



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

No. 207, 1997



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**An Act to repeal and amend certain Acts in
connection with the enactment of the *Australian
Meat and Live-stock Industry Act 1997*, and for
related purposes**

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**An Act to repeal and amend certain Acts in
connection with the enactment of the *Australian
Meat and Live-stock Industry Act 1997*, and for
related purposes**

[Assented to 17 December 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Meat and Live-stock
Industry (Repeals and Consequential Provisions) Act 1997*.

2 Commencement

- (1) Sections 1, 2, 3 and 4 of this Act commence on the day on which this Act receives the Royal Assent.
- (2) Item 11 of Schedule 1, item 20 of Schedule 2, Part 1 of Schedule 5, Divisions 1, 4 and 8 of Part 4 of Schedule 5 and Part 6 of Schedule 5 commence on the day on which this Act receives the Royal Assent.
- (3) Subject to subsection (5), Schedule 1 (other than item 11), Schedule 2 (other than item 20), and Part 2 of Schedule 5, commence on the same day as Part 2 of the *Australian Meat and Live-stock Industry Act 1997*.
- (4) Subject to this section, the remaining provisions of this Act commence on the same day as Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.
- (5) If Parts 2 and 3 of the *Australian Meat and Live-stock Industry Act 1997* commence at the same time, Schedule 2 (other than item 20) to this Act does not commence and is repealed at the commencement of Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

Note: The amendments of the *Meat and Live-stock Industry Act 1995* set out in Schedule 2 to this Act will not be needed unless the export regulatory provisions contained in Part 2 of the *Australian Meat and Live-stock Industry Act 1997* commence before Part 3 of that Act. When Part 3 of that Act commences, the *Meat and Live-stock Industry Act 1995* will be repealed by Schedule 4 to this Act.
- (6) If, on or before the commencement of Part 5 of Schedule 5, the *Commonwealth Authorities and Companies Act 1997* commences or has commenced, Part 5 of Schedule 5 does not commence.

3 Effect of certain amendments

If, on or before the commencement of Schedule 3, the *Audit (Transitional and Miscellaneous) Amendment Act 1997* commences or has commenced, the amendments of the *National Cattle Disease Eradication Trust Account Act 1991* contained in

Schedule 3 have effect as if they were amendments of the *National Cattle Disease Eradication Reserve Act 1991*.

4 Schedule(s)

Subject to sections 2 and 3, 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—Amendment of the Australian Meat and Live-stock (Quotas) Act 1990

1 Subsection 3(2)

Omit “Part 3 of the *Meat and Live-stock Industry Act 1995*”, substitute “Part 2 of the *Australian Meat and Live-stock Industry Act 1997*”.

2 Section 4

Omit “AMLC” (wherever occurring), substitute “the Secretary”.

3 Subsection 5(1)

Omit “AMLC”, substitute “The Secretary”.

4 Subsection 6(1)

Omit “AMLC”, substitute “the Secretary”.

5 Subsection 6(2)

Repeal the subsection, substitute:

- (2) The Secretary may grant a quota:
- (a) by allocating it to a licensee on application by the licensee and on payment of the prescribed fee; or
 - (b) by selling it to a licensee by auction, sale by tender or private sale.

6 Section 6A

Repeal the section.

7 Section 7

Omit “AMLC is not”, substitute “The Secretary is not”.

Note: The heading to section 7 is altered by omitting “AMLC” and substituting “**Secretary**”.

8 Section 7

Omit “if AMLC”, substitute “if the Secretary”.

9 Section 8

Repeal the section, substitute:

8 Act to have effect subject to Division 3 of Part 2 of the *Australian Meat and Live-stock Industry Act 1997*

This Act has effect subject to Division 3 of Part 2 of the *Australian Meat and Live-stock Industry Act 1997*.

10 Section 8A

Repeal the section, substitute:

8A Delegation

The Secretary may, in writing, delegate all or any of the Secretary's powers under this Act to an officer, within the meaning of the *Public Service Act 1922*, or to an APS employee, within the meaning of the *Public Service Act 1997*, who is employed in the Department.

11 Section 9

Repeal the section, substitute:

9 Regulations

The Governor-General may make regulations prescribing all matters:

- (a) that are required or permitted by this Act to be prescribed; or
- (b) that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule 2—Amendment of the Meat and Live-stock Industry Act 1995

1 Paragraph 51(1)(a)

Omit “and control”.

2 Section 52 (definition of *authorised officer*)

Repeal the definition.

3 Section 52 (definition of *covering*)

Repeal the definition.

4 Section 52 (definition of *enter*)

Repeal the definition.

5 Section 52 (definition of *evidential material*)

Repeal the definition.

6 Section 52 (definition of *examine*)

Repeal the definition.

7 Section 52 (definition of *export licence*)

Repeal the definition.

8 Section 52 (definition of *live-stock export licence*)

Repeal the definition.

9 Section 52 (definition of *meat export licence*)

Repeal the definition.

10 Section 52 (definition of *occupier*)

Repeal the definition.

11 Section 52 (definition of *offence against this Part*)

Repeal the definition.

12 Section 52 (definition of *premises*)

Repeal the definition.

13 Section 52 (definition of *registered premises*)

Repeal the definition.

14 Paragraph 54(c)

Omit “, promote and control”, substitute “and promote”.

15 Paragraph 54(d)

Repeal the paragraph.

16 Subdivisions B and C of Division 2 of Part 3

Repeal the Subdivisions.

17 Division 7 of Part 3

Repeal the Division.

18 Sections 161 and 162

Repeal the sections.

19 Paragraph 163(2)(b)

Repeal the paragraph.

20 Section 227

Omit “30 June 1998”, substitute “31 December 1998”.

