



# **Australian Meat and Live-stock Industry Act 1997**

**No. 206, 1997**

## **Compilation No. 20**

<b>Compilation date:</b>	28 March 2021
<b>Includes amendments up to:</b>	Act No. 13, 2020
<b>Registered:</b>	14 April 2021

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### This compilation

This is a compilation of the *Australian Meat and Live-stock Industry Act 1997* that shows the text of the law as amended and in force on 28 March 2021 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

---

# Contents

<b>Part 1—Preliminary</b>	1
1 Short title .....	1
2 Commencement .....	1
3 Definitions .....	1
4 Crown to be bound .....	2
5 Application of this Act .....	2
<b>Part 3—Industry marketing and research bodies, and approved donors</b>	3
<b>Division 1—Preliminary</b>	3
58 Definitions .....	3
59 Minister must have regard to industry policies .....	4
<b>Division 2—Declaration of industry bodies and approved donors</b>	5
60 Declaration of industry bodies .....	5
61 Declaration of approved donors .....	8
62 Bodies to inform Minister about changes to their constitution .....	9
<b>Division 3—Payments to industry bodies</b>	10
63 Payments to the industry marketing body .....	10
64 Payments to the industry research body .....	11
64A Payments to the live-stock export marketing body .....	13
64B Payments to the live-stock export research body .....	13
64C Payments to the meat processor marketing body .....	13
64D Payments to the meat processor research body .....	14
65 References to amounts of levy and amounts of charge .....	14
66 Commonwealth’s matching payments .....	15
67 Application of money .....	17
68 Reimbursement of Commonwealth .....	20
<b>Division 4—Reporting to Parliament in relation to live-stock export bodies</b>	21
68A Division applies if Minister and live-stock export body enter into funding agreement .....	21
68B Reporting to Parliament about funding agreement and variations .....	21
68C Reporting to Parliament about compliance with funding agreement .....	21

---

68D	Minister to table live-stock export body's annual report in Parliament.....	22
<b>Part 4—Miscellaneous</b>		23
69	Ministerial directions.....	23
70	Delegations.....	25
71	Compensation for acquisition of property .....	25
72	Minister not to be taken to be a director of a company.....	25
74	Regulations.....	25
<b>Endnotes</b>		27
<b>Endnote 1—About the endnotes</b>		27
<b>Endnote 2—Abbreviation key</b>		29
<b>Endnote 3—Legislation history</b>		30
<b>Endnote 4—Amendment history</b>		33

# An Act relating to the Australian meat and live-stock industry, and for related purposes

## Part 1—Preliminary

### 1 Short title

This Act may be cited as the *Australian Meat and Live-stock Industry Act 1997*.

### 2 Commencement

- (1) Part 1 of this Act commences on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the other provisions of this Act commence on a day or days to be fixed by Proclamation.
- (3) If a provision of this Act does not commence under subsection (2) within 9 months after the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

### 3 Definitions

In this Act, unless the contrary intention appears:

***cattle*** means bovine animals other than buffaloes.

***edible offal*** means any edible portion, other than the flesh, of cattle, calves, sheep, lambs, goats or other animals prescribed for the purposes of the definition of ***meat***.

***industry*** means the meat and live-stock industry.

***live-stock*** means cattle, calves, sheep, lambs, goats or other animals prescribed for the purposes of this definition.

Section 4

---

**meat** means the fresh or preserved flesh of cattle, calves, sheep, lambs, goats or other animals prescribed for the purposes of this definition, and includes meat products, meat by-products and edible offal, but does not include meat of a kind declared by the regulations to be, for the purposes of this Act, unfit for human consumption.

**meat by-product** includes skin, hide, tallow, meat meal and inedible offal.

**meat product** means food prepared from or containing meat, and includes canned meat.

**Secretary** means the Secretary of the Department.

**4 Crown to be bound**

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

**5 Application of this Act**

This Act applies both within and outside Australia.

## **Part 3—Industry marketing and research bodies, and approved donors**

### **Division 1—Preliminary**

#### **58 Definitions**

In this Part:

*approved donor* means a body for the time being declared to be an approved donor under section 61.

*industry marketing body* means the body for the time being declared to be the industry marketing body under subsection 60(1).

*industry research body* means the body for the time being declared to be the industry research body under subsection 60(2).

*live-stock export marketing body* means the body for the time being declared to be the live-stock export marketing body under subsection 60(3).

*live-stock export research body* means the body for the time being declared to be the live-stock export research body under subsection 60(3A).

*meat processor marketing body* means the body for the time being declared to be the meat processor marketing body under subsection 60(3AA).

*meat processor research body* means the body for the time being declared to be the meat processor research body under subsection 60(3AB).

**59 Minister must have regard to industry policies**

The Minister must, in exercising the powers of the Minister under this Part, have regard to any broad policies formulated jointly by prescribed industry bodies.



