



Cattle Industry Legislation (Consequential Provisions) Act 1990

No. 139 of 1990

An Act to amend certain Acts because of the enactment of the *Beef Production Levy Act 1990*, the *Cattle and Beef Levy Collection Act 1990*, the *Cattle Export Charge Act 1990* and the *Cattle Transaction Levy Act 1990*, and for related purposes

[Assented to 28 December 1990]

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

Short title

1. This Act may be cited as the *Cattle Industry Legislation (Consequential Provisions) Act 1990*.

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Commencement

2. This Act commences on the day on which the *Cattle Transaction Levy Act 1990* commences.

Consequential amendments of cattle industry legislation

3. The Acts specified in the Schedule are amended as set out in that Schedule.

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SCHEDULE

Section 3

**CONSEQUENTIAL AMENDMENTS OF CATTLE INDUSTRY
LEGISLATION ACTS**

Australian Meat and Live-stock Corporation Act 1977

Subsection 5 (1) (definition of “register”):

After “30J (1)”, insert “, (1A)”.

Subsection 5 (1):

Insert the following definition:

“ ‘cattle producer’ means a person engaged in the raising or fattening of cattle;”.

Subparagraph 7 (e) (ii):

Omit the subparagraph, substitute the following subparagraph:

“(ii) with respect to the making of regulations prescribing an amount for the purposes of:

- (A) paragraph 6 (1) (a), 6A (1) (a), 6B (1) (a), 6C (1) (a), 6D (1) (a), 6E (1) (a) or 6F (1) (a) of the *Live-stock Slaughter Levy Act 1964*; or
- (B) paragraph 7 (1) (a), 8 (1) (a), 9 (1) (a), 10 (1) (a) or 11 (1) (a) of the *Live-stock Export Charge Act 1977*; or
- (C) paragraph 6 (1) (a) of the *Beef Production Levy Act 1990*; or
- (D) paragraph 6 (1) (a) of the *Cattle Export Charge Act 1990*; or
- (E) paragraph 6 (1) (a) or 6 (2) (a) of the *Cattle Transaction Levy Act 1990*; and”.

Paragraph 30B (2) (b):

Omit the paragraph, substitute the following paragraph:

“(b) particulars of any recommendation that the Corporation proposes to make to the Minister with respect to the making of regulations:

- (i) prescribing the rate of levy under the *Live-stock Slaughter Levy Act 1964* for the purposes of a paragraph referred to in sub-subparagraph 7 (e) (ii) (A) of this Act; or
- (ii) prescribing the rate of charge under the *Live-stock Export Charge Act 1977* for the purposes of a paragraph referred to in sub-subparagraph 7 (e) (ii) (B) of this Act; or
- (iii) prescribing the rate of levy under the *Beef Production*

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- Levy Act 1990* for the purposes of the paragraph referred to in sub-subparagraph 7 (e) (ii) (C) of this Act; or
- (iv) prescribing the rate of charge under the *Cattle Export Charge Act 1990* for the purposes of the paragraph referred to in sub-subparagraph 7 (e) (ii) (D) of this Act; or
- (v) prescribing the rate of levy under the *Cattle Transaction Levy Act 1990* for the purposes of a paragraph referred to in sub-subparagraph 7 (e) (ii) (E) of this Act; and”.

Subparagraph 30B (4) (d) (i):

Omit the subparagraph, substitute the following subparagraph:

- “(i) any motion relating to a matter within the responsibilities of the Corporation other than a matter relating to the making of regulations prescribing a rate of levy or charge referred to in subparagraph (2) (b) (i), (ii), (iii), (iv) or (v);”.