Schedule 3—Consequential amendments of other Acts

Australian Animal Health Council (Live-stock Industries) Funding Act 1996

1 Section 3 (definition of *Australian Animal Health Council levy*)

Repeal the definition, substitute:

Australian Animal Health Council levy means a levy or charge the rate of which is set by or under any of the following provisions:

- (a) paragraph 5(1)(d) or 5(2)(d) of the *Cattle (Producers) Export Charges Act 1997*;
- (b) paragraph 7(1)(d), 7(2)(d) or 7(3)(d) of the *Cattle Transactions Levy Act 1997*;
- (c) subsection 9(1) of the *Dairy Produce Levy (No. 1) Act 1986*, so far as it relates to paragraph 5(1)(g) of that Act;
- (d) paragraph 7(b) of the *Laying Chicken Levy Act 1988*;
- (e) paragraph 5(c), 6(c) or 7(c) of the *Live-stock (Producers) Export Charges Act 1997*;
- (f) paragraph 6(1)(c), 7(c) or 8(1)(c) of the *Live-stock Transactions Levy Act 1997*;
- (g) paragraph 7(1)(b) of the *Meat Chicken Levy Act 1969*;
- (h) paragraph 6(1)(c) of the *Pig Slaughter Levy Act 1971*.

National Cattle Disease Eradication Trust Account Act 1991

2 After paragraph 5(1)(aa)

Insert:

- (ab) amounts equal to the amounts of levy received by the Commonwealth because of paragraph 5(b) of the *Buffalo Slaughter Levy Act 1997*; and

3 After paragraph 5(1)(ba)

Insert:

(baa) amounts equal to the amounts of charge received by the Commonwealth because of paragraph 6(b) of the *Buffalo Export Charge Act 1997*; and

4 After paragraph 5(1)(bc)

Insert:

(bca) amounts equal to the amounts of levy received by the Commonwealth because of paragraphs 7(1)(c), 7(2)(c) and 7(3)(c) of the *Cattle Transactions Levy Act 1997*; and

5 After paragraph 5(1)(bd)

Insert:

(be) amounts equal to the amounts of charge received by the Commonwealth because of paragraphs 5(1)(c) and 5(2)(c) of the *Cattle (Producers) Export Charges Act 1997*; and

6 Subsection 5(2)

Omit “paragraphs (1)(a), (aa), (b), (ba), (bb), (bc) and (bd)”, substitute “paragraphs (1)(a), (aa), (ab), (b), (ba), (baa), (bb), (bc), (bca), (bd) and (be)”.

National Residue Survey (Livestock Slaughter) Levy Act 1992

7 Section 3 (definition of livestock)

Omit “sheep, lambs, goats,”.

8 Section 3 (definition of livestock)

Omit “, buffaloes”.

Primary Industries Levies and Charges Collection Act 1991

9 Subsection 4(1) (paragraph (f) of the definition of producer)

Omit “live-stock within the meaning of the *Live-stock Slaughter Levy Act 1964* (in so far as the collection of levy imposed under that Act is concerned),”.

10 Subsection 4(1) (after paragraph (f) of the definition of *producer*)

Insert:

- (fa) in the case of live-stock within the meaning of the *Live-stock (Producers) Export Charges Act 1997* (in so far as collection of charge imposed under that Act is concerned)—the person who owned the live-stock immediately before the export in respect of which the charge is imposed;
- (fb) in the case of cattle within the meaning of the *Cattle (Producers) Export Charges Act 1997* (in so far as collection of charges imposed under that Act is concerned)—the person who owned the cattle immediately before the export in respect of which the charge is imposed;
- (fc) in the case of buffaloes (in so far as collection of charge imposed under the *Buffalo Export Charge Act 1997* is concerned)—the person who owned the buffaloes immediately before the export in respect of which the charge is imposed;

11 Subsection 4(1) (paragraph (g) of the definition of *producer*)

Omit “*Live-stock Export Charge Act 1977*”, substitute “*Live-stock (Exporters) Export Charge Act 1997*”.

12 Paragraph 4(2)(a)

Omit “6(1), (2) or (3) of the *Cattle Transaction Levy Act 1995*”, substitute “8(1), (2) or (3) of the *Cattle Transactions Levy Act 1997*”.

13 Paragraph 4(2)(c)

Omit “*Cattle Export Charge Act 1990*”, substitute “*Cattle (Exporters) Export Charge Act 1997*”.

14 At the end of subsection 4(2)

Add:

- ; and (d) a person who, under section 9 of the *Live-stock Slaughter (Processors) Levy Act 1997*, is liable to pay levy in relation to live-stock is taken to be the producer of the live-stock; and
- (e) a person who, under section 9 of the *Live-stock Transactions Levy Act 1997*, is liable to pay levy in relation to live-stock is taken to be the producer of the live-stock; and
- (f) a person who, under section 6 of the *Buffalo Slaughter Levy Act 1997*, is liable to pay levy in relation to buffaloes is taken to be the producer of the buffaloes.

15 Subsection 7(2A)

Omit “*Cattle Transaction Levy Act 1995*”, substitute “*Cattle Transactions Levy Act 1997*”.

16 Subsection 8(3)

Omit “live-stock (being live-stock within the meaning of the *Live-stock Slaughter Levy Act 1964*)”, substitute “sheep, lambs, buffaloes, goats”.

17 Subsection 8(3)

Omit “the live-stock”, substitute “the sheep, lambs, buffaloes, goats”.

18 Subsection 8(4)

Omit “*Cattle Transaction Levy Act 1995*”, substitute “*Cattle Transactions Levy Act 1997*”.