## **Division 2—Declaration of industry bodies and approved donors**

### **60 Declaration of industry bodies**

- (1) The Minister may, by legislative instrument, declare a body to be the industry marketing body.
- (2) The Minister may, by legislative instrument, declare a body to be the industry research body.
- (3) The Minister may, by legislative instrument, declare a body to be the live-stock export marketing body.
- (3A) The Minister may, by legislative instrument, declare a body to be the live-stock export research body.
- (3AA) The Minister may, by legislative instrument, declare a body to be the meat processor marketing body.
- (3AB) The Minister may, by legislative instrument, declare a body to be the meat processor research body.
- (3B) The Minister may do any or all of the following:
  - (a) declare the same body to be both the industry marketing body and the industry research body;
  - (b) declare the same body to be both the live-stock export marketing body and the live-stock export research body;
  - (ba) declare the same body to be both the meat processor marketing body and the meat processor research body;but the Minister must not:
  - (c) declare the same body to be either the industry marketing body or the industry research body, or both, and also to be either the live-stock export marketing body or the live-stock export research body, or both; or
  - (ca) declare the same body to be either the industry marketing body or the industry research body, or both, and also to be

**Section 60**

---

- either the meat processor marketing body or the meat processor research body, or both; or
- (cb) declare the same body to be either the meat processor marketing body or the meat processor research body, or both, and also to be either the live-stock export marketing body or the live-stock export research body, or both; or
  - (d) declare more than one industry marketing body, more than one industry research body, more than one live-stock export marketing body, more than one live-stock export research body, more than one meat processor marketing body or more than one meat processor research body at any one time.
- (4) The Minister must not declare a body to be the industry marketing body unless satisfied:
- (a) that the body is a company limited by guarantee incorporated under the *Corporations Act 2001*; and
  - (b) that, having regard to its membership, its constitution, and any undertakings it has given, or agreements or arrangements it has entered into with other industry representatives or the Minister (or both), whether before or after the commencement of this section, the body can appropriately represent the industry's marketing, promotion or other prescribed interests; and
  - (c) that the body has consented to the declaration.
- (5) The Minister must not declare a body to be the industry research body unless satisfied:
- (a) that the body is a company limited by guarantee incorporated under the *Corporations Act 2001*; and
  - (b) that, having regard to its membership, its constitution, and any undertakings it has given, or agreements or arrangements it has entered into with other industry representatives or the Minister (or both), whether before or after the commencement of this section, the body can appropriately represent the industry in relation to the industry's research and development interests; and
  - (c) that the body has consented to the declaration.

- (5A) The Minister must not declare a body to be the live-stock export marketing body unless satisfied:
- (a) that the body is a company limited by guarantee incorporated under the *Corporations Act 2001*; and
  - (b) that, having regard to its membership, its constitution, and any undertakings it has given, or agreements or arrangements it has entered into with other industry representatives or the Minister (or both), whether before or after the commencement of this section, the body can appropriately represent that part of the industry that relates to the export of live-stock, in relation to that part of the industry's marketing, promotion or other prescribed interests; and
  - (c) that the body has consented to the declaration.
- (5B) The Minister must not declare a body to be the live-stock export research body unless satisfied:
- (a) that the body is a company limited by guarantee incorporated under the *Corporations Act 2001*; and
  - (b) that, having regard to its membership, its constitution, and any undertakings it has given, or agreements or arrangements it has entered into with other industry representatives or the Minister (or both), whether before or after the commencement of this section, the body can appropriately represent that part of the industry that relates to the export of live-stock, in relation to that part of the industry's research and development interests; and
  - (c) that the body has consented to the declaration.
- (6) The Minister must not declare a body to be the meat processor marketing body unless satisfied:
- (a) that the body is a company limited by guarantee incorporated under the *Corporations Act 2001*; and
  - (b) that, having regard to its membership, its constitution, and any undertakings it has given, or agreements or arrangements it has entered into with other industry representatives or the Minister (or both), whether before or after the commencement of this section, the body can appropriately

**Section 61**

---

represent that part of the industry that relates to the slaughter and processing of meat, in relation to that part of the industry's marketing, promotion or other prescribed interests; and

(c) that the body has consented to the declaration.

(7) The Minister must not declare a body to be the meat processor research body unless satisfied:

(a) that the body is a company limited by guarantee incorporated under the *Corporations Act 2001*; and

(b) that, having regard to its membership, its constitution, and any undertakings it has given, or agreements or arrangements it has entered into with other industry representatives or the Minister (or both), whether before or after the commencement of this section, the body can appropriately represent that part of the industry that relates to the slaughter and processing of meat, in relation to that part of the industry's research and development interests; and

(c) that the body has consented to the declaration.

**61 Declaration of approved donors**

(1) The Minister may, by legislative instrument, declare a body (other than the industry research body) to be an approved donor.

