

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

(Primary Industries and Energy)

CATTLE TRANSACTION LEVY BILL 1995

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A BILL

FOR

An Act to impose a levy on certain transactions and other dealings involving cattle, and for related purposes

The Parliament of Australia enacts:

Short title

- 5 1. This Act may be cited as the *Cattle Transaction Levy Act 1995*.

Commencement

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

Interpretation

3.(1) In this Act, unless the contrary intention appears:

“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*; 5

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

- (a) which has been slaughtered and the dressed weight of whose carcase did not or does not exceed 40kg; or
- (b) which has not been slaughtered but which, at the time of the leviable dealing, had or has a liveweight that did not or does not exceed 80kg; 10
or
- (c) which has not been slaughtered or had its liveweight determined at the time of the leviable dealing but which, in the opinion of the person responsible, in accordance with subsection (4), for sending the levy, would, if slaughtered at that time, have constituted or 15
constitute a carcase whose dressed weight would not have exceeded or would not exceed 40kg;

“cattle” means bovine animals other than buffalo;

“commencement day” means 1 February 1991;

“dairy cattle” means bovine animals that are, or, unless exported from Australia, would be likely to be, held on licensed dairy premises for a purpose related to commercial milk production, including, but without limiting the generality of the above, bulls, calves and replacement heifers; 20

“leviable bobby calf” means a bobby calf to which subsection 5(3) does not apply; 25

“leviable dealing” means:

- (a) a transaction referred to in paragraph 4(1)(a); or
- (b) a delivery referred to in paragraph 4(1)(b); or
- (c) a slaughter referred to in paragraph 4(1)(c) or (d);

“levy” means levy imposed by this Act; 30

“licensed dairy farmer” means the person having day to day control of licensed dairy premises;

“licensed dairy premises” means premises that, under a law of the State or Territory in which the premises are situated, are authorised for use as a dairy farm; 35

“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*; 40

“**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 “**National Residue Survey**” means a survey which is conducted by the Commonwealth to determine, by analytical testing, the incidence of residues of chemical substances in food and which is financed out of money appropriated from time to time for the purpose from the Consolidated Revenue Fund.

10 (2) 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.

(3) For the purposes of this Act, the question whether companies were or are related to each other is to be determined in the same manner as the question whether 2 corporations are related to each other is determined under the Corporations Law.

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

20 (5) Unless the contrary intention appears, a word or expression contained in this Act that is not defined for the purposes of this Act but is defined in the *Primary Industries Levies and Charges Collection Act 1991* for the purposes of that Act has the same meaning in this Act as in the *Primary Industries Levies and Charges Collection Act 1991*.

25 **Imposition of levy**

4.(1) Subject to subsections (2), (3) and (4), levy is imposed on:

- (a) each transaction that was or is entered into on or after the commencement day by which the ownership of cattle was or is transferred from one person to another; or
- 30 (b) the delivery on or after the commencement day of cattle to a processor otherwise than because of a sale to the processor; or
- (c) the slaughter on or after the commencement day by a processor of cattle purchased by the processor and held for a period of more than 60 days after the day of the purchase and before the day of the slaughter; or
- 35 (d) the slaughter on or after the commencement day by a processor of cattle in respect of which levy would not be payable under paragraph (a), (b) or (c).

(2) Levy is not imposed:

- 40 (a) on the sale of dairy cattle for dairying purposes; or

- (b) on the sale of cattle at auction to the vendor; or
 - (c) on the sale or delivery of cattle between related companies unless the company buying or taking delivery was or is a processor; or
 - (d) on the delivery of cattle to a processor for slaughter on behalf of the person delivering the cattle if:
 - (i) the delivery occurred or occurs within 14 days after the cattle were or are acquired by that person; and
 - (ii) the cattle were or are afterwards slaughtered; and
 - (iii) the person continued or continues to own the cattle immediately after their hot carcass weight within the meaning of the *Beef Production Levy Act 1990* was or is determined or is taken, for the purposes of that Act, to have been determined, as the case requires; or
 - (e) on the sale or delivery of cattle to a processor if the cattle were not or are not, at the time of the sale or delivery, fit for human consumption, under any applicable law of the Commonwealth or of a State or Territory; or
 - (f) in circumstances where the ownership of the cattle changed or changes:
 - (i) as a result of a sale or transfer ordered by a court in proceedings under the *Family Law Act 1975*; or
 - (ii) by devolution on the death of the owner of the cattle; or
 - (iii) on the happening of events referred to in subsection 36A(1) of the *Income Tax Assessment Act 1936*; or
 - (g) on a leviable bobby calf on which levy has already been paid.
- (3) For the purposes of paragraph (2)(a), and without limiting the generality of that paragraph, dairy cattle are taken to have been or to be sold for dairying purposes if:
- (a) both the vendor and the purchaser were or are licensed dairy farmers; or
 - (b) either the vendor or the purchaser was or is a licensed dairy farmer and the cattle were or are being acquired for inclusion in, or eventual inclusion in, a herd of dairy cattle.
- (4) If cattle were or are delivered to a processor, otherwise than because of a sale to the processor, for fattening or agistment for a period before slaughter by the processor, the cattle:
- (a) are taken not to have been delivered to the processor for the purposes of paragraph (1)(b) unless they were or are slaughtered at the end of that period; and

- (b) if they were or are slaughtered at the end of that period, are taken to have been delivered to the processor immediately before their slaughter.