19 Schedule 1

Omit:

Cattle Export Charge Act 1990
Live-stock Export Charge Act 1977

20 Schedule 1

Insert in their appropriate alphabetical positions, determined on a letter-by-letter basis:

Buffalo Export Charge Act 1997
Cattle (Exporters) Export Charge Act 1997

Cattle (Producers) Export Charges Act 1997
Live-stock (Exporters) Export Charge Act 1997
Live-stock (Producers) Export Charges Act 1997

21 Schedule 2

Omit:

Cattle Transaction Levy Act 1995
Live-stock Slaughter Levy Act 1964

22 Schedule 2

Insert in their appropriate alphabetical positions, determined on a letter-by-letter basis:

Buffalo Slaughter Levy Act 1997
Cattle Transactions Levy Act 1997
Live-stock Slaughter (Processors) Levy Act 1997
Live-stock Transactions Levy Act 1997
National Residue Survey (Buffalo Slaughter) Levy Act 1997
National Residue Survey (Cattle Export) Levy Act 1997
National Residue Survey (Cattle Transactions) Levy Act 1997
National Residue Survey (Sheep, Lambs and Goats Export) Levy Act 1997
National Residue Survey (Sheep, Lambs and Goats Transactions) Levy Act 1997

Schedule 4—Repeal of Acts

1 Repeal of Acts

The Acts specified in this Schedule are repealed.

Cattle Export Charges Act 1990

Cattle Transaction Levy Act 1995

Live-stock Export Charge Act 1977

Live-stock Slaughter Levy Act 1964

Meat and Live-stock Industry Act 1995

Meat and Live-stock Industry Legislation Repeal Act 1995

National Residue Survey (Cattle Export) Levy Act 1995

National Residue Survey (Cattle Transactions) Levy Act 1995

Schedule 5—Transitional, saving and consequential provisions

Part 1—Functions of statutory authorities

1 Definitions

In this Part:

Meat Industry Act means the *Meat and Live-stock Industry Act 1995*.

new Act means the *Australian Meat and Live-stock Industry Act 1997*.

statutory authority means:

- (a) the Meat Industry Council; or
- (b) the Australian Meat and Live-stock Corporation; or
- (c) the Meat Research Corporation.

2 Functions of statutory authorities

- (1) It is a function of each statutory authority to assist in relation to matters relevant to, or arising out of, the commencement of Part 3 of the new Act, the repeal of the Meat Industry Act and the intended operation of Parts 3 and 4 of this Schedule.
- (2) Without limiting subitem (1), the assistance to be given by a statutory authority includes:
 - (a) providing the Minister, at the Minister's request, with a written report containing full particulars of the money and other assets of the authority; and
 - (b) taking such action as the Minister directs, being action reasonably required to enable the Minister to make properly informed decisions in relation to assets and liabilities of the authority; and
 - (c) reimbursing the Commonwealth for money expended by the Commonwealth in relation to matters of the kind mentioned

in subsection (1), and making such other payments as the Minister directs in relation to any such matters.

- (3) The function conferred on a statutory authority under subitem (1) is in addition to the functions conferred on the authority by the Meat Industry Act.

3 Repeal of Part

This Part is repealed when the Meat Industry Act is repealed.

Part 2—Transitional and saving provisions relating to the control of meat and live-stock exports

4 Definitions

In this Part:

AMLC means the Australian Meat and Live-stock Corporation.

commencement time means the time when this Part commences.

new Act means the *Australian Meat and Live-stock Industry Act 1997*.

old Act means the *Meat and Live-stock Industry Act 1995*, as in force immediately before the commencement time.

Quotas Act means the *Australian Meat and Live-stock (Quotas) Act 1990*.

Secretary means the Secretary of the Department.

5 Export licences, orders, directions etc.

- (1) An export licence, order, direction, notice or other document granted, made, issued or given by the AMLC under a provision of Subdivision B or C of Division 2 of Part 3, or Part 7, of the old Act or under the Quotas Act, and in force immediately before the commencement time, continues to have effect after that time as if it had been granted, made, issued or given by the Secretary under the corresponding provision of Part 2 of the new Act, or under the Quotas Act as amended by this Act, as the case requires.
- (2) An application made under Part 3 of the old Act before the commencement time may be dealt with after that time as if it had been made under Part 2 of the new Act.

6 Decisions and determinations

A decision or determination made by the AMLC under a provision of Subdivision B or C of Division 2 of Part 3 of the old Act, and in force immediately before the commencement time, continues to have effect after that time as if it had been made by the Secretary under the corresponding provision of Part 2 of the new Act.

7 Warrants

A warrant issued under the old Act, and in force immediately before the commencement time, has effect according to its terms after that time as if it had been issued under the new Act.

8 Nominees

An appointment of a person as the nominee of the holder of an export licence made under the old Act, and in force immediately before the commencement time, continues to have effect after that time as if it had been made under the new Act.

9 Analysts

An appointment of a person as an analyst made under the old Act, and in force immediately before the commencement time, continues to have effect after that time as if it had been made under the new Act.

Part 3—Transfer of assets and liabilities, and other consequential and transitional provisions

10 Definitions

In this Part:

authorised person means the Minister, or an officer authorised in writing by the Minister for the purposes of this Part.

assets, in relation to a statutory authority, means any legal or equitable estate or interest of the authority in real or personal property (whether actual, contingent or prospective) and includes all rights, powers, privileges and immunities of the authority (whether actual, contingent or prospective).

commencement time means the time when this Part commences.

liabilities means all liabilities, duties and obligations, whether actual, contingent or prospective.

officer means:

- (a) an officer, within the meaning of the *Public Service Act 1922*, who is employed in the Department; or
- (b) an APS employee, within the meaning of the *Public Service Act 1997*, who is employed in the Department.

statutory authority means:

- (a) the Meat Industry Council; or
- (b) the Australian Meat and Live-stock Corporation; or
- (c) the Meat Research Corporation.