(2) The Minister must not declare a body to be an approved donor unless satisfied:

(a) that the body is a company limited by guarantee incorporated under the *Corporations Act 2001*; and

(b) that, having regard to its membership, its constitution, and any undertakings it has given, or agreements or arrangements it has entered into with other industry bodies or the Minister (or both), whether before or after the commencement of this section, the body can appropriately represent the industry in relation to the industry's research and development interests; and

(c) that the body has consented to the declaration.

## **62 Bodies to inform Minister about changes to their constitution**

The industry marketing body, the industry research body, the live-stock export marketing body, the live-stock export research body, the meat processor marketing body, the meat processor research body or an approved donor must, as soon as practicable, after any alteration of its constitution is made, give the Minister a written notice setting out the alteration and explaining its effect.

## Division 3—Payments to industry bodies

### 63 Payments to the industry marketing body

- (1A) There is to be paid to the industry marketing body, at the times, and in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:
- (a) amounts of levy received by the Commonwealth because of paragraphs 4(1)(a), (3)(a) and (4)(a) of Schedule 18 to the *Primary Industries (Excise) Levies Act 1999*; and
  - (c) amounts of charge received by the Commonwealth because of paragraphs 3(a), 4(a) and 5(a) of Schedule 12 to the *Primary Industries (Customs) Charges Act 1999*; and
  - (f) amounts of charge received by the Commonwealth because of paragraphs 3(1)(a) and (2)(a) of Schedule 3 to the *Primary Industries (Customs) Charges Act 1999*; and
  - (h) amounts of levy received by the Commonwealth because of paragraphs 6(1)(a), (2)(a) and (3)(a) of Schedule 3 to the *Primary Industries (Excise) Levies Act 1999*.
- (1) There is to be paid to the industry marketing body, at the times, in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:
- (a) the amounts of levy received by the Commonwealth because of paragraphs 6(1)(a), 7(a) and 8(1)(a) of the repealed *Live-stock Transactions Levy Act 1997*; and
  - (b) the amounts of levy received by the Commonwealth because of paragraphs 6(a), 7(a) and 8(a) of the repealed *Live-stock Slaughter (Processors) Levy Act 1997*; and
  - (c) the amounts of charge received by the Commonwealth because of paragraphs 5(a), 6(a) and 7(a) of the repealed *Live-stock (Producers) Export Charges Act 1997*; and
  - (d) the amounts of charge received by the Commonwealth because of paragraphs 5(a), 6(a) and 7(a) of the repealed *Live-stock (Exporters) Export Charge Act 1997*; and

- (e) the amounts of levy received by the Commonwealth because of paragraph 6(1)(a) of the repealed *Beef Production Levy Act 1990*; and
  - (f) the amounts of charge received by the Commonwealth because of paragraphs 5(1)(a) and 5(2)(a) of the repealed *Cattle (Producers) Export Charges Act 1997*; and
  - (g) the amounts of charge received by the Commonwealth because of paragraph 6(1)(a) of the repealed *Cattle (Exporters) Export Charge Act 1997*; and
  - (h) the amounts of levy received by the Commonwealth because of paragraphs 7(1)(a), 7(2)(a) and 7(3)(a) of the repealed *Cattle Transactions Levy Act 1997*;
- in respect of transactions or activities that take place after the commencement of this Part.
- (2) The amounts payable to the industry marketing body under this section are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

#### **64 Payments to the industry research body**

- (1A) There is to be paid to the industry research body, at the times, and in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:
- (a) amounts of levy received by the Commonwealth because of paragraphs 4(1)(b), (3)(b) and (4)(b) of Schedule 18 to the *Primary Industries (Excise) Levies Act 1999*; and
  - (c) amounts of charge received by the Commonwealth because of paragraphs 3(b), 4(b) and 5(b) of Schedule 12 to the *Primary Industries (Customs) Charges Act 1999*; and
  - (f) amounts of charge received by the Commonwealth because of paragraphs 3(1)(b) and (2)(b) of Schedule 3 to the *Primary Industries (Customs) Charges Act 1999*; and
  - (h) amounts of levy received by the Commonwealth because of paragraphs 6(1)(b), (2)(b) and (3)(b) of Schedule 3 to the *Primary Industries (Excise) Levies Act 1999*.