After section 30B:

Insert the following section:

Certain motions may not be moved

“30BA. (1) A person may not move a motion relating to the making of regulations prescribing:

- (a) the rate of charge on the export of cattle under the *Live-stock Export Charge Act 1977* at an annual general meeting convened at any time while that rate is, under subsection 7 (3) of that Act, \$0.00 per head of cattle exported; or
- (b) the rate of charge under the *Cattle Export Charge Act 1990* at an annual general meeting convened on or after the day a declaration under section 7A of the *Live-stock Export Charge Act 1977* is expressed to come into force; or
- (c) the rate of levy on the slaughter of cattle under the *Live-stock Slaughter Levy Act 1964* at an annual general meeting convened at any time while that rate is, under subsection 6 (3) of that Act, \$0.00 per head of cattle slaughtered; or
- (d) the rate of levy on the slaughter of calves under the *Live-stock Slaughter Levy Act 1964* at an annual general meeting convened at any time while that rate is, under subsection 6E (3) of that Act, \$0.00 per head of calves slaughtered; or
- (e) the rate of levy on the slaughter of bobby calves under the *Live-stock Slaughter Levy Act 1964* at an annual general meeting convened at any time while that rate is, under subsection 6F (3) of that Act, \$0.00 per head of bobby calves slaughtered; or
- (f) the rate of levy under the *Beef Production Levy Act 1990* or the

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Cattle Transaction Levy Act 1990 at an annual general meeting convened on or after the day a declaration under section 6G of the *Live-stock Slaughter Levy Act 1964* is expressed to come into force.”.

Paragraph 30C (3) (b):

Omit “either or both”, substitute “one or more”.

Subsection 30D (1):

Omit “either or both”, substitute “one or more”.

Subsection 30D (2):

Omit “either or both” (wherever occurring), substitute “one or more”.

Paragraph 30F (1) (b):

(a) Omit “either or both”, substitute “one or more”.

(b) Omit “either register”, substitute “at least one of the registers”.

Subsection 30G (1):

Omit the subsection, substitute the following subsections:

“(1) Subject to subsection (3), where a person is entered on the register referred to in subsection 30J (1) on the day of closure of that register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person is entitled to vote, either in person or by proxy, in his or her capacity as a person entered on that register, on any matter to be determined at the meeting other than a matter relating to the making of regulations prescribing:

(a) the rate of levy on the slaughter of cattle, calves or bobby calves under the *Live-stock Slaughter Levy Act 1964*; or

(b) the rate of charge on the export of cattle under the *Live-stock Export Charge Act 1977*; or

(c) the rate of levy under the *Beef Production Levy Act 1990*; or

(d) the rate of charge under the *Cattle Export Charge Act 1990*; or

(e) the rate of levy under the *Cattle Transaction Levy Act 1990*;

and, for the purpose of so voting, to cast such number of votes as is calculated in accordance with a method determined by the regulations, being a method that has regard to particulars entered on the register with respect to the live-stock, other than cattle, that are owned by the person.

“(1A) Subject to subsection (3), where a person is entered on the register referred to in subsection 30J (1A) on the day of closure of that

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register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person is entitled to vote, either in person or by proxy, in his or her capacity as a person entered on that register, on any matter to be determined at the meeting other than a matter relating to the making of regulations prescribing:

- (a) the rate of levy on the slaughter of live-stock, not being cattle, calves or bobby calves, under the *Live-stock Slaughter Levy Act 1964*; or
- (b) the rate of charge on the export of live-stock, not being cattle, under the *Live-stock Export Charge Act 1977*;

and, for the purpose of so voting, to cast such number of votes as is calculated in accordance with a method determined by the regulations, being a method that has regard to particulars entered on the register with respect to the cattle that are owned by the person.”.

Subsection 30G (3):

- (a) Omit “both registers”, substitute “more than one register”.
- (b) Omit “on the other”, substitute “on any other”.

Paragraph 30G (4) (a):

Omit the paragraph, substitute the following paragraph:

- “(a) the total number of votes cast by virtue of subsections (1) and (1A) in support of the motion is a majority of the votes cast by virtue of those subsections on the motion; and”.

Paragraph 30G (5) (a):

After “(1)”, insert “or (1A), whichever is appropriate,”.

Paragraph 30G (6) (a):

Omit the paragraph, substitute the following paragraph:

- “(a) the total number of votes cast by virtue of subsections (1) and (1A) in support of the motion exceeds 75% of the votes cast by virtue of those subsections on the motion; and”.

