



New South Wales

Agricultural Livestock (Disease Control Funding) Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to enact a general scheme to assist the agricultural industry to provide and fund agricultural services to control diseases in livestock.

Under the Bill, the Minister may declare that services for the control of any particular disease in livestock are to be funded under the proposed Act (a *designated disease control service*). Once such a service is designated, the Minister may establish an industry contribution fund for voluntary contributions from the relevant livestock producers to fund the service. If that funding may be insufficient, the Minister may establish an industry levy fund from a compulsory levy on ratable land used by the relevant livestock producers based on the livestock carrying capacity of the land. Appropriate exemptions are provided from the compulsory levy for persons who make a minimum contribution to the industry contribution fund to fund the designated service concerned. The Bill establishes an industry advisory committee for each designated service to advise the Minister on the funding of the service under the proposed Act.

* Amended in committee—see table at end of volume.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act. In particular:

- (a) *Director-General* is defined to mean the Director-General of the Department of Agriculture,
- (b) *industry fund* is defined to mean an industry contribution fund or industry levy fund under the proposed Act.

Clause 4 provides that notes in the text of the proposed Act do not form part of the Act.

Part 2 Disease control services

Clause 5 defines a *disease control service* for the purposes of the proposed Act. Such a service may include programs for the detection of a disease, for the control of the disease, for research into the disease and for assistance to livestock producers adversely affected by the disease.

Clause 6 authorises the Minister, by order in the Gazette, to approve the funding of a disease control service under the proposed Act for the purpose of assisting the relevant sector of the agricultural industry to control a disease that is a significant risk to the livelihood of livestock producers. Any such service is a designated service, the disease is a designated disease and the producers are designated livestock producers.

Clause 7 requires the Minister to establish an industry advisory committee (comprising a majority of designated livestock producers) for each designated service. Such a committee is to advise the Minister on the funding of the service under the proposed Act.

Part 3 Voluntary industry funding

Clause 8 requires the Director-General to establish an industry contribution fund for each designated service.

Clause 9 provides that the purpose of an industry contribution fund is to provide a means by which the relevant livestock producers can make appropriate contributions to fund the disease control service provided to them.

Clause 10 requires voluntary contributions of livestock producers and others to be paid into the industry contribution fund.

Clause 11 provides for the payment from the fund of costs to fund the designated service (as approved by the Minister after consultation with the relevant industry advisory committee). The clause also authorises the payment from the fund of the costs of the administration of the fund and of the industry advisory committee.

Part 4 Compulsory industry funding

Clause 12 authorises the Minister to impose, in respect of a designated disease control service, an industry levy under the proposed Act to assist the funding of the designated service if the relevant industry contribution fund may not be sufficient for that purpose.

Clause 13 provides that the industry levy is a special rate levied on the occupiers of ratable land under the *Rural Lands Protection Act 1989* on which designated livestock is raised. The special rate is to be levied according to the carrying capacity of the land. The clause provides that a levy is not payable if the person liable to pay the levy has made a contribution to the industry contribution fund during the levy period of the relevant minimum amount determined by the Minister.

Clause 14 specifies the period for which industry levies are payable

Clause 15 provides for the Minister to fix the rate of an industry levy.

Clause 16 gives a person who has made the relevant minimum contribution to an industry contribution fund an entitlement to a refund of any industry levy that has been paid by the person during the relevant levy period.

Clause 17 requires the Director-General to establish a separate industry levy fund for money collected from an industry levy.

Clause 18 requires money received from an industry levy to be paid into the relevant industry levy fund.

Clause 19 provides for the payment from the fund of costs to fund the designated service (as approved by the Minister after consultation with the relevant industry advisory committee). The clause also authorises the payment from the fund of the costs of collecting the levy and the costs of the administration of the fund.

Part 5 Collection of industry levies

Clause 20 provides that the Part applies to the collection of industry levies.

Clause 21 enables the Director-General to obtain from rural lands protection boards the information required for the purposes of imposing and collecting an industry levy.

Clause 22 provides for collection of industry levies by the relevant rural lands protection boards and the payment of the money collected to the Director-General.

Clause 23 applies the provisions of the *Rural Lands Protection Act 1989* relating to the collection of rates under that Act to the collection of industry levies.

Clause 24 enables livestock producers to seek a review by the Administrative Decisions Tribunal of decisions of the Director-General with respect to industry levies.

Part 6 General provisions relating to industry funds

Clause 25 provides for the investment of money in the industry funds, including their investment as a common pool.

Clause 26 authorises internal loans between industry funds.

Clause 27 enables the Director-General to appoint the Rural Assistance Authority or any other body as an agent to administer any expenditure from an industry fund.

Clause 28 provides for the audit of industry funds by the Auditor-General.

Clause 29 requires the Director-General to prepare annual reports for the Minister and Parliament on the operation of industry funds.

Part 7 Miscellaneous

Clause 30 provides that the proposed Act binds the Crown.

Clause 31 provides for the summary disposal of proceedings for offences under the proposed Act.

Clause 32 empowers the making of regulations for the purposes of the proposed Act.

Clause 33 gives effect to the Schedule of savings, transitional and other provisions.

Clause 34 provides for a review of the proposed Act after 5 years.

Schedule 1 sets out machinery provisions relating to the constitution and procedure of industry advisory committees.

Schedule 2 contains savings, transitional and other provisions. In particular, the Schedule empowers the making of savings and transitional regulations and makes consequential amendments to the Act on the commencement of legislation that replaces the *Rural Lands Protection Act 1989*.