



Primary Industries Levies and Charges Collection Amendment Regulations 2008 (No. 4)¹

Select Legislative Instrument 2008 No. 224

I, QUENTIN BRYCE, 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 28 November 2008

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry

1 Name of Regulations

These Regulations are the *Primary Industries Levies and Charges Collection Amendment Regulations 2008 (No. 4)*.

2 Commencement

These Regulations commence on the day after they are registered.

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, subclause 18.15 (2), at the foot

insert

Note 4 For offences in relation to how long records must be kept, see regulation 12.

[2] Schedule 22, subclause 18.16 (3), at the foot

insert

Note 4 For offences in relation to how long records must be kept, see regulation 12.

[3] Schedule 22, subclause 19.19 (4), at the foot

insert

Note 3 For offences in relation to how long records must be kept, see regulation 12.

[4] Schedule 27, clause 18A, note

substitute

Note 1 Clause 3 of Schedule 18 to the Excise Levies Regulations provides that levy is not imposed on the sale of live-stock by an export licence holder to another export licence holder if the live-stock are exported 30 days or less after being acquired by the first export licence holder.

Note 2 For offences in relation to how long records must be kept, see regulation 12.

[5] Schedule 37, subclause 3.19 (3)

after the penalty, insert

- (4) An offence under subclause (1), (2) or (3) is an offence of strict liability.

Note 1 For **strict liability**, see section 6.1 of the *Criminal Code*.

Note 2 For offences in relation to how long records must be kept, see regulation 12.

[6] Schedule 37, clause 3.20

omit

A person who exports

insert

- (1) A person who exports

[7] Schedule 37, clause 3.20

after the penalty, insert

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

Note 1 For **strict liability**, see section 6.1 of the *Criminal Code*.

Note 2 For offences in relation to how long records must be kept, see regulation 12.

[8] Schedule 37, after clause 3.21*insert***3.22 Review of decisions**

A person may apply to the Administrative Appeals Tribunal for the review of a decision of the Secretary:

- (a) refusing, under paragraph 3.14 (1) (a), to grant an exemption; or
- (b) refusing, under paragraph 3.15 (1) (a), to continue an exemption.

[9] Further amendments — notes

Each of the subclauses mentioned in column 3 of an item in the following table in respect of the Schedule mentioned in column 2 of the item is amended by omitting the note at the foot of the subclause and inserting:

*‘Note 1 For **strict liability**, see section 6.1 of the *Criminal Code*.*

Note 2 For offences in relation to how long records must be kept, see regulation 12.’

<i>Item</i>	<i>Schedule</i>	<i>Subclause or subclauses</i>
1	2	11 (3)
2	3	10 (2) and 11 (3)
3	4	10 (3) and 11 (2)
4	6	9 (2)
5	7	15 (3), 16 (2), 17 (3) and 19 (3)
6	8	11 (4)
7	9	10 (2)
8	10	11 (2)
9	11	10 (2)
10	12	11 (2)
11	13	13 (5A)
12	14	10 (3)

<i>Item</i>	<i>Schedule</i>	<i>Subclause or subclauses</i>
13	15	18 (2)
14	16	18 (2)
15	17	4 (2)
16	18	10 (3)
17	19	11 (4)
18	20	12 (2)
19	21	12 (2), 13 (3) and 14 (2)
20	22	2.9 (3), 3.21 (2), 3.22 (2), 3.23 (2), 3.24 (2), 4.17 (2), 4.18 (2), 4.19 (2), 4.20 (2), 4.20A (2), 5.10 (5), 6.10 (2), 6.11 (2), 6.12 (2), 6.13 (2), 6.14 (2), 6.15 (2), 7.22 (2), 7.23 (2), 7.24 (2), 7.25 (2), 8.9 (4), 9.20 (2), 9.21 (2), 9.22 (2), 9.23 (2), 9.24 (2), 10.13 (5), 10.14 (2), 10.15 (3), 11.21 (2), 11.22 (2), 11.23 (2), 11.24 (2), 12.10 (4), 13.12 (3), 14.22 (2), 14.23 (2), 14.24 (2), 14.25 (2), 15.18 (4), 16.12 (5), 16.13 (2), 17.18 (1A), 18.14 (2), 20.13 (2), 20.14 (2), 20.15 (2), 20.16 (2), 21.14 (2), 21.15 (2), 21.16 (2) and 21.17 (2)
21	23	9 (3)
22	25	9 (2)
23	26	9 (3)
24	27	15 (3), 16 (2) and 18 (3)
25	28	9 (3)
26	29	11 (4)
27	31	10 (2)
28	32	11 (2)
29	33	11 (2)
30	34	1.12 (3), 2.18 (2) and 2.19 (2)
31	35	18 (3)
32	36	12 (2)
33	37	2.23 (2), 2.24 (4), 2.25 (2), 2.26 (2), 4.14 (2), 4.15 (2), 4.16 (2), 5.17 (2), 6.14 (2), 6.15 (2), 6.16 (3) and 7.11 (3)

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.