



# **Primary Industries Levies and Charges Collection Amendment Act 2018**

**No. 91, 2018**

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

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# Primary Industries Levies and Charges Collection Amendment Act 2018

No. 91, 2018

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

*[Assented to 31 August 2018]*

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Primary Industries Levies and Charges Collection  
Amendment Act 2018*.

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No. 91, 2018

*Primary Industries Levies and Charges Collection Amendment Act  
2018*

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	1 September 2018

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Primary Industries Levies and Charges Collection Act 1991*

#### **1 After paragraph 7(1)(c)**

Insert:

- and (ca) a person who does an act, determined in an instrument under subsection 7A(1) for the purposes of this paragraph, in relation to such products;

#### **2 After paragraph 7(2)(b)**

Insert:

- and (ba) a person who does an act, determined in an instrument under subsection 7A(1) for the purposes of this paragraph, in relation to a product on or in relation to which levy is imposed, being a product declared by the regulations to be a product to which this paragraph applies;

#### **3 Subsections 7(3) and (3A)**

Repeal the subsections, substitute:

(3) For better securing the payment of charge:

- (a) an exporting agent who exports prescribed products on which charge is imposed; and
- (b) a person who does an act, determined in an instrument under subsection 7A(1) for the purposes of this paragraph, in relation to such products;

is liable to pay in accordance with subsection (4), on behalf of the producer, an amount equal to the sum of:

- (c) the amount of any charge due for payment on or in relation to the products; and
- (d) any amount payable by the producer under subsection 15(1) in relation to that charge.

Note: Under paragraph (g) of the definition of *producer* in subsection 4(1), the producer is taken to be the person who exports the products from Australia.

(3A) For better securing the payment of charge:

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- (a) an importing agent who imports prescribed products on which charge is imposed; and
- (b) a person who does an act, determined in an instrument under subsection 7A(1) for the purposes of this paragraph, in relation to such products;

is liable to pay in accordance with subsection (4), on behalf of the producer, an amount equal to the sum of:

- (c) the amount of any charge due for payment on or in relation to the products; and
- (d) any amount payable by the producer under subsection 15(1) in relation to that charge.

Note: Under paragraph (ga) of the definition of *producer* in subsection 4(1), the producer is taken to be the person who imports the products into Australia.

#### 4 After paragraph 7(6)(e)

Insert:

- or (f) does an act, determined in an instrument under subsection 7A(1), in relation to collection products;

#### 5 After section 7

Insert:

#### 7A Secretary's determination of intermediaries

- (1) The Secretary may, by legislative instrument, determine acts for the purposes of paragraphs 7(1)(ca), (2)(ba), (3)(b) and (3A)(b).

Note: Different acts may be determined for different paragraphs (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

- (2) The Secretary must have regard to any guidelines in force under subsection (3) in exercising a power under subsection (1).

- (3) The Minister may, by written instrument, issue guidelines for the purposes of this section.

Note: For variation and revocation of the instrument, see subsection 33(3) of the *Acts Interpretation Act 1901*.

- (4) Guidelines are not legislative instruments.



- (5) The Minister must cause the guidelines to be put on the Department's website.

**6 Section 27 (heading)**

Repeal the heading, substitute:

**27 Giving of information about returns, intermediaries and receipt of levy or charge**

**7 Subsection 27(1)**

Omit "may publish", substitute "may give the following information".

**8 Paragraph 27(1)(a)**

Omit "or" (last occurring).

**9 Subsection 27(2)**

Omit "publication", substitute "giving".

**10 Paragraph 27A(1)(a)**

Omit "and ABN", substitute ", ABN (if any) and ACN (if any)".

**11 At the end of subsection 27A(3)**

Add:

Note: Different details may be determined for different collection products (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

**12 Subsection 27A(4) (heading)**

Repeal the heading, substitute:

*Definitions*

**13 Subsection 27A(4)**

Insert:

*ACN* has the meaning given by section 9 of the *Corporations Act 2001*.

**14 After subsection 27B(4)**

Insert:

- (4A) The Secretary may make an approval given under subsection (4) subject to conditions specified in the approval.
- (4B) The Secretary may, by writing, revoke an approval given under subsection (4) if the Secretary is satisfied that the holder of the approval has breached any conditions of the approval.
- (4C) The Secretary must give notice of the revocation to the holder. The notice must specify the day the revocation takes effect.
- (4D) Subsection (4B) does not limit subsection 33(3) of the *Acts Interpretation Act 1901*.

**15 After section 27B**

Insert:

**27C Making public any information of a statistical nature**

An authorised person may make public any information of a statistical nature that relates to amounts of levy or charge received or receivable by the Commonwealth.

**16 Subsection 28(9) (after paragraph (a) of the definition of *relevant decision*)**

Insert:

- (b) a decision under subsection 27B(4) to give an approval; or
- (c) a decision to specify conditions in an approval given under subsection 27B(4); or
- (ca) a decision to revoke an approval given under subsection 27B(4); or

**17 Subsection 29(1)**

After “section”, insert “7A,”.

**18 Subsection 29(1)**

Omit “or 27B”, substitute “, 27B or 32”.

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**19 Subsection 29(1A)**

Omit “power under subsection 27B(4)”, substitute “powers under section 27B”.

**20 After section 31**

Insert:

**32 Returns under the regulations**

- (1) A return that is required to be lodged under the regulations in relation to a collection product must contain the details determined in an instrument under subsection (3), being details relating to the production or processing of that collection product.
- (2) Subsection (1) has effect in addition to the regulations dealing with the content of a return.
- (3) For the purposes of subsection (1), the Secretary may, by legislative instrument, determine details relating to the production or processing of a collection product.

Note: Different details may be determined for different collection products (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

**21 Application and saving provisions**

- (1) The amendments of section 7 of the *Primary Industries Levies and Charges Collection Act 1991* made by this Schedule apply in relation to levy or charge that becomes payable on or after the day on which the first instrument made under subsection 7A(1) of that Act commences.
- (2) The repeal and substitution of subsections 7(3) and (3A) of the *Primary Industries Levies and Charges Collection Act 1991* made by this Schedule does not affect the validity of any regulations in force for the purposes of either of those subsections immediately before the commencement of this item.
- (3) The amendments of sections 27 and 27A of the *Primary Industries Levies and Charges Collection Act 1991* made by this Schedule apply in relation to the giving of information on or after the commencement of this item (whether the information was obtained before, on or after that commencement).

## Schedule 1 Amendments

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- (4) Subsections 27B(4A) to (4D) of the *Primary Industries Levies and Charges Collection Act 1991*, as inserted by this Schedule, apply in relation to approvals given on or after the commencement of this item.
- (5) Section 27C of the *Primary Industries Levies and Charges Collection Act 1991*, as inserted by this Schedule, applies in relation to information obtained before, on or after the commencement of this item.
- (6) The amendment of section 28 of the *Primary Industries Levies and Charges Collection Act 1991* made by this Schedule applies in relation to decisions made on or after the commencement of this item.
- (7) Subsection 32(1) of the *Primary Industries Levies and Charges Collection Act 1991*, as inserted by this Schedule, applies to a return that is required to be lodged under the regulations in relation to a collection product for a period beginning on or after the day on which the first instrument made under subsection 32(3) of that Act in relation to that collection product commences.

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[Minister's second reading speech made in—  
House of Representatives on 28 March 2018  
Senate on 14 August 2018]

(46/18)

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