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## Primary Industries (Customs) Charges Regulations 2000

Statutory Rules 2000 No. *4*

131

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Primary Industries (Customs) Charges Act 1999*.

Dated **21 JUN 2000** 2000

**WILLIAM DEANE**  
Governor-General

By His Excellency's Command

WARREN TRUSS  
Minister for Agriculture, Fisheries and Forestry



# Primary Industries (Customs) Charges Regulations 2000

Statutory Rules 2000 No. 1

131

made under the

*Primary Industries (Customs) Charges Act 1999*

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## Reader's Guide

### How to use these Regulations

1. This Note is not part of the Regulations and does not have any legal force. It is intended only to be helpful in reading the Regulations. It is not intended to take the place of the Regulations or of the Act.

### What these Regulations do

2. These Regulations are made under the *Primary Industries (Customs) Charges Act 1999* (the *Customs Charges Act*). The Customs Charges Act authorises the imposition of primary industries charges that are duties of customs. The funds raised by the imposition of the charges are distributed to research, marketing and industry bodies for each primary industry commodity or class of commodities.

3. The Customs Charges Act is made up of preliminary provisions and 14 Schedules. Each of Schedules 1 to 13 imposes charge on a primary industry commodity or class of commodities. Schedule 14 allows the regulations to impose charges on primary industry products.

4. These Regulations set out the rates of charge and other details that are necessary for the administration of the charges imposed by the Customs Charges Act.

### How these Regulations are arranged

5. These Regulations are made up of preliminary provisions and 13 Schedules. The preliminary provisions contain general matters and definitions. Schedules 1 to 13 each prescribe details for a commodity or class of commodities. Each Schedule to the Regulations contains references to the corresponding Schedule to the Customs Charges Act.

6. Some Schedules await the insertion of substantive content. Notes under the respective headings indicate the commodities with which those Schedules will deal, and the current arrangements in respect of those commodities.

## What are the rates of charge?

7. The maximum rates of charge for each commodity or class of commodities are set out in the relevant Schedule to the Customs Charges Act. Each Schedule to the Act allows the regulations to set a lesser rate. Each of the Schedules to these Regulations may contain clauses setting rates of charge.

## What other legislation needs to be read?

### The Excise Levies Act and Excise Levies Regulations

8. The *Primary Industries (Excise) Levies Act 1999* (the *Excise Levies Act*) imposes excise levies on primary industries commodities. The Excise Levies Act is made up of preliminary provisions and 27 Schedules. Each of Schedules 1 to 26 imposes levy on a particular primary industry commodity or class of commodities. Schedule 27 allows the regulations to impose levies on primary industry products.

9. The *Primary Industries (Excise) Levies Regulations 1999* (the *Excise Levies Regulations*) set out the rates of levy and other details that are necessary for the administration of the levies. The Excise Levies Regulations are arranged in a similar way to these Regulations: they have preliminary provisions followed by 26 Schedules. The Schedules each prescribe details for a commodity or class of commodities. The Schedule number for a commodity or class of commodities in the Excise Levies Regulations is the same as the Schedule number for that commodity or class of commodities in the Excise Levies Act.

### The Collection Act and Collection Regulations

10. The Act that sets out the basic reporting and collection arrangements for levies and charges is the *Primary Industries Levies and Charges Collection Act 1991* (the *Collection Act*). The collection and reporting details for each of the commodities contained in these Regulations and the Excise Levies Regulations are set out in the *Primary Industries Levies and Charges Collection Regulations 1991* (the *Collection Regulations*).

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11. The Collection Regulations are divided into preliminary provisions and 36 Schedules. Schedule 1 is the form of a warrant. Schedules 2 to 36 contain the collection details for commodities contained in these Regulations and the Excise Levies Regulations in alphabetical order.

### **The National Residue Survey Levies legislation**

12. The National Residue Survey is a program to monitor, and report on, the level of contaminants in food products produced in Australia, or exported from Australia. The program is funded by levies on the products.

13. The National Residue Survey Levies legislation is made up of the *National Residue Survey (Customs) Levy Act 1998*, the *National Residue Survey (Excise) Levy Act 1998*, the *National Residue Survey Administration Act 1992*, the *Collection Act* and the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* (the *NRS Levies Regulations*).

14. The first 2 Acts impose the levies, and the third Act sets up the Reserve into which the levies are paid and provides for the distribution of money from the Reserve. The NRS Levies Regulations set out certain matters that are necessary for the administration of the levies that fund the National Residue Survey scheme.

**1 Name of Regulations**

These Regulations are the *Primary Industries (Customs) Charges Regulations 2000*.

**2 Commencement**

These Regulations commence on 1 July 2000.

**3 Definitions for these Regulations generally**

In these Regulations:

*Collection Act* means the *Primary Industries Levies and Charges Collection Act 1991*.

*Collection Regulations* means the *Primary Industries Levies and Charges Collection Regulations 1991*.

*Customs Charges Act* means the *Primary Industries (Customs) Charges Act 1999*.

*Note 1* Many of the terms used in these Regulations are defined in the Customs Charges Act.

*Note 2* Other terms may be defined in a Schedule or a Part for that Schedule or Part only.

**4 Incorporation with the Collection Regulations**

These Regulations are incorporated, and must be read as one, with the Collection Regulations.

**5 Rates of charge and other matters**

The Schedules have effect.

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## Schedule 1 Buffalo

*Note* Schedule 1 will deal with **buffalo**. For the current charge details for buffalo, see Schedule 1 to the Customs Charges Act.

## Schedule 2 Cattle (exporters)

### 1 Charge is not payable

For subclause 2 (2) of Schedule 2 to the Customs Charges Act, no amount of charge is payable by exporters of cattle under that Schedule.

*Note 1* Subclause 2 (3) of Schedule 2 to the Customs Charges Act provides that no amount of charge is payable by exporters of cattle under that Schedule while a provision of this kind is in force.

*Note 2* For the rates of NRS customs levy on the export of cattle and bobby calves, see Schedule 2 to the *National Residue Survey (Customs) Levy Act 1998*.

### 2 Amounts of charge

- (1) For paragraph 3 (1) (a) of Schedule 2 to the Customs Charges Act, the amount of charge is 0.7 cents per kilogram.

*Note* Subclause (1) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the marketing body.

- (2) For paragraph 3 (1) (b) of Schedule 2 to the Customs Charges Act, the amount of charge is 0.247 cents per kilogram.

*Note* Subclause (2) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the research body.



### **Schedule 3 Cattle (producers)**

*Note* Schedule 3 will deal with **cattle (producers)**. For the current charge details for cattle (producers), see Schedule 3 to the Customs Charges Act.

### **Schedule 4 Dairy produce**

*Note 1* The import offset charge and the charge on the re-importation of exported dairy produce imposed by Schedule 4 to the Customs Charges Act ceased to operate on 30 June 2000. There are now no charges imposed on dairy produce by Schedule 4.

*Note 2* Schedule 6 to the *Primary Industries (Excise) Levies Act 1999* imposes levies on dairy produce. From 8 July 2000, levy and charge will also be imposed on dairy produce by the *Dairy Adjustment Levy (Customs) Act 2000*, the *Dairy Adjustment Levy (Excise) Act 2000* and the *Dairy Adjustment Levy (General) Act 2000*.

*Note 3* For the rate of NRS levy on dairy produce, see Schedule 3 to the *National Residue Survey (Excise) Levy Act 1998*.

### **Schedule 5 Deer**

*Note* Schedule 5 will deal with **deer**. For the current charge details for deer, see the Primary Industries Levies and Charges Collection (Deer and Deer Velvet) Regulations.

### **Schedule 6 Deer velvet**

*Note* Schedule 6 will deal with **deer velvet**. For the current charge details for deer velvet, see the Primary Industries Levies and Charges Collection (Deer and Deer Velvet) Regulations.

### **Schedule 7 Forest industries (export)**

*Note* Schedule 7 will deal with **forest industries (export)**. For the current charge details for forest industries (export), see the Primary Industries Levies and Charges Collection (Forest and Wood Products) Regulations.

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## Schedule 8 Forest industries (import)

*Note* Schedule 8 will deal with **forest industries (import)**. For the current charge details for forest industries (import), see the Primary Industries Levies and Charges Collection (Forest and Wood Products) Regulations.

## Schedule 9 Honey

*Note* Schedule 9 will deal with **honey**. For the current charge details for honey, see the *Honey Levies and Charges Regulations 1998*.

## Schedule 10 Horticultural products

*Note* Schedule 10 will deal with **horticultural products**. Schedule 10 will be made up of 17 Parts:

- Part 1 will contain definitions for Schedule 10.
- Part 2 will deal with **almonds**. For the current charge details for almonds, see the Primary Industries Levies and Charges Collection (Almonds) Regulations.
- Part 3 will deal with **apples and pears**. For the current charge details for apples and pears see the Primary Industries Levies and Charges Collection (Apple and Pear) Regulations.
- Part 4 will deal with **avocados**. For the current charge details for avocados, see the Primary Industries Levies and Charges Collection (Avocado) Regulations.
- Part 5 will deal with **cherries**. For the current charge details for cherries, see the Primary Industries Levies and Charges Collection (Cherry) Regulations.
- Part 6 will deal with **chestnuts**. For the current charge details for chestnuts, see the Primary Industries Levies and Charges Collection (Chestnut) Regulations.
- Part 7 will deal with **citrus**. For the current charge details for citrus, see the Primary Industries Levies and Charges Collection (Citrus) Regulations.
- Part 8 will deal with **custard apples**. For the current charge details for custard apples, see the Primary Industries Levies and Charges Collection (Custard Apples) Regulations.
- Part 9 will deal with **dried vine fruits**. For the current charge details for dried vine fruits, see the Primary Industries Levies and Charges Collection (Dried Vine Fruits) Regulations.

- Part 10 will deal with **macadamia nuts**. For the current charge details for macadamia nuts, see the *Primary Industries (Customs) Charges (Macadamia Nut) Regulations 1999*.
- Part 11 will deal with **nashi**. For the current charge details for nashi, see the *Primary Industries Levies and Charges Collection (Nashi) Regulations*.
- Part 12 will deal with **nursery products**. At present, charge is not imposed on nursery products.
- Part 13 will deal with **passionfruit**. For the current charge details for passionfruit, see the *Primary Industries Levies and Charges Collection (Passionfruit) Regulations 1999*.
- Part 14 will deal with **potatoes**. For the current charge details for potatoes, see the *Primary Industries Levies and Charges Collection (Potato) Regulations*.
- Part 15 will deal with **stone fruit**. For the current charge details for stone fruit, see the *Primary Industries Levies and Charges Collection (Stone Fruit) Regulations*.
- Part 16 will deal with **strawberries**. At present, charge is not imposed on strawberries.
- Part 17 will deal with **vegetables**. For the current charge details for vegetables, see the *Primary Industries (Customs) Charges (Vegetable) Regulations 1999*.

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## Schedule 11 Live-stock (exporters)

### 1 Charge is not payable

For subclause 2 (3) of Schedule 11 to the Customs Charges Act, no amount of charge is payable by exporters of live-stock under that Schedule.

*Note* Subclause 2 (4) of Schedule 11 to the Customs Charges Act provides that no amount of charge is payable by exporters of live-stock under that Schedule while a provision of this kind is in force.

### 2 Amounts of charge — sheep

- (1) For paragraph 3 (a) of Schedule 11 to the Customs Charges Act, the amount of charge is 24.2 cents per head.

*Note* Subclause (1) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the marketing body.

- (2) For paragraph 3 (b) of Schedule 11 to the Customs Charges Act, the amount of charge is 12.5 cents per head.

*Note 1* Subclause (2) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the research body.

*Note 2* For the rate of NRS customs levy on the export of sheep, see Part 17 of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998*.

### 3 Amounts of charge — lambs

- (1) For paragraph 4 (a) of Schedule 11 to the Customs Charges Act, the amount of charge is 24.2 cents per head.

*Note* Subclause (1) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the marketing body.

- (2) For paragraph 4 (b) of Schedule 11 to the Customs Charges Act, the amount of charge is 12.5 cents per head.

*Note 1* Subclause (2) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the research body.

*Note 2* For the rate of NRS customs levy on the export of lambs, see Part 17 of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998*.

#### **4 Amounts of charge — goats**

- (1) For paragraph 5 (a) of Schedule 11 to the Customs Charges Act, the amount of charge is 21.7 cents per head.

*Note* Subclause (1) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the marketing body.

- (2) For paragraph 5 (b) of Schedule 11 to the Customs Charges Act, the amount of charge is 12.5 cents per head.

*Note 1* Subclause (2) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the research body.

*Note 2* For the rate of NRS customs levy on the export of goats, see Schedule 5 to the *National Residue Survey (Customs) Levy Act 1998*.

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## Schedule 12 Live-stock (producers)

### 1 Value

- (1) In this Schedule:  
*value* per head of animals being exported is taken to be the free-on-board value per head of the animals.
- (2) However, if the amount that would, but for this subclause, be the value of an animal is not an integer multiple of 10 cents:
  - (a) the value is rounded to the nearest integer multiple of 10 cents; and
  - (b) if the last digit of that amount is the number 5, the value is rounded to the next higher integer multiple of 10 cents.

### 2 Amounts of charge — sheep

- (1) For the export of sheep valued at less than \$5 per head:
  - (a) for paragraph 3 (a) of Schedule 12 to the Customs Charges Act, the amount of charge is \$0; and
  - (b) for paragraph 3 (b) of that Schedule, the amount of charge is \$0; and
  - (c) for paragraph 3 (c) of that Schedule, the amount of charge is \$0.
- (2) For the export of sheep valued at not less than \$5, and not more than \$10, per head, the amount of charge on each head of sheep for paragraph 3 (a), (b) or (c) of Schedule 12 to the Customs Charges Act is the value of the sheep multiplied by the relevant factor.
- (3) The relevant factor is:
  - (a) for paragraph 3 (a) — 0.0087;
  - (b) for paragraph 3 (b) — 0.0077;
  - (c) for paragraph 3 (c) — 0.0018.

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- (4) For the export of sheep valued at more than \$10 per head:
- (a) for paragraph 3 (a) of Schedule 12 to the Customs Charges Act, the amount of charge is 8.7 cents per head; and
  - (b) for paragraph 3 (b) of that Schedule, the amount of charge is 7.7 cents per head; and
  - (c) for paragraph 3 (c) of that Schedule, the amount of charge is 1.8 cents per head.

*Note* In subclauses (1), (3) and (4):

- paragraph (a) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the marketing body; and
- paragraph (b) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the research body; and
- paragraph (c) identifies an amount that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, is destined for the Australian Animal Health Council.

### **3 Amounts of charge — lambs**

- (1) For the export of lambs valued at less than \$5 per head:
- (a) for paragraph 4 (a) of Schedule 12 to the Customs Charges Act, the amount of charge is \$0; and
  - (b) for paragraph 4 (b) of that Schedule, the amount of charge is \$0; and
  - (c) for paragraph 4 (c) of that Schedule, the amount of charge is \$0.
- (2) For the export of lambs valued at not less than \$5, and not more than \$75, per head, the amount of charge on each head of sheep for paragraph 4 (a), (b) or (c) of Schedule 12 to the Customs Charges Act is the value of the lamb multiplied by the relevant factor.
- (3) The relevant factor is:
- (a) for paragraph 4 (a) — 0.012;
  - (b) for paragraph 4 (b) — 0.004933333333;
  - (c) for paragraph 4 (c) — 0.002.

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- (4) For the export of lambs valued at more than \$75 per head:
- (a) for paragraph 4 (a) of Schedule 12 to the Customs Charges Act, the amount of charge is 90 cents per head; and
  - (b) for paragraph 4 (b) of that Schedule, the amount of charge is 37 cents per head; and
  - (c) for paragraph 4 (c) of that Schedule, the amount of charge is 15 cents per head.

*Note* In subclauses (1), (3) and (4):

- paragraph (a) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the marketing body; and
- paragraph (b) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the research body; and
- paragraph (c) identifies an amount that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, is destined for the Australian Animal Health Council.

#### **4 Amounts of charge — goats**

- (1) For paragraph 5 (a) of Schedule 12 to the Customs Charges Act, the amount of charge is 19.7 cents per head.

*Note* Subclause (1) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the marketing body.

- (2) For paragraph 5 (b) of Schedule 12 to the Customs Charges Act, the amount of charge is 10.5 cents per head.

*Note* Subclause (2) identifies an amount that, under the *Australian Meat and Live-stock Industry Act 1997*, is destined for the research body.

- (3) For paragraph 5 (c) of Schedule 12 to the Customs Charges Act, the amount of charge is 4.5 cents per head.

*Note* Subclause (3) identifies an amount that, under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, is destined for the Australian Animal Health Council.



## Schedule 13 Wine

*Note* Schedule 13 will deal with **wine**. For the current charge details for wine, see the Primary Industries Levies and Charges Collection (Wine Export) Regulations.

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### Note

1. Made by the Governor-General on *L* 2000, and notified in *21 June*  
the *Commonwealth of Australia Gazette* on *L* 2000. *28 June*