

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MEAT AND LIVE-STOCK INDUSTRY LEGISLATION REPEAL BILL 1995

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary Industries and Energy, Senator the Honourable Bob Collins)



MEAT AND LIVE-STOCK INDUSTRY LEGISLATION REPEAL BILL 1995**OUTLINE**

1. This Bill repeals the *Australian Meat and Live-stock Corporation Act 1977*, *Australian Meat and Live-stock Industry Policy Council Act 1984*, *Australian Meat and Live-stock Industry Selection Committee Act 1984*, *Cattle Transaction Levy Act 1990*, *Meat Research Corporation Act 1985* and *National Residue Survey (Cattle Transactions) Levy Act 1992*. The Bill also provides transitional provisions relating to AMLC's export licences, keeping of registers, export quotas, enforcement, EEO program, and both AMLC's and MRC's membership and staff, and 1994-95 annual reports, as well as payments of money and ministerial directions to AMLC and MRC.
2. This Bill also provides that levypayers who have satisfied levy liabilities under the provisions of the *Cattle Transaction Levy Act 1990* and the *National Residue Survey (Cattle Transactions) Act 1992* will have been taken to have discharged their levy liabilities under the *Cattle Transaction Levy Act 1995*, the *Cattle Export Charges Act 1990*, the *National Residue Survey (Cattle Export) Act 1995* and the *National Residue Survey (Cattle Transactions) Act 1995* prior to 1 July 1995.
3. This Bill forms part of a legislative package which is to establish industry arrangements intended to give the industry a greater role and responsibility in deciding its own affairs and move it to a less regulated environment. The legislative package is to commence on 1 July 1995 and to sunset on 30 June 1998.

FINANCIAL IMPACT STATEMENT

4. This Bill has no financial implications for the Commonwealth.

NOTES ON CLAUSES

Clause 1 - Short Title

5. Provides for the Bill to be called the *Meat and Live-stock Industry Legislation Repeal Act 1995*.

Clause 2 - Commencement

6. Provides for the Act to commence on 1 July 1995.

Clause 3 - Repeal

7. The *Australian Meat and Live-stock Corporation Act 1977*, *Australian Meat and Live-stock Industry Policy Council Act 1984*, *Australian Meat and Live-stock Industry Selection Committee Act 1984*, *Cattle Transaction Levy Act 1990*, *Meat Research Corporation Act 1985* and *National Residue Survey (Cattle Transactions) Levy Act 1992* are repealed.
8. Other provisions in this Act have effect despite the repeal of the above Acts.

Clause 4 - Definitions

9. Provides definitions that will be used throughout this Act, particularly "AMLC" and "MRC".

Clause 5 - Pending applications for export licences

10. Provides for transitional provisions in respect of the issue of AMLC export licences.

Clause 6 - Past refusals of applications for export licences

11. Provides for the Administrative Appeals Tribunal to review an AMLC decision to refuse to issue an export licence made before commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 7 - Existing export licences

12. Provides for continuation of export licences in force, any suspension in force on a export licence or decision being reviewed by the Administrative Appeals Tribunal on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 8 - Existing orders

13. Provides for the continuation of an AMLC order in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 9 - Existing directions

14. Provides for the continuation of an AMLC direction in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 10 - Pending applications for renewal of export licences

15. Provides for transitional provisions in respect of the renewal of AMLC export licences.

Clause 11 - Past decisions refusing extension of time to apply for renewal of export licences

16. Provides for the continuation of an Administrative Appeals Tribunal review of an AMLC decision where the application for review to that Tribunal was made before, and but still pending at, commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 12 - Existing notices to licence holders

17. Provides for the continuation of an AMLC notice in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 13 - Existing determinations not to renew export licences

18. Provides for the continuation of an AMLC determination not to renew an export licence in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 14 - Past decisions on export quotas

19. Provides for transitional provisions in respect of AMLC decisions on export quotas made before commencement of the *Meat and Live-stock Industry Act 1995*, including applications to the Administrative Appeals Tribunal for the review of decisions made by AMLC.

Clause 15 - Existing registers

20. Provides for the continuation of any register maintained by AMLC and in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 16 - Pending applications for inclusion on register

21. Provides a transitional provision in respect of pending applications for inclusion onto an AMLC maintained register.

Clause 17 - Past refusals of applications for inclusion on register

22. Provides for the Administrative Appeals Tribunal to review an AMLC decision made in relation to inclusion on registers before commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 18 - Existing notices requiring returns

23. Provides for the continuation of a duly given AMLC notice on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 19 - Existing notices proposing removal from register

24. Provides transitional provisions in respect of an AMLC notice proposing removal of a person from a register in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 20 - Past removals of entries from register

25. Provides for the Administrative Appeals Tribunal to review AMLC decisions made to remove a person from a register before commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 21 - Existing warrants

26. Provides for the continuation of an AMLC warrant in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 22 - Past seizures

27. Provides for Section 47A under the *Australian Meat and Live-stock Corporation Act 1977* to continue to apply for anything seized under that section before 1 July 1995.

Clause 23 - Existing appointments of nominees

28. Provides for the continuation of a nominee for the holder of an export licence in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 24 - Existing appointments of analysts

29. Provides for the continuation of an appointment of a person as an analyst in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 25 - Existing Ministerial directions

30. Provides for the continuation of a direction by the Minister in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 26 - Existing members of AMLC

31. Provides that members who hold office prior to commencement of the *Meat and Live-stock Industry Act 1995*, except for the Chairperson and Managing Director, cease to hold office on commencement of that Act. The Managing Director is to hold office on

the terms and conditions that would have applied on 1 July 1995 if the *Meat and Live-stock Industry Act 1995* had not commenced.

