



Primary Industries Legislation Amendment Act 1994

No. 137 of 1994

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Primary Industries Legislation Amendment Act 1994

No. 137 of 1994

**An Act to amend the *Beef Production Levy Act 1990* and the
Primary Industries Levies and Charges Collection Act 1991,
and for related purposes**

[Assented to 18 November 1994]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Primary Industries Legislation Amendment Act 1994*.

Commencement

2.(1) Part 1 commences on the day on which this Act receives the Royal Assent.

(2) Subject to subsection (3), the provisions of Parts 2 and 3 commence on a day or days to be fixed by Proclamation.

(3) If a provision of Part 2 or 3 does not commence under subsection (2) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day of the first month that begins after the end of that period.

PART 2—AMENDMENTS OF THE BEEF PRODUCTION LEVY ACT 1990

Principal Act

3. In this Part, “**Principal Act**” means the *Beef Production Levy Act 1990*¹.

Interpretation

4. Section 4 of the Principal Act is amended by inserting in subsection (1) the following definitions:

“ ‘**cold carcase weight**’ means the weight of a carcase weighed 2 hours or more after slaughter;

‘**weighing period**’, in relation to a carcase, means the period of time between slaughter and the earlier of the following events:

- (a) the lodging of the monthly return (as required by the Primary Industries Levies and Charges Collection (Cattle and Live-stock) Regulations) in which the hot carcase weight of the carcase should be included;
- (b) levy on the carcase becomes due for payment (as provided in the Primary Industries Levies and Charges Collection (Cattle and Live-stock) Regulations).”.

Rate of levy on slaughter of cattle

5. Section 6 of the Principal Act is amended:

- (a) by omitting subsection (3) and substituting the following subsection:

“(3) If an abattoir does not determine the hot carcase weight of a carcase then, depending on which circumstance in the table is applicable, the hot carcase weight is taken to be the weight specified in the table, and that weight is taken to have been determined at the time of completing the slaughter.

Item	Circumstance	Hot carcase weight
1	The abattoir is able to determine a hot carcase weight but fails to do so.	240 kilograms
2	The abattoir is unable to determine a hot carcase weight but determines a cold carcase weight within the weighing period.	Cold carcase weight multiplied by 1.03
3	The abattoir is unable to determine a hot carcase weight, is able to determine a cold carcase weight but fails to do so within the weighing period.	240 kilograms
4	The abattoir is unable to determine a hot carcase weight and is unable to determine a cold carcase weight within the weighing period.	240 kilograms

”;

(b) by adding at the end the following Note:

“Note: Section 24A of the *Primary Industries Levies and Charges Collection Act 1991* creates offences that apply in the following situations:

- (a) an abattoir is able to determine a hot carcase weight but fails to do so;
- (b) an abattoir is unable to determine a hot carcase weight, is able to determine a cold carcase weight within the weighing period but fails to do so.”.

Application

6. The amendments made by section 5 apply to cattle slaughtered after the commencement of that section.

PART 3—AMENDMENTS OF THE PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION ACT 1991

Principal Act

7. In this Part, “**Principal Act**” means the *Primary Industries Levies and Charges Collection Act 1991*².

Interpretation

8. Section 4 of the Principal Act is amended:

- (a) by omitting “or (3)” from the definition of “intermediary” in subsection (1) and substituting “, (3) or (3A)”;

- (b) by omitting “person” (last occurring) from the definition of “intermediary” in subsection (1) and substituting “producer”.

Liability of intermediaries

9.(1) Section 7 of the Principal Act is amended:

- (a) by omitting from subsection (1) “Except where subsection (2) applies,” and substituting “Subject to subsection (2A),”;
- (b) by omitting from subsection (2) “For” and substituting “Subject to subsection (2A), for”;
- (c) by inserting after subsection (2) the following subsection:

“(2A) Subsections (1) and (2) do not both apply to a particular amount of levy that is payable. In the case of levy imposed on the sale of cattle by the *Cattle Transaction Levy Act 1990*, subsection (2) only applies if subsection (1) does not. In any other case, subsection (1) only applies if subsection (2) does not.”.

(2) The amendments made by subsection (1) apply to levy imposed after the commencement of this section.

Liability of intermediaries—ancillary provisions

10. Section 8 of the Principal Act is amended:

- (a) by inserting in subsection (3) “or pigs” after “(being live-stock within the meaning of the *Live-stock Slaughter Levy Act 1964*)”;
- (b) by adding at the end of subsection (3) “or pigs”.

Insertion of new section

11. After section 24 of the Principal Act the following section is inserted:

Offences in relation to weighing cattle carcasses

“24A.(1) This section applies to carcasses of cattle slaughtered at an abattoir if levy is imposed on the slaughter by the *Beef Production Levy Act 1990*.

“(2) The proprietor of the abattoir must take reasonable steps to ensure that:

- (a) if the abattoir is able to determine the hot carcass weight of a carcass, that hot carcass weight is determined; and
- (b) if the abattoir is unable to determine the hot carcass weight of a carcass but is able to determine its cold carcass weight within the weighing period, that cold carcass weight is determined within that period.

“(3) If:

- (a) the abattoir is able to determine the hot carcass weight of a carcass but fails to do so; and

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(b) the failure is attributable to the proprietor having intentionally or recklessly contravened subsection (2);
the proprietor is guilty of an offence.
Penalty: 60 penalty units.

“(4) If:

(a) the abattoir is unable to determine the hot carcase weight of a carcase;
and
(b) the abattoir is able to determine the cold carcase weight of the carcase within the weighing period but fails to do so; and
(c) the failure is attributable to the proprietor having intentionally or recklessly contravened subsection (2);
the proprietor is guilty of an offence.
Penalty: 60 penalty units.

Note: The terms ‘hot carcase weight’, ‘cold carcase weight’ and ‘weighing period’ are defined in subsection 4(1) of the *Beef Production Levy Act 1990*.”.

NOTES

1. No. 140, 1990, as amended. For previous amendments, see Nos. 26 and 39, 1991.
2. No. 25, 1991, as amended. For previous amendments, see Nos. 20, 32, 59 and 247, 1992; and No. 94, 1993.

[*Minister's second reading speech made in—
House of Representatives on 19 October 1994
Senate on 7 November 1994*]