

CLAUSE NOTES

<<NAME>>

Clause 1: Short Title

The Title of the Bill is “Poisons Amendment (Poppy Advisory and Control Board Levy) Bill 2012

Clause 2: Commencement

The Act will commence on Royal Assent (it imposes obligations on producers in terms of information to be provided to the Department later this year.

Clause 3: Principal Act

The Act which is being amended is the *Poisons Act 1971*

Clause 4: Part VB Div 1 – New Heading Inserted

This clause inserts a heading before the current provisions in Part VB dealing with the creation and make-up of the Board.

Clause 5: New Part VB Div 2 Inserted

This clause inserts a number of new Sections setting up and imposing the poppy levy:

Section 59N – Interpretation – defines a number of terms such as “amount to be raised” “poppy levy” and “poppy processor”.

Section 59O – Imposition of levy

The section imposes a levy based on hectares harvested after the commencement of the Act (the 2012/12 growing and harvesting period runs from early in the financial year with harvesting commencing in late December or early in the New Year.

Section 59P – Rate of levy

The rate of the levy is the total amount to be raised divided by the total number of hectares harvested. For 2012/13 the figure will be approximately \$20 per hectare - \$650,000 divided by 34,000 hectares.

Section 59Q – Amount to be raised

For the current financial year the amount of \$650,000 will be raised by the levy but in subsequent years the amount will be determined by the Minister based on the anticipated operational costs of the Board. The amount to be raised will be published in the Gazette each year.

Section 59R – Liability to pay

The section imposes the levy on each poppy processor for each hectare they harvest under contract with their growers. The Department will notify the processors of the amount due based on the information provided under section 59U.

Section 59S – Offence for non-payment of levy

The section imposes a penalty for non-payment of the levy.

Section 59T – Recovery of levy

The section allows the Crown to recover any outstanding levies by civil action.

Section 59U – Information to be provided

The section provides for the processors to provide information late in the calendar year as to expected harvest figures and after the harvest is complete as to actual harvest figures to the Secretary of the Department of Justice.

Section 59V – False or misleading information

The section makes it an offence to provide false or misleading information in returns.

Section 59W – Poppy Board Operating Fund

The section provides for the establishment of a Trust Fund into which the levy will be paid and from which the operating costs of the Board and inspectorate will be met.

Clause 6: Repeal of Act

Provides for the automatic repeal of the Act after twelve months (the changes will have been integrated into the Act).