Subsection 30H (4):

Omit “satisfied”, substitute “satisfied”.

Subsection 30J (1):

After “live-stock”, insert “, other than cattle,”.

After subsection 30J (1):

Insert the following subsection:

“(1A) The Corporation must establish and maintain, in a manner specified in the regulations, a register of producers of cattle.”.

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Subsection 30J (3):

After “live-stock” (wherever occurring), insert “, other than cattle.”.

After subsection 30J (3):

Insert the following subsection:

“(3A) The regulations may specify the classes of persons involved in the production of cattle who are entitled to be entered on the register of producers of cattle referred to in subsection (1A) and the circumstances in which persons who are entered on that register cease to be entitled to be so entered.”.

Subsection 30J (8):

Omit “the other register”, substitute “any of the other registers”.

Subsection 30J (9):

(a) After “(1)” (first occurring), insert “, (1A)”.

(b) After “live-stock”, insert “, other than cattle.”.

(c) Add at the end the following word and paragraph:

“; and (c) in the case of a person who is entered on the register referred to in subsection (1A)—such information or further information in respect of cattle owned by that person on the date or dates to which the return relates as is specified in those regulations.”.

Subsection 30J (11):

After “live-stock”, insert “, other than cattle.”.

After subsection 30J (11):

Insert the following subsection:

“(11A) Where a notice is issued under subsection (9) to a person entered on the register referred to in subsection (1A) and the return of that person is not furnished to the Corporation within the period specified in the notice, or, if furnished within that period, does not contain such information as is required by the regulations in accordance with paragraph (9) (c), the Corporation may record in the register that no cattle were owned by that person on the date or dates to which the return relates.”.

Subsection 30J (12):

(a) Omit “or (11)”, substitute “, (11) or (11A)”.

(b) After “(1)”, insert “or (1A)”.

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After subsection 30L (1):

Insert the following subsection:

“(1A) The Corporation must:

- (a) as soon as practicable after 30 June next following the day of commencement of this subsection, calculate the amount of expenditure incurred by the Corporation in the period that commenced on that day and ended on that 30 June; and
- (b) as soon as practicable after each subsequent 30 June calculate the amount of expenditure incurred by the Corporation; in the period of one year that ended on that 30 June;

for the purpose of maintaining the register established under subsection 30J (1A).”.

Subsection 30L (2):

After “(1)”, insert “or (1A)”.

Subsection 34 (1):

Add at the end the following word and paragraphs:

- “; and (c) the amounts of levy received by the Commonwealth under paragraph 6 (1) (a) of the *Beef Production Levy Act 1990*; and
- (d) the amounts of charge received by the Commonwealth under paragraph 6 (1) (a) of the *Cattle Export Charge Act 1990*; and
- (e) the amounts of levy received by the Commonwealth under paragraphs 6 (1) (a) and 6 (2) (a) of the *Cattle Transaction Levy Act 1990*.”.

Section 34:

Add at the end the following subsections:

“(4) A reference in paragraph (1) (c) to amounts of levy received by the Commonwealth is to be read as including a reference to amounts received from a processor in accordance with subsection 6 (4) of the *Cattle and Beef Levy Collection Act 1990* and amounts payable by way of penalty in accordance with section 8 of that Act in relation to amounts of levy referred to in that paragraph.

“(5) A reference in paragraph (1) (d) to amounts of charge received by the Commonwealth is to be read as including a reference to amounts received from an exporting agent in accordance with subsection 6 (5) of the *Cattle and Beef Levy Collection Act 1990* and amounts payable by way of penalty in accordance with section 8 of that Act in relation to amounts of charge referred to in that paragraph.

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“(6) A reference in paragraph (1) (e) to amounts of levy received by the Commonwealth is to be read as including a reference to amounts received from a selling agent, a processor or a feedlot operator in accordance with subsection 6 (1), (2) or (3) of the *Cattle and Beef Levy Collection Act 1990* and amounts payable by way of penalty in accordance with section 8 of that Act in relation to amounts of levy referred to in that paragraph.”.

