

1997

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

BUFFALO EXPORT CHARGE BILL 1997

REPLACEMENT EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary Industries and Energy,
the Hon John Anderson MP)

BUFFALO EXPORT CHARGE BILL 1997

GENERAL OUTLINE

1. The purpose of this Bill is to provide for the continued imposition of a charge on the export of live buffaloes. The Bill will replace provisions for the imposition of the charge contained in the *Live-stock Export Charge Act 1977*, and will not impose any new or additional charge on the export of buffalo. The Bill is one of a package of Bills which will give effect to the Government's decision on meat and live