



# **Primary Industries Levies and Charges Collection Amendment (Farmed Prawns) Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 28 November 2019

David Hurley  
Governor-General

By His Excellency's Command

Bridget McKenzie  
Minister for Agriculture

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## 1 Name

This instrument is the *Primary Industries Levies and Charges Collection Amendment (Farmed Prawns) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2020.	1 January 2020

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under the *Primary Industries Levies and Charges Collection Act 1991*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

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

#### **1 Clause 3.2 of Schedule 37 (definition of *charge*)**

Repeal the definition, substitute:

*charge* means charge of either of the following kinds:

- (a) charge imposed by Division 2.2 of Schedule 14 to the Customs Charges Regulations;
- (b) charge imposed by Division 2.3 of Schedule 14 to the Customs Charges Regulations.

#### **2 Clause 3.2 of Schedule 37**

Insert:

*chargeable farmed prawns* means farmed prawns on which charge is imposed.

*leviable farmed prawns* means farmed prawns on which levy is imposed.

#### **3 Clause 3.2 of Schedule 37 (definition of *levy*)**

Repeal the definition, substitute:

*levy* means levy of either of the following kinds:

- (a) levy imposed by Division 3.2 of Schedule 27 to the Excise Levies Regulations;
- (b) levy imposed by Division 3.3 of Schedule 27 to the Excise Levies Regulations.

#### **4 Clause 3.4 of Schedule 37**

Repeal the clause, substitute:

##### **3.4 Who is a producer**

- (1) For the purposes of paragraph (b) of the definition of *producer* in subsection 4(1) of the Collection Act, leviable farmed prawns are prescribed.

Note: Paragraph (b) of the definition of *producer* in subsection 4(1) of the Collection Act provides that, for a product that is prescribed for the purposes of that paragraph, *producer* means:

- (a) where a marketing law vests the product in a person or body or in the Crown in right of a State at or before the time the product is harvested—the person who would have owned the product but for the marketing law; or
- (b) otherwise—the person who owns the product immediately after it is harvested.

- (2) For the purposes of paragraph (g) of the definition of *producer* in subsection 4(1) of the Collection Act, chargeable farmed prawns are prescribed.

Note: Paragraph (g) of the definition of *producer* in subsection 4(1) of the Collection Act provides that, for a product that is prescribed for the purposes of that paragraph, *producer* means the person who exports the product from Australia.