Clause 27 - Existing Acting Managing Director of AMLC

32. Provides that an acting Managing Director who may have held office immediately prior to commencement of the *Meat and Live-stock Industry Act 1995* continues to hold office on commencement of that Act. The acting Managing Director is to hold office on the terms and conditions that would have applied on 1 July 1995 if the *Meat and Live-stock Industry Act 1995* had not commenced.

Clause 28 - Existing officers and employees of AMLC

33. Provides that any person employed by AMLC immediately prior to commencement of the *Meat and Live-stock Industry Act 1995* continues as an employee. Employees of AMLC hold office on the terms and conditions that would have applied on 1 July 1995 if the *Meat and Live-stock Industry Act 1995* had not commenced.

Clause 29 - Existing members of MRC

34. Provides that members who hold office prior to commencement of the *Meat and Live-stock Industry Act 1995*, except for the Chairperson and Executive Director, cease to hold office on commencement of that Act. The Executive Director is to hold office on the terms and conditions that would have applied on 1 July 1995 if the *Meat and Live-stock Industry Act 1995* had not commenced.

Clause 30 - Existing Acting Executive Director of MRC

35. Provides that an acting Executive Director who may have held office immediately prior to commencement of the *Meat and Live-stock Industry Act 1995* continues to hold office on commencement of that Act. The acting Executive Director is to hold office on the terms and conditions that would have applied on 1 July 1995 if the *Meat and Live-stock Industry Act 1995* had not commenced.

Clause 31 - Existing members of staff of MRC

36. Provides that any person employed by MRC immediately prior to commencement of the *Meat and Live-stock Industry Act 1995* continues as an employee on commencement of that Act. Employees of MRC hold office on the terms and conditions that would have applied on 1 July 1995 if the *Meat and Live-stock Industry Act 1995* had not commenced.

Clause 32 - Equal employment opportunity program

37. Provides for the continuation of AMLC's EEO program in force on commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 33 - Existing authorised officers

38. Provides for the continuation of appointments, which remain valid immediately prior to commencement of the *Meat and Live-stock Industry Act 1995*, of AMLC authorised officers after commencement of that Act.

Clause 34 - Annual reports

39. Provides for the Australian Meat and Live-stock Industry Policy Council 1994-95 Annual Report is to be prepared and furnished by the Meat Industry Council. Section 49 of the *Australian Meat and Live-stock Act 1977* continues in force after 30 June 1995 specifically for the purposes of preparing and furnishing the 1994-95 AMLC Annual Report. Section 50 of the *Meat Research Corporation Act 1985* also continues in force after 30 June 1995 specifically for the purpose of preparing and furnishing the 1994-95 MRC Annual Report.

Clause 35 - Payments to AMLC in respect of levies or charges for transactions or other dealings before commencement day

40. This clause provides a transitional provision for the Commonwealth to pay AMLC (as constituted under the of the *Meat and Live-stock Industry Act 1995*) levies and charges collected from the industry on AMLC's behalf, except those levies and charges on the slaughter and export of buffalo, relating to transactions or other activities that occurred before commencement of the *Meat and Live-stock Industry Act 1995*.

Clause 36 - Payments to MRC in respect of levies or charges for transactions or other dealings before commencement day

41. This clause provides a transitional provision for the Commonwealth to pay MRC (as constituted under the of the *Meat and Live-stock Industry Act 1995*) levies and charges collected from the industry on MRC's behalf, except those levies and charges on the slaughter and export of buffalo, relating to transactions or other activities that occurred before commencement of the *Meat and Live-stock Industry Act 1995*. It also provides that the Commonwealth is to pay MRC an amount of money matching MRC's component of this money, except that on the slaughter and export of buffalo, with certain limitations.

Clause 37 - Payments to Rural Industries Research and Development Corporation in respect of certain levies or charges for transactions or other dealings before commencement day

42. This clause provides a transitional provision for the Commonwealth to pay the Rural Industries Research and Development Corporation (RIRDC) AMLC's and MRC's components of slaughter levies and export charges on buffalo which are collected from the industry on or after commencement of the *Meat and Live-stock Industry Act 1995*, but relating to transactions or other activities that occurred before commencement of that Act.

43. The buffalo industry is unanimous in the belief that RIRDC would be better able to service it given its relative small size and numbers, and therefore, has requested that the Commonwealth transfer the marketing and research components of buffalo levies and charges from AMLC and MRC, respectively, to RIRDC.

Clause 38 - Application of amounts of cattle transaction levy paid under the *Cattle Transaction Levy Act 1990*

44. Provides that a person who has paid or pays an amount in respect of a liability imposed under the *Cattle Transaction Levy Act 1990* has discharged the liability imposed on that transaction or dealing under the *Cattle Transaction Levy Act 1995* or *Cattle Export Charges Act 1990*.

Clause 39 - Application of amounts of National Residue Survey Levy paid under *National Residue Survey (Cattle Transactions) Levy Act 1992*

45. Provides that a person who has paid or pays an amount in respect of a liability imposed under the *National Residue Survey (Cattle Transactions) Levy Act 1992* has discharged the liability imposed on that transaction or dealing under the *National Residue Survey (Cattle Transactions) Levy Act 1995* or *National Residue Survey (Cattle Export) Levy Act 1995*.