



Cattle (Exporters) Export Charge Act 1997

No. 211, 1997



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**An Act to impose a charge, payable by exporters,
on the export of cattle, and for purposes dealing
with the imposition of the charge**

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[Assented to 17 December 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Cattle (Exporters) Export Charge Act 1997*.

2 Commencement

This Act commences at the commencement of Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

3 Definitions

- (1) In this Act, unless the contrary intention appears:

cattle means bovine animals other than buffalo.

charge means charge imposed by this Act.

dairy cattle means bovine animals that are, or, if they were not exported from Australia, would be likely to be, held on licensed dairy premises for a purpose related to commercial milk production, including but without limiting the generality of the foregoing, bulls, calves and replacement heifers.

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

marketing body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

research body has the same meaning as in Part 3 of the *Australian Meat and Live-stock Industry Act 1997*.

- (2) Unless the contrary intention appears, a word or expression has the same meaning in this Act as it has in the *Primary Industries Levies and Charges Collection Act 1991*.

4 Imposition of charge

A charge is imposed on the export of cattle (other than dairy cattle) from Australia after the commencement of this Act.

5 No amount of charge payable in certain cases

- (1) The regulations may provide that no amount of charge is payable by exporters of cattle under this Act.
- (2) Despite anything else in this Act, if a regulation of the kind referred to in subsection (1) is made, an amount of charge is not payable on the export of cattle from Australia in respect of any period while the regulation is in force.

6 Rate of charge

- (1) The rate of charge on the export of cattle is the sum of the following amounts per kilogram of cattle so exported:
 - (a) the prescribed amount (not exceeding 3 cents), for the purpose of payment to the marketing body;
 - (b) the prescribed amount (not exceeding 0.5 cents), for the purpose of payment to the research body.
- (2) For the purposes of calculating charge, the weight of cattle exported is their liveweight described in the bill of lading, or similar document of title, facilitating the export of such cattle.
- (3) Where the liveweight of cattle exported is not described in the bill of lading, or similar document of title, facilitating the export of the cattle, then, for the purposes of calculating charge, the liveweight of the cattle is taken to be 480 kilograms per head.

7 Charge payable by exporter

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

8 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.

Section 8

- (2) The Minister may, by notice published in the *Gazette*, declare that the body specified in the declaration is the body whose recommendations about the amount to be prescribed for the purposes of paragraph 6(1)(a) or 6(1)(b) are to be taken into consideration under subsection (3).
- (3) If a declaration is in force under subsection (2), the Governor-General's power to make regulations prescribing an amount for the purposes of the paragraph to which the declaration relates is exercisable only on the advice of the Executive Council given after the Council has taken into consideration any recommendations about the amount made to the Minister by the body specified in the declaration in relation to that paragraph.

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

(160/97)