

TASMANIA

**POISONS AMENDMENT (POPPY ADVISORY AND
CONTROL BOARD LEVY) BILL 2012**

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**POISONS AMENDMENT (POPPY ADVISORY AND
CONTROL BOARD LEVY) BILL 2012**

*(Brought in by the Minister for Justice, the Honourable Brian
Neal Wightman)*

A BILL FOR

An Act to amend the *Poisons Act 1971*

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Poisons
Amendment (Poppy Advisory and Control Board
Levy) Act 2012*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

3. Principal Act

In this Act, the *Poisons Act 1971** is referred to
as the Principal Act.

*No. 81 of 1971

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4. Part VB, Division 1: Heading inserted

Part VB of the Principal Act is amended by inserting the following heading before section 59G:

Division 1 – Poppy Advisory and Control Board

5. Part VB, Division 2 inserted

After section 59M of the Principal Act, the following Division is inserted in Part VB:

Division 2 – Poppy levy

59N. Interpretation

In this Division –

amount to be raised means the amount determined in accordance with section 59Q;

poppy levy means the levy imposed under this Division;

poppy processor means the holder of a licence granted under section 46 to manufacture concentrates of poppy straw;

Secretary means the Secretary of the responsible Department in relation to this Part;

subsequent financial year means a financial year ending on 30 June 2014 or later.

59O. Imposition of levy

Subject to this Division, a levy is imposed in respect of the number of hectares of alkaloid poppies harvested after the commencement of the *Poisons Amendment (Poppy Advisory and Control Board Levy) Act 2012*.

59P. Rate of levy

- (1) The rate of the poppy levy is to be determined in accordance with the following formula:

$$L = \frac{X}{Y}$$

where –

L is the amount of the poppy levy;

X is the amount to be raised for the relevant financial year;

Y is the total number of hectares of alkaloid poppies harvested in Tasmania in the relevant financial year.

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- (2) For the purposes of the definition of *Y* in subsection (1), a hectare includes part of a hectare.

59Q. Amount to be raised

- (1) For the financial year ending on 30 June 2013, the amount to be raised is \$650 000.
- (2) For a subsequent financial year, the amount to be raised is to be –
- (a) determined by the Minister after taking into account the anticipated operating costs of the Board and its inspectorate for that financial year; and
 - (b) published in the *Gazette* on or before 30 September in that financial year.

59R. Liability to pay

- (1) A poppy processor is liable to pay the poppy levy for a financial year in respect of each hectare, or part of a hectare, of poppies harvested for the purpose of supplying poppy material to that processor in that financial year.
- (2) The Secretary is to send the poppy processor notice of the amount of the

poppy levy for which the processor is liable.

- (3) The poppy processor must pay the amount of the poppy levy within 4 weeks after receiving notice of the amount, or by such other date as the Secretary may specify in writing.

59S. Offence for non-payment of levy

- (1) If a poppy processor does not pay the full amount of the poppy levy within the period, or by the date, specified under section 59R(3), the poppy processor is guilty of an offence and is liable on summary conviction to a penalty of the sum of –
 - (a) twice the amount of the levy required to be paid; and
 - (b) a fine not exceeding 50 penalty units.
- (2) A penalty imposed under subsection (1) does not affect the liability of a poppy processor for payment of the poppy levy.
- (3) If any amount of the poppy levy is not paid within the specified period, interest is payable on that amount at the rate of 10% per annum.

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59T. Recovery of levy

The Crown may recover in any court of competent jurisdiction any amount of the poppy levy that is due for payment.

59U. Information to be provided

- (1) A poppy processor must notify the Secretary, in accordance with this section, of –
 - (a) the number of hectares of poppies which the processor expects to harvest in the following harvesting period; and
 - (b) the number of hectares harvested in that period.

Penalty: Fine not exceeding 30 penalty units.

- (2) Notification under subsection (1)(a) must be given before 31 October in each year, or such later date as the Secretary may specify in writing.
- (3) Notification under subsection (1)(b) must be given within 2 weeks after the last hectare of poppies is harvested, or such longer period as the Secretary may specify in writing.

59V. False or misleading information

A person must not, in giving any information under this Act –

- (a) make a statement knowing it to be false or misleading; or
- (b) omit any matter from a statement knowing that without that matter the statement is false or misleading.

Penalty: Fine not exceeding 30 penalty units.

59W. Board operating account

- (1) An account is to be established in the Special Deposits and Trust Fund for the purposes of the operation of the Board.
- (2) Any amounts received under this Division are to be paid into the account.
- (3) There is to be paid from the account –
 - (a) all money required for the payment or discharge of the operating costs of the Board in the performance of its functions and in the exercise of its powers under this Act; and
 - (b) all money required for the administration of this Part.

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(4) For the purposes of this section –

Board includes its inspectorate.

6. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.