Primary Industries (Customs) Charges Act 1999

No. 30, 1999

Compilation No. 14

Compilation date:	1 January 2021
Includes amendments up to:	Act No. 144, 2020
Registered:	23 February 2021

Prepared by the Office of Parliamentary Counsel, Canberra

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About this compilation

This compilation

This is a compilation of the *Primary Industries (Customs) Charges Act 1999* that shows the text of the law as amended and in force on 1 January 2021 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to the imposition of primary industries charges that are duties of customs

1 Short title

This Act may be cited as the *Primary Industries (Customs) Charges Act 1999*.

2 Commencement

This Act commences on the commencement of section 1 of the *Primary Industries (Excise) Levies Act 1999*.

3 Simplified outline

The following is a simplified outline of this Act:

- This Act authorises the imposition of primary industries charges that are duties of customs.
- Each of Schedules 1 to 13 imposes a particular charge and makes provision for:
    - (a) the operative rate of the charge; and
    - (b) the maximum rate of the charge; and
    - (c) the person who is liable to pay the charge; and
    - (d) any exemptions from the charge.
- Schedule 14 allows the regulations to impose charges. In addition to imposing a particular charge, regulations under Schedule 14 are to set out:
    - (a) the operative rate of the charge; and

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(b) the person who is liable to pay the charge; and

(c) any exemptions from the charge.

- Schedule 14 also deals with the maximum rate of charge that can be imposed by regulations under that Schedule.

4 Definitions

Unless the contrary intention appears, a word or expression has the same meaning in a Schedule to this Act as it has in the *Primary Industries Levies and Charges Collection Act 1991*.

5 Act to bind Crown

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

6 Duties of customs

This Act authorises the imposition of a charge only so far as the charge is a duty of customs within the meaning of section 55 of the Constitution.

7 Imposition of charge

The Schedules have effect.

8 Regulations

The Governor-General may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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Schedule 1—Buffaloes

1 Imposition of charge

(1) Charge is imposed on buffaloes exported from Australia after the commencement of this Schedule.

(2) The regulations may provide that no amount of charge is payable by producers of buffaloes under this Schedule.

(3) Despite anything else in this Schedule, if a regulation of the kind referred to in subclause (2) is made, an amount of charge is not payable under this Schedule on the export of buffaloes in respect of any period while the regulation is in force.

2 Rate of charge

The rate of charge imposed by this Schedule on the export of each head of buffalo is the sum of the following amounts:

(a) $4.60 or, if another amount is prescribed by the regulations, the other amount;

(b) 73 cents or, if another amount (not exceeding $4.00) is prescribed by the regulations, the other amount.

Note 1: Paragraph (a) identifies amounts that, under the *Primary Industries Research and Development Act 1989*, are destined for the Rural Industries Research and Development Corporation.

Note 2: Paragraph (b) identifies amounts that, under the *National Cattle Disease Eradication Account Act 1991*, are destined for the National Cattle Disease Eradication Account.

3 Who pays the charge

Charge imposed by this Schedule on buffaloes exported from Australia is payable by the producer of the buffaloes.

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3A Regulations

(1) The Minister may, by notice in the *Gazette*, declare a body to be the body whose recommendations about the amount to be prescribed for the purposes of paragraph 2(a) of this Schedule are to be taken into consideration under subclause (2).

(2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 2(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.

(3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of paragraph 2(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation.

(4) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, the Corporation must consult with the persons who are required to pay the charge concerned.

(5) The regulations must not, for the purposes of paragraph 2(a) of this Schedule, prescribe an amount greater than the amount recommended to the Minister under subclause (2) or (3).

4 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Buffalo Export Charge Act 1997*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 2—Cattle (exporters)

1 Definitions

In this Schedule:

cattle means bovine animals other than buffalo.

dairy cattle means bovine animals that are, or, if they were not exported from Australia, would be likely to be, held on licensed dairy premises for a purpose related to commercial milk production, including but without limiting the generality of the above, bulls, calves and replacement heifers.

licensed dairy premises means premises that, under the law of the State or Territory in which the premises are situated, are authorised for use as a dairy farm.

live-stock export marketing body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

live-stock export research body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

2 Imposition of charge

(1) Charge is imposed on the export of cattle (other than dairy cattle) from Australia after the commencement of this Schedule.

(1A) Charge is imposed on the export of dairy cattle from Australia after the commencement of this subclause.

(2) The regulations may provide that no amount of charge is payable by exporters of cattle under this Schedule.

(3) Despite anything else in this Schedule, if a regulation of the kind referred to in subclause (2) is made, an amount of charge is not payable under this Schedule on the export of cattle from Australia in respect of any period while the regulation is in force.

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3 Rate of charge

(1) The rate of charge imposed by this Schedule on the export of cattle is the sum of:

(a) the following amounts:

(i) for cattle other than dairy cattle—the amount prescribed per kilogram of cattle so exported;

(ii) for dairy cattle—the amount prescribed per head of cattle so exported; and

(b) the following amounts:

(i) for cattle other than dairy cattle—the amount prescribed per kilogram of cattle so exported;

(ii) for dairy cattle—the amount prescribed per head of cattle so exported.

Note 1: Paragraph (1)(a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export marketing body.

Note 2: Paragraph (1)(b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export research body.

(2) For the purposes of calculating charge imposed by this Schedule, the weight of cattle exported is their liveweight described in the bill of lading, or similar document of title, facilitating the export of such cattle.

(3) Where the liveweight of cattle exported is not described in the bill of lading, or similar document of title, facilitating the export of the cattle, then, for the purposes of calculating charge imposed by this Schedule, the liveweight of the cattle is taken to be 480 kilograms per head.

4 Who pays the charge

Charge imposed by this Schedule on the export of cattle from Australia is payable by the exporter of the cattle.

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5 Regulations

(1) The Minister may, by notice in the *Gazette*, declare that the body specified in the declaration is the body whose recommendations about the amount to be prescribed for the purposes of subparagraph 3(1)(a)(i) or (ii) or 3(1)(b)(i) or (ii) of this Schedule are to be taken into consideration under subclause (2).

(2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of the subparagraph to which the declaration relates, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration in relation to that subparagraph.

(3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of subparagraph 3(1)(a)(i) or (ii) or 3(1)(b)(i) or (ii) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:

(a) in relation to regulations for the purposes of subparagraph 3(1)(a)(i) or (ii) of this Schedule—the live-stock export marketing body; and

(b) in relation to regulations for the purposes of subparagraph 3(1)(b)(i) or (ii) of this Schedule—the live-stock export research body.

(4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.

(5) The regulations must not, for the purposes of subparagraph 3(1)(a)(i) or (ii) or 3(1)(b)(i) or (ii) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that subparagraph under subclause (2) or (3).