After section 34:

Insert the following section:

Payments to Commonwealth in relation to exotic animal disease control

“34A. (1) The Corporation must, on 1 July in each financial year ending before 1 July 1995, pay such amount as is prescribed to the Commonwealth as a contribution by the Corporation in respect of the expenditure incurred by the Commonwealth for the purposes of the *Exotic Animal Disease Control Act 1989*.

“(2) Before making regulations prescribing an amount for the purposes of subsection (1), the Governor-General must take into consideration any recommendation with respect to the amount to be prescribed for the purposes of that subsection that is made to the Minister by the members of the Exotic Animal Disease Preparedness Consultative Council established by the *Exotic Animal Disease Control Act 1989* who are nominated by the National Farmer’s Federation.

“(3) Regulations are not to be made prescribing an amount for the purposes of subsection (1) that is greater than the amount last recommended to the Minister by the members referred to in subsection (2).”.

Subparagraph 37 (1) (aa) (i):

Omit “or (b)”, substitute “, (b), (c), (d) or (e)”.

Australian Meat and Live-stock Research and Development Corporation Act 1985

Subparagraphs 6 (e) (i) and (ii):

Omit the subparagraphs, substitute the following subparagraphs:

- “(i) paragraph 6 (1) (b), 6A (1) (b), 6B (1) (b), 6C (1) (b), 6D (1) (b), 6E (1) (b) or 6F (1) (b) of the *Live-stock Slaughter Levy Act 1964*; or
- (ii) paragraph 7 (1) (b), 8 (1) (b), 9 (1) (b), 10 (1) (b) or 11 (1) (b) of the *Live-stock Export Charge Act 1977*; or
- (iii) paragraph 6 (1) (b) of the *Beef Production Levy Act 1990*; or
- (iv) paragraph 6 (1) (b) of the *Cattle Export Charge Act 1990*; or

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- (v) paragraphs 6 (1) (b) or 6 (2) (b) of the *Cattle Transaction Levy Act 1990*; and”.

Subsection 21 (1) (definition of “register”):

After “30J (1)”, insert “, (1A)”.

Paragraph 22 (2) (b):

Omit the paragraph, substitute the following paragraph:

“(b) particulars of any recommendation that the Corporation proposes to make to the Minister with respect to the making of regulations:

- (i) prescribing the rate of levy under the *Live-stock Slaughter Levy Act 1964* for the purposes of a paragraph referred to in subparagraph 6 (e) (i) of this Act; or
- (ii) prescribing the rate of charge under the *Live-stock Export Charge Act 1977* for the purposes of a paragraph referred to in subparagraph 6 (e) (ii) of this Act; or
- (iii) prescribing the rate of levy under the *Beef Production Levy Act 1990* for the purposes of the paragraph referred to in subparagraph 6 (e) (iii) of this Act; or
- (iv) prescribing the rate of charge under the *Cattle Export Charge Act 1990* for the purposes of the paragraph referred to in subparagraph 6 (e) (iv) of this Act; or
- (v) prescribing the rate of levy under the *Cattle Transaction Levy Act 1990* for the purposes of a paragraph referred to in subparagraph 6 (e) (v) of this Act; and”.

Subparagraph 22 (4) (d) (i):

Omit the subparagraph, substitute the following subparagraph:

“(i) any motion relating to a matter within the responsibilities of the Corporation other than a matter relating to the making of regulations prescribing a rate of levy or charge referred to in a subparagraph (2) (b) (i), (ii), (iii), (iv) or (v);”.