**Section 64A**

---

- (1) There is to be paid to the industry research body, at the times, in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:
- (a) the amounts of levy received by the Commonwealth because of paragraphs 6(1)(b), 7(b) and 8(1)(b) of the repealed *Live-stock Transactions Levy Act 1997*; and
  - (b) the amounts of levy received by the Commonwealth because of paragraphs 5(b), 6(b) and 7(b) of the repealed *Live-stock Slaughter (Processors) Levy Act 1997*; and
  - (c) the amounts of charge received by the Commonwealth because of paragraphs 5(b), 6(b) and 7(b) of the repealed *Live-stock (Producers) Export Charges Act 1997*; and
  - (d) the amounts of charge received by the Commonwealth because of paragraphs 7(b), 8(b) and 9(b) of the repealed *Live-stock (Exporters) Export Charge Act 1997*; and
  - (e) the amounts of levy received by the Commonwealth because of paragraph 6(1)(b) of the repealed *Beef Production Levy Act 1990*; and
  - (f) the amounts of charge received by the Commonwealth because of paragraphs 5(1)(b) and 5(2)(b) of the repealed *Cattle (Producers) Export Charges Act 1997*; and
  - (g) the amounts of charge received by the Commonwealth because of paragraph 6(1)(b) of the repealed *Cattle (Exporters) Export Charge Act 1997*; and
  - (h) the amounts of levy received by the Commonwealth because of paragraphs 7(1)(b), 7(2)(b) and 7(3)(b) of the repealed *Cattle Transactions Levy Act 1997*;
- in respect of transactions or activities that take place after the commencement of this Part.
- (2) The amounts payable to the industry research body under this section are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.



#### **64A Payments to the live-stock export marketing body**

- (1) There is to be paid to the live-stock export marketing body, at the times, and in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:
  - (a) amounts of charge received by the Commonwealth because of paragraph 3(1)(a) of Schedule 2 to the *Primary Industries (Customs) Charges Act 1999*; and
  - (b) amounts of charge received by the Commonwealth because of paragraphs 3(a), 4(a) and 5(a) of Schedule 11 to the *Primary Industries (Customs) Charges Act 1999*.
- (2) The amounts payable to the live-stock export marketing body under this section are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

#### **64B Payments to the live-stock export research body**

- (1) There is to be paid to the live-stock export research body, at the times, and in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:
  - (a) amounts of charge received by the Commonwealth because of paragraph 3(1)(b) of Schedule 2 to the *Primary Industries (Customs) Charges Act 1999*; and
  - (b) amounts of charge received by the Commonwealth because of paragraphs 3(b), 4(b) and 5(b) of Schedule 11 to the *Primary Industries (Customs) Charges Act 1999*.
- (2) The amounts payable to the live-stock export research body under this section are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

#### **64C Payments to the meat processor marketing body**

- (1) There is to be paid to the meat processor marketing body, at the times, and in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:

**Section 64D**

---

- (a) amounts of levy received by the Commonwealth because of paragraph 3(1)(a) of Schedule 1 to the *Primary Industries (Excise) Levies Act 1999*; and
  - (b) amounts of levy received by the Commonwealth because of paragraphs 3(1)(a), (2)(a) and (3)(a) of Schedule 17 to the *Primary Industries (Excise) Levies Act 1999*.
- (2) The amounts payable to the meat processor marketing body under this section are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

**64D Payments to the meat processor research body**

- (1) There is to be paid to the meat processor research body, at the times, and in the manner and subject to the conditions agreed between the Minister and the body, amounts equal to:
- (a) amounts of levy received by the Commonwealth because of paragraph 3(1)(b) of Schedule 1 to the *Primary Industries (Excise) Levies Act 1999*; and
  - (b) amounts of levy received by the Commonwealth because of paragraphs 3(1)(b), (2)(b) and (3)(b) of Schedule 17 to the *Primary Industries (Excise) Levies Act 1999*.
- (2) The amounts payable to the meat processor research body under this section are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

**65 References to amounts of levy and amounts of charge**

- (1) A reference in paragraph 63(1)(b), 63(1)(e), 64(1)(b), 64(1)(e), 64C(1)(a), 64C(1)(b), 64D(1)(a) or 64D(1)(b) to amounts of levy received by the Commonwealth includes a reference to amounts received under subsection 7(2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.
- (2) A reference in paragraph 63(1A)(c), 63(1A)(f), 63(1)(c), 63(1)(d), 63(1)(f), 63(1)(g), 64(1A)(c), 64(1A)(f), 64(1)(c), 64(1)(d),

64(1)(f), 64(1)(g), 64A(1)(a), 64A(1)(b), 64B(1)(a) or 64B(1)(b) to amounts of charge received by the Commonwealth includes a reference to amounts received under subsection 7(3) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of charge referred to in that paragraph.

- (3) A reference in paragraph 63(1A)(a), 63(1A)(h), 63(1)(a), 63(1)(h), 64(1A)(a), 64(1A)(h), 64(1)(a) or 64(1)(h) to amounts of levy received by the Commonwealth includes a reference to amounts received under subsection 7(1) or (2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

## **66 Commonwealth's matching payments**

- (1) Subject to this section, there is also to be paid to the industry research body out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to one-half of:
- (a) the amounts from time to time paid by the industry research body under paragraphs 67(2)(b) and (c); and
  - (b) the amounts from time to time paid by the industry research body for industry research and development purposes approved in writing by the Minister, being amounts so paid from amounts received by that body from approved donors for industry research and development purposes.
- (2) The sum of the amounts paid to the industry research body under subsection (1) must not be greater than the sum of:
- (a) the amounts paid to the industry research body under subsections 64(1A) and (1), other than amounts related to amounts received by the Commonwealth by way of penalty; and
  - (b) the amounts paid to the industry research body by approved donors for industry research and development purposes.

