

Live-stock Slaughter (Export Inspection Charge) Collection Act 1979

No. 46 of 1979

An Act to make provision for the collection of the charge imposed by the *Live-stock Slaughter (Export Inspection Charge) Act 1979*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title	1. This Act may be cited as the <i>Live-stock Slaughter (Export Inspection Charge) Collection Act 1979</i> . ¹
Commence- ment	2. This Act shall come into operation on 1 July 1979.
Interpret- ation	3. In this Act, unless the contrary intention appears— “abattoir” has the same meaning as in the Charge Act; “authorized person” means— (a) a person appointed by the Minister, by instrument in writing, to be an authorized person for the purposes of the provision in which the expression occurs; or (b) a person included in a class of persons appointed by the Minister, by instrument in writing, to be authorized persons for the purposes of the provision in which the expression occurs; “charge” has the same meaning as in the Charge Act; “Charge Act” means the <i>Live-stock Slaughter (Export Inspection Charge) Act 1979</i> ; “month” means one of the 12 months of the year; “occupier” in relation to premises, includes the person in charge of the premises.
Act to bind Crown	4. This Act binds the Crown in right of a State.
Due date of payment	5. The amount of charge on the slaughter of any live-stock is due for payment upon the expiration of 28 days after the last day of the month in which the live-stock are slaughtered.

6. (1) For the better securing of the payment of charge, the proprietor of an abattoir at which live-stock owned by another person are slaughtered is liable to pay to the Commonwealth an amount equal to any charge on the slaughter that has become payable by that other person but has not been paid to the Commonwealth by or on behalf of that other person or recovered from that other person by the Commonwealth.

Liability of
proprietor of
abattoir

(2) The proprietor of an abattoir at which live-stock owned by another person are slaughtered may, on behalf of that other person, pay to the Commonwealth any charge payable in respect of the slaughter, either before or after the charge is due for payment.

(3) The proprietor of an abattoir may, notwithstanding any law of a State or Territory or any contract entered into before the commencement of this Act, refuse to slaughter, or to permit the slaughter of, live-stock owned by another person at the abattoir unless that other person first provides the proprietor with the funds necessary for the due payment, on behalf of that other person, of charge on the slaughter of the live-stock.

(4) Where—

- (a) any charge payable by a person on the slaughter of any live-stock at an abattoir of which another person is the proprietor has been paid to the Commonwealth on behalf of that person by the proprietor of the abattoir; or
- (b) an amount in respect of any charge so payable has been recovered by the Commonwealth from the proprietor of the abattoir by virtue of sub-section (1),

the person by whom that charge was payable is liable to pay to the proprietor an amount equal to the amount so paid or recovered, less any amount already paid by that person to the proprietor in respect of that charge.

(5) Where, at any time, a person pays to the proprietor of an abattoir an amount in respect of charge on the slaughter at that abattoir of live-stock owned by that person, that person is discharged from liability to pay charge to the same extent as if the payment had been made by him at that time to the Commonwealth, but the discharge does not affect any liability of the proprietor under sub-section (1).

(6) Sub-section (5) does not apply where, before the payment is made to the proprietor of the abattoir, the person making the payment has been notified in writing by or on behalf of the Minister that the Minister requires that person to pay direct to the Commonwealth the charge in respect of which the payment is made.

(7) Where, under this section, charge is paid on behalf of a person by, or an amount in respect of charge payable by a person is recovered by the Commonwealth from, the proprietor of an abattoir, that person is, to the extent of the amount paid or recovered, discharged from so much of his liability to the Commonwealth to pay the charge as has not previously been discharged by virtue of sub-section (5).

(8) Where the Minister is satisfied that it would, by reason of special circumstances, be unreasonable to require the proprietor of an abattoir to pay, or to pay in full, an amount payable by him under this section, the Minister may release that proprietor in whole or in part from his liability, but such a release does not affect the liability of any person other than the proprietor.