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6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Cattle (Exporters) Export Charge Act 1997*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

7 Transitional—declarations

(1) This clause applies to a declaration if:

(a) the declaration was made for the purposes of a particular provision of the *Cattle (Exporters) Export Charge Act 1997*; and

(b) the declaration was in force immediately before the commencement of this clause.

(2) The declaration has effect, after the commencement of this clause, as if it had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 3—Cattle (producers)

1 Definitions

(1) In this Schedule:

bobby calf means a bovine animal (other than a buffalo):

(a) which, at the time when it is exported, had or has a liveweight that did not or does not exceed 80kg; or

(b) which has not had its liveweight determined at the time when it is exported but which, in the opinion of the intermediary, would, if slaughtered at that time, have constituted or constitute a carcase whose dressed weight would not have exceeded or would not exceed 40kg.

cattle means bovine animals other than buffalo.

chargeable bobby calf means a bobby calf to which subclause 3(3) does not apply.

dairy cattle means bovine animals that are, or, if they were not exported from Australia, would be likely to be, held on licensed dairy premises for a purpose related to commercial milk production, including but without limiting the generality of the above, bulls, calves and replacement heifers.

industry marketing body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

industry research body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

licensed dairy premises means premises that, under the law of the State or Territory in which the premises are situated, are authorised for use as a dairy farm.

(2) A reference in this Schedule to the ***intermediary*** is a reference to the person required, under the *Primary Industries Levies and*

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Charges Collection Act 1991, to pay to the Commonwealth, on behalf of the producer, an amount equal to the amount of charge imposed by this Schedule.

2 Imposition of charge

(1) Charge is imposed on the export from Australia after the commencement of this Schedule of cattle (other than dairy cattle). However, charge is not imposed by this subclause on the export of cattle (other than dairy cattle) if levy under Schedule 3 to the *Primary Industries (Excise) Levies Act 1999* or the repealed *Cattle Transactions Levy Act 1997* has been paid, or is payable, in respect of an act or transaction relating to the cattle.

(2) Charge is imposed on the export from Australia after the commencement of this Schedule of cattle (other than dairy cattle) if:

(a) the cattle were purchased by the exporter, whether before or after the commencement of this Schedule; and

(b) the period starting on the date of the purchase and ending on the date of the export is longer than the longer of the following periods:

(i) 60 days;

(iii) the period for which the cattle are required under the law of the country to which they are being exported to be held in quarantine before being exported.

3 Rate of charges

(1) The rate of each of the charges imposed by this Schedule on the export of each head of cattle (other than a chargeable bobby calf) is the sum of the following amounts:

(a) $2.16 or, if another amount is prescribed by the regulations, the other amount;

(b) 72 cents or, if another amount is prescribed by the regulations, the other amount;

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(c) 17 cents or, if another amount (not exceeding $4.00) is prescribed by the regulations, the other amount;

(d) 13 cents or, if another amount (not exceeding 50 cents) is prescribed by the regulations, the other amount.

Note 1: Paragraph (1)(a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry marketing body.

Note 2: Paragraph (1)(b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry research body.

Note 3: Paragraph (1)(c) identifies amounts that, under the *National Cattle Disease Eradication Account Act 1991*, are destined for the National Cattle Disease Eradication Account.

Note 4: Paragraph (1)(d) identifies amounts that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, are destined for the Australian Animal Health Council.

(2) The rate of each of the charges imposed by this Schedule on the export of each head of cattle that is a chargeable bobby calf is the sum of the following amounts:

(a) 48 cents or, if another amount is prescribed by the regulations, the other amount;

(b) 16 cents or, if another amount is prescribed by the regulations, the other amount;

(c) the prescribed amount (not exceeding 20 cents), if any;

(d) the prescribed amount (not exceeding 50 cents), if any.

Note 1: Paragraph (2)(a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry marketing body.

Note 2: Paragraph (2)(b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry research body.

Note 3: Paragraph (2)(c) identifies amounts that, under the *National Cattle Disease Eradication Account Act 1991*, are destined for the National Cattle Disease Eradication Account.

Note 4: Paragraph (2)(d) identifies amounts that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, are destined for the Australian Animal Health Council.

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(3) For the purposes of subclause (1), a cow with a calf at foot are together taken to constitute a single head of cattle.

4 Who pays the charge

Charge imposed by this Schedule on the export of cattle from Australia is payable by the producer of the cattle.

5 Regulations

(1) The Minister may, by notice in the *Gazette*, declare that the body specified in the declaration is the body whose recommendations about the amount to be prescribed for the purposes of paragraph 3(1)(a), 3(1)(b), 3(1)(d), 3(2)(a), 3(2)(b) or 3(2)(d) of this Schedule are to be taken into consideration under subclause (2).

(2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of the paragraph to which the declaration relates, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration in relation to that paragraph.

(3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(1)(a), 3(1)(b), 3(2)(a) or 3(2)(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:

(a) in relation to regulations for the purposes of paragraph 3(1)(a) or 3(2)(a) of this Schedule—the industry marketing body; and

(b) in relation to regulations for the purposes of paragraph 3(1)(b) or 3(2)(b) of this Schedule—the industry research body.

(4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.

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(5) The regulations must not, for the purposes of paragraph 3(1)(a), 3(1)(b), 3(2)(a) or 3(2)(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Cattle (Producers) Export Charges Act 1997*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

7 Transitional—declarations

(1) This clause applies to a declaration if:

(a) the declaration was made for the purposes of a particular provision of the *Cattle (Producers) Export Charges Act 1997*; and

(b) the declaration was in force immediately before the commencement of this clause.

(2) The declaration has effect, after the commencement of this clause, as if it had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 4—Dairy produce

1 Definitions

(1) Words and expressions used in this Schedule have the same meanings as in Schedule 6 to the *Primary Industries (Excise) Levies Act 1999*.

Note: Clause 6 provides that charge imposed by this Schedule may be referred to either as a charge or a levy.

(2) For the purposes of this Schedule, a person is a ***prescribed exporter*** in relation to a financial year if:

(a) the person has an export milk fat component or an export protein component, or both, within the meaning of clause 8 of Schedule 6 to the *Primary Industries (Excise) Levies Act 1999*, for a month or months of the year; or

(b) during the year, the person has exported from Australia dairy produce and:

(i) relevant dairy produce used, whether by that person or by another person, in the manufacture of the exported dairy produce has been taken into account in the calculation of manufacturing milk levy; and

(ii) the export of the dairy produce has not been taken into account for the purposes of subclause 8(2) of Schedule 6 to the *Primary Industries (Excise) Levies Act 1999* or of subsection 7(2) of the repealed *Dairy Produce Levy (No. 1) Act 1986*.