**Section 66**

---

- (3) The payments made under subsection (1) to the industry research body during a particular financial year are subject to the condition that, if:
- (a) before the end of 31 October next following the financial year, the Secretary determines the amount of the gross value of production of the industry for the financial year; and
  - (b) as at the end of 31 October next following the financial year, the sum of the amounts that were paid to the industry research body under subsection (1) during the financial year exceeds 0.5% of the amount of the gross value of production of the industry for the financial year as determined by the Secretary;
- the industry research body will pay to the Commonwealth an amount equal to the excess.

Note: This ensures that the sum of the amounts that are retained by the industry research body in relation to the financial year does not exceed 0.5% of the amount of the gross value of production of the industry for the financial year as determined by the Secretary.

(3A) If:

- (a) before the end of 31 October next following a financial year, the Secretary has not determined under subsection (3) the amount of the gross value of production of the industry for the financial year; and
- (b) the Secretary has determined under subsection (3) the amount of the gross value of production of the industry for the previous financial year;

the Secretary is taken to have made, immediately before the end of that 31 October, a determination under subsection (3) that the amount of the gross value of production of the industry for the financial year is equal to the amount of the gross value of production of the industry determined under subsection (3) for the previous financial year.

(3B) An amount payable under subsection (3) by the industry research body:

- (a) is a debt due to the Commonwealth; and

- (b) may be recovered by the Minister, on behalf of the Commonwealth, by action in a court of competent jurisdiction.
- (3C) A determination made under subsection (3) is not a legislative instrument.
- (4) The regulations may provide for the way in which the Secretary is to determine the amount of the gross value of production of the industry for a financial year.
- (5) If:
- (a) an amount (the **first amount**) is payable by the industry research body under subsection (3); and
  - (b) another amount (the **second amount**) is payable by the Commonwealth to the industry research body under subsection (1);
- the Minister may, on behalf of the Commonwealth, set off the whole or a part of the first amount against the whole or a part of the second amount.

## 67 Application of money

- (1) The amounts paid to the industry marketing body under section 63 may be applied by that body only:
- (a) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
    - (i) the collection or recovery of amounts referred to in section 63; or
    - (ii) the administration of that section; and
  - (b) in making payments for or in connection with industry marketing or promotion and in accordance with the conditions (if any) on which the amounts were paid to that body under section 63; and
  - (c) in making such other payments (if any), subject to such conditions (if any), as are prescribed.

**Section 67**

---

- (2) The amounts paid to the industry research body under section 64 may be applied by that body only:
- (a) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
    - (i) the collection or recovery of amounts referred to in section 64; or
    - (ii) the administration of that section; and
  - (b) in making payments for or in connection with industry research and development and in accordance with the conditions (if any) on which the amounts were paid to that body under section 64; and
  - (c) in making such other payments (if any), subject to such conditions (if any), as are prescribed.
- (3) The amounts paid to the industry research body under section 66 may be applied by that body only:
- (aa) in making payments to the Commonwealth under subsection 66(3); and
  - (a) in making payments for or in connection with industry research and development and in accordance with the conditions (if any) determined, by legislative instrument, by the Minister; and
  - (b) in making such other payments (if any), subject to such conditions (if any), as are prescribed.
- (3A) The amounts paid to the live-stock export marketing body under section 64A may be applied by that body only:
- (a) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
    - (i) the collection or recovery of amounts referred to in section 64A; or
    - (ii) the administration of that section; and
  - (b) in making payments for or in connection with marketing or promotion relating to the export of live-stock and in accordance with the conditions (if any) on which the amounts were paid to that body under section 64A; and

- (c) in making such other payments (if any), subject to such conditions (if any), as are prescribed.
- (3B) The amounts paid to the live-stock export research body under section 64B may be applied by that body only:
- (a) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
    - (i) the collection or recovery of amounts referred to in section 64B; or
    - (ii) the administration of that section; and
  - (b) in making payments for or in connection with research and development relating to the export of live-stock and in accordance with the conditions (if any) on which the amounts were paid to that body under section 64B; and
  - (c) in making such other payments (if any), subject to such conditions (if any), as are prescribed.
- (3C) The amounts paid to the meat processor marketing body under section 64C may be applied by that body only:
- (a) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
    - (i) the collection or recovery of amounts referred to in section 64C; or
    - (ii) the administration of that section; and
  - (b) in making payments for or in connection with marketing and promotion relating to the slaughter and processing of meat and in accordance with the conditions (if any) on which the amounts were paid to that body under section 64C; and
  - (c) in making any other payments prescribed by the regulations, subject to any prescribed conditions.
- (3D) The amounts paid to the meat processor research body under section 64D may be applied by that body only:
- (a) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
    - (i) the collection or recovery of amounts referred to in section 64D; or

**Section 68**

---

- (ii) the administration of that section; and
- (b) in making payments for or in connection with research and development relating to the slaughter and processing of meat and in accordance with the conditions (if any) on which the amounts were paid to that body under section 64D; and
- (c) in making any other payments prescribed by the regulations, subject to any prescribed conditions.

