



New South Wales

Agricultural Livestock (Disease Control Funding) Amendment (Collection of Levies) Regulation 2000

under the

Agricultural Livestock (Disease Control Funding) Act 1998

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

RICHARD AMERY, M.P.,

Minister for Agriculture

Explanatory note

The object of this Regulation is to enable the Director-General of the Department of Agriculture to collect and recover an industry levy imposed under the *Agricultural Livestock (Disease Control Funding) Act 1998* in the same way as a rural lands protection board may collect and recover rates under the *Rural Lands Protection Act 1989*.

The Regulation allows the Director-General to exercise certain functions of a rural lands protection board under the rating provisions of the *Rural Lands Protection Act 1989* and modifies the application of those provisions to industry levies.

This Regulation is made under the *Agricultural Livestock (Disease Control Funding) Act 1998*, including section 24 (2) and (3) and section 33 (the general regulation-making power).

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Clause 1 Agricultural Livestock (Disease Control Funding) Amendment
(Collection of Levies) Regulation 2000

Agricultural Livestock (Disease Control Funding) Amendment (Collection of Levies) Regulation 2000

1 Name of Regulation

This Regulation is the *Agricultural Livestock (Disease Control Funding) Amendment (Collection of Levies) Regulation 2000*.

2 Amendment of Agricultural Livestock (Disease Control Funding) Regulation 2000

The *Agricultural Livestock (Disease Control Funding) Regulation 2000* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clauses 4 and 5

Omit clause 4. Insert instead:

4 Exercise of certain functions by Director-General

- (1) The Director-General may, for the purpose of the collection of industry levies under Part 4 of the Act, exercise the functions of a rural lands protection board under Divisions 3, 4 and 5 of Part 4 of the *Rural Lands Protection Act 1989* (including Schedule 4 to that Act).
- (2) For that purpose, a reference in those provisions to a rural lands protection board is to be read as a reference to the Director-General.
- (3) Section 62 (1) of the *Rural Lands Protection Act 1989* 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) Sections 71 (a) and (c), 72, 74 and 75 of the *Rural Lands Protection Act 1989* do not apply to or in respect of any function exercised by the Director-General under this clause. The following provisions apply instead of section 74:

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Schedule 1 Amendment

- (a) The Director-General must keep a record (*an industry levy record*) of every industry levy that is recoverable by the Director-General under this clause.
- (b) An industry levy record is to be kept:
 - (i) in a book containing fixed or loose leaves, or
 - (ii) as a series of cards, or
 - (iii) as computerised records.
- (c) An industry levy record is to include the following particulars:
 - (i) particulars of each parcel of ratable land on which the industry levy is imposed and of the occupier or owner of the land,
 - (ii) 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,
 - (iii) particulars of amounts of industry levies paid (including dates of payment), and of amounts of industry levies outstanding, in respect of the parcel.
- (d) The Director-General may make such amendments to and may rectify such omissions in an industry levy record as may be appropriate.
- (e) 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.
- (f) Paragraph (e) does not apply to an amendment made necessary as a result of a review by the Administrative Decisions Tribunal.
- (g) In any legal proceedings for the recovery of an industry levy:
 - (i) an entry in the industry levy record is evidence of the matters contained in the record, and
 - (ii) a copy of an entry in the industry levy record is evidence of the entry and of the matters contained in the record.

- (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*.

5 Modification of Rural Lands Protection Act 1989

- (1) Section 73 of the *Rural Lands Protection Act 1989* does 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 4.