(3) For the purposes of this Schedule, an export from Australia of dairy produce constitutes a ***relevant export*** if:

(a) the export of the dairy produce has been taken into account for the purposes of subclause 8(2) of Schedule 6 to the *Primary Industries (Excise) Levies Act 1999* or of subsection 7(2) of the repealed *Dairy Produce Levy (No. 1) Act 1986*; or

(b) both of the following conditions are satisfied:

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(i) manufacturing milk levy was imposed on relevant dairy produce used, whether by the person who exported the dairy produce or by another person, in the manufacture of the exported dairy produce;

(ii) the export of the dairy produce has not been taken into account for the purposes of subclause 8(2) of Schedule 6 to the *Primary Industries (Excise) Levies Act 1999* or of subsection 7(2) of the repealed *Dairy Produce Levy (No. 1) Act 1986*.

(4) For the purposes of this Schedule, the question whether a body corporate is related to another body corporate is to be determined in the same way as the question whether bodies corporate are related to each other is determined for the purposes of the *Corporations Act 2001*.

2 Imposition of charge—re-importation of exported dairy produce

If:

(a) dairy produce is exported from Australia (whether before or after the commencement of this Schedule); and

(b) one of the following conditions is satisfied:

(i) an amount has been paid, or is payable, to a person by way of a market support payment under the *Dairy Produce Act 1986* in respect of the dairy produce;

(ii) the export of the dairy produce has been taken into account for the purposes of subclause 8(2) of Schedule 6 to the *Primary Industries (Excise) Levies Act 1999* or of subsection 7(2) of the repealed *Dairy Produce Levy (No. 1) Act 1986*;

(iii) a person has been paid, or is entitled to be paid, a manufacturing milk levy rebate under section 108E of the *Dairy Produce Act 1986* in relation to the export of the dairy produce; and

(c) the dairy produce is subsequently imported into Australia, after the commencement of this Schedule, in the same form, or substantially the same form, as it was exported;

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charge is imposed on the dairy produce.

3 Imposition of charge—import offset

(1) Charge is imposed on the total quantity of dairy produce imported into Australia during a financial year commencing on or after 1 July 1999:

(a) by a prescribed exporter; or

(b) if the prescribed exporter is a body corporate, by a body corporate (other than a prescribed exporter) that is related to the prescribed exporter.

(2) Charge is not imposed by this clause on dairy produce in relation to which charge has been paid, or is payable, under clause 2.

4 Rate of charges

Re-importation of exported dairy produce

(1) The amount of the charge imposed on dairy produce by clause 2 is an amount equal to the total of:

(a) an amount calculated at the milk fat rate for the month in which the dairy produce is imported on the milk fat content of the dairy produce when imported; and

(b) an amount calculated at the protein rate for the month in which the dairy produce is imported on the protein content of the dairy produce when imported.

Import offset

(2) Subject to subclause (3), the amount of the charge imposed by clause 3 on dairy produce imported during a financial year is calculated as follows:

(a) in respect of each quantity of dairy produce imported:

(i) an amount is calculated at the milk fat rate for the month in which the dairy produce was imported on the milk fat content of the dairy produce when imported; and

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(ii) an amount is calculated at the protein rate for the month in which the dairy produce was imported on the protein content of the dairy produce when imported;

(b) the amount of the charge is an amount equal to the total of the amounts calculated under paragraph (a) in respect of the dairy produce imported during the year.

(3) Subject to subclause (4), the maximum amount of the charge imposed by clause 3 on dairy produce imported by a prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed exporter, during a financial year is an amount calculated as follows:

(a) in respect of each quantity of dairy produce the subject of a relevant export by the prescribed exporter during the financial year:

(i) an amount is calculated at the milk fat rate for the month in which the dairy produce was exported on the milk fat content of the dairy produce; and

(ii) an amount is calculated at the protein rate for the month in which the dairy produce was exported on the protein content of the dairy produce;

(b) the amounts calculated under paragraph (a) are added together;

(c) if charge has been paid, or is payable, by the prescribed exporter under clause 2 in respect of the importation, during the financial year, of any dairy produce and the amount so paid or payable is less than the amount arrived at under paragraph (b), the maximum amount is the amount equal to the difference between the amount arrived at under paragraph (b) and the amount of charge so paid or payable;

(d) if no deduction is made under paragraph (c), the total arrived at under paragraph (b) is the maximum amount.

(4) If:

(a) charge has been paid, or is payable, by the prescribed exporter under clause 2 in respect of the importation, during the financial year, of any dairy produce; and

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(b) the amount so paid or payable equals or exceeds the amount arrived at under paragraph (3)(b);

charge is not imposed by clause 3 on the importation of dairy produce by the prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed exporter, during the financial year.

(5) In this clause, a reference to the ***milk fat rate*** for a month or the ***protein rate*** for a month has the same meaning as in clause 8 of Schedule 6 to the *Primary Industries (Excise) Levies Act 1999*.

5 Who pays the charge

(1) Charge imposed on dairy produce by clause 2 is payable by the importer of the dairy produce.

(2) Charge imposed on dairy produce by clause 3 is payable by the prescribed exporter referred to in that clause.

6 Charge may be referred to as a levy

(1) Charge imposed by this Schedule may be referred to either as a charge or a levy.

(2) Subclause (1) has effect only for the purposes of the imposition of the charge.

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Schedule 5—Deer

1 Definitions

In this Schedule:

representative industry organisation means:

(a) the organisation known as the Deer Industry Association of Australia Limited; or

(b) such other organisation as is specified in the regulations.

2 Imposition of charge

Charge is imposed on live deer produced in Australia (whether before or after the commencement of this Schedule) that are exported from Australia after the commencement of this Schedule.

3 Rate of charge

The rate of charge imposed by this Schedule on live deer is:

(a) the amount per head that is specified in the regulations; or

(b) if no amount is specified in the regulations, $10.00 per head.

4 Who pays the charge

Charge imposed by this Schedule on live deer is payable by the producer of the deer.

5 Regulations

(1) Before the Governor-General makes a regulation specifying an amount for the purposes of paragraph 3(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by a representative industry organisation.

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(2) If there is no representative industry organisation, then, before the Governor-General makes regulations specifying an amount for the purposes of paragraph 3(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.

(3) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the charge.

(4) The regulations must not, for the purposes of paragraph 3(a) of this Schedule, specify an amount greater than the amount recommended to the Minister under subclause (1) or (2).

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Deer Export Charge Act 1992*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 6—Deer velvet

1 Definitions

In this Schedule:

deer velvet means the developing antler of deer together with its cutaneous covering, harvested as living tissue.

designated organisation means:

(a) the Australian Deer Horn and Co Products Pty Ltd; or

(b) if another organisation is specified in the regulations—that other organisation.

representative industry organisation means:

(a) the organisation known as the Deer Industry Association of Australia Limited; or

(b) such other organisation as is specified in the regulations.

senior officer means:

(a) a person who holds or performs the duties of a Senior Executive Service office or position in the Department; or

(b) a person who holds or performs the duties of a DPIE Band 3 office or position, or an equivalent office or position, in the Department.

2 Imposition of charge

(1) Charge is imposed on deer velvet produced in Australia (whether before or after the commencement of this Schedule) that is exported from Australia after the commencement of this Schedule.

