



**Agriculture, Fisheries and Forestry
Legislation Amendment (2007 Measures
No. 1) Act 2007**

No. 91, 2007

**An Act to amend legislation relating to agriculture,
fisheries and forestry, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Agriculture, Fisheries and Forestry Legislation Amendment (2007 Measures No. 1) Act 2007

No. 91, 2007

An Act to amend legislation relating to agriculture, fisheries and forestry, and for related purposes

[Assented to 22 June 2007]

The Parliament of Australia enacts:

1 Short title

*This Act may be cited as the Agriculture, Fisheries and Forestry
Legislation Amendment (2007 Measures No. 1) Act 2007.*

*Agriculture, Fisheries and Forestry Legislation Amendment (2007 Measures No. 1) Act 2007
No. 91, 2007 1*

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Australian Meat and Live-stock Industry Act 1997

1 Section 58

Insert:

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

2 Section 58

Insert:

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

3 Subsections 60(1), (2), (3) and (3A)

Omit “in writing”, substitute “by legislative instrument”.

Note: The heading to section 60 is replaced by the heading “**Declaration of industry bodies**”.

4 After subsection 60(3A)

Insert:

(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.

5 Subsection 60(3B)

Omit “either or both”, substitute “any or all”.

6 After paragraph 60(3B)(b)

Insert:

(ba) declare the same body to be both the meat processor marketing body and the meat processor research body;

7 After paragraph 60(3B)(c)

Insert:

- (ca) declare the same body to be either the industry marketing body or the industry research body, or both, and also to be 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

8 Paragraph 60(3B)(d)

Omit “or more than one live-stock export research body”, substitute “, more than one live-stock export research body, more than one meat processor marketing body or more than one meat processor research body”.

9 Paragraphs 60(4)(b), (5)(b), (5A)(b) and (5B)(b)

Omit “memorandum and articles of association”, substitute “constitution”.

10 Subsection 60(6)

Repeal the subsection, substitute:

- (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 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.

11 Subsection 61(1)

Omit "in writing", substitute "by legislative instrument".

12 Paragraph 61(2)(b)

Omit "memorandum and articles of association", substitute "constitution".

13 Subsection 61(3)

Repeal the subsection.

14 Section 62

After "live-stock export research body", insert " , the meat processor marketing body, the meat processor research body".

Note: The heading to section 62 is altered by omitting "**memoranda and articles of association**" and substituting "**constitution**".

15 Section 62

Omit "memorandum or articles of association", substitute "constitution".

16 Paragraph 63(1A)(b) and (e)

Repeal the paragraphs.

17 Paragraphs 64(1A)(b) and (e)

Repeal the paragraphs.

18 After section 64B

Insert:

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:
 - (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.

19 Subsection 65(1)

Omit “63(1A)(b), 63(1A)(e),”.

20 Subsection 65(1)

Omit “64(1A)(b), 64(1A)(e),”.

21 Subsection 65(1)

Omit “or 64(1)(e)”, substitute “, 64(1)(e), 64C(1)(a), 64C(1)(b), 64D(1)(a) or 64D(1)(b)”.

22 Paragraph 67(3)(a)

Omit “in writing”, substitute “, by legislative instrument,”.

23 After subsection 67(3B)

Insert:

- (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
 - (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.

24 Subsection 67(4)

Repeal the subsection.

25 Section 68

Omit “or 64B”, substitute “, 64B, 64C or 64D”.

26 At the end of Part 3

Add:

Division 5—Use of information

68E Use of levy information provided to industry bodies

If there is in force a declaration under section 60 that a body is a particular kind of body, that body may use information provided to it under section 27 of the *Primary Industries Levies and Charges Collection Act 1991* for any of the following purposes:

- (a) to determine whether a person is or remains eligible to be a member of the body;
- (b) to maintain a register of members of the body;
- (c) to maintain a register of those persons eligible to vote at meetings of the body;
- (d) to make public any information of a statistical nature;
- (e) in performing any of its functions under this Act or under an agreement entered into with the Minister for the purposes of section 63, 64, 64A, 64B, 64C or 64D.

27 Subsection 69(8) (after paragraph (bb) of the definition of *prescribed body*)

Insert:

- (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

Primary Industries (Excise) Levies Act 1999

28 Clause 1 of Schedule 1 (definition of *industry marketing body*)

Repeal the definition.

29 Clause 1 of Schedule 1 (definition of *industry research body*)

Repeal the definition.

30 Subclause 3(1) of Schedule 1 (note 1)

Omit “industry marketing body”, substitute “body declared under section 60 of that Act to be the meat processor marketing body”.

31 Subclause 3(1) of Schedule 1 (note 2)

Omit “industry research body”, substitute “body declared under section 60 of that Act to be the meat processor research body”.

32 Clauses 6 and 7 of Schedule 1

Repeal the clauses.

33 Clause 1 of Schedule 17 (definition of *industry marketing body*)

Repeal the definition.

34 Clause 1 of Schedule 17 (definition of *industry research body*)

Repeal the definition.

35 Subclause 3(1) of Schedule 17 (note 1)

Omit “industry marketing body”, substitute “body declared under section 60 of that Act to be the meat processor marketing body”.

36 Subclause 3(1) of Schedule 17 (note 2)

Omit “industry research body”, substitute “body declared under section 60 of that Act to be the meat processor research body”.

37 Subclause 3(2) of Schedule 17 (note 1)

Omit “industry marketing body”, substitute “body declared under section 60 of that Act to be the meat processor marketing body”.

38 Subclause 3(2) of Schedule 17 (note 2)

Omit “industry research body”, substitute “body declared under section 60 of that Act to be the meat processor research body”.

39 Subclause 3(3) of Schedule 17 (note 1)

Omit “industry marketing body”, substitute “body declared under section 60 of that Act to be the meat processor marketing body”.

40 Subclause 3(3) of Schedule 17 (note 2)

Omit “industry research body”, substitute “body declared under section 60 of that Act to be the meat processor research body”.

41 Clauses 6 and 7 of Schedule 17

Repeal the clauses.

*[Minister’s second reading speech made in—
House of Representatives on 23 May 2007
Senate on 12 June 2007]*

(93/07)

10 *Agriculture, Fisheries and Forestry Legislation Amendment (2007 Measures No. 1) Act*
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