Primary Industries Levies and Charges Collection Amendment Regulations 2004 (No. 4)

Statutory Rules 2004 No. 356

I, PHILIP MICHAEL JEFFERY, 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 16 December 2004

P. M. JEFFERY
Governor-General

By His Excellency’s Command

WARREN TRUSS
Minister for Agriculture, Fisheries and Forestry
1 Name of Regulations
These Regulations are the *Primary Industries Levies and Charges Collection Amendment Regulations 2004 (No. 4)*.

2 Commencement
These Regulations commence on 1 January 2005.

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 5, clauses 6 and 7
*substitute*

6 When is charge due for payment
For section 6 of the Collection Act, charge payable on the export of chargeable cattle for a month is due for payment on the last day on which the return for the month must be lodged under clause 8.

*Note* For penalty for late payment, see section 15 of the Collection Act.

7 Who must lodge a return
A producer, or an exporting agent, who exports chargeable cattle in a month must lodge a return for that month.

*Note* For offences in relation to returns, see section 24 of the Collection Act.
[2] **Schedule 5, clause 10**

*substitute*

**10 What records must be kept**

(1) A person who exports chargeable cattle must keep records showing, for each month:

(a) if the person is an exporting agent, the following information relating to each person on whose behalf the exports were carried out:
   (i) full name and postal address;
   (ii) ABN, if any;
   (iii) if the person is a company and does not have an ABN — the person’s ACN; and

(b) for the cattle exported:
   (i) the total numbers of cattle; and
   (ii) the total live-weight, in kilograms, of cattle exported; and
   (iii) the rate of charge payable on the cattle; and
   (iv) the total amount of charge for the cattle; and

(c) bills of lading or similar documents showing details of the chargeable cattle exported; and

(d) the date when each consignment of cattle was entered for export; and

(e) a copy of the return.

Penalty: 10 penalty units.

(2) An offence under subclause (1) is an offence of strict liability.

*Note* For offences in relation to how long records for subclause (1) must be kept, see regulation 12.
[3] Schedule 24, clauses 5 and 6

substitute

5 When is charge due for payment
For section 6 of the Collection Act, charge payable on the export of chargeable live-stock for a month is due for payment on the last day on which the return for the month must be lodged under clause 7.

Note For penalty for late payment, see section 15 of the Collection Act.

6 Who must lodge a return
A producer, or an exporting agent, who exports chargeable live-stock in a month must lodge a return for that month.

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

[4] Schedule 24, paragraphs 8 (2) (b), (c), (d) and (e)

omit

[5] Schedule 24, paragraphs 8 (3) (b), (c), (d) and (e)

omit

[6] Schedule 24, paragraphs 8 (4) (b), (c), (d) and (e)

omit
[7] Schedule 24, clause 9

substitute

9 What records must be kept

(1) A person who exports chargeable live-stock must keep records showing, for each month:
(a) if the person is an exporting agent, the following information relating to each person on whose behalf the exports were carried out:
   (i) full name and postal address;
   (ii) ABN, if any;
   (iii) if the person is a company and does not have an ABN — the person’s ACN; and
(b) for the live-stock exported:
   (i) the total numbers of each kind of live-stock; and
   (ii) the rate of charge payable on each kind of live-stock; and
   (iii) the total amount of charge for each kind of live-stock; and
(c) bills of lading or similar documents showing details of the chargeable live-stock exported; and
(d) the date when each consignment of live-stock was entered for export; and
(e) a copy of the return.

Penalty: 10 penalty units.

(2) An offence under subclause (1) is an offence of strict liability.

Note For offences in relation to how long records for subclause (1) must be kept, see regulation 12.
Notes