(2) Charge is not imposed by this Schedule on deer velvet on which levy has already been imposed by Schedule 8 to the *Primary Industries (Excise) Levies Act 1999* or by the repealed *Deer Velvet Levy Act 1992*.

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3 Rate of charge

(1) The rate of charge imposed by this Schedule on deer velvet is:

(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.

Declared value

(2) For the purposes of subclause (1), the ***declared value*** of a quantity of deer velvet is the value of the velvet described in the bill of lading, or similar document of title, facilitating the export of the deer velvet.

(3) If the Secretary reasonably believes that the declared value of a quantity of deer velvet ascertained under subclause (2) is not fair and reasonable:

(a) subject to subclause (4), the Secretary may determine a value that, in the Secretary's opinion, is a fair and reasonable value for the deer velvet; and

(b) the value so determined is the declared value of the deer velvet for the purposes of calculation of charge imposed by this Schedule.

Note: A determination by the Secretary of the declared value of deer velvet exported from Australia is reviewable under section 28 of the *Primary Industries Levies and Charges Collection Act 1991*.

(4) For the purposes of determining the value of deer velvet under paragraph (3)(a), the Secretary must have regard only to the following:

(a) the quantity of the deer velvet;

(b) the quality of the deer velvet;

(c) the price for deer velvet of that quality:

(i) published by, or by authority of, the designated organisation; and

(ii) applicable at the time the deer velvet is exported;

(d) the matters (if any) specified in the regulations.

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Delegation

(6) The Secretary may, by writing, delegate the power to determine the declared value of deer velvet to a senior officer.

4 Who pays the charge

Charge imposed by this Schedule on deer velvet is payable by the producer of the deer velvet.

5 Regulations

(1) Before the Governor-General makes a regulation specifying a percentage for the purposes of paragraph 3(1)(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by a representative industry organisation.

(2) If there is no representative industry organisation, then, before the Governor-General makes regulations specifying a percentage for the purposes of paragraph 3(a) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the Rural Industries Research and Development Corporation established under section 9 of the *Primary Industries Research and Development Act 1989*.

(3) Before the Rural Industries Research and Development Corporation makes such a recommendation to the Minister, it must consult with the persons who are required to pay the charge.

(4) The regulations must not, for the purposes of paragraph 3(a) of this Schedule, specify a percentage greater than the percentage recommended to the Minister under subclause (1) or (2).

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Deer Velvet Export Charge Act 1992*; and

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(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

7 Transitional—delegation

(1) This clause applies to a delegation if:

(a) the delegation was made for the purposes of a particular provision of the *Deer Velvet Export Charge Act 1992*; and

(b) the delegation was in force immediately before the commencement of this clause.

(2) The delegation has effect, after the commencement of this clause, as if it had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 7—Forest industries (export)

1 Definitions

In this Schedule:

industry body means a body for which both of the following conditions are met:

(a) members of the body are exporters of logs;

(b) the body is prescribed by the regulations for the purposes of this paragraph.

logs means logs that:

(a) are intended for export; and

(b) have not undergone any form of processing other than:

(i) debarking; or

(ii) any other process prescribed by regulations made for the purposes of paragraph (b) of the definition of ***logs*** in clause 1 of Schedule 10 to the *Primary Industries (Excise) Levies Act 1999*.

mill has the same meaning as in Schedule 10 to the *Primary Industries (Excise) Levies Act 1999*.

2 Imposition of charge

(1) Charge is imposed on logs produced in Australia (whether before or after the commencement of this Schedule) and exported from Australia after the commencement of this Schedule.

(2) Charge is not imposed by this Schedule on logs if:

(a) levy under Schedule 10 to the *Primary Industries (Excise) Levies Act 1999* or the repealed *Forest Industries Research Levy Act 1993* has already been paid on the logs; or

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(b) charge under this Schedule or the repealed *Forest Industries Research Export Charge Act 1993* has already been paid on the logs.

(3) The regulations may exempt a specified class of logs from charge imposed by this Schedule.

3 Rate of charge

(1) The rate of charge imposed by this Schedule is equal to the rate of levy (if any) that would have been imposed under Schedule 10 to the *Primary Industries (Excise) Levies Act 1999* if the logs had been delivered to a mill in Australia.

(2) The regulations may provide that charge is not payable if the amount to be collected is less than an amount specified in the regulations.

4 Who pays the charge

Charge imposed by this Schedule on logs is payable by the exporter of the logs.

5 Regulations

Before the Governor-General makes regulations for the purposes of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by an industry body.

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Forest Industries Research Export Charge Act 1993*; and

(b) the regulations were in force immediately before the commencement of this clause.

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(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 8—Forest industries (import)

1 Definitions

In this Schedule:

forest products means:

(a) logs; or

(b) such other products as are described in Chapter 44 of Schedule 3 to the *Customs Tariff Act 1995* and prescribed by the regulations.

industry body means a body for which both of the following conditions are met:

(a) members of the body are importers of forest products;

(b) the body is prescribed by the regulations for the purposes of this paragraph.

logs has the same meaning as in Schedule 10 to the *Primary Industries (Excise) Levies Act 1999*.

mill has the same meaning as in Schedule 10 to the *Primary Industries (Excise) Levies Act 1999*.

2 Imposition of charge

(1) Charge is imposed on forest products imported into Australia after the commencement of this Schedule.

(2) The regulations may exempt a specified class of forest products from charge imposed by this Schedule.

3 Rate of charge

(1) The rate of charge imposed by this Schedule is:

(a) if the forest products are logs—the rate of levy (if any) that would have been payable under Schedule 10 to the *Primary*

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Industries (Excise) Levies Act 1999 if the logs had been produced in Australia and delivered to a mill in Australia; or

(b) otherwise—a rate worked out by multiplying:

(i) the rate of levy (if any) that would have been payable under Schedule 10 to the *Primary Industries (Excise) Levies Act 1999* in respect of logs of the same class that were used to produce the forest products if the logs had been produced in Australia and delivered to a mill in Australia; and

(ii) the conversion factor determined by the Minister to apply to forest products of the class in question.

(2) The Minister may determine in writing, for a class of forest products, a conversion factor that, in the Minister's opinion, reasonably approximates (but does not exceed) the average proportionality between:

(a) volumes of logs that are used, in accordance with normal wood processing practices in Australia, to produce such volumes of those forest products; and

(b) volumes of forest products in that class.

(3) Before making a determination, the Minister must take into consideration any relevant recommendation made to him or her by an industry body.

(4) Such determinations are legislative instruments.

(5) The regulations may provide that the charge imposed by this Schedule is not payable if the amount to be collected is less than an amount specified in the regulations.

4 Who pays the charge

Charge imposed by this Schedule on forest products is payable by the importer of the forest products.

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5 Regulations

Before the Governor-General makes regulations for the purposes of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by an industry body.