11 Assets and liabilities of statutory authorities

- (1) The assets and liabilities of each statutory authority become assets and liabilities of the Commonwealth at the commencement time.
 - (2) Money vested in the Commonwealth under subitem (1) must be paid into the Consolidated Revenue Fund.
-

12 Payments to prescribed industry bodies etc.

- (1) Subject to this item, an authorised person may, in writing, direct that a specified amount be paid to the prescribed industry body, or to any other person, identified in the direction, subject to such conditions (if any) about the use or expenditure of the amount as are set out in the direction.
- (2) If an authorised person gives a direction under subitem (1), the amount specified in the direction is payable out of the Consolidated Revenue Fund, which is appropriated accordingly, to the prescribed industry body or other person identified in the direction.
- (3) The payment of an amount under subitem (2) is subject to the conditions (if any) about the use or expenditure of the amount as are set out in the direction.
- (4) An authorised person must not specify in a direction:
 - (a) an amount that is greater than the total of the following:
 - (i) amounts paid into the Consolidated Revenue Fund under subitems 11(2) and 13(3);
 - (ii) amounts of interest or dividends or any other amounts produced by, or derived from, an asset vested in the Commonwealth under subitem 11(1); or
 - (b) an amount that, when added to other amounts specified in the direction, or in other directions under this item, result in an amount greater than the total of the amounts referred to in subparagraph (a)(i) and (ii).
- (5) A copy of each direction must be published in the *Gazette*.

13 Transfer of certain assets and liabilities

- (1) If an asset (other than money) vested in the Commonwealth under subitem 11(1), or a liability of a statutory authority, is identified in a written determination made by an authorised person, the asset or liability becomes an asset or liability of the prescribed industry body specified in the determination on the day so specified, subject to such

conditions (if any) about the use or disposal of the asset as are set out in the determination.

- (2) An authorised person may sell any asset of the kind referred to in subitem (1) on behalf of the Commonwealth.
- (3) Any amount paid to the Commonwealth on the sale of an asset under subitem (2) must be paid into the Consolidated Revenue Fund.
- (4) A copy of each determination must be published in the *Gazette*.

14 Offence

- (1) A prescribed industry body or other person to whom an asset is transferred, or to whom an amount has been paid, under item 12 or 13 subject to a condition must not contravene the condition, either intentionally or being reckless as to the condition.

Penalty: 120 penalty units.

- (2) Chapter 2 of the *Criminal Code* applies to offences against this item.

15 Exemption from certain State and Territory stamp duties

- (1) No stamp duty is payable under a law of a State or Territory in respect of an exempt matter, or anything connected with an exempt matter.
- (2) An authorised person may certify in writing:
 - (a) that a specified matter is an exempt matter; or
 - (b) that a specified thing was done in connection with a specified exempt matter.
- (3) In all counts, and for all purposes, a certificate under subitem (2) is evidence of the matter stated in the certificate.
- (4) A document that appears to be a certificate under subitem (2) is taken to be such a certificate, and to have been properly given, unless the contrary is established.
- (5) In this item:

exempt matter means:

- (a) an asset or liability ceasing to be an asset or liability of a statutory authority and becoming an asset or liability of a prescribed industry body or other person; or
- (b) the operation of this Schedule in any other respect.

16 Commonwealth records

- (1) This Act does not authorise a Commonwealth record to be transferred or otherwise dealt with except in accordance with the *Archives Act 1983*.
- (2) A Commonwealth record must not be transferred to a person under this Part in connection with the operation of this Act in relation to the person unless the Australian Archives has given permission under paragraph 24(2)(b) of the *Archives Act 1983*.

- (3) In this item:

Commonwealth record has the same meaning as in the *Archives Act 1983*.

17 References in statutory authority instruments

- (1) An authorised person may make a written determination that after the commencement time the instrument identified in the determination should continue to have effect according to its tenor as if a reference in the instrument to a specified statutory authority were a reference to a prescribed industry body specified in the determination.
- (2) If an authorised person makes a determination in relation to an instrument, the instrument continues to have effect after the commencement time in accordance with the determination.

- (3) In this item:

instrument means an instrument in operation immediately before the commencement time:

- (a) to which a statutory authority is a party; or
- (b) which was given to, or in favour of, a statutory authority; or
- (c) in which a reference is made to a statutory authority; or

- (d) under which any right or liability accrues or may accrue to a statutory authority.

18 Pending proceedings

- (1) This item applies to proceedings to which a statutory authority was a party and that were pending in any court or tribunal immediately before the commencement time.
- (2) An authorised person may, in writing, direct that the prescribed industry body specified in the directions be substituted for the statutory authority as a party to the proceedings.
- (3) If an authorised person gives a direction under subsection (2), the prescribed industry body specified in the direction is, after the commencement time, by force of this item, substituted for the statutory authority as a party to the proceedings.

19 Certificates in relation to interests in land

- (1) This item applies if:
 - (a) land becomes land of a prescribed industry body under this Part; and
 - (b) there is lodged with a land registration official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the land, whether by reference to a map or otherwise; and
 - (iii) states that the land has become land of the prescribed industry body, under this Part.
 - (2) The land registration official may:
 - (a) register the matter in the same way that dealings in land of that kind are registered; and
 - (b) deal with, and give effect to, the certificate.
 - (3) A document that appears to be a certificate under subitem (1) is taken to be such a certificate, and to have been properly given, unless the contrary is established.
-

- (4) In this item:

land registration official means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

20 Certificates in relation to other assets

- (1) This item applies if:

- (a) an asset (other than money) becomes an asset of a prescribed industry body under this Part; and
- (b) there is lodged with an assets official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the asset; and
 - (iii) states that the asset has become an asset of the body under this Part.

