

HONEY LEVY COLLECTION.

No. 108 of 1962.

An Act relating to the Collection of Honey Levy.

[Assented to 14th December, 1962.]

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

1. This Act may be cited as the *Honey Levy Collection Act* 1962. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

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

“honey dealer” means a person who carries on the business of buying honey from producers for resale otherwise than by retail, or the business of selling honey on behalf of producers otherwise than by retail, or both those businesses;

“levy” means levy imposed by the *Honey Levy Act (No. 1)* 1962 or by the *Honey Levy Act (No. 2)* 1962;

“listed honey dealer” means a person whose name is included in the list of Honey Dealers;

“producer”, in relation to honey, means the person who owned the honey immediately upon its removal from the hive;

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“ the List of Honey Dealers ” means the List of Honey Dealers maintained under this Act;

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

List of Honey Dealers.

4.—(1.) The Secretary shall cause to be maintained a list to be known as the List of Honey Dealers.

(2.) The Secretary shall—

(a) cause to be entered in the List of Honey Dealers the name and business address of every person as to whom the Secretary is satisfied that he is, or is about to become, a honey dealer;

(b) cause the removal from the list of the name and business address of any person as to whom the Secretary is satisfied that he is not, and is not about to become, a honey dealer;

(c) cause to be made such alterations as appear to him to be necessary to the addresses appearing in the list; and

(d) make such arrangements for publishing the list, and alterations to the list, as he thinks necessary or desirable for the purposes of this Act.

Honey dealers to notify Secretary of commencement of business, &c.

5.—(1.) A person who is, on the date of commencement of this Act, a honey dealer or becomes, after that date, a honey dealer, shall, within one month after that date or after he becomes a honey dealer, as the case may be, give notice in writing to the Secretary of that fact.

Penalty: One hundred and fifty pounds.

(2.) Where a person whose name is included in the List of Honey Dealers ceases to be a honey dealer, he shall forthwith give notice in writing to the Secretary that he has so ceased.

Penalty: Fifty pounds.

Due date of payment.

6. The amount of levy on any honey is due for payment upon the expiration of twenty-eight days after the last day of the month in which—

(a) in the case of levy imposed by the *Honey Levy Act (No. 1) 1962*—the sale by reason of which the levy was imposed took place; and

(b) in the case of levy imposed by the *Honey Levy Act (No. 2) 1962*—the honey was used in the production of other goods.

7.—(1.) For

7.—(1.) For better securing the payment of levy, a listed honey dealer who sells honey on behalf of the producer of the honey is liable to pay to the Commonwealth the amount of any levy that has become due for payment by the producer by reason of the sale but has not been paid, and may recover from the producer, by set-off or otherwise, any amount paid by, or recovered from, him in respect of that liability. Liability of
selling agent

(2.) A listed honey dealer may, for the purpose of meeting any liability under the last preceding sub-section by reason of the sale of any honey, retain so much of any proceeds of the sale received by him as does not exceed the amount of the liability.

(3.) Where, under this section, an amount in respect of levy payable by a producer is paid to the Commonwealth by, or recovered by the Commonwealth from, another person, the producer is, to the extent of the amount so paid or recovered, discharged from his liability to pay the levy to the Commonwealth.

8.—(1.) Where the liability of a person to pay any levy is not discharged on or before the date when the levy is due for payment, there is payable 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 date on which the levy became due for payment. Penalty or
non-payment

(2.) A penalty under this section is payable—

- (a) where the penalty relates to levy in respect of honey sold by a listed honey dealer on behalf of the producer—by that dealer; and
- (b) in any other case—by the person liable to pay the levy.

(3.) The Minister may, in a particular case, for reasons which in his discretion he thinks sufficient, remit the whole or a part of an amount payable under this section.

9.—(1.) The following amounts shall be deemed to be debts due to the Commonwealth:— Recovery of
levy.

- (a) an amount of levy that is due for payment;
- (b) an amount payable under sub-section (1.) of section seven of this Act; and
- (c) an amount payable by way of penalty under the last preceding section.

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

10.—(1.) A person

Offences.

10.—(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;
- (b) furnish, in pursuance of the regulations, or give, under section five of this Act, a return or information that is false in a material particular; or
- (c) falsely represent himself to be a person whose name is, or was at any time, included in the List of Honey Dealers.

Penalty: One hundred and fifty pounds.

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

Access to books, &c

11.—(1.) For the purposes of this Act, an officer authorized in writing by the Minister to exercise powers under this section shall at all times have full and free access to all buildings and places and all books, documents and other papers and may take extracts from and make copies of any books, documents or papers.

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

Penalty: Fifty pounds.

Evidence of contents of List of Honey Dealers.

12. In all proceedings—

- (a) a certificate under the hand of the Secretary, or of a person authorized by the Secretary to give certificates under this section, certifying to the inclusion or non-inclusion of a particular name, or name and address, in the List of Honey Dealers as at a specified date is evidence of the matter certified; and
- (b) a document purporting to be such a certificate shall, unless the contrary is proved, be taken to be such a certificate and to have been duly given.

Regulations.

13. 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 amounts of levy or other moneys payable 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

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- (b) requiring persons to furnish returns or information to the Secretary; and
- (c) prescribing penalties not exceeding One hundred pounds for offences against the regulations.