the Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Bill 1994 provides that where a commencement date is not fixed within six months of the Bill receiving the Royal Assent, it will be taken to be repealed on the day after that period.

Ian Ireland (Ph. 06 2772438)  
Bills Digest Service  
Parliamentary Research Service  
10 May 1994

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.


Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval systems, without the prior written consent of the Parliamentary Library, other than by Members of the Australian Parliament in the course of their official duties.

Published by the Department of the Parliamentary Library, 1994.