- (2) The assets official may:

- (a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
- (b) make such entries in the register as are necessary, having regard to the effect of this Part.

- (3) A document that appears to be a certificate under subitem (1) is taken to be such a certificate, and to have been properly given, unless the contrary is established.

- (4) In this item:

assets official means a person or authority who, under the law of the Commonwealth or of a State or Territory, has responsibility for keeping a register in relation to assets of the kind concerned.

21 Saving: levies and charges

- (1) Despite:

- (a) the repeal or amendment by this Act of another Act that imposes a levy or charge; and

- (b) the amendment by this Act of the *Primary Industries Levies and Charges Collection Act 1991*;

the Acts so repealed or amended, as the case may be, any regulations made under or for the purposes of those Acts, and any agreement between the Commonwealth and a State or Territory under any of those Acts, continue to apply in relation to levy or charge imposed before the commencement time as if the Acts had not been so repealed or amended.

- (2) If:

- (a) an amount was payable to a statutory authority under section 43, 125 or 203 of the *Meat and Live-stock Industry Act 1995* before the commencement time; and
(b) the amount had not been paid to the statutory authority before that time;

an amount equal to that amount is to be paid to the prescribed industry body identified in writing by an authorised person.

- (3) If:

- (a) an amount (the **received amount**) is received or collected by the Commonwealth after the commencement time because of the operation of subitem (1); and
(b) an amount equal to the whole or part of the received amount would have been payable to a statutory authority under section 43, 125 or 203 of the *Meat and Live-stock Industry Act 1995* if the Commonwealth had received or collected the received amount before the commencement time;

an amount equal to the amount that would have been payable to the statutory authority in the circumstances referred to in paragraph (b) is to be paid to the prescribed industry body identified in writing by an authorised person.

- (4) If:

- (a) before the commencement time an amount was payable to a prescribed body or into a prescribed account under another Act; and

- (b) the amount had not been paid to the body or into the account before that time;

an amount equal to that amount is to be paid to the body, or into the account, as the case requires.

- (5) If:

- (a) an amount (the **received amount**) is received or collected by the Commonwealth after the commencement time because of the operation of subitem (1); and
- (b) an amount equal to the whole or part of the received amount would have been payable to a prescribed corporation or into a prescribed account under another Act if the Commonwealth had received or collected the received amount before the commencement time;

an amount equal to the amount that would have been payable to the corporation, or into the account, in the circumstances referred to in paragraph (b) is to be paid to the corporation, or into the account, as the case requires.

- (6) Amounts payable under this item are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

- (7) In this item:

National Cattle Disease Eradication Account means:

- (a) the trust account called the National Cattle Disease Eradication Trust Account continued in existence by section 4 of the *National Cattle Disease Eradication Trust Account Act 1991*; or
- (b) the reserve called the National Cattle Disease Eradication Reserve established by section 4 of the *National Cattle Disease Eradication Reserve Act 1991*.

prescribed account means:

- (a) the National Cattle Disease Eradication Account; or
- (b) the National Residue Survey Account established by subsection 6(1) of the *National Residue Survey Administration Act 1992*.

prescribed corporation means:

- (a) the Australian Animal Health Council Limited, A.C.N. 071-890-956; or
- (b) the Rural Industries Research and Development Corporation.

22 Compensation for acquisition of property

- (1) If, apart from this item, 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 item:

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

Part 4—Staff of statutory authorities

Division 1—Preliminary

23 Definitions

In this Part, unless the contrary intention appears:

authorised officer means the Minister or an officer authorised in writing by the Minister for the purposes of this Part.

award has the same meaning as in the *Workplace Relations Act 1996*.

commencement time means the time when Part 3 of the *Australian Meat and Live-stock Industry Act 1997* commences.

DFRDB Act means the *Defence Force Retirement and Death Benefits Act 1973*.

Long Service Leave Act means the *Long Service Leave (Commonwealth Employees) Act 1976*, as in force immediately before the commencement time.

Maternity Leave Act means the *Maternity Leave (Commonwealth Employees) Act 1973*, as in force immediately before the commencement time.

officer means:

- (a) an officer within the meaning of the *Public Service Act 1922*;
or
- (b) an APS employee, within the meaning of the *Public Service Act 1997*.

OHS Act means the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, as in force immediately before the commencement time.

SRC Act means the *Safety, Rehabilitation and Compensation Act 1988*, as in force immediately before the commencement time.

staff member, in relation to a statutory authority, means a person who was, immediately before the commencement time, an officer or an employee of the authority, and includes the Chief Executive Officer or Managing Director of the authority.

statutory authority means:

- (a) the Meat Industry Council; or
- (b) the Australian Meat and Live-stock Corporation; or
- (c) the Meat Research Corporation;

and includes a body corporate that is a subsidiary of a body specified in paragraph (a), (b) or (c).

transferring staff member means a staff member of a statutory authority who becomes employed by a prescribed industry body at the commencement time.

24 Subsidiaries

For the purposes of this Part, the question whether a body corporate is a subsidiary of another body corporate is to be determined under the Corporations Law.

25 Equivalent terms and conditions of employment

For the purposes of this Part, the question whether the terms and conditions of employment of, or offered to, a person are, or would be, when taken as a whole, at least equivalent to other terms and conditions of employment, taken as a whole, that applied to the person at a particular time is to be determined in writing by an authorised officer.

Division 2—Application of the SRC Act

26 Continued application of SRC Act

The SRC Act continues to apply after the commencement time in relation to:

- (a) injuries suffered before that time by a staff member of a statutory authority; and
- (b) loss of, or damage to, property incurred before that time by a staff member of a statutory authority.