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Forest Industries Research Import Charge Act 1993*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

7 Transitional—determinations

(1) This clause applies to a determination if:

(a) the determination was made for the purposes of a particular provision of the *Forest Industries Research Import Charge Act 1993*; and

(b) the determination was in force immediately before the commencement of this clause.

(2) The determination has effect, after the commencement of this clause, as if it had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 9—Honey

1 Definitions

In this Schedule:

honey means honey that is produced in Australia.

industry services body means the industry services body declared under section 9 of the *Horticulture Marketing and Research and Development Services Act 2000*.

producers' organisation means the organisation known as the Australian Honey Bee Industry Council, or, if another organisation is prescribed for the purposes of this definition, that other organisation.

R&D authority, in relation to a charge, means the R&D Corporation established under the *Primary Industries Research and Development Act 1989* to which the charge is attached.

R&D Corporation has the same meaning as in the *Primary Industries Research and Development Act 1989*.

2 Imposition of charge

(1) Charge is imposed on honey that is exported from Australia after the commencement of this Schedule.

(2) Charge is not imposed by this Schedule on honey included in a class of honey declared by the regulations to be a class of honey that is exempt from charge.

(3) Charge is not imposed by this Schedule on honey on which levy imposed by clause 2 of Schedule 14 to the *Primary Industries (Excise) Levies Act 1999* or by the repealed *Honey Levy Act (No. 1) 1962* has been paid or is payable.

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(4) If, in any month, a person exports honey on which charge is imposed by this Schedule but the weight of the total quantity of such honey exported by the person in that month does not exceed 50 kilograms, charge is not payable under this Schedule in respect of honey exported by the person in that month.

3 Rate of charge

The rate of charge imposed by this Schedule on honey is:

(a) a charge at the rate of 0.75 cent per kilogram; or

(b) if another rate is prescribed for the purposes of this clause, that other rate.

4 Who pays the charge

Charge imposed by this Schedule on honey exported from Australia is payable by the producer of the honey.

5 Regulations

(1) Before the Governor-General makes regulations for the purposes of subclause 2(2), the Minister must take into consideration any relevant recommendation made to the Minister by the producers' organisation.

(2) The producers' organisation must not make a recommendation to the Minister under subclause (1) unless it has consulted the industry services body in relation to the recommendation.

(3) Before the Governor-General makes regulations for the purposes of clause 3, the Minister must take into consideration any relevant recommendation made to the Minister by the R&D authority or by the producers' organisation.

(4) The R&D authority must not make a recommendation under subclause (3) unless it has consulted the persons who are required to pay the charge concerned.

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(5) The regulations must not, for the purposes of clause 3, prescribe a rate of charge greater than the rate recommended to the Minister by the R&D authority or by the producers' organisation.

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Honey Export Charge Act 1973*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 10—Horticultural products

1 Definitions

In this Schedule:

chargeable horticultural products means horticultural products prescribed for the purposes of this definition.

cut flowers and foliage includes processed cut flowers and foliage.

fruits includes processed fruits.

horticultural products means:

(a) fruits; and
(b) vegetables; and
(c) nuts; and
(d) nursery products; and
(e) cut flowers and foliage; and
(f) products prescribed for the purposes of this paragraph.

industry services body means the industry services body declared under section 9 of the *Horticulture Marketing and Research and Development Services Act 2000*.

nursery products includes trees, shrubs, plants, seeds, bulbs, corms, tubers, propagating material and plant tissue cultures, grown for ornamental purposes or for producing fruits, vegetables, nuts or cut flowers and foliage.

nuts includes processed nuts.

vegetables includes:

(a) mushrooms and other edible fungi; and
(b) processed vegetables (including mushrooms and other edible fungi).

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2 Imposition of charge

(1) Charge is imposed on chargeable horticultural products produced in Australia (whether before or after the commencement of this Schedule) that are exported from Australia after the commencement of this Schedule.

(2) Charge is not imposed on chargeable horticultural products if the producer has paid levy imposed by Schedule 15 to the *Primary Industries (Excise) Levies Act 1999*, or by the repealed *Horticultural Levy Act 1987*, on those horticultural products.

(3) The regulations may exempt from charge imposed by this Schedule:

(a) chargeable horticultural products exported by a specified class of persons; or

(b) specified subclasses of a class of chargeable horticultural products.

3 Rates of charge

(1) The rate of charge imposed by this Schedule on a chargeable horticultural product is the sum of the rates prescribed for the purposes of subclauses (3), (5) and (6) that are applicable to the class of chargeable horticultural products in which the product is included.

Marketing component

(3) The regulations may fix a rate of charge for the purposes of this subclause in relation to a class of chargeable horticultural products.

Research and development component

(5) The regulations may fix a rate of charge for the purposes of this subclause in relation to a class of chargeable horticultural products.

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Rates of charge destined for other purposes

(6) The regulations may fix a rate of charge for the purposes of this subclause in relation to a class of chargeable horticultural products.

Flexibility in relation to rates of charge

(7) Without limiting subclauses (3), (5) and (6):
  (a) different rates may, for the purposes of those subclauses or any one of them, be prescribed for different classes of chargeable horticultural products; and
  (b) different rates may be prescribed in relation to a class of chargeable horticultural products for the purposes of each of those subclauses; and
  (c) a rate may be prescribed in relation to a class of chargeable horticultural products for the purposes of one or more of those subclauses, and not for the purposes of the other subclauses or subclause.

(8) Subclause (7) does not, by implication, limit the application of subsection 33(3A) of the *Acts Interpretation Act 1901*.

4 Who pays the charge

Charge imposed by this Schedule on chargeable horticultural products is payable by the producer of the products.

5 Regulations

(1) Without limiting the manner in which classes of chargeable horticultural products may be described in the regulations, the regulations may describe such classes by reference to:
  (a) the use for which the products are exported or sold for export; or
  (b) the state, form or condition of the products, whether by reference to a process or otherwise.

(2) Before the Governor-General makes regulations for the purposes of subclause 2(3), the Minister must take into consideration any

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relevant recommendation made to the Minister by the industry services body.

(3) Before the Governor-General makes regulations for the purposes of subclause 3(3), the Minister must take into consideration any relevant recommendation made to the Minister by the industry services body.

(5) Before the Governor-General makes regulations for the purposes of subclause 3(5), the Minister must take into consideration any relevant recommendation made to the Minister by the industry services body.

(6) Before making a recommendation to the Minister for the purposes of subclause (2) or (3), the industry services body must consult with the body that, under the regulations, is the eligible industry body for:

(a) the relevant chargeable horticultural products; or

(b) the relevant class or subclass of chargeable horticultural products;

as the case requires.

(7) Before making a recommendation to the Minister for the purposes of subclause (2) or (5), the industry services body must consult with the body that, under the regulations, is the eligible industry body for:

(a) the relevant chargeable horticultural products; or

(b) the relevant class or subclass of chargeable horticultural products;

as the case requires.

