

Meat Chicken Levy Collection

No. 37 of 1969

An Act relating to the Collection of Levy under the *Meat Chicken Levy Act 1969*.

[Assented to 14 June 1969]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Meat Chicken Levy Collection Act 1969*.

Commence-
ment.

2. This Act shall come into operation on the first day of July, One thousand nine hundred and sixty-nine.

Definitions.

3. In this Act, unless the contrary intention appears—

“hatchery” means a hatchery where chickens are hatched for commercial purposes;

“levy” means levy imposed by the *Meat Chicken Levy Act 1969*;

“ the Secretary ” means the Secretary to the Department of Primary Industry.

4.—(1.) Subject to the next succeeding sub-section, an amount of levy in respect of a meat chicken is payable upon the expiration of two months after the last day of the month in which the chicken was hatched.

Due date of payment.

(2.) The Secretary may defer the time for payment of the amount of levy payable in respect of meat chickens hatched at a hatchery in a year to which this section applies until twenty thousand meat chickens, being chickens in respect of which levy is payable, have been hatched at that hatchery in that year.

(3.) In the last preceding sub-section, “ year to which this section applies ” means the year commencing on the date of the commencement of this Act and each succeeding year.

5.—(1.) Where the liability of a person to pay levy is not discharged at or before the time when the levy is payable, there is payable by that person to the Commonwealth by way of penalty, in addition to the amount of the levy, an amount calculated at the rate of ten per centum per annum upon the amount of the levy from time to time remaining unpaid, to be computed from the time when the levy became payable.

Penalty for non-payment.

(2.) The Minister, or a person authorized in writing by the Minister to grant remissions under this sub-section, may, in a particular case, for reasons that the Minister or the person, as the case may be, in his discretion thinks sufficient, remit the whole or a part of an amount payable under this section.

6.—(1.) An amount of levy that is payable, and an amount that is payable by way of penalty under the last preceding section, may be recovered by the Commonwealth as a debt due to the Commonwealth.

Recovery of levy.

(2.) In proceedings for the recovery of an amount referred to in the last preceding sub-section, an averment or statement in the complaint, claim or declaration of the plaintiff is evidence of the matter so averred or stated.

7.—(1.) Where a person is, at the commencement of this Act, carrying on business as the proprietor of a hatchery, he shall, within fourteen days after the commencement of this Act, inform the Secretary in writing that he is so carrying on business and shall furnish to the Secretary such particulars with respect to the hatchery as the Secretary requires.

Information as to hatcheries.

(2.) A person who, after the commencement of this Act, commences to carry on business as the proprietor of a hatchery shall, within fourteen days after so commencing, inform the Secretary in writing that he has so commenced to carry on business and shall furnish to the Secretary such information with respect to the hatchery as the Secretary requires.

Penalty: Three hundred dollars.

Offences.

8.—(1.) A person shall not—

- (a) fail or neglect duly to furnish a return or information that he is required under the regulations to furnish; or
- (b) furnish, in pursuance of the regulations, a return or information that is false or misleading in a material particular.

Penalty: Three hundred dollars.

(2.) A prosecution for an offence against this section may be commenced at any time.

Access to premises, books, &c.

9.—(1.) For the purposes of this Act, a person authorized in writing by the Minister to exercise powers under this section may, at all reasonable times and on production of that authority—

- (a) enter any hatchery, or any place of business in which that person has reason to believe there are any books, documents or other papers relating to—
 - (i) eggs to be used for the hatching of chickens;
 - (ii) the hatching of chickens; or
 - (iii) chickens less than one month old;
- (b) search for any such books, documents or other papers in any such hatchery or place of business; and
- (c) take extracts from, or make copies of, any such books, documents or other papers.

(2.) A person shall not, without reasonable excuse, obstruct or hinder a person acting in pursuance of an authority under this section.

Penalty: Two hundred dollars.

Nominal groups of 100 chickens.

10. Where, in accordance with the practice of the poultry industry, the proprietor of a hatchery treats a number of chickens, being a number not exceeding one hundred and six, as one hundred chickens, that number of chickens shall, for the purposes of the *Meat Chicken Levy Act 1969* and of this Act, be deemed to be one hundred chickens.

Regulations.

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act or for facilitating the collection or recovery of any debt due to the Commonwealth under this Act and, in particular—

- (a) providing for the manner of payment of levy and other moneys payable to the Commonwealth under this Act;
- (b) requiring persons to keep records relating to eggs to be used for hatching chickens, the hatching of chickens and chickens less than one month old;
- (c) requiring the proprietors of hatcheries to furnish returns or information relating to hatcheries to such persons as are prescribed; and
- (d) prescribing penalties not exceeding a fine of Two hundred dollars for offences against the regulations.