Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 6)¹

Statutory Rules 2002 No. 1²

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Primary Industries Levies and Charges Collection Act 1991.

Dated 27 NOV 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency’s Command

JUDITH TROETH
Parliamentary Secretary to the Minister for Agriculture,
Fisheries and Forestry
1 Name of Regulations

These Regulations are the Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 2).

2 Commencement

These Regulations commence on 1 January 2003.

3 Amendment of Primary Industries Levies and Charges Collection Regulations 1991

Schedule 1 amends the Primary Industries Levies and Charges Collection Regulations 1991.

Schedule 1 Amendments (regulation 3)

[1] Schedule 22, clause 10.2, definition of consigned mass

substitute

consigned mass, for macadamia nuts in shell, means:

(a) the mass of the macadamia nuts, at 10% moisture content; or

(b) if the moisture content of a consignment of nuts has not been determined when dealing with the nuts — for that consignment, the mass of the macadamia nuts at the moisture content agreed by the parties to the dealing in the nuts.

[2] Schedule 22, clause 10.2, after definition of deal

insert

default recovery rate is 50%.
dried kernel, for macadamia nuts, means macadamia nut kernels that have been artificially partly dried.


substitute

macadamia nut means a nut of the species Macadamia integrifolia or Macadamia tetraphylla or a hybrid of those species and includes macadamia nut in shell, as extracted kernel or as dried kernel.


substitute

10.12 What must be included in a return

(1) In addition to the information required by regulation 10, a return must state, in respect of the return period:

(a) if the person making the return has dealt in macadamia nuts in shell during that period — the quantities of leivable nuts in shell, and chargeable nuts in shell, sold by the person during that period; and

(b) if the person has dealt in dried kernels of macadamia nut during that period:

(i) if the person has recorded the actual quantity of dried kernels dealt with — the actual quantities of leivable dried kernels and chargeable dried kernels sold by the person during that period; or

(ii) if the person has not recorded the actual quantity — the deemed quantities of leivable dried kernels and chargeable dried kernels sold by the person during that period, worked out in accordance with subregulation (2).

(2) A deemed quantity of dried kernels is to be determined by applying to the relevant quantity of macadamia nuts in shell:

(a) the default recovery rate; or

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(b) a recovery rate determined according to Australian Macadamia Society Limited standards for the consignment of macadamia nuts in shell processed.

Note Copies of the Australian Macadamia Society Limited standards in regard to testing nuts in shell for kernel recovery are available from the Society at 1/113 Dawson Street, Lismore NSW 2480.

(3) As well as the information required in subclause (1), a return must state, in respect of the return period:
(a) the amount of levy payable on the quantity of leviable macadamia nuts dealt with; and
(b) the amount of levy paid by that person on leviable macadamia nuts; and
(c) the amount of charge payable on chargeable macadamia nuts dealt with; and
(d) the amount of charge paid by that person on chargeable macadamia nuts.

Note For offences in relation to returns, see section 24 of the Collection Act.

(4) A person who is the proprietor of more than 1 processing establishment must lodge a single return containing all the details mentioned in subclause (1) for each processing establishment of which the person is the proprietor.


*substitute*

(1) An exporter must keep records showing, in respect of each return period:
(a) the consigned mass of chargeable macadamia nuts in shell exported by the exporter; and
(b) the quantity of dried kernels of macadamia nut exported by the exporter; and
(c) the amount of charge payable on the macadamia nuts; and
(d) the amount of charge paid by the exporter on the macadamia nuts.

Penalty: 10 penalty units.

substitute

(1) A person who, in a capacity other than producer or exporter, dealt in macadamia nuts with a producer in a return period must keep records showing, in respect of the return period:

(a) the personal details for the producer; and
(b) if the person sold macadamia nuts in shell, the total consigned mass of leviable macadamia nuts in shell and chargeable macadamia nuts in shell that was sold by the person; and
(c) if the person dealt in dried kernels of macadamia nut, the quantity of leviable dried kernels of macadamia nut and chargeable dried kernels of macadamia nut dealt with by the person; and
(d) the amount of levy payable on any leviable macadamia nuts dealt with by the person; and
(e) the amount of charge payable on any chargeable macadamia nuts dealt with by the person; and
(f) the amount deducted for payment of charge and levy from money:
   (i) received by the person on behalf of the producer; or
   (ii) payable by the person to the producer; and
(g) the amount of charge paid by the person on the macadamia nuts; and
(h) the amount of levy paid by the person on the macadamia nuts.

Penalty: 10 penalty units.

Note Personal details is defined in clause 1.1.

Notes