

1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 26 February 1992

(Minister for Primary Industries and Energy)

A BILL

FOR

An Act to impose a levy on the sale of deer velvet or the use of deer velvet in the production of other goods

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Deer Velvet Levy Act 1992*.

Commencement

- 5 2. This Act commences on 1 July 1992.

Main object of Act

3. The main object of this Act is to raise funds for research and development in relation to the deer industry.

Act binds the Crown

- 10 4. This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Interpretation

5.(1) In this Act, unless the contrary intention appears:

“**Collection Act**” means the *Primary Industries Levies and Charges Collection Act 1991*;

“**declared value**”, in relation to deer velvet used in the production of other goods, means the amount determined by the Secretary under subsection 10(2); 5

“**deer velvet**” means the developing antler of deer together with its cutaneous covering, harvested as living tissue;

“**representative industry organisation**” means the organisation known, at the time this Act commences, as the Deer Farmers Federation of Australia, or such other organisation as is specified in the regulations; 10

“**sale value**”, in relation to deer velvet, means the price paid for the deer velvet.

(2) Unless the contrary intention appears, a word or expression has the same meaning in this Act as it has in the Collection Act. 15

Imposition of levy on deer velvet sold

6. Subject to section 8, levy is imposed on deer velvet produced in Australia (whether before or after the commencement of this Act) that is sold by the producer after the commencement of this Act. 20

Imposition of levy on deer velvet used in the production of other goods

7. Subject to section 8, levy is imposed on deer velvet that is:

- (a) produced in Australia by the producer before or after the commencement of this Act; and
- (b) used by or on behalf of the producer in the production of other goods after the commencement of this Act. 25

When levy not imposed

8. Levy is not imposed by this Act on deer velvet if levy has already been imposed by this Act on that deer velvet.

Rate of levy on sale of deer velvet 30

9.(1) The rate of levy imposed under section 6 on deer velvet to which that section applies is:

- (a) the percentage of the sale value of the deer velvet that is specified in the regulations; or
- (b) if no percentage is specified in the regulations—5% of the sale value of the deer velvet. 35

(2) For the purposes of paragraph (1)(a), the percentage specified in the regulations must not exceed 7% of the sale value of the deer velvet.

Rate of levy on deer velvet used in the production of other goods

10.(1) The rate of levy imposed under section 7 on deer velvet to which that section applies is: 40

- (a) the percentage of the declared value of the deer velvet that is specified in the regulations; or
- (b) if no percentage is specified in the regulations, 5% of the declared value of the deer velvet.

5 **(2)** Subject to subsection (3), for the purposes of calculating the amount of levy on deer velvet used in the production of other goods, the declared value of that deer velvet is the amount that the Secretary determines as the value of that deer velvet.

[Note: A determination by the Secretary of the declared value of deer velvet used in the production of other goods is reviewable under section 28 of the Collection Act.]

10 **(3)** In determining the declared value of a quantity of deer velvet used in the production of other goods, the Secretary must have regard only to the following:

- (a) the quantity of deer velvet used;
- (b) the quality of that deer velvet;
- (c) the price for deer velvet of that quality:
 - 15 (i) published by, or by authority of, the organisation known, at the time this Act commences, as the Deer Farmers Federation of Australia; and
 - (ii) applicable at the time the deer velvet is used in the production of other goods;
- 20 (d) the matters (if any) specified in the regulations.

(4) For the purposes of paragraph (1)(a), the percentage specified in the regulations must not exceed 7% of the declared value of the deer velvet.

Delegation by Secretary

25 **11.** The Secretary may delegate the power to determine the declared value of deer velvet under subsection 10(2) to an officer of the Australian Public Service.

Who pays the levy

12. Levy imposed by this Act is payable by the producer.

[Note: Deer velvet is a product prescribed for the purposes of paragraph (e) of the definition of "producer" in subsection 4(1) of the Collection Act. This means that the person specified in the regulations made under that paragraph is the producer.]

30 **Regulations**

13.(1) The Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed.

35 **(2)** Before making a regulation specifying a percentage for the purposes of paragraph 9(1)(a) or 10(1)(a), the Governor-General is to consider any recommendations on the percentage made to the Minister by any representative industry organisation.



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