27 Commonwealth liability to meet certain SRC Act liabilities

After the commencement time, the Commonwealth:

- (a) is liable to pay the liabilities of the Australian Meat and Live-stock Corporation under section 128A of the SRC Act; and
- (b) subject to item 28, is taken to have been the employer of the staff members of the Australian Meat and Live-stock Corporation before the commencement time for the purposes of the application of the SRC Act in relation to those liabilities.

28 SRC Act: rehabilitation provisions

- (1) If a transferring staff member had, before the commencement time, suffered an injury resulting in an incapacity for work or an impairment, the staff member's employer must, after that time, provide such reasonable co-operation and assistance as the Commonwealth requires to enable the Commonwealth to fulfil its obligations under sections 36, 37, 38, 39, 41 and 41A of the SRC Act in relation to the transferring staff member.
- (2) After the commencement time, a prescribed industry body is, for the purposes of section 40 of the SRC Act, taken to be the relevant employer of each transferring staff member employed by the body.
- (3) After the commencement time, a prescribed industry body which employs a transferring staff member is, for the purposes of section 71 of the SRC Act in relation to the staff member, taken to be a Commonwealth authority.
- (4) Expressions used in this item have the same meanings as they have in the SRC Act.

29 Premiums under the SRC Act

- (1) The Commission must, as soon as practicable after the commencement time, determine the amount (if any) by which the confirmed amount of premium for each statutory authority for the relevant financial year should be reduced.

- (2) A determination must be made in accordance with the regulations.
- (3) If:
- (a) an amount equal to the confirmed premium for a statutory authority for the relevant financial year has been paid into, or transferred within, the Consolidated Revenue Fund under section 96G of the SRC Act; and
 - (b) the amount of the confirmed premium is reduced as a result of a determination under this item;
- an authorised person may, in writing, direct that an amount equal to the refund amount, or amounts that together add up to the refund amount, be paid to the specified prescribed industry body or bodies in accordance with the direction.
- (4) A direction by an authorised person may be given subject to such conditions (if any) about the use or expenditure of the amount or amounts to which it relates as are set out in the direction.
- (5) If an authorised person gives a direction, the amount or amounts to which it relates are payable out of the Consolidated Revenue Fund, which is appropriated accordingly, to the prescribed industry body or bodies specified in the direction.
- (6) The payment of an amount under subitem (5) must be made in accordance with the direction, and is subject to the conditions (if any) set out in the direction.
- (7) A copy of each direction must be published in the *Gazette*.
- (8) In this item:
- authorised person** means a person who is an authorised person for the purposes of Part 3 of this Schedule.
- refund amount** means the amount equal to the difference between the amount of confirmed premium for a statutory body for the relevant financial year and the amount of that premium as reduced because of a determination under subitem (1).
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relevant financial year means the financial year in which the commencement time occurs.

- (9) Unless the contrary intention appears, an expression has the same meaning in this item as it has in the SRC Act.

Division 3—Deferred DFRDB Act benefits

30 Saving: deferred benefits under the DFRDB Act

- (1) This item applies to an employee of a prescribed industry body if, immediately before the commencement time, the employee was:
- (a) a staff member of a statutory authority; and
 - (b) a person to whom deferred benefits were applicable under section 78 of the DFRDB Act.
- (2) For the purposes of Division 3 of Part IX of the DFRDB Act, the employee is taken to continue in public employment after the commencement time while the employee continues to be employed by a prescribed industry body.
- (3) This item is subject to Division 3 of Part IX of the DFRDB Act.

Division 4—Provisions relating to continuity of service and certain leave entitlements

31 Transferring staff members: leave entitlements and continuity of service

- (1) After the commencement time, this item has effect for the purposes of applying a law or an award to the employment by a prescribed industry body of a transferring staff member.
- (2) The service of the transferring staff member as an employee of the prescribed industry body is taken, for all purposes, to be continuous with his or her service as a staff member of a statutory authority.
- (3) After the commencement time, the transferring staff member:

- (a) is taken to have accrued an entitlement to Long Service Leave Act benefits, recreation leave benefits and sickness leave benefits; and
 - (b) is taken to have an entitlement to recognition by the prescribed industry body of years of service;
- in connection with his or her employment by the prescribed industry body, that is equivalent to the entitlement that the staff member had as an officer or employee of the statutory authority immediately before the commencement time.

Division 5—Maternity leave provisions

32 Maternity leave starting before commencement time

- (1) This item applies in relation to a person if:
 - (a) immediately before the commencement time, the person was a female staff member of a statutory authority who was on leave granted under the Maternity Leave Act; and
 - (b) the person becomes an employee of a prescribed industry body at the commencement time; and
 - (c) the person would have been entitled to have remained on that leave after the commencement time if the person had continued to be a staff member of the statutory authority.
- (2) After the commencement time, the Maternity Leave Act continues to apply to the person in relation to the confinement in respect of which the leave was granted as if the relevant prescribed industry body were a prescribed authority for the purposes of that Act.

33 Maternity leave starting after commencement time

- (1) This item applies in relation to a person if:
 - (a) immediately before the commencement time, the person was a female staff member of a statutory authority; and
 - (b) the person becomes an employee of a prescribed industry body at the commencement time; and
 - (c) within 9 months after the commencement time, the person would have been entitled to start leave granted under the
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Maternity Leave Act if the person had continued to be a staff member of the statutory authority.

- (2) After the commencement time, the Maternity Leave Act continues to apply to the person in relation to the confinement in respect of which she would have been entitled to leave as if the relevant prescribed industry body were a prescribed authority for the purposes of that Act.

Division 6—Provisions relating to superannuation

34 Application of the *Superannuation Act 1922*

Section 145 of the *Superannuation Act 1922* does not apply in relation to a prescribed industry body.

35 Application of other Superannuation Acts

A prescribed industry body is not an approved authority for the purposes of the *Superannuation Act 1976* or the *Superannuation Act 1990*.

