



Australian Meat and Live-stock Corporation Amendment Act 1990

No. 113 of 1990

An Act to amend the *Australian Meat and Live-stock Corporation Act 1977*, and for related purposes

[Assented to 21 December 1990]

The Parliament of Australia enacts:

Short title etc.

1. (1) This Act may be cited as the *Australian Meat and Live-stock Corporation Amendment Act 1990*.

(2) In this Act, “Principal Act” means the *Australian Meat and Live-stock Corporation Act 1977*¹.

Commencement

2. (1) Subject to subsection (2), this Act commences on the commencement of the *Australian Meat and Live-stock (Quotas) Act 1990*.

(2) Section 8 commences on 1 January 1992.

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Restriction of persons who may export to certain markets

3. Section 16L of the Principal Act is amended by omitting from subsection (1A) “30NA (3)” and substituting “30N (5) (b)”.

4. After section 16U of the Principal Act the following Division is inserted in Part II:

“Division 3—Export Quotas

Definitions

“16V. Expressions in this Division have the same meanings as in subsection 3 (1) of the *Australian Meat and Live-stock (Quotas) Act 1990*.

Quotas to be in accordance with corporate plan

“16W. The granting of quotas must be in accordance with guidelines set out in the corporate plan.

Variation of quotas

“16X. (1) The Corporation may at any time, by notice in writing given to the holder of a quota, vary any or all of the following:

- (a) the period of validity of the quota;
- (b) the quantity or description of goods covered by the quota;
- (c) the condition or conditions of the quota.

“(2) Variations of quotas must not be inconsistent with the guidelines set out in the corporate plan.

Reimbursement for reduction of rights under quota

“16Y. If:

- (a) a quota was granted to the holder by sale; and
- (b) the quota is varied so as to reduce the rights granted by the quota;

the Corporation must repay to the holder a proportionate amount of the sale price, as calculated in accordance with the guidelines set out in the corporate plan.

Review of decisions

“16Z. Application may be made to the Administrative Appeals Tribunal for review of a decision of the Corporation to:

- (a) fix the period of validity of a quota; or
- (b) make a variation of a quota under paragraph 16X (1) (a), (b) or (c).

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Statements to accompany notification of decisions

“16ZA. (1) Where a decision of a kind referred to in section 16Z is made and a notice in writing of the decision is given to a person whose interests are affected by the decision, the notice must include:

- (a) a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and
- (b) except where subsection 28 (4) of that Act applies, a statement to the effect that the person may request a statement under section 28 of that Act.

“(2) A failure to comply with subsection (1) does not affect the validity of the decision.

Licensees to comply with quota system

“16ZB. An export licence is subject to the condition that the holder must comply with subsection 5 (2) of the *Australian Meat and Live-stock (Quotas) Act 1990*.

Guidelines to be made available on request

“16ZC. The Corporation must, if requested by an exporter, make available to the exporter the guidelines set out in the corporate plan relating to quotas.

Concurrent operation of the Australian Meat and Live-stock (Quotas) Act, this Division and Division 2

“16ZD. The *Australian Meat and Live-stock (Quotas) Act 1990* and this Division operate in addition to, and not in substitution for, any provision of Division 2.”.

Corporation to prepare and review corporate plan

5. Section 30N is amended by inserting after paragraph (5) (b) the following paragraph:

“(ba) include guidelines setting out:

- (i) the considerations to be taken into account by the Corporation in deciding whether to establish systems of quotas in relation to particular countries, and the criteria for granting those quotas; and
- (ii) the way in which quotas are to be sold or allocated; and
- (iii) the purposes for which, and the ways in which, quotas may be varied; and
- (iv) the way in which reimbursements for reductions of rights under quotas are to be calculated; and
- (v) the purposes for which money received from the sale of quotas is to be applied; and”.

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Application of money

6. Section 37 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) Money received from the sale of quotas under the *Australian Meat and Live-stock (Quotas) Act 1990* must be applied in accordance with the guidelines set out in the corporate plan.”.

Annual report

7. Section 49 of the Principal Act is amended by inserting after paragraph (2) (a) the following paragraph:

“(aa) particulars of any quotas sold or allocated during the year, including the names of the holders; and”.

Repeal

8. Section 16J of the Principal Act (meat quotas) is repealed.

NOTE

1. No. 67, 1977, as amended. For previous amendments, see No. 36, 1978; No. 76, 1979; No. 167, 1980; Nos. 61 and 150, 1981; Nos. 46 and 48, 1982; No. 57, 1984; No. 13, 1985; No. 77, 1986; No. 155, 1987; Nos. 51, 99 and 111, 1988; and No. 88, 1989.

[*Minister's second reading speech made in—
House of Representatives on 7 November 1990
Senate on 13 November 1990*]