**68 Reimbursement of Commonwealth**

If the Commonwealth pays a refund in respect of an amount of levy or charge referred to in section 63, 64, 64A, 64B, 64C or 64D, the body that received an amount equal to that amount of levy or charge must pay to the Commonwealth an amount equal to the refund.



## **Division 4—Reporting to Parliament in relation to live-stock export bodies**

### **68A Division applies if Minister and live-stock export body enter into funding agreement**

This Division applies if the Minister and a body (the *live-stock export body*) that is:

- (a) the live-stock export marketing body; or
- (b) the live-stock export research body; or
- (c) both of those bodies;

enter into an agreement (the *funding agreement*) on conditions as mentioned in whichever of subsection 64A(1) or 64B(1), or both, is applicable.

### **68B Reporting to Parliament about funding agreement and variations**

The Minister must, within 14 sitting days of each House of the Parliament after:

- (a) the day on which the funding agreement is entered into; and
- (b) if the funding agreement is later agreed to be varied—the day on which the agreement to vary the funding agreement is entered into;

arrange for a copy of the funding agreement, or the agreement to vary, to be tabled in that House.

### **68C Reporting to Parliament about compliance with funding agreement**

- (1) The Minister must, as soon as practicable after the end of each financial year during the whole or part of which the funding agreement is in force, arrange for a report in accordance with subsection (2) to be tabled in each House of the Parliament.
- (2) The report must:

**Section 68D**

---

- (a) give details of the amounts paid to the body under whichever of subsection 64A(1) or 64B(1), or both, is applicable; and
- (b) state whether the Minister is satisfied, on the basis of information provided by the body, that the spending by the body of those amounts complies with the funding agreement; and
- (c) if the Minister is not so satisfied—give details of why the Minister is not so satisfied.

**68D Minister to table live-stock export body's annual report in Parliament**

If the live-stock export body gives the Minister a copy of its annual report for any financial year during the whole or part of which the funding agreement is in force, the Minister must, as soon as practicable after receiving the copy, arrange for a copy to be tabled in each House of the Parliament.

## **Part 4—Miscellaneous**

### **69 Ministerial directions**

- (1) The Minister may, in writing, direct a prescribed body to do the things specified in the direction.
- (2) A prescribed body must not fail to comply with a direction given to it under this section, either intentionally or being reckless as to the direction.

Penalty: 300 penalty units

- (3) The Minister must not give a direction unless the direction relates to one or more of the following:
  - (a) trade and commerce with other countries, and among the States;
  - (b) quarantine;
  - (c) foreign corporations, or trading or financial corporations formed within the limits of the Commonwealth;
  - (d) external affairs;
  - (e) any other matter with respect to which the Parliament has power to make laws under the Constitution.
- (4) The Minister may only give a direction to a prescribed body if:
  - (a) the Minister is satisfied that, because of the existence of exceptional and urgent circumstances, it is in the national interest of Australia to do so; and
  - (b) before giving the direction, the Minister has given the directors of the body an adequate opportunity to discuss with the Minister the need for the proposed direction.
- (5) The Minister must not give a direction to a prescribed body that would require the body to incur expenses greater than the amounts paid to the body under this Act and any amounts paid to the body

Section 70

---

under the *Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997*.

- (6) Subject to subsection (7), if the Minister gives a direction under this section, the Minister must cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after the direction is given.
- (7) Subsection (6) does not apply in relation to a direction given to a prescribed body if:
- (a) the Minister, on the recommendation of the body, determines, in writing, that compliance with the subsection would, or would be likely to, prejudice the body's commercial activities; or
  - (b) the Minister determines, in writing, that compliance with the subsection would, or would be likely to, prejudice the national interest of Australia.
- (8) In this section:
- prescribed body*** means:
- (a) the industry marketing body within the meaning of Part 3; or
  - (b) the industry research body within the meaning of Part 3; or
  - (ba) the live-stock export marketing body within the meaning of Part 3; or
  - (bb) the live-stock export research body within the meaning of Part 3; or
  - (bc) the meat processor marketing body within the meaning of Part 3; or
  - (bd) the meat processor research body within the meaning of Part 3; or
  - (c) an industry body prescribed by regulations made under the *Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997* while that body holds money paid to it in accordance with that Act.

**70 Delegations**

- (1) The Minister may, in writing, delegate all or any of his or her powers and functions under this Act (other than section 69) to:
  - (a) the Secretary; or
  - (b) an APS employee who holds or performs the duties of an SES Band 1 position, or an equivalent or higher position, in the Department.
- (2) The Secretary may, in writing, delegate all or any of his or her powers under this Act to an APS employee who holds or performs the duties of an SES Band 1 position, or an equivalent or higher position, in the Department.