After section 22:

Insert the following section:

Certain motions may not be moved

“22A. (1) A person may not move a motion relating to the making of regulations prescribing:

- (a) the rate of charge on the export of cattle under the *Live-stock Export Charge Act 1977* at an annual general meeting convened at any time while that rate is, under subsection 7 (3) of that Act, \$0.00 per head of cattle exported; or

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- (b) the rate of charge under the *Cattle Export Charge Act 1990* at an annual general meeting convened on or after the day a declaration under section 7A of the *Live-stock Export Charge Act 1977* is expressed to come into force; or
- (c) the rate of levy on the slaughter of cattle under the *Live-stock Slaughter Levy Act 1964* at an annual general meeting convened at any time while that rate is, under subsection 6 (3) of that Act, \$0.00 per head of cattle slaughtered; or
- (d) the rate of levy on the slaughter of calves under the *Live-stock Slaughter Levy Act 1964* at an annual general meeting convened at any time while that rate is, under subsection 6E (3) of that Act, \$0.00 per head of calves slaughtered; or
- (e) the rate of levy on the slaughter of bobby calves under the *Live-stock Slaughter Levy Act 1964* at an annual general meeting convened at any time while that rate is, under subsection 6F (3) of that Act, \$0.00 per head of bobby calves slaughtered; or
- (f) the rate of levy under the *Beef Production Levy Act 1990* or the *Cattle Transaction Levy Act 1990* at an annual general meeting convened on or after the day a declaration under section 6G of the *Live-stock Slaughter Levy Act 1964* is expressed to come into force.”.

Paragraph 23 (3) (b):

Omit “either or both”, substitute “one or more”.

Subsection 24 (1):

Omit “either or both”, substitute “one or more”.

Subsection 24 (2):

Omit “either or both” (wherever occurring), substitute “one or more”.

Paragraph 26 (1) (b):

- (a) Omit “either or both”, substitute “one or more”.
- (b) Omit “either register”, substitute “at least one of the registers”.

Subsection 27 (1):

Omit the subsection, substitute the following subsections:

“(1) Subject to subsection (3), where a person is entered on the register referred to in subsection 30J (1) of the *Australian Meat and Live-stock Corporation Act 1977* on the day of closure of that register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person is entitled to vote, either in person or by proxy, in his or her

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capacity as a person entered on that register, on any matter to be determined at the meeting other than a matter relating to the making of regulations prescribing:

- (a) the rate of levy on the slaughter of cattle, calves or bobby calves under the *Live-stock Slaughter Levy Act 1964*; or
- (b) the rate of charge on the export of cattle under the *Live-stock Export Charge Act 1977*; or
- (c) the rate of levy under the *Beef Production Levy Act 1990*; or
- (d) the rate of charge under the *Cattle Export Charge Act 1990*; or
- (e) the rate of levy under the *Cattle Transaction Levy Act 1990*;

and, for the purpose of so voting, to cast such number of votes as is calculated in accordance with a method determined by the regulations made under the *Australian Meat and Live-stock Corporation Act 1977*, being a method that has regard to particulars entered on the register with respect to the live-stock, other than cattle, that are owned by the person.

“(1A) Subject to subsection (3), where a person is entered on the register referred to in subsection 30J (1A) of the *Australian Meat and Live-stock Corporation Act 1977* on the day of closure of that register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person is entitled to vote, either in person or by proxy, in his or her capacity as a person entered on that register, on any matter to be determined at the meeting other than a matter relating to the making of regulations prescribing:

- (a) the rate of levy on the slaughter of live-stock, not being cattle, calves or bobby calves, under the *Live-stock Slaughter Levy Act 1964*; or
- (b) the rate of charge on the export of live-stock, not being cattle, under the *Live-stock Export Charge Act 1977*;

and, for the purpose of so voting, to cast such number of votes as is calculated in accordance with a method determined by the regulations made under the *Australian Meat and Live-stock Corporation Act 1977*, being a method that has regard to particulars entered on the register with respect to the cattle that are owned by the person.”.

Subsection 27 (3):

- (a) Omit “both registers”, substitute “more than one register”.
- (b) Omit “on the other”, substitute “on any other”.

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Paragraph 27 (4) (a):

Omit the paragraph, substitute the following paragraph:

“(a) the total number of votes cast by virtue of subsections (1) and (1A) in support of the motion is a majority of the votes cast by virtue of those subsections on the motion; and”.

Paragraph 27 (5) (a):

After “(1)”, insert “or (1A), whichever is appropriate,”.

Paragraph 27 (6) (a):

Omit the paragraph, substitute the following paragraph:

“(a) the total number of votes cast by virtue of subsections (1) and (1A) in support of the motion exceeds 75% of the votes cast by virtue of those subsections on the motion; and”.