(8) A recommendation referred to in subclause (6) or (7) must be accompanied by a written statement of the views of the body consulted in relation to the making of the recommendation.

(9) The body that, under the regulations, is the eligible industry body for:

(a) chargeable horticultural products; or

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(b) a class or subclass of chargeable horticultural products;

may make recommendations to the Minister in relation to regulations to be made for the purposes of subclause 3(6) in relation to those products or products included in that class or subclass, as the case may be.

(10) Before the Governor-General makes regulations for the purposes of subclause 3(6), the Minister must take into consideration any relevant recommendation made to the Minister under subclause (9).

(11) The regulations must not, for the purposes of subclause 3(3) or 3(5) fix a rate of charge greater than the rate recommended to the Minister by the industry services body.

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Horticultural Export Charge Act 1987*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 11—Live-stock (exporters)

1 Definitions

In this Schedule:

lamb means an ovine animal that:

(a) is under 12 months of age; or

(b) does not have any permanent incisor teeth in wear.

live-stock means sheep, lambs and goats.

live-stock export marketing body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

live-stock export research body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

sheep does not include lambs.

2 Imposition of charge

(1) Charge is imposed on the export of live-stock from Australia after the commencement of this Schedule.

(2) Charge is not imposed by this Schedule on the export of live-stock that is included in a class of live-stock that is, by notice in the *Gazette*, declared:

(a) by the Minister; or

(b) by a person authorised by the Minister, in writing, for the purposes of this clause;

to be a class of live-stock that is exempt from charge.

(3) The regulations may provide that no amount of charge is payable by exporters of live-stock under this Schedule.

(4) Despite anything else in this Schedule, if a regulation of the kind referred to in subclause (3) is made, an amount of charge is not

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payable under this Schedule on the export of live-stock from Australia in respect of any period while the regulation is in force.

3 Rate of charge—sheep

The rate of charge imposed by this Schedule on the export of each head of sheep is the sum of the following amounts:

(a) the prescribed amount;

(b) the prescribed amount.

Note 1: Paragraph (a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export marketing body.

Note 2: Paragraph (b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export research body.

4 Rate of charge—lambs

The rate of charge imposed by this Schedule on the export of each head of lambs is the sum of the following amounts:

(a) the prescribed amount;

(b) the prescribed amount.

Note 1: Paragraph (a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export marketing body.

Note 2: Paragraph (b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export research body.

5 Rate of charge—goats

The rate of charge imposed by this Schedule on the export of each head of goats is the sum of the following amounts:

(a) the prescribed amount;

(b) the prescribed amount.

Note 1: Paragraph (a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export marketing body.

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Note 2: Paragraph (b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the live-stock export research body.

6 Who pays the charge

Charge imposed by this Schedule on the export of live-stock from Australia is payable by the exporter of the live-stock.

7 Regulations

(1) The Minister may, by notice in the *Gazette*, declare a body to be the body whose recommendations about the amount to be prescribed for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule are to be taken into consideration under subclause (2).

(2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of the paragraph to which the declaration relates, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration in relation to that paragraph.

(3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:

(a) in relation to regulations for the purposes of paragraph 3(a), 4(a) or 5(a) of this Schedule—the live-stock export marketing body; and

(b) in relation to regulations for the purposes of paragraph 3(b), 4(b) or 5(b) of this Schedule—the live-stock export research body.

(4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.

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(5) The regulations must not, for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

8 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Live-stock (Exporters) Export Charge Act 1997*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

9 Transitional—declarations

(1) This clause applies to a declaration if:

(a) the declaration was made for the purposes of a particular provision of the *Live-stock (Exporters) Export Charge Act 1997*; and

(b) the declaration was in force immediately before the commencement of this clause.

(2) The declaration has effect, after the commencement of this clause, as if it had been made for the purposes of the corresponding provision of this Schedule.

10 Transitional—authorisations

(1) This clause applies to an authorisation if:

(a) the authorisation was made for the purposes of a particular provision of the *Live-stock (Exporters) Export Charge Act 1997*; and

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(b) the authorisation was in force immediately before the commencement of this clause.

(2) The authorisation has effect, after the commencement of this clause, as if it had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 12—Live-stock (producers)

1 Definitions

In this Schedule:

industry marketing body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

industry research body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

lamb means an ovine animal that:

(a) is under 12 months of age; or

(b) does not have any permanent incisor teeth in wear.

live-stock means sheep, lambs and goats.

sheep does not include lambs.

2 Imposition of charge

(1) Charge is imposed on the export of live-stock from Australia after the commencement of this Schedule.

(2) Charge is not imposed by subclause (1) on the export of live-stock if levy under Schedule 18 to the *Primary Industries (Excise) Levies Act 1999*, or under the repealed *Live-stock Transactions Levy Act 1997*, has been paid, or is payable, in respect of an act or transaction relating to the live-stock.

(3) Charge is imposed on the export of live-stock from Australia after the commencement of this Schedule if:

(a) the live-stock were purchased by the exporter, whether before or after the commencement of this Schedule; and

(b) the period starting on the date of the purchase and ending on the date of the export is longer than the longer of the following periods:

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(i) 30 days;

(iii) the period for which the live-stock are required under the law of the country to which they are being exported to be held in quarantine before being exported.

3 Rate of charges—sheep

The rate of each of the charges imposed by this Schedule on the export of each head of sheep is the sum of the following amounts:

(a) the prescribed amount;

(b) the prescribed amount;

(c) the prescribed amount (not exceeding 15 cents).

Note 1: Paragraph (a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry marketing body.

Note 2: Paragraph (b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry research body.

Note 3: Paragraph (c) identifies amounts that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, are destined for the Australian Animal Health Council.

4 Rate of charges—lambs

The rate of each of the charges imposed by this Schedule on the export of each head of lambs is the sum of the following amounts:

(a) the prescribed amount;

(b) the prescribed amount;

(c) the prescribed amount (not exceeding 15 cents).

Note 1: Paragraph (a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry marketing body.

Note 2: Paragraph (b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry research body.

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Note 3: Paragraph (c) identifies amounts that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, are destined for the Australian Animal Health Council.

5 Rate of charges—goats

The rate of each of the charges imposed by this Schedule on the export of each head of goats is the sum of the following amounts:

(a) the prescribed amount;

(b) the prescribed amount;

(c) the prescribed amount (not exceeding 15 cents).

Note 1: Paragraph (a) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry marketing body.

Note 2: Paragraph (b) identifies amounts that, under the *Australian Meat and Live-stock Industry Act 1997*, are destined for the industry research body.

Note 3: Paragraph (c) identifies amounts that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, are destined for the Australian Animal Health Council.

6 Who pays the charge

Charge imposed by this Schedule on the export of live-stock from Australia is payable by the producer of the live-stock.