36 Application of the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*

- (1) The Minister must not declare a prescribed industry body to be a relevant body for the purposes of the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*.
- (2) In this item:
- Minister** has the same meaning as in the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*.

Division 7—Provisions relating to long service leave

37 Definitions

- (1) Unless the contrary intention appears, a word or expression has the same meaning in this Division as it has in the Long Service Leave Act.
- (2) In this Division:

combined service period, in relation to an employee, means the total of:

- (a) the period that is, immediately before the commencement time, the employee's period of service for the purposes of the Long Service Leave Act; and
- (b) the period, during which the employee continues to be an employee of a prescribed industry body.

employee includes a person employed in a full-time or a part-time capacity.

law means:

- (a) a law of the Commonwealth or of a State or Territory; or
- (b) regulations or any other instrument (other than an award, determination or industrial agreement) made under such a law.

post-commencement long service leave rights, in relation to an employee, means any long service leave rights the employee acquires after the commencement time under an award, determination, industrial agreement or law (other than this Act).

38 Long service leave for employees with less than 10 years service

- (1) This item applies in relation to a person:
 - (a) who became an employee of a prescribed industry body at the commencement time; and
 - (b) whose period of service for the purposes of the Long Service Leave Act immediately before the commencement time was less than 10 years.
- (2) This item does not apply in relation to an employee of a prescribed industry body who dies.
- (3) If, after the commencement time, the employee continues to be employed by a prescribed industry body until his or her combined service period is at least 10 years, the body may grant the employee

long service leave on full salary for a period up to the employee's long service leave credit under subitem 41(1).

(4) If:

- (a) the employee stops being an employee of a prescribed industry body on or after reaching the minimum retiring age, or because of retrenchment; and
- (b) the employee's combined service period at the time when he or she stops being an employee of the body is at least one year;

the body may grant the employee long service leave on full salary for a period up to the employee's long service leave credit under subitem 41(1).

- (5) If a period of long service leave may be granted to an employee under subitem (3) or (4), the relevant body may, if the employee asks in writing, grant the employee long service leave on half salary for a period not longer than twice the first-mentioned period.
- (6) Long service leave granted in the circumstances set out in subitem (4) must be taken so as to end immediately before the employee stops being an employee.
- (7) For the purposes of this item, the rate of salary to be used in working out the full salary of an employee is the rate that would apply to the employee under section 20 of the Long Service Leave Act if:
 - (a) that section applied to the employee; and
 - (b) for the expression "section 16 or 17" in that section there were substituted the expression "item 38 of Schedule 5 to the *Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997*".

39 Payments in lieu of long service leave for employees with less than 10 years service

- (1) This item applies to a person:
 - (a) who became an employee of a prescribed industry body at the commencement time; and

- (b) whose period of service for the purposes of the Long Service Leave Act immediately before the commencement time was less than 10 years.
 - (2) This item does not apply in relation to an employee of a prescribed industry body who dies.
 - (3) If the employee stops being an employee of a prescribed industry body on or after the day on which his or her combined service period reaches 10 years, the body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subitem 41(2).
 - (4) If:
 - (a) the employee stops being an employee of a prescribed industry body, on or after reaching the minimum retiring age, or because of retrenchment; and
 - (b) at that time the employee's combined service period is at least one year;the body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subitem 41(2).
 - (5) If:
 - (a) the employee stops being an employee of a prescribed industry body; and
 - (b) the body is satisfied that the employee left the body's employment because of ill-health that justified his or her so leaving; and
 - (c) when the employee left, his or her combined service period was at least one year;the body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subitem 41(2).
 - (6) For the purposes of this item, the rate of salary to be used in working out the full salary of an employee is the rate that would apply to the employee under section 21 of the Long Service Leave Act if:
 - (a) that section applied to the employee; and
 - (b) for the expression "sections 16 and 17" in that section there were substituted the expression "item 39 of Schedule 5 to the
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*Australian Meat and Live-stock Industry (Repeals and
Consequential Provisions) Act 1997*".

40 Payments on the death of an employee

- (1) This item applies to a person who was a staff member of a statutory authority immediately before the commencement time if, at that time, the employee's period of service for the purposes of the Long Service Leave Act was less than 10 years.
 - (2) If the person dies after the commencement time and immediately before his or her death:
 - (a) the person was an employee of a prescribed industry body;
and
 - (b) the person's combined service period was at least one year;
and
 - (c) the person had one or more dependants;the body must make a payment to the dependant or dependants.
 - (3) The total amount of the payment or payments is the amount that would have been payable to the person under item 39 if, on the day of his or her death, the person had instead stopped being an employee of the prescribed industry body on or after reaching the minimum retiring age.
 - (4) If subitem (2) applies, section 23 of the Long Service Leave Act has effect as if:
 - (a) that section applied to an employee of a prescribed industry body; and
 - (b) a reference in that section to the approving authority were a reference to the relevant body; and
 - (c) for the expression "this Act" in that section there were substituted the expression "item 40 of Schedule 5 to the *Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997*"; and
 - (d) for the expression "subsection 16(7) or 17(5)" there were substituted the expression "item 40 of Schedule 5 to the *Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997*".
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41 Employee's long service leave credit for the purposes of items 38 and 39

- (1) For the purposes of item 38, an employee's long service leave credit is equal to the long service leave credit that the employee would have under the Long Service Leave Act for the period:
 - (a) beginning when the employee began his or her period of service; and
 - (b) ending on the day when the commencement time occurred; if the employee had been retrenched on that day.
- (2) For the purposes of item 39, an employee's long service leave credit is the employee's long service leave credit worked out under subitem (1) reduced by any long service leave credit used under item 38.