Paragraph 42 (1) (a):

Add at the end “and”.

After paragraph 42 (1) (b):

Insert the following paragraphs:

“(ba) amounts equal to the amounts of levy received by the Commonwealth under paragraph 6 (1) (b) of the *Beef Production Levy Act 1990*; and

(bb) amounts equal to the amounts of charge received by the Commonwealth under paragraph 6 (1) (b) of the *Cattle Export Charge Act 1990*; and

(bc) amounts equal to the amounts of levy received by the Commonwealth under paragraphs 6 (1) (b) and 6 (2) (b) of the *Cattle Transaction Levy Act 1990*; and”.

Subsection 42 (2):

Omit “and (b)”, substitute “, (b), (ba), (bb) and (bc)”.

Subsection 42 (3):

After “(b)”, insert “, (ba), (bb), (bc)”.

Section 42:

Add at the end the following subsections:

“(6) A reference in paragraph (1) (ba) to amounts of levy received by the Commonwealth is to be read as including a reference to amounts received from a processor in accordance with subsection 6 (4) of the *Cattle and Beef Levy Collection Act 1990* and amounts payable by way of penalty in accordance with section 8 of that Act in relation to amounts of levy referred to in that paragraph.

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“(7) A reference in paragraph (1) (bb) to amounts of charge received by the Commonwealth is to be read as including a reference to amounts received from an exporting agent in accordance with subsection 6 (5) of the *Cattle and Beef Levy Collection Act 1990* and amounts payable by way of penalty in accordance with section 8 of that Act in relation to amounts of charge referred to in that paragraph.

“(8) A reference in paragraph (1) (bc) to amounts of levy received by the Commonwealth is to be read as including a reference to amounts received from a selling agent, a processor or a feedlot operator in accordance with subsection 6 (1), (2) or (3) of the *Cattle and Beef Levy Collection Act 1990* and amounts payable by way of penalty in accordance with section 8 of that Act in relation to amounts of levy referred to in that paragraph.”.

Paragraph 44 (ba):

Omit “or (b)” (wherever occurring), substitute “, (b), (ba), (bb) or (bc)”.

Exotic Animal Disease Control Act 1989

Paragraph 22 (2) (d):

Omit “and”.

Subsection 22 (2):

Add at the end the following word and paragraph:

“; and (f) in respect of each amount received by the Commonwealth under section 34A of the *Australian Meat and Live-stock Corporation Act 1977*—an amount equal to that amount.”.

Paragraph 24 (1) (b):

Omit “and” (last occurring).

Subsection 24 (1):

Add at the end the following word and paragraph:

“; and (d) the Australian Meat and Live-stock Corporation (being the corporation established by the *Australian Meat and Live-stock Corporation Act 1977*).”.

Subsection 24 (2):

Omit “or (c)”, substitute “, (c) or (d)”.

Subsection 24 (3):

Omit “or (c)”, substitute “, (c) or (d)”.

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Paragraph 24 (3) (e):

Omit “and” (last occurring).

Subsection 24 (3):

Add at the end the following word and paragraph:

“; and (g) in the case of the Australian Meat and Live-stock Corporation—the total of the amounts paid into the Account in respect of the amounts received by the Commonwealth under section 34A of the *Australian Meat and Live-stock Corporation Act 1977*.”.

Live-stock Slaughter Levy Collection Act 1964

After paragraph 10B (1) (aa):

Insert the following paragraph:

“(ab) amounts equal to the amounts of levy received by the Commonwealth by virtue of paragraphs 6 (1) (c) and 6 (2) (c) of the *Cattle Transaction Levy Act 1990*;”.

Subsection 10B (2):

Omit “and (aa)”, substitute “, (aa) and (ab)”.

Paragraph 10C (aa):

Omit “or (aa)” (wherever occurring), substitute “, (aa) or (ab)”.

[*Minister's second reading speech made in—*
House of Representatives on 10 October 1990
Senate on 8 November 1990]