**71 Compensation for acquisition of property**

- (1) If, apart from this section, the operation of this Act would result in the acquisition of property from a person otherwise than on just terms, there is payable to the person by the Commonwealth such reasonable amount of compensation as is agreed between the person and the Commonwealth or, failing agreement, as is determined by a court of competent jurisdiction.
- (2) In this section:

*acquisition of property* and *just terms* have the same respective meanings as in paragraph 51(xxxi) of the Constitution.

**72 Minister not to be taken to be a director of a company**

The Minister is not taken to be a director of any body corporate for the purposes of the *Corporations Act 2001* merely because of the powers to give directions conferred on the Minister by this Act.

**74 Regulations**

- (1) The Governor-General may make regulations prescribing all matters:
  - (a) that are required or permitted by this Act to be prescribed; or

Section 74

---

- (b) that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may prescribe penalties of not more than 10 penalty units for offences against the regulations.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

---

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

---

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Australian Meat and Live-stock Industry Act 1997	206, 1997	17 Dec 1997	s 1–6: 17 Dec 1997 (s 2(1)) Remainder: 1 July 1998 (s 2(2) and gaz 1998, No GN22)	
Primary Industries Levies and Charges (Consequential Amendments) Act 1999 <b>as amended by</b> Statute Law Revision Act 2013	32, 1999  103, 2013	14 May 1999  29 June 2013	Schedule 10: 1 July 1999 (s 2(1))  Sch 2 (item 12): 1 July 1999 (s 2(1) item 12)	—  —
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (item 207): 5 Dec 1999 (s 2(1) and gaz 1999, No S584)	—
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (items 57–61): 15 July 2001 (s 2(3) and gaz 2001, No S285)	s 4–14
Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Act 2001	115, 2001	18 Sept 2001	s 4 and Sch 1 (items 120–122): 16 Oct 2001 (s 2)	s 4
Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Act 2004	97, 2004	29 June 2004	Sch 1 (items 1–12, 25): 1 Dec 2004 (s 2(1) item 2 and gaz 2004, No GN36)	Sch 1 (item 12)

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004	139, 2004	13 Dec 2004	Sch 1 (items 1–31) and Sch 2: 13 Dec 2004 (s 2(1) item 2)	Sch 2 (item 4)
Agriculture, Fisheries and Forestry Legislation Amendment (2007 Measures No. 1) Act 2007	91, 2007	22 June 2007	Sch 1 (items 1–27): 22 June 2007 (s 2)	—
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Sch 1 (item 1): 10 Dec 2008 (s 2(1) item 2)	—
Financial Framework Legislation Amendment Act (No. 2) 2012	82, 2012	28 June 2012	Sch 1 (items 27–31): 29 June 2012 (s 2(1) item 2)	Sch 1 (items 30, 31)
Navigation (Consequential Amendments) Act 2012	129, 2012	13 Sept 2012	Sch 2 (item 11): 1 July 2013 (s 2(1) item 2)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 1 (items 20–22) and Sch 3 (items 28–32, 343): 29 June 2013 (s 2(1) items 2, 16)	Sch 3 (item 343)
Rural Research and Development Legislation Amendment Act 2013	146, 2013	13 Dec 2013	Sch 7 (item 1): 13 Dec 2013 (s 2(1) item 6)	—
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 4 (item 59): 24 June 2014 (s 2(1) item 9)	—
Export Legislation Amendment Act 2014	37, 2014	25 June 2014	Sch 1: (items 1–3): 25 June 2014 (s 2)	Sch 1 (item 3)

## Endnotes

### Endnote 3—Legislation history

---

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Export Control Amendment (Quotas) Act 2015	167, 2015	11 Dec 2015	Sch 1 (items 6, 8): 1 Jan 2017 (s 2(1) items 3, 5) Sch 1 (items 7, 13): 12 Dec 2015 (s 2(1) items 4, 8)	Sch 1 (item 13)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 25): 10 Mar 2016 (s 2(1) item 6)	—
Primary Industries Levies and Charges Collection Amendment Act 2016	56, 2016	16 Sept 2016	Sch 1 (items 7, 8): 17 Sept 2016 (s 2(1) item 2)	Sch 1 (item 8)
Export Control (Consequential Amendments and Transitional Provisions) Act 2020	13, 2020	6 Mar 2020	Sch 2 (items 1–6) and Sch 3 (items 1–91): 3 am (A.C.T.) 28 Mar 2021 (s 2(1) item 2)	Sch 3 (items 1–91)