42 Employees with at least 10 years service

- (1) This item applies to an employee of a statutory authority whose period of service under the Long Service Leave Act was at least 10 years immediately before the commencement time.
- (2) Even though the employee ceases to be employed in Government Service for the purposes of the Long Service Leave Act, the employee's accrued rights under that Act continue if the employee becomes an employee of a prescribed industry body at the commencement time. However, the employee is not entitled to receive any payment because he or she ceases to be in Government Service.
- (3) The Long Service Leave Act has effect on and after the commencement time in relation to the employee's rights under that Act that accrued before the commencement time, as if the relevant prescribed industry body were an approving authority for the purposes of that Act.

43 Division not to affect post-commencement long service leave rights

This Division does not affect an employee's post-commencement long service leave rights.

Division 8—Miscellaneous transitional provisions relating to staff

44 Staff members who accept employment with equivalent terms and conditions

- (1) This item applies in relation to a staff member of a statutory authority who, before the commencement time, is offered, and accepts, employment by a prescribed industry body, being employment:
 - (a) that starts at the commencement time; and
 - (b) the terms and conditions of which, taken as a whole, are at least equivalent to the terms and conditions of employment, taken as a whole, that applied to the staff member when the offer was made.
- (2) The staff member is not entitled to receive any payment or other benefit merely because he or she ceases to be a staff member of a statutory authority when the *Meat and Live-stock Industry Act 1995* is repealed by this Act.

45 Cessation of mobility rights

- (1) If Division 2 or 3 of Part IV of the *Public Service Act 1922* applied, immediately before the commencement time, to a person who becomes a transferring staff member that Division stops applying to the person at the commencement time and the person stops being an officer of the Australian Public Service at that time.
- (2) If Division 4 of Part IV of the *Public Service Act 1922* applied immediately before the commencement time to a person who becomes a transferring staff member that Division, and the *Officers' Rights Declaration Act 1928*, stop applying to the person at the commencement time, and the person stops being an officer of the Australian Public Service at that time.

Part 5—Final annual reports

46 Definitions

In this Part:

commencing day means the day on which Part 3 of the *Australian Meat and Live-stock Industry Act 1997* commences.

statutory authority means:

- (a) the Meat Industry Council; or
- (b) the Australian Meat and Live-stock Corporation; or
- (c) the Meat Research Corporation.

47 Final annual report: Meat Industry Council

- (1) In spite of the repeal of the *Meat and Live-stock Industry Act 1995*, the Meat Industry Council continues in existence for the purpose of giving the Minister a report on the Council's operations during the period starting on the last 1 July before the commencing day and ending on the commencing day.
- (2) To the extent necessary to enable the report to be prepared and given to the Minister, the *Meat and Live-stock Industry Act 1995* continues to have effect as if:
 - (a) it had not been repealed; and
 - (b) the period referred to in subitem (1) were a financial year.

48 Final annual report: Australian Meat and Live-stock Corporation

- (1) In spite of the repeal of the *Meat and Live-stock Industry Act 1995*, the Australian Meat and Live-stock Corporation continues in existence for the purpose of giving the Minister a report on the Corporation's operations during the period starting on the last 1 July before the commencing day and ending on the commencing day.

- (2) To the extent necessary to enable the report to be prepared and given to the Minister, the *Meat and Live-stock Industry Act 1995* continues to have effect as if:
- (a) it had not been repealed; and
 - (b) the period referred to in subitem (1) were a financial year.

49 Final annual report: Meat Research Corporation

- (1) In spite of the repeal of the *Meat and Live-stock Industry Act 1995*, the Australian Meat Research Corporation continues in existence for the purpose of giving the Minister a report on the Corporation's operations during the period starting on the last 1 July before the commencing day and ending on the commencing day.
- (2) To the extent necessary to enable the report to be prepared and given to the Minister, the *Meat and Live-stock Industry Act 1995* continues to have effect as if:
- (a) it had not been repealed; and
 - (b) the period referred to in subitem (1) were a financial year.

50 Final annual reports: expenses and liabilities

Any expenses or liabilities incurred by a statutory authority in connection with the preparation of a report under this Part, together with any remuneration or allowances payable to members of the authority, are to be paid or discharged by the Commonwealth out of the Consolidated Revenue Fund, which is appropriated accordingly.

Part 6—Regulations

51 Regulations

- (1) The Governor-General may make regulations 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) In particular, regulations may be made in relation to transitional matters arising out of the repeal of the *Meat and Live-stock Industry Act 1995* and the enactment of this Act and the following Acts:
 - (a) the *Australian Meat and Live-stock Industry Act 1997*;
 - (b) the *Buffalo Export Charge Act 1997*;
 - (c) the *Buffalo Slaughter Levy Act 1997*;
 - (d) the *Cattle (Exporters) Export Charge Act 1997*;
 - (e) the *Cattle (Producers) Export Charges Act 1997*;
 - (f) the *Cattle Transactions Levy Act 1997*;
 - (g) the *Live-stock (Exporters) Export Charge Act 1997*;
 - (h) the *Live-stock (Producers) Export Charges Act 1997*;
 - (i) the *Live-stock Slaughter (Processors) Levy Act 1997*;
 - (j) the *Live-stock Transactions Levy Act 1997*;
 - (k) the *National Residue Survey (Buffalo Slaughter) Levy Act 1997*;
 - (l) the *National Residue Survey (Cattle Export) Levy Act 1997*;
 - (m) the *National Residue Survey (Cattle Transactions) Levy Act 1997*;
 - (n) the *National Residue Survey (Sheep, Lambs and Goats Export) Levy Act 1997*;
 - (o) the *National Residue Survey (Sheep, Lambs and Goats Transactions) Levy Act 1997*.

*[Minister's second reading speech made in the—
House of Representatives on 1 October 1997
Senate on 29 October 1997]*

(164/97)