

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 28 August 1990

COMMODITY LEVIES BILL

Proposed Amendments

Hon. JIM SUTTON, in Committee, to move the following amendments:

Clause 2 (1): To omit from the definition of the term “plant” the word “animal”, and substitute the word “plant”.

To omit from the definition of the term “wild product” the words “, fungal, or vegetable”, and substitute the words “or plant”.

Clause 10: To omit from *subclause (1) (c)* the words “paragraphs (a) and”, and substitute the words “**subsection (1A)** of this section and **paragraph**”.

To omit from *subclause (5) (a)* the words “if it is”, and substitute the words “if those quantities are”.

Clause 12: To omit *clause 12*, and substitute the following clause:

12. Orders to be confirmed—(1) Where in any year a levy order has been made on or after the 1st day of January and before the 1st day of July, and—

(a) Has not been revoked with effect on or before the 1st day of July in the next year; and

(b) Has not ceased, and will not cease, to have effect on or before the 1st day of July in the next year by virtue of the Regulations (Disallowance) Act 1989,—

it shall be deemed to have been revoked with the close of the 30th day of June in that next year unless it has been confirmed by an Act of Parliament passed on or before that day.

(2) Where in any year a levy order has been made after the 30th day of June and on or before the 31st day of December, and—

(a) Has not been revoked with effect on or before the 1st day of January in the year after the next year; and

(b) Has not ceased, and will not cease, to have effect on or before the 1st day of January in the year after the next year by virtue of the Regulations (Disallowance) Act 1989,—

it shall be deemed to have been revoked with the close of the 31st day of December in the year after the year in which it was made, unless it has been confirmed by an Act of Parliament passed on or before that day.

(3) Unless a levy order has already been—

(a) Revoked; or

(b) Disallowed under the Regulations (Disallowance) Act 1989; or

(c) Confirmed by an Act of Parliament,—

the Minister on whose recommendation it was made shall, by notice published in the *Gazette* at least 6 months before the day with the close of which the order may (under **subsection (1)** or **subsection (2)** of this section) be deemed to have been revoked, indicate the Minister's intentions with regard to its continuing in force.

Clause 13: To omit *subclause (1)*, and substitute the following subclause:

(1) Subject to **subsection (2)** of this section, a levy order shall be deemed to have been revoked with the close of the 6th anniversary of the day before the day on which it was made, unless—

(a) It has been revoked (or has been deemed to have been revoked) with effect on or before the 6th anniversary of the day on which it was made; or

(b) It has ceased to have effect on or before the 6th anniversary of the day on which it was made, by virtue of the Regulations (Disallowance) Act 1989.

Clause 15: To omit from *subclause (3) (c)* the words “this Act”, and substitute the words “the levy order concerned”.

Clause 17: To omit from *subclause (3)* the word “Except”, and substitute the words “Subject to **section 16 (2)** of this Act, except”.

Clause 17A: To insert in *subclause (1) (c)*, before the word “benefited”, the words “or have not”.

Clause 18: To omit from *subclause (1)* the word “primary”.

To omit from *subclause (4)* the words “as persons who may exercise powers of search under this Act unless the Minister concerned is satisfied that the person or class is”, and substitute the words “under **subsection (3)** of this section, unless the Minister concerned is satisfied that the person, or persons of that class, is or are”.

Clause 25: To insert in *subclause (2)*, before the words “a levy” where they secondly occur, the word “of”.

EXPLANATORY NOTE

The amendments to *clauses 12 and 13* have 2 effects. First, the relationship between revocation, disallowance, confirmation, and extension, of levy orders is clarified. Secondly, the new *clause 12* provides that a levy order may be confirmed at any time before it lapses, but that the Minister must within 6 months of the possible lapsing of the order publish a *Gazette* notice indicating the Government's intentions with regard to the order's continuing in force. At present the clause provides that levy orders must be confirmed at least 6 months before they lapse.

The amendment to *clause 15 (3) (c)* has the effect that a person may be appointed an Auditor for the purposes of any levy order other than an order under which the person is liable to pay a levy. At present *clause 15 (3) (c)* has the effect that a person who is liable to pay a levy under any levy order at all may not be appointed an Auditor.

The remaining amendments proposed are minor verbal adjustments.