---

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 3 .....	am Nos 97 and 139, 2004; No 144, 2008; No 37, 2014; No 167, 2015; No 13, 2020
s 6 .....	rep No 13, 2020
Part 2 .....	rep No 13, 2020
Division 1 .....	rep No 13, 2020
s 7 .....	rep No 13, 2020
s 8 .....	am No 55, 2001 rep No 13, 2020
s 9 .....	am No 97, 2004 rep No 13, 2020
Division 2 .....	rep No 13, 2020
s 10 .....	rep No 13, 2020
s 11 .....	am No 103, 2013; No 4, 2016 rep No 13, 2020
s 12 .....	am No 97, 2004 rep No 13, 2020
s 13 .....	rep No 13, 2020
s 14 .....	rep No 13, 2020
s 15 .....	rep No 13, 2020
s 16 .....	rep No 13, 2020
s 17 .....	am No 103, 2013; No 37, 2014; No 167, 2015 rep No 13, 2020
s 18 .....	am No 103, 2013 rep No 13, 2020
s 19 .....	rep No 103, 2013
s 20 .....	am No 31, 2014 rep No 13, 2020

## Endnotes

### Endnote 4—Amendment history

---

<b>Provision affected</b>	<b>How affected</b>
s 21 .....	rep No 13, 2020
s 22 .....	rep No 13, 2020
s 23 .....	am No 97, 2004
	rep No 13, 2020
s 24 .....	am No 97, 2004
	rep No 13, 2020
s 25 .....	rep No 13, 2020
s 25A.....	ad No 97, 2004
	rep No 13, 2020
Division 3 .....	rep No 167, 2015
s 26 .....	rep No 167, 2015
s 27 .....	rep No 167, 2015
s 28 .....	rep No 167, 2015
s 29 .....	rep No 167, 2015
s 30 .....	rep No 167, 2015
s 31 .....	rep No 167, 2015
s 32 .....	rep No 167, 2015
s 33 .....	rep No 167, 2015
Division 4 .....	rep No 13, 2020
s 34 .....	rep No 13, 2020
s 35 .....	rep No 13, 2020
s 36 .....	rep No 13, 2020
s 37 .....	rep No 13, 2020
s 38 .....	rep No 13, 2020
s 39 .....	rep No 13, 2020
s 40 .....	rep No 13, 2020
s 41 .....	rep No 13, 2020
s 42 .....	rep No 13, 2020
s 43 .....	rep No 13, 2020
s 44 .....	rep No 13, 2020
s 45 .....	rep No 13, 2020

---

## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 46 .....	rep No 13, 2020
s 47 .....	am No 115, 2001 rep No 13, 2020
s 48 .....	rep No 13, 2020
s 49 .....	am No 115, 2001; No 4, 2016 rep No 13, 2020
s 50 .....	rep No 13, 2020
s 51 .....	am No 115, 2001 rep No 13, 2020
s 52 .....	rep No 13, 2020
s 53 .....	rep No 13, 2020
s 54 .....	rep No 13, 2020
s 55 .....	am No 4, 2016 rep No 13, 2020
s 56 .....	rep No 13, 2020
s 57 .....	rep No 13, 2020
Division 5 .....	ad No 97, 2004 rep No 13, 2020
s 57AA.....	ad No 97, 2004 am No 129, 2012 rep No 13, 2020
Part 2A.....	ad No 97, 2004 rep No 13, 2020
s 57A.....	ad No 97, 2004 am No 103, 2013 rep No 13, 2020
<b>Part 3</b>	
<b>Division 1</b>	
s 58 .....	am No 139, 2004; No 91, 2007
<b>Division 2</b>	
s 60 .....	am No 55, 2001; No 139, 2004; No 91, 2007

## Endnotes

### Endnote 4—Amendment history

---

<b>Provision affected</b>	<b>How affected</b>
s 61 .....	am No 55, 2001; No 139, 2004; No 91, 2007
s 62 .....	am No 139, 2004; No 91, 2007
<b>Division 3</b>	
s 63 .....	am No 32, 1999; No 139, 2004; No 91, 2007; No 103, 2013
s 64 .....	am No 32, 1999; No 139, 2004; No 91, 2007
s 64A.....	ad No 139, 2004
s 64B.....	ad No 139, 2004
s 64C.....	ad No 91, 2007
s 64D.....	ad No 91, 2007
s 65 .....	am No 32, 1999; No 139, 2004; No 91, 2007
s 66 .....	am No 32, 1999; No 139, 2004; No 82, 2012
s 67 .....	am No 139, 2004; No 91, 2007; No 82, 2012
s 68 .....	am No 139, 2004; No 91, 2007
<b>Division 4</b>	
Division 4 .....	ad No 139, 2004
s 68A.....	ad No 139, 2004
s 68B.....	ad No 139, 2004
s 68C.....	ad No 139, 2004
s 68D.....	ad No 139, 2004
Division 5 .....	ad No 91, 2007
	rep No 56, 2016
s 68E.....	ad No 91, 2007
	rep No 56, 2016
<b>Part 4</b>	
s 69 .....	am No 139, 2004; No 91, 2007
s 70 .....	am No 146, 1999; No 103, 2013
	rs No 146, 2013
	am No 13, 2020
s 72 .....	am No 55, 2001
s 73 .....	rep No 13, 2020

---