Tobacco Charge (No. 1) Amendment Bill 1986

Date introduced: 17 April 1986
House: House of Representatives
Presented by: Hon. John Kerin, M.P.,
Minister for Primary Industry

DIGEST OF BILL

Purpose

To prescribe the rate of tobacco charge from 1 April 1986 until regulations prescribing the rate are made under the Tobacco Charge (No. 1) Act 1955 (the Principal Act).

Background

The Principal Act imposes a charge on the grower of tobacco leaf who sells tobacco leaf to a manufacturer of tobacco products. Paragraph 5(a) of the Principal Act originally prescribed the rate of charge and paragraph 5(b) allowed for a lower rate to be prescribed by regulation made by the Governor-General under section 6 of the Principal Act.

The Tobacco Charge (No. 1) Amendment Act 1982 amended the Principal Act by making the rate of charge under sub-paragraph 5(a) of the Principal Act 2.5 cents per kilogram and by allowing the Governor-General to make regulations prescribing a higher or lower rate (section 6 of the Principal Act).

The Tobacco Charge (No. 1) Amendment Act 1985 omitted sections 5 and 6 of the Principal Act and substitute new sections 5 and 6. New section 5 of the Principal Act provided for the rate of charge to be prescribed by regulation. Sub-section 2(2) provided that the amendments contained in that Act would come into effect on a day declared by regulation made under the Rural Industries Research Act 1985.
On 1 April 1986 regulations made under the Rural Industries Research Act 1985 brought the 1985 amendment to the Principal Act into effect. However, since 1 April 1986 no regulation prescribing the rate of charge has been made under the new section 5 of the Principal Act. Sub-section 48(2) of the Acts Interpretation Act 1901 prevents retrospective regulations being made in these circumstances.

Main Provisions

Clause 3 will insert section 5A into the Principal Act. Section 5A will prescribe the rate of charge as 3.5 cents per kilo of tobacco leaf. This amendment will be effective from 1 April 1986 until regulations prescribing the charge are made.

For further information, if required, contact the Economics and Commerce Group.

5 May 1986

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LEGISLATIVE RESEARCH SERVICE

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