Rate of levy

- 5 **5.(1)** The rate of levy imposed on each head of cattle (other than a levi-able bobby calf) consists of the sum of the amounts referred to in the following paragraphs:
 - 10 (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;
 - 15 (b) whichever of the following amounts is applicable, for the purpose of payment to the Australian Meat and Live-stock Corporation:
 - 15 (i) if the levi-able dealing in relation to that head of cattle occurred before 1 March 1993—\$3.15;
 - 20 (ii) if the levi-able dealing in relation to that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—\$2.58;
 - 20 (iii) if the levi-able dealing in relation to that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—\$2.16;
 - 20 (iv) if the levi-able dealing in relation to 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;
 - 25 (c) whichever of the following amounts is applicable, for the purpose of payment to the Meat Research Corporation:
 - 25 (i) if the levi-able dealing in relation to that head of cattle occurred before 1 May 1991—46 cents;
 - 30 (ii) if the levi-able dealing in relation to that head of cattle occurred on or after 1 May 1991 and before 1 March 1993—88 cents;
 - 30 (iii) if the levi-able dealing in relation to that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—78 cents;
 - 30 (iv) if the levi-able dealing in relation to that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—72 cents;
 - 35 (v) if the levi-able dealing in relation to 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;
 - 40 (d) whichever of the following amounts is applicable, for the purpose of payment to the National Cattle Disease Eradication Trust Account:
 - 40 (i) if the levi-able dealing in relation to that head of cattle occurred before 1 December 1991—\$2.10;

- (ii) if the leviable dealing in relation to that head of cattle occurred on or after 1 December 1991 and before 1 March 1993—85 cents;
- (iii) if the leviable dealing in relation to that head of cattle occurred on or after 1 March 1993 and before 1 July 1993—52 cents; 5
- (iv) if the leviable dealing in relation to that head of cattle occurred on or after 1 July 1993 and before 1 July 1995—46 cents;
- (v) if the leviable dealing in relation to 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; 10
- (e) if the leviable dealing in relation to that head of cattle occurred before 1 July 1993—12 cents, for the purposes of the National Residue Survey.
- (2) The rate of levy imposed on each head of cattle that is a leviable bobby calf consists of the sum of the amounts referred to in the following paragraphs: 15
 - (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; 20
 - (b) whichever of the following amounts is applicable, for the purpose of payment to Australian Meat and Live-stock Corporation:
 - (i) if the leviable dealing in relation to that head of cattle occurred before 1 March 1993—70 cents;
 - (ii) if the leviable dealing in relation to that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—57 cents; 25
 - (iii) if the leviable dealing in relation to that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—48 cents;
 - (iv) if the leviable dealing in relation to 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; 30
 - (c) whichever of the following amounts is applicable, for the purpose of payment to the Meat Research Corporation:
 - (i) if the leviable dealing in relation to that head of cattle occurred before 1 May 1991—10 cents; 35
 - (ii) if the leviable dealing in relation to that head of cattle occurred on or after 1 May 1991 and before 1 March 1993—19 cents;
 - (iii) if the leviable dealing in relation to that head of cattle occurred on or after 1 March 1993 and before 1 July 1994—17 cents; 40
 - (iv) if the leviable dealing in relation to that head of cattle occurred on or after 1 July 1994 and before 1 July 1995—16 cents;

- (v) if the leviable dealing in relation to 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;
- 5 (d) whichever of the following amounts is applicable, for the purpose of payment to the National Cattle Disease Eradication Trust Account:
 - (i) if the leviable dealing in relation to that head of cattle occurred before 1 December 1991—8 cents;
 - 10 (ii) if the leviable dealing in relation to 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 leviable dealing in relation to that head of cattle occurred before 1 July 1993—12 cents, for the purposes of the National Residue Survey.
- 15 (3) 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.

By whom levy payable

- 20 6.(1) Levy on cattle the ownership of which has changed or changes because of a transaction between persons is payable by the person who owned the cattle immediately before the change of ownership.
 - (2) Levy on cattle delivered to a processor otherwise than because of a sale to the processor is payable by the person who owned the cattle immediately before the delivery.
 - 25 (3) Levy on cattle slaughtered by a processor that are referred to in paragraph 4(1)(c) or (d) is payable:
 - (a) if the slaughter occurred before 1 July 1995—by the processor; or
 - (b) otherwise—by the person who owned the cattle at the time of the slaughter.

30 **Regulations**

- 7.(1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- 35 (2) The power of the Governor-General to make regulations prescribing an amount for the purposes of subsection 5(1) (other than paragraph (d)) or subsection 5(2) (other than paragraph (d)) is exercisable only on the advice of the Executive Council given after it has taken into consideration the recommendations with respect to the amount made to the Minister by the
- 40 Meat Industry Council.

(3) The Meat Industry Council must not make a recommendation to the Minister in relation to regulations to be made for the purposes of subsection 5(1) (other than paragraph (d)) or 5(2) (other than paragraph (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.