(9) In this section, a reference to the charge on the slaughter of any live-stock shall be read as including a reference to an amount that has become payable by way of penalty under sub-section 8 (1) by reason of default in payment of charge on the slaughter of those live-stock.

Recovery of
charge

7. The following amounts shall be deemed to be debts due to the Commonwealth:

- (a) an amount of charge that is due for payment;
- (b) an amount payable by the proprietor of an abattoir under section 6; and
- (c) an amount payable by way of penalty under section 8.

Penalty for
non-
payment

8. (1) Where the liability of a person to pay any charge is not discharged on or before the date on which the charge is due for payment, that person, in addition to his liability to pay that charge, is liable to pay, by way of penalty, an amount calculated at the rate of 10% per annum upon that charge or upon that part of that charge from time to time remaining unpaid, to be computed from the date on which that amount became due for payment.

(2) Where—

- (a) the proprietor of an abattoir has received from another person an amount in respect of charge payable by that other person on the slaughter of live-stock at that abattoir; and
- (b) the charge is due for payment but has not been paid in full to the Commonwealth,

the proprietor is liable, in addition to any other liability under this Act, to pay to the Commonwealth, by way of penalty, an amount calculated at the rate of 10% per annum upon the amount so received by him, less any part of the charge paid by him on behalf of that other person, to be computed from the date on which the charge became due for payment or the date on which he received that amount, whichever is the later.

(3) The Minister or, subject to sub-section (4), an authorized person, may, in a particular case, for a reason that the Minister or the authorized person, as the case may be, in his discretion, thinks sufficient, remit the whole or a part of an amount payable under this section.

(4) A remission granted under sub-section (3) by an authorized person shall not exceed \$100.

9. A person shall not—

- (a) fail or neglect duly to furnish a return or information that he is required under the regulations to furnish; or
- (b) furnish, in pursuance of the regulations, a return or information that is false or misleading in a material particular.

Offences
relating to
returns, &c.

Penalty: \$300.

10. (1) An authorized person may, with the consent of the occupier of any premises, enter the premises for the purpose of exercising the functions of an authorized person under this section.

Access to
premises

(2) Where an authorized person has reason to believe that there are on any premises books, documents or papers relating to the slaughter of live-stock in respect of which charge is, or may be, payable, the authorized person may make application to a Justice of the Peace for a warrant authorizing the authorized person to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(3) If, on an application under sub-section (2), the Justice of the Peace is satisfied, by information on oath or affirmation—

- (a) that there is reasonable ground for believing that there are on the premises to which the application relates any books, documents or papers relating to the slaughter of live-stock in respect of which charge is, or may be, payable; and
- (b) that the issue of the warrant is reasonably required for the purposes of this Act,

the Justice of the Peace may grant a warrant authorizing the authorized person, with such assistance as the person thinks necessary, to enter the premises, during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an authorized person under this section.

(4) Where an authorized person has entered any premises in pursuance of sub-section (1) or in pursuance of a warrant granted under sub-section (3), he may exercise the functions of an authorized person under this section.

(5) A person shall not, without reasonable excuse, obstruct or hinder an authorized person acting in pursuance of a warrant granted under sub-section (3) or acting in pursuance of sub-section (4).

Penalty: \$200.

(6) The functions of an authorized person under this section are to search for, inspect, take extracts from and make copies of any books, documents or papers relating to the slaughter of live-stock in respect of which charge is, or may be, payable.

Regulations

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act or for facilitating the collection or recovery of any debt due to the Commonwealth under this Act and, in particular—

- (a) providing for the manner of payment of charge and other moneys payable to the Commonwealth under this Act;
- (b) providing for the remission or refund of charge in specified circumstances;
- (c) requiring persons to keep records relating to the slaughter of live-stock at abattoirs;
- (d) requiring the proprietors of abattoirs to furnish returns or information relating to the abattoirs to such persons as are prescribed;
- (e) prescribing the form of warrant for the purposes of section 10; and
- (f) prescribing penalties, not exceeding a fine of \$200, for offences against the regulations.

NOTE

1. Act No. 46, 1979; assented to 14 June 1979.