



Cattle Export Charge Act 1990

No. 142 of 1990

An Act to impose a charge on the export of cattle

[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 Export Charge Act 1990*.

Commencement

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

Collection Act to be read with this Act

3. The *Cattle and Beef Levy Collection Act 1990* is to be read as one with this Act.

Interpretation

4. In this Act, unless the contrary intention appears:
“cattle” means bovine animals other than buffalo;
“charge” means charge imposed by this Act;

Cattle Export Charge No. 142, 1990

“Corporation” means the Australian Meat and Live-stock Corporation established by section 6 of the *Australian Meat and Live-stock Corporation Act 1977*;

“dairy cattle” means bovine animals that are, or, if they were not 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 foregoing, bulls, calves and replacement heifers;

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

“Research and Development Corporation” means the Australian Meat and Live-stock Research and Development Corporation established by section 4 of the *Australian Meat and Live-stock Research and Development Corporation Act 1985*.

Imposition of charge

5. A charge is imposed on cattle (other than dairy cattle) exported from Australia.

Rate of charge on export of cattle

6. (1) The rate of charge imposed on the export of cattle consists of the sum of the amounts, per kilogram of cattle so exported, referred to in the following paragraphs:

- (a) \$0.0095, or such other amount, not exceeding \$0.02, as is prescribed, for the purpose of payment to the Corporation;
- (b) \$0.0014, or such other amount, not exceeding \$0.005, as is prescribed, for the purpose of payment to the Research and Development Corporation.

(2) For the purposes of calculation of charge, the weight of cattle exported is their liveweight described in the bill of lading, or similar document of title, facilitating the export of such cattle.

(3) Where the liveweight of cattle exported is not described in the bill of lading, or similar document of title, facilitating the export of the cattle, then, for the purposes of the calculation of charge, the liveweight of the cattle is taken to be 480 kilograms per head.

(4) Despite subsection (1), if the Minister makes a declaration under section 7A of the *Live-stock Export Charge Act 1977*, the rate of charge under this Act on cattle exported, on or after the day the declaration is expressed to come into force, is \$0.00 per kilogram of cattle exported.

By whom charge payable

7. The charge on cattle exported from Australia is payable by the exporter of the cattle.

Regulations

8. (1) The Governor-General may make regulations, not inconsistent with this Act, 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.

(2) The power of the Governor-General to make regulations prescribing an amount for the purposes of paragraph 6 (1)(a) is exercisable only on 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 Corporation.

(3) The power of the Governor-General to make regulations prescribing an amount for the purposes of paragraph 6 (1)(b) is exercisable only on 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 Research and Development Corporation.

(4) The Corporation must not make a recommendation to the Minister in relation to regulations to be made for the purposes of paragraph 6 (1) (a):

- (a) if a motion that the terms of the recommendation be endorsed has not been put before the last annual general meeting of the Australian meat and live-stock industry convened under section 30B of the *Australian Meat and Live-stock Corporation Act 1977* before the making of that recommendation; or
- (b) if such a motion is so put and, by virtue of the application of subsection 30G (5) of that Act, defeated.

(5) The Corporation must, at the time of making a recommendation to the Minister of the kind referred to in subsection (4), give the Minister particulars in writing of the voting in respect of the motion that the terms of the recommendation be endorsed.

(6) The Research and Development Corporation must not make a recommendation to the Minister in relation to regulations to be made for the purposes of paragraph 6 (1) (b):

- (a) if a motion that the terms of the recommendation be endorsed has not been put before the last annual general meeting of the Australian meat and live-stock industry convened under section 22 of the *Australian Meat and Live-stock Research and Development Corporation Act 1985* before the making of that recommendation; or
- (b) if such a motion is so put and, by virtue of the application of subsection 27 (5) of that Act, defeated.

Cattle Export Charge No. 142, 1990

(7) The Research and Development Corporation must, at the time of making a recommendation to the Minister of the kind referred to in subsection (6), give the Minister particulars in writing of the voting in respect of the motion that the terms of the recommendation be endorsed.

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