

WESTERN AUSTRALIA

SHEEP LICE ERADICATION FUND ACT 1987

(No. 35 of 1987)

ARRANGEMENT

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SHEEP LICE ERADICATION FUND ACT

No. 35 of 1987

AN ACT to impose a contribution on wool growers for the purposes of the establishment of a Fund for the eradication of, and the prevention of the spread of, sheep lice and for other and incidental purposes.

[Assented to 29 June 1987]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Sheep Lice Eradication Fund Act 1987*.

Commencement

2. This Act shall come into operation on 1 July 1987.

Interpretation

3. In this Act, unless the contrary intention appears—

“contribution” means the sum payable by a wool grower under section 8;

“dealer” means a person who—

- (a) purchases wool directly from a wool grower on his own behalf or on behalf of some other person; or
- (b) acts as an agent in relation to the sale of wool for a wool grower;

“Department” means the department of the Public Service of the State principally assisting the Minister in the administration of this Act;

“Fund” means the fund established under section 4;

“wool” means wool of a sheep;

“wool grower” includes the legal representative of a deceased wool grower, a trustee, the liquidators of a company, a person entitled to a share of the wool and a corporation, organization or body growing wool.

Fund established

4. (1) There shall be established and kept at the Treasury an account to be known as the Sheep Lice Eradication Fund.

(2) The Fund shall consist of—

- (a) contributions paid to the Fund under this Act;
- (b) amounts of interest derived from any moneys of the Fund; and
- (c) such other moneys as may lawfully be paid into the Fund.

Application of the Fund

5. (1) The Fund shall be applied to the payment of—

- (a) expenses related to the eradication of, or the prevention of the spread of, sheep lice;
- (b) the costs of the administration of this Act; and
- (c) any other costs approved by the Minister.

(2) Moneys standing to the credit of the Fund at the time that this Act expires shall, with the approval of the Minister, be applied by the Department for the purposes of the eradication and prevention of sheep lice.

Financial accommodation may be provided by Treasurer

6. (1) Where the Treasurer is of the opinion that the moneys standing to the credit of the Fund are insufficient for the purposes of this Act, the Treasurer may provide financial accommodation to the Fund to the extent of the deficiency.

(2) Any financial accommodation provided by the Treasurer may be recouped by the Treasurer from the Fund.

(3) Any financial accommodation provided by the Treasurer under this section remains a charge on the Fund as long as it remains outstanding.

Application of *Financial Administration and Audit Act 1985*

7. The provisions of the *Financial Administration and Audit Act 1985* relating to the financial administration, audit and reporting apply to and in respect of the Fund and the administration of the Fund shall, for the purposes of section 52 of that Act, be regarded as a service of the Department.

Liability of wool grower to pay contributions

8. A wool grower who delivers in any financial year commencing from the financial year 1986-1987, 3 or more bales of wool to a dealer is liable in the financial year next following to pay a contribution to the Fund.

Amount of contribution

9. The contribution payable under section 8 is such amount not exceeding \$75 as is prescribed in relation to a financial year.

Returns to be furnished

10. (1) A dealer shall furnish to the Commissioner of State Taxation not later than 31 August of each year or such later time as is approved by the Commissioner of State Taxation such information as is available to the dealer and recorded by him in the normal course of his business relating to—

- (a) the name and address of every wool grower who in the previous financial year delivered one or more bales of wool to the dealer and the number of bales so delivered;
- and
- (b) such other information as the Commissioner of State Taxation may specify in writing.

(2) The Commissioner of State Taxation may by notice require a dealer to furnish such further information relating to the delivery, sale or purchase of wool as the Commissioner of State Taxation specifies in the notice and within the time so specified.

(3) A dealer who fails to furnish the information required under subsection (1) within the time prescribed under that section or to furnish the information required under subsection (2) within the time specified in the notice under that subsection commits an offence.

Penalty: \$2 000.

Notification of wool growers and payment

11. (1) After the commencement of each financial year the Commissioner of State Taxation shall in respect of that financial year by notice served on a wool grower liable to pay a contribution under section 8 notify the wool grower of the liability of the wool grower to pay the contribution, the amount payable in relation to that financial year and the date by which the amount is payable.

(2) A wool grower liable to pay the contribution specified in the notice under subsection (1) shall pay the contribution not later than the date specified in the notice

(3) Any contribution or part thereof that remains unpaid by the date specified under subsection (1) constitutes a debt to the Crown and may be recovered in any court of competent jurisdiction together with any costs payable in respect of such recovery.

(4) Notwithstanding anything in section 8 or 9 or this section where a wool grower who receives a notice under subsection (1) satisfies the Commissioner of State Taxation that he ceased to be a wool grower in the financial year immediately preceding the financial year specified in the notice the wool grower is not liable to pay the contribution referred to in the notice.

Powers of Commissioner of State Taxation

12. (1) For the purposes of enforcing the collection of the contribution the Commissioner of State Taxation or any officer of the Public Service of the State designated by the Commissioner of State Taxation for that purpose—

- (a) shall at all reasonable times have full and free access to all buildings and places and to all books, documents and other papers;
- (b) may take copies of or extracts from books, documents and other papers referred to in paragraph (a); and
- (c) may require any person to produce to him for inspection within a reasonable time after demand has been made all books, documents or other papers relevant thereto in the possession, custody or power of that person.

(2) A person who has in his possession, custody or power any books, documents or other papers referred to in subsection (1) (c) and who, when so required by the Commissioner of State Taxation or officer of the Public Service of the State designated by the Commissioner of State Taxation under subsection (1), refuses or neglects to produce to the Commissioner of State Taxation or officer of the Public Service, as the case may be, those books, documents or other papers commits an offence against this Act.

Penalty: \$2 000.

Exemptions

13. (1) Notwithstanding anything in this Act where the Minister is of the opinion that any class of wool growers or wool growers in a specified part of the State should not be liable to pay the contribution imposed under sections 8 and 9 in respect of any financial year the Minister may by order provide for the exemption of the class of wool growers or the wool growers in the part of the State specified in the order from payment of the contribution in respect of the financial year so specified and the order shall have effect accordingly.

(2) An order under subsection (1) shall be published in the *Government Gazette*.

Regulations

14. The Governor may make regulations with respect to all matters that are required or permitted by this Act to be prescribed or are necessary or convenient for giving effect to the purposes of this Act.

Expiry

15. (1) This Act shall continue in operation up to and including the 1991-1992 financial year and no longer.

(2) The expiry of this Act shall not affect the previous operation thereof or the validity of any action taken thereunder or any penalty, punishment, debt or liability incurred in respect of any contravention of or failure to comply with this Act or any proceedings or remedy in respect of such penalty, punishment, debt or liability.
