

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

(Primary Industries and Energy)

A BILL

FOR

An Act to amend the *Cattle Export Charge Act 1990*

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Cattle Export Charges Amendment Act 1995*.

(2) In this Act, “**Principal Act**” means the *Cattle Export Charge Act 1990*.

Commencement

2 This Act commences, or is taken to have commenced, on 1 July 1995.

Amendments

3. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 3

AMENDMENTS OF THE PRINCIPAL ACT

1. Title:

Omit “a charge”, substitute “charges”.

2. Section 1:

Omit “Charge”, substitute “Charges”.

3. Subsection 4(1) (definition of “Corporation”):

Omit.

4. Subsection 4(1):

Insert:

“**Australian Meat and Live-stock Corporation**’ means the Australian Meat and Live-stock Corporation continued in existence by section 53 of the *Meat and Live-stock Industry Act 1995*;

“**bobby calf**’ means a bovine animal (other than a buffalo):

- (a) which, at the time when it was or is exported, had or has a liveweight that did not or does not exceed 80kg; or
- (b) which has not had its liveweight determined at the time when it was or is exported but which, in the opinion of the person responsible, in accordance with subsection (5), for sending the charge, would, if slaughtered at that time, have constituted or constitute a carcass whose dressed weight would not have exceeded or would not exceed 40kg;

“**chargeable bobby calf**’ means a bobby calf to which subsection 6A(4) does not apply;

“**Meat Industry Council**’ means the Meat Industry Council established by section 8 of the *Meat and Live-stock Industry Act 1995*;

“**Meat Research Corporation**’ means the Meat Research Corporation continued in existence by section 166 of the *Meat and Live-stock Industry Act 1995*;

“**National Cattle Disease Eradication Trust Account**’ means the trust account of that name continued in existence by section 4 of the *National Cattle Disease Eradication Trust Account Act 1991*.”.

5. Section 4:

Add at the end:

“(4) In determining the weight of a carcass immediately after it has been dressed, no adjustment of that weight is to be made on account of shrinkage.

SCHEDULE—continued

“(5) For the purposes of the definition of ‘bobby calf’ in subsection (1), if an amount equal to the amount of charge is required to be paid to the Commonwealth by a person (the ‘**relevant person**’) other than the person primarily liable for the payment of charge, the person responsible for sending the charge is taken to be the relevant person.”.

6. Section 5:

(a) Omit “cattle (other than dairy cattle) exported”, substitute “the export of cattle (other than dairy cattle)”.

(b) Add at the end:

“(2) A charge is imposed on the export from Australia on or after 1 February 1991 of cattle (other than dairy cattle) if cattle transaction levy under the *Cattle Transaction Levy Act 1995* has not been paid, and is not payable, in respect of an act or transaction relating to the cattle.

“(3) A charge is imposed on the export from Australia on or after 1 July 1995 of cattle (other than dairy cattle) if:

(a) the cattle were purchased, whether before, on or after that date, by the exporter; and

(b) the period beginning on the date of purchase and ending on the date of export exceeds the longest of the following periods:

(i) 60 days;

(ii) the period for which the cattle are required under the *Quarantine Act 1908* to be held in quarantine before being exported;

(iii) the period for which the cattle are required under the law of the country to which the cattle are being exported to be held in quarantine before being exported.”.

7. Subsection 6(1):

Omit “The rate of charge imposed”, substitute “Subject to subsection (1A), the rate of charge imposed by subsection 5(1)”.

Note: The heading to section 6 is altered by inserting “imposed by subsection 5(1)” after “charge”.

8. Paragraph 6(1)(a):

Before “Corporation” insert “Australian Meat and Live-stock”.

9. After subsection 6(1):

Insert:

SCHEDULE—continued

“(1A) The rate of charge imposed by subsection 5(1) on the export of cattle on or after 1 July 1995 consists of the sum of the amounts, per kilogram of cattle so exported, referred to in the following paragraphs:

- (a) 0.1 cent or, if another amount (not exceeding 1 cent) is prescribed by the regulations, the other amount, for the purpose of payment to the Meat Industry Council;
- (b) 0.7 cent or, if another amount (not exceeding 2 cents) is prescribed by the regulations, the other amount, for the purpose of payment to the Australian Meat and Live-stock Corporation;
- (c) 0.247 cent or, if another amount (not exceeding 0.5 cent) is prescribed by the regulations, the other amount, for the purpose of payment to the Meat Research Corporation.”.

10. Subsection 6(4):

Omit.

11. After section 6:

Insert:

Rates of charges imposed by subsections 5(2) and (3) on export of cattle

“6A.(1) The rate of charge imposed by subsection 5(2) on the export of each head of cattle (other than a chargeable bobby calf) consists of the sum of the amounts referred to in the following paragraphs:

- (a) 8 cents or, if another amount (not exceeding 50 cents) is prescribed by the regulations, the other amount, for the purpose of payment to the Meat Industry Council;
- (b) whichever of the following amounts is applicable, for the purpose of payment to the Australian Meat and Live-stock Corporation:
 - (i) if the export of that head of cattle occurred before 1 March 1993—\$3.15;
 - (ii) if the export of that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—\$2.58;
 - (iii) if the export of that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—\$2.16;
 - (iv) if the export of that head of cattle occurs on or after 1 July 1995—\$2.08 or, if another amount (not exceeding \$6.00) is prescribed by the regulations, the other amount;
- (c) whichever of the following amounts is applicable, for the purpose of payment to the Meat Research Corporation:
 - (i) if the export of that head of cattle occurred before 1 May 1991—46 cents;

