

# Agricultural Livestock (Disease Control Funding) Regulation 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Livestock (Disease Control Funding) Act 1998*.

Minister for Primary Industries

## Explanatory note

The object of this Regulation is to remake, with the necessary updates of references to the repealed *Rural Lands Protection Act 1989* but no other substantial changes, the *Agricultural Livestock (Disease Control Funding) Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the records to be kept by a collection agent in relation to transaction based contributions received from livestock producers under section 12C of the *Agricultural Livestock (Disease Control Funding) Act 1998* ("**the Act**"), and
- (b) enables the Director-General of the Department of Primary Industries to collect and recover industry levies imposed under the Act in the same way as rural lands protection boards may collect and recover rates under the *Rural Lands Protection Act 1998* ("**the RLP Act**"). It does this by allowing the Director-General to exercise certain functions of those boards under the rating and recovery provisions of the RLP Act, and
- (c) modifies the application of the relevant provisions of the RLP Act to industry levies, and
- (d) requires the keeping of records in relation to industry levies recoverable as referred to in paragraph (b).

This Regulation is made under the *Agricultural Livestock (Disease Control Funding) Act 1998*, including sections 12C (Collection of transaction based contributions), 24 (Application of *Rural Lands Protection Act 1998*) and 33 (the general regulation-making power).

This Regulation comprises matters of a machinery nature.

## 1 Name of Regulation

This Regulation is the *Agricultural Livestock (Disease Control Funding) Regulation 2006*.

## 2 Commencement

This Regulation commences on 1 September 2006.

This Regulation replaces the *Agricultural Livestock (Disease Control Funding) Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

## 3 Definition

- (1) In this Regulation: "**the Act**" means the *Agricultural Livestock (Disease Control Funding) Act 1998*.
- (2) Notes included in this Regulation do not form part of this Regulation.

## 4 Record of collection of transaction based contributions

- (1) For the purposes of section 12C (2) (c) of the Act, the records to be kept by a

collection agent for a transaction based contribution scheme in relation to a transaction based contribution from a livestock producer are records of the following:

- (a) the name of the livestock producer,
- (b) the livestock transaction concerned,
- (c) the amount of the contribution concerned and the date on which it was collected.

(2) A copy of the receipt issued to the livestock producer under section 12C (3) of the Act in respect of the livestock transaction concerned is a sufficient record for the purposes of this clause.

## **5 Exercise of certain functions by Director-General**

(1) The Director-General may, for the purpose of the collection of industry levies under Part 5 of the Act, exercise the functions of a rural lands protection board under Divisions 2, 3, 6 and 8 (other than section 80 (1) (a)) of Part 7 and Divisions 1 and 3 of Part 13 of the *Rural Lands Protection Act 1998* and Schedule 5 to that Act.

(2) For that purpose:

- (a) a reference in those provisions to a rural lands protection board is to be read as a reference to the Director-General, and
- (b) a reference in Part 7 to an occupier is taken to be a reference to an occupier as defined in section 58 of the *Rural Lands Protection Act 1998*.

(3) Section 63 (3) of the *Rural Lands Protection Act 1998* does not apply to or in respect of any function exercised by the Director-General under this clause, and the following provisions apply instead:

- (a) The Director-General is to serve a notice ("**an industry levy notice**") on the occupier of ratable land who is liable to pay an industry levy.
- (b) The industry levy is due and payable to, and recoverable by, the Director-General on the date that is 30 days after the date of service of the industry levy notice, or on such later date as may be specified in the industry levy notice.
- (c) If there is more than one occupier of ratable land, service of the industry levy notice on at least one of the occupiers is taken to be service on all the occupiers of the land.

(4) Section 79 (1) of the *Rural Lands Protection Act 1998* does not apply to or in respect of any function exercised by the Director-General under this clause.

(5) This clause:

- (a) does not apply in respect of an industry levy that a rural lands protection board is directed to collect under section 23 of the *Agricultural Livestock (Disease Control Funding) Act 1998*, and
- (b) does not affect the functions of a rural lands protection board under section 22 of the *Agricultural Livestock (Disease Control Funding) Act 1998*.

## **6 Industry levy records**

(1) The Director-General must keep a record (an "**industry levy record**") of every industry levy that is recoverable by the Director-General under clause 5.

(2) An industry levy record is to be kept:

- (a) in a book containing fixed or loose leaves, or
- (b) as a series of cards, or
- (c) as computerised records.

(3) An industry levy record is to include the following particulars:

- (a) particulars of each parcel of ratable land on which the industry levy is imposed and of the occupier or owner of the land,
- (b) particulars of the amounts of industry levies imposed in respect of the parcel and of the dates on which the notices demanding payment of the industry levies were served,
- (c) particulars of amounts of industry levies paid (including dates of payment),

and of amounts of industry levies outstanding, in respect of the parcel.

(4) The Director-General may make such amendments to an industry levy record as may be appropriate (including rectifying any omissions).

(5) An amendment of an industry levy record made in respect of the occupier of ratable land is taken to be a determination by the Director-General of the amount levied on and payable by that occupier in respect of the ratable land.

(6) Subclause (5) does not apply to an amendment made necessary as a result of a review by the Administrative Decisions Tribunal.

(7) In any legal proceedings for the recovery of an industry levy:

(a) an entry in the industry levy record is evidence of the matters contained in the record, and

(b) a copy of an entry in the industry levy record is evidence of the entry and of the matters contained in the record.

## 7 Modification of Rural Lands Protection Act 1998

(1) Section 80 (1) (b), (c) and (d) of the *Rural Lands Protection Act 1998* do not apply for the purposes of the collection of an industry levy, and the following provisions apply instead:

(a) The Director-General may waive payment of, or refund, an industry levy or part of an industry levy.

(b) An amount of any industry levy so waived or refunded is to be written off by the Director-General.

(c) The Director-General may write off the whole of an amount owing for an overdue industry levy if the whole of the amount owing does not exceed \$10.

(d) The Director-General may write off any other amount owing for an industry levy if the Director-General is satisfied that the amount is not recoverable.

(e) A rural lands protection board that is required to collect an industry levy under section 23 of the *Agricultural Livestock (Disease Control Funding) Act 1998* is to give effect to any decision of the Director-General under this clause.

(2) This clause applies whether the functions of collecting an industry levy are exercised by a rural lands protection board in accordance with a direction of the Director-General under section 23 of the *Agricultural Livestock (Disease Control Funding) Act 1998* or by the Director-General in accordance with clause 5.

## 8 Saving

Any act, matter or thing that, immediately before the repeal of the *Agricultural Livestock (Disease Control Funding) Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
ClI	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Agricultural Livestock (Disease Control Funding)*

*Regulation 2006 (447)*. GG No 103 of 18.8.2006, p 6239. Date of commencement, 1.9.2006, cl 2.