7 Regulations

(1) The Minister may, by notice in the *Gazette*, declare a body to be the body whose recommendations about the amount to be prescribed for the purposes of paragraph 3(a), 3(b), 3(c), 4(a), 4(b), 4(c), 5(a), 5(b) or 5(c) of this Schedule are to be taken into consideration under subclause (2).

(2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of the paragraph to which the declaration relates, the Minister must take into consideration any relevant

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recommendation made to the Minister by the body specified in the declaration in relation to that paragraph.

(3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations prescribing an amount for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by:

(a) in relation to regulations for the purposes of paragraph 3(a), 4(a) or 5(a) of this Schedule—the industry marketing body; and

(b) in relation to regulations for the purposes of paragraph 3(b), 4(b) or 5(b) of this Schedule—the industry research body.

(4) Before a body mentioned in subclause (3) makes such a recommendation to the Minister, the body must consult with the persons who are required to pay the charge concerned.

(5) The regulations must not, for the purposes of paragraph 3(a), 3(b), 4(a), 4(b), 5(a) or 5(b) of this Schedule, prescribe an amount greater than the amount recommended to the Minister for the purposes of that paragraph under subclause (2) or (3).

8 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Live-stock (Producers) Export Charges Act 1997*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

9 Transitional—declarations

(1) This clause applies to a declaration if:

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(a) the declaration was made for the purposes of a particular provision of the *Live-stock (Producers) Export Charges Act 1997*; and

(b) the declaration was in force immediately before the commencement of this clause.

(2) The declaration has effect, after the commencement of this clause, as if it had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 13—Wine

1 Definition

In this Schedule:

wine means an alcoholic beverage produced by the complete or partial fermentation of fresh grapes or products derived solely from fresh grapes, or both.

2 Imposition of charge

(1) Charge is imposed on wine produced in Australia (whether before or after the commencement of this clause) that is exported from Australia after the commencement of this Schedule.

(2) The regulations may exempt from charge imposed by this Schedule:

(a) wine exported by a specified class of persons; or

(b) specified classes of wine.

3 Rate of charge

The rate of charge imposed by this Schedule in relation to wine is the amount worked out in accordance with the regulations.

4 Who pays the charge

Charge imposed by this Schedule on wine is payable by the producer of the wine.

5 Regulations

(1) The Minister may, by notice in the *Gazette*, declare a body to be the body whose recommendations about the amount to be prescribed for the purposes of clause 3 of this Schedule are to be taken into consideration under subclause (2).

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(2) If a declaration is in force under subclause (1), then, before the Governor-General makes regulations for the purposes of clause 3 of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by the body specified in the declaration.

(3) If there is no declaration in force under subclause (1), then, before the Governor-General makes regulations for the purposes of clause 3 of this Schedule, the Minister must take into consideration any relevant recommendation made to the Minister by Wine Australia continued in existence under the *Wine Australia Act 2013*.

(4) Before Wine Australia makes such a recommendation to the Minister, Wine Australia must consult with the persons who are required to pay the charge concerned.

(5) The regulations must not, for the purposes of clause 3 of this Schedule, prescribe an amount greater than the amount recommended to the Minister under subclause (2) or (3).

6 Transitional—regulations

(1) This clause applies to regulations if:

(a) the regulations were made for the purposes of a particular provision of the *Wine Export Charge Act 1997*; and

(b) the regulations were in force immediately before the commencement of this clause.

(2) The regulations have effect, after the commencement of this clause, as if they had been made for the purposes of the corresponding provision of this Schedule.

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Schedule 14—Regulations may impose primary industries charges

Part 1—Definitions

1 Definitions

In this Schedule:

animal means any member, alive or dead, of the animal kingdom (other than a human being).

animal product means:

(a) an animal; or

(b) any part of an animal; or

(c) anything produced by an animal; or

(d) anything wholly or principally produced from, or wholly or principally derived from, an animal.

charge means a charge imposed by regulations made for the purposes of Part 2 of this Schedule.

designated body, in relation to a particular product, has the meaning given by clause 12.

forest operations includes the production, growing or raising of forest products.

horticultural product has the same meaning as in the *Horticulture Marketing and Research and Development Services Act 2000*.

horticulture means the production, growing or raising of horticultural products.

plant means any member, alive or dead, of the plant kingdom, and includes fungi.

plant product means:

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(a) a plant; or
(b) any part of a plant; or
(c) anything produced by a plant; or
(d) anything wholly or principally produced from, or wholly or principally derived from, a plant.

produce of a primary industry means products that result from any of the following (whether or not any operations have been performed in relation to the products):

(a) agriculture or the cultivation of land;
(b) the maintenance of animals for commercial purposes;
(c) forest operations;
(d) fishing;
(e) hunting or trapping;
(f) horticulture;
(g) any other primary industry activity.

product means an animal product or a plant product (whether or not any operations have been performed in relation to the animal product or plant product).

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Part 2—Regulations may impose charges on primary industry products

2 Imposition of charge

(1) The regulations may impose a charge on one or more specified products in circumstances ascertained in accordance with the regulations.

Note: Products may be specified by name, by inclusion in a specified class, or in any other way.

(2) The products must be produce of a primary industry.

3 Imposition of 2 or more charges

This Part does not prevent the imposition of 2 or more charges, whether on the same products or on different products.

4 Additional charges

This Part does not prevent the imposition of a charge on a particular product in particular circumstances if another Schedule to this Act applies to the product, whether in those circumstances or in any other circumstances.

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Part 3—Rate of charge

5 Rate of charge

The rate of a charge is ascertained in accordance with the regulations.

6 Composite rate of charge

(1) The rate of a charge may be expressed to be equal to the sum of such components as are prescribed.

(2) Subclause (1) does not, by implication, limit the generality of clause 5.

7 Flexibility in relation to rates of charge

(1) Different rates of the same charge may be prescribed for different kinds of products.

(2) Subclause (1) does not, by implication, limit the generality of any other provision of this Part.

(3) Subclause (1) does not, by implication, limit the application of subsection 33(3A) of the *Acts Interpretation Act 1901*.

8 Maximum rate of charge for animal products

(1) The total rate of charge, or the total rates of charges, that may be imposed on an animal product must not exceed whichever is the greatest of the following:
  (a) $5 per unit of the animal product;
  (b) 35 cents per kilogram of the animal product;
  (c) 7% of the value of the animal product.

(2) Subclause (1) applies to animal products, whether or not any operations have been performed in relation to the products.

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(3) Subclause (1) does not apply to the marketing component, or the research and development component, of a charge imposed under Part 2 of this Schedule.

9 Maximum rate of charge for plant products

(1) The total rate of charge, or the total rates of charges, that may be imposed on a plant product must not exceed whichever is the greater of the following:
  (a) $5 per unit of the plant product;
  (b) 5% of the value of the plant product.

(2) Subclause (1) applies to plant products, whether or not any operations have been performed in relation to the products.

