

BEEF INDUSTRY (INCENTIVE PAYMENTS) ACT 1977

No. 155 of 1977

An Act to provide for incentive payments in respect of certain cattle kept for beef production.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

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| Short title | 1. This Act may be cited as the <i>Beef Industry (Incentive Payments) Act 1977</i> . ¹ |
| Commencement | 2. This Act shall come into operation on the day on which it receives the Royal Assent. ¹ |
| Interpretation | 3. (1) In this Act, unless the contrary intention appears—
“authorized person” means a person authorized by the Minister, in writing, for the purposes of the provision in which the expression occurs;
“beef producer” means a person who, on 30 June 1977, was the owner, or one of the owners, of each of 50 or more cattle;
“cattle” means bovine animals (other than animals of the kind commonly known as buffalo) kept for beef production, and only for beef production, and “animal” means such a bovine animal;
“claim” means a claim for an incentive payment;
“incentive payment” means an incentive payment under this Act;
“owner”, in relation to an animal, does not include a person whose sole interest in the animal is, or was, an interest by way of a mortgage, lien or other charge over the animal;
“recognized procedure”, in relation to an animal means—
(a) treatment of the animal for external or internal parasites;
(b) vaccination of the animal for the purpose of controlling disease;
(c) testing or treatment of the animal for the purpose of diagnosing or eradicating brucellosis or tuberculosis;
(d) where the animal is a female that has not attained the age of 2 years—the spaying of the animal; or
(e) any other action with respect to the animal (being an action for the purpose of controlling disease) of a kind accepted by the Minister as being a recognized procedure for the purposes of this Act; |

“relevant time”, in relation to an animal in respect of which an incentive payment is payable, is the time when there was carried out with respect to the animal the recognized procedure by reason of which that incentive payment is payable;

“representative capacity”, in relation to a person, means a capacity of the person as a personal representative or as one of the personal representatives, of a particular deceased person or a capacity of the person as the trustee, or as one of the trustees, of a particular trust;

“year to which this Act applies” means the year that commenced on 23 September 1977.

(2) An acceptance by the Minister of action of any kind for the purposes of paragraph (e) of the definition of “recognized procedure” in sub-section (1) may be expressed to have effect from the commencement of the year to which this Act applies or from any later date.

(3) Where an incentive payment in respect of an animal is payable, or has been paid, to a person nominated by 2 or more beef producers, or to 2 or more beef producers jointly, in accordance with paragraph 6 (1) (c), that incentive payment shall, for the purposes of sub-section 6 (3) or (4), be deemed to be payable or to have been paid, as the case may be, to each of those beef producers.

(4) Where (whether at the same time or at different times) a person is the owner, or one of the owners, of cattle in a representative capacity and the owner, or one of the owners, of cattle in a capacity other than a representative capacity, he shall, for the purposes of this Act, be deemed to be, in each of those capacities, a different person, and where (whether at the same time or at different times) a person is the owner, or one of the owners, of cattle in 2 or more representative capacities (whether or not he is the owner, or one of the owners, of cattle in a capacity other than a representative capacity) he shall, for the purposes of this Act, be deemed to be, in each of those capacities, a different person.

4. If—

- (a) a recognized procedure has been carried out with respect to an animal during the year to which this Act applies; and
- (b) at the time when the recognized procedure was carried out, the owner, or one of the owners, of the animal was a beef producer,

then, subject to this Act, a payment, to be known as an incentive payment, is payable in respect of the animal.

Incentive
payments

5. The amount of the incentive payment in respect of an animal is \$10.

Amount of
incentive
payment

6. (1) Subject to this Act, an incentive payment in respect of an animal is payable—

To whom
incentive
payment
payable

- (a) where, at the relevant time, the animal was owned solely by a beef producer—to that beef producer;
- (b) where, at the relevant time, the animal was owned by 2 or more persons of whom one only was a beef producer—to that beef producer; or
- (c) where, at the relevant time, the animal was owned by 2 or more persons, being persons who are or include 2 or more beef producers—to a person nominated by those beef producers for division among those beef producers or, in a case or class of cases approved by an authorized person, to those beef producers jointly.

(2) For the purposes of sub-section (1), a beef producer shall be deemed not to have been the owner, or one of the owners, of an animal at the relevant time unless—

- (a) at the relevant time, the beef producer has been the owner, or one of the owners, of the animal since a date not later than 30 June 1977 or for a period of not less than 3 months; or
- (b) the beef producer has, after the relevant time, continued to be the owner, or one of the owners, of the animal for a period that, together with the period during which the beef producer had, before the relevant time, been the owner, or one of the owners, of the animal, is not less than 3 months.

(3) Not more than one incentive payment is payable to a beef producer in respect of the one animal.

(4) Incentive payments are not payable to the one beef producer in respect of more than 200 cattle.

(5) Where, by virtue of sub-section (3) or (4) of this section or section 10, a particular incentive payment in respect of an animal is not payable to a beef producer, then, for the purposes of sub-section (1), the beef producer shall be deemed not to have been the owner, or one of the owners, of the animal at the relevant time.

Division of
incentive
payment
among beef
producers

7. Where an incentive payment is, in accordance with paragraph 6 (1) (c), paid to a person nominated by 2 or more beef producers for division among those beef producers, that person shall divide that payment among those beef producers in such proportions as are agreed upon by those beef producers or, in default of such agreement, in such proportions as are determined by the Minister having regard to the circumstances of the case.

Claims for
incentive
payments

8. (1) An incentive payment is not payable to a person unless a claim by, or on behalf of, that person for that payment has been submitted to an authorized person in accordance with this section.

(2) Claims shall be made at such times as the Minister approves, shall be in a form approved by the Minister and shall be accompanied by

such documents as are required to be submitted in compliance with that form.

(3) A claim shall not be submitted after 31 December 1978.

9. (1) Where a person is the owner, or one of the owners, of cattle in a representative capacity, an authorized person may, having regard to all the circumstances of the case, direct that the person shall, in that capacity, be treated, for the purposes of this Act, as if, at a particular time or during a particular period (being a time which may be earlier than, or a period which may have commenced before, the time when the person became the personal representative or trustee by virtue of which he is the owner of cattle in that representative capacity), he had been the owner, or one of the owners, of such cattle, or such number of cattle, as the authorized person thinks appropriate. Trustees, &c.

(2) The powers of an authorized person under sub-section (1) shall be exercised subject to and in accordance with the directions, if any, of the Minister.

(3) A direction by an authorized person under this section shall be given by instrument in writing.

10. An incentive payment is not payable to a beef producer unless he satisfies the Minister or an authorized person that the requirements of this Act have been substantially complied with by him. Incentive payment not payable unless Act complied with

11. Incentive payments are payable out of the Consolidated Revenue Fund, which is appropriated accordingly. Appropriation

12. An authorized person may, by notice in writing, require a person to furnish to him, within the time specified in the notice, such information in relation to matters relevant to the operation of this Act as is specified in the notice, including information verified by statutory declaration. Power to require information

13. A person shall not, for the purpose of obtaining an incentive payment for himself or for any other person— False statements, &c.

(a) make a false or misleading statement, knowing it to be false or misleading or not believing it to be true; or

(b) do a fraudulent act.

Penalty: \$500.

14. The Minister shall, as soon as practicable after 31 December 1978, prepare a report on the operation of this Act and cause the report to be laid before each House of the Parliament. Annual report

NOTE

1. Act No. 155, 1977; assented to 10 November 1977.