SCHEDULE—continued

- (ii) if the export of that head of cattle occurred on or after 1 May 1991 and before 1 March 1993—88 cents;
 - (iii) if the export of that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—78 cents;
 - (iv) if the export of that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—72 cents;
 - (v) if the export of that head of cattle occurs on or after 1 July 1995—72 cents or, if another amount (not exceeding \$2.00) is prescribed by the regulations, the other amount;
- (d) whichever of the following amounts is applicable, for the purpose of payment to the National Cattle Disease Eradication Trust Account:
- (i) if the export of that head of cattle occurred before 1 December 1991—\$2.10;
 - (ii) if the export of that head of cattle occurred on or after 1 December 1991 and before 1 March 1993—85 cents;
 - (iii) if the export of that head of cattle occurred on or after 1 March 1993 and before 1 July 1993—52 cents;
 - (iv) if the export of that head of cattle occurred on or after 1 July 1993 and before 1 July 1995—46 cents;
 - (v) if the export of that head of cattle occurs on or after 1 July 1995—44 cents or, if another amount (not exceeding \$4.00) is prescribed by the regulations, the other amount;
- (e) if the export of that head of cattle occurred before 1 July 1993—12 cents, for the purposes of the National Residue Survey.

“(2) The rate of charge imposed by subsection 5(2) on the export of each head of cattle that is a chargeable bobby calf consists of the sum of the amounts referred to in the following paragraphs:

- (a) 8 cents or, if another amount (not exceeding 50 cents) is prescribed by the regulations, the other amount, for the purpose of payment to the Meat Industry Council;
- (b) whichever of the following amounts is applicable, for the purpose of payment to the Australian Meat and Live-stock Corporation:
 - (i) if the export of that head of cattle occurred before 1 March 1993—70 cents;
 - (ii) if the export of that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—57 cents;
 - (iii) if the export of that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—48 cents;

SCHEDULE—continued

- (iv) if the export of that head of cattle occurs on or after 1 July 1995—40 cents or, if another amount (not exceeding \$1.40) is prescribed by the regulations, the other amount;
- (c) whichever of the following amounts is applicable, for the purpose of payment to the Meat Research Corporation:
 - (i) if the export of that head of cattle occurred before 1 May 1991—10 cents;
 - (ii) if the export of that head of cattle occurred on or after 1 May 1991 and before 1 March 1993—19 cents;
 - (iii) if the export of that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—17 cents;
 - (iv) if the export of that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—16 cents;
 - (v) if the export of that head of cattle occurs on or after 1 July 1995—16 cents or, if another amount (not exceeding 40 cents) is prescribed by the regulations, the other amount;
- (d) whichever of the following amounts is applicable, for the purpose of payment to the National Cattle Disease Eradication Trust Account:
 - (i) if the export of that head of cattle occurred before 1 December 1991—08 cents;
 - (ii) if the export of that head of cattle occurs on or after 1 July 1995—such amount (not exceeding 20 cents) as is prescribed by the regulations;
- (e) if the export of that head of cattle occurred before 1 July 1993—12 cents, for the purposes of the National Residue Survey.

“(3) The rate of charge imposed by subsection 5(3) on the export of each head of cattle consists of the sum of the amounts referred to in the following paragraphs:

- (a) 8 cents or, if another amount (not exceeding 50 cents) is prescribed by the regulations, the other amount, for the purpose of payment to the Meat Industry Council;
- (b) \$2.08 or, if another amount (not exceeding \$6.00) is prescribed by the regulations, the other amount, for the purpose of payment to the Australian Meat and Live-stock Corporation;
- (c) 72 cents or, if another amount (not exceeding \$2.00) is prescribed by the regulations, the other amount, for the purpose of payment to the Meat Research Corporation;
- (d) 44 cents or, if another amount (not exceeding \$4.00) is prescribed by the regulations, the other amount, for the purpose of payment to the National Cattle Disease Eradication Trust Account.

SCHEDULE—continued

“(4) For the purposes of determining the amount of levy in respect of a cow with a calf at foot, the cow and calf constitute a single head of cattle to which subsection (1) applies.”.

12. Section 7:

Omit “The charge on cattle exported”, substitute “A charge on the export of cattle”.

13. Subsections 8(2) to (7):

Omit, substitute:

“(2) The power of the Governor-General to make regulations prescribing an amount for the purposes of section 6 or section 6A (other than paragraphs (1)(d), (2)(d) and (3)(d)) is exercisable only on the advice of the Executive Council given after the Council has taken into consideration the recommendations with respect to the amount made to the Minister by the Meat Industry Council.

“(3) The Meat Industry Council must not make a recommendation to the Minister for the purposes of section 6 or section 6A (other than paragraphs (1)(d), (2)(d) and (3)(d)):

- (a) if a motion that the terms of the recommendation be endorsed has not been put before the last general meeting of the Australian meat and live-stock industry convened under section 22 of the *Meat and Live-stock Industry Act 1995* before the making of that recommendation; or
- (b) if such a motion is so put and defeated.

“(4) The Meat Industry Council must, at the time of making a recommendation of the kind referred to in subsection (3) to the Minister, give the Minister written particulars of the voting in respect of the motion that the terms of the recommendation be endorsed.”.