(3) Subclause (1) does not apply to the marketing component, or the research and development component, of a charge imposed under Part 2 of this Schedule.

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Part 4—Miscellaneous

10 Person liable to pay charge

A charge is payable by the person ascertained in accordance with the regulations.

11 Exemptions from charge

The regulations may provide for exemptions from a charge.

12 Designated bodies

(1) The Minister may, by writing, declare that, for the purposes of this Part, a specified body is to be a designated body in relation to one or more specified products.

Note: Products may be specified by name, by inclusion in a specified class, or in any other way.

(2) The declaration has effect accordingly.

(3) A declaration under this clause comes into force at a time specified in the declaration. The specified time must not be later than the 28th day after the day on which the declaration was made.

(4) A declaration under this clause is a legislative instruments.

13 Regulations

(1) This clause applies to regulations made for the purposes of this Schedule.

(2) If there is a single body that is a designated body in relation to a particular product, then, before the Governor-General makes a regulation in relation to the product, the Minister must take into consideration any relevant recommendation made to the Minister by the body.

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(3) If there are 2 or more bodies that are designated bodies in relation to a particular product, then, before the Governor-General makes a regulation in relation to the product (other than a regulation that has the effect of reducing the rate of a charge), the Minister must take into consideration any relevant recommendations made to the Minister by those bodies, so long as:

(a) each body that is a designated body in relation to the product has made a relevant recommendation to the Minister; and

(b) all of the relevant recommendations are the same.

(4) Before making a recommendation under this clause, a designated body must consult such other bodies (if any) as are specified in the regulations.

(5) The regulations must not, for the purposes of Part 3 of this Schedule, prescribe a rate of charge (in respect of the marketing component, or the research and development component, of the charge) greater than the rate recommended to the Minister in accordance with subclause (2) or (3).

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Primary Industries (Customs) Charges Act 1999	30, 1999	14 May 1999	1 July 1999 (s 2)	
Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000	163, 2000	21 Dec 2000	Sch 2 (items 4–16): 1 Feb 2001 (s 2(2) and gaz 2001, No GN6)	—
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (item 432): 15 July 2001 (s 2(1), (3))	s 4–14
Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004	139, 2004	13 Dec 2004	Sch 1 (items 32–65): 13 Dec 2004 (s 2(1) item 2)	—
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s 4 and Sch 1 (items 270–275, 496): 22 Feb 2005 (s 2(1) items 1, 2, 10)	s 4 and Sch 1 (item 496)
Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007	123, 2007	28 June 2007	Sch 2 (items 4, 5): 3 Sept 2007 (s 2(1) item 3)	—
Financial Framework Legislation Amendment Act 2010	148, 2010	17 Dec 2010	Sch 4 (items 13, 14): 18 Dec 2010 (s 2(1) item 4)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 3 (items 133, 134, 343): 29 June 2013 (s 2(1) item 16)	Sch 3 (item 343)
Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Act 2013	137, 2013	13 Dec 2013	Sch 1: 1 July 2014 (s 2(1) item 2) Remainder: 13 Dec 2013 (s 2(1) item 1)	—
Primary Industries (Customs) Charges Amendment Act 2013	144, 2013	13 Dec 2013	Sch 2 (item 2): 1 July 2014 (s 2(1) item 4) Remainder: 13 Dec 2013 (s 2(1) items 1–3)	—
Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015	62, 2015	16 June 2015	Sch 2 (items 49–52) and Sch 4: 16 June 2016 (s 2(1) items 2, 4) Sch 3: 16 June 2015 (s 2(1) item 3)	Sch 3 and Sch 4
as amended by				
Statute Update (Winter 2017) Act 2017	93, 2017	23 Aug 2017	Sch 2 (item 9): 20 Sept 2017 (s 2(1) item 4)	—
Australian Grape and Wine Authority Amendment (Wine Australia) Act 2017	122, 2017	6 Nov 2017	Sch 1 (items 22–24, 30–39): 7 Nov 2017 (s 2(1) item 1)	Sch 1 (items 30–39)
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 4 (item 13): 19 June 2018 (s 2(1) item 4)	—
Primary Industries (Customs) Charges Amendment (Dairy Cattle Export Charge) Act 2020	90, 2020	17 Sept 2020	Sch 1: 1 Jan 2021 (s 2(1) item 2)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Customs Charges and Levies Legislation Amendment (Sheep and Lamb) Act 2020	144, 2020	17 Dec 2020	Sch 1 (items 2–4): 1 Jan 2021 (s 2(1) item 1)	Sch 1 (item 4)

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Endnote 4—Amendment history

Provision affected	How affected
s 3	am No 144, 2013
s 5	am No 41, 2018
Schedule 1	
c 2	am No 8, 2005; No 144, 2013
c 3A	ad No 144, 2013
Schedule 2	
c 1	am No 139, 2004
c 2	am No 90, 2020
c 3	am No 139, 2004; No 144, 2013; No 90, 2020
c 5	am No 144, 2013; No 90, 2020
Schedule 3	
c 1	am No 139, 2004
c 2	am No 62, 2015
c 3	am No 139, 2004; No 8, 2005; No 144, 2013
c 5	am No 144, 2013
Schedule 4	
c 1	am No 55, 2001
Schedule 5	
c 3	am No 144, 2013
c 5	am No 144, 2013
Schedule 6	
c 3	am No 144, 2013
c 5	am No 144, 2013
Schedule 7	
c 1	am No 123, 2007
Schedule 8	
c 1	am No 123, 2007
c 3	am No 103, 2013

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Provision affected	How affected
Schedule 9	
c 1	am No 163, 2000; No 144, 2013
c 3	am No 144, 2013
c 5	am No 163, 2000; No 144, 2013
Schedule 10	
c 1	am No 163, 2000
c 3	am No 163, 2000; No 144, 2013
c 5	am No 163, 2000; No 144, 2013
Schedule 11	
c 1	am No 139, 2004; No 144, 2020
c 3	am No 139, 2004; No 144, 2013
c 4	am No 139, 2004; No 144, 2013
c 5	am No 139, 2004; No 144, 2013
c 7	am No 144, 2013
Schedule 12	
c 1	am No 139, 2004; No 144, 2020
c 2	am No 62, 2015
c 3	am No 139, 2004; No 144, 2013
c 4	am No 139, 2004; No 144, 2013
c 5	am No 139, 2004; No 144, 2013
c 7	am No 144, 2013
Schedule 13	
c 1	am No 148, 2010; No 137, 2013
c 3	am No 144, 2013
c 5	am No 148, 2010; No 144, 2013
	rep No 137, 2013
	ad No 144, 2013
	am No 122, 2017
Schedule 14	
Part 1	
c 1	am No 163, 2000

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Endnote 4—Amendment history

Provision affected	How affected
Part 3	
c 8	am No 144, 2013
c 9	am No 144, 2013
Part 4	
c 12	am No 103, 2013
c 13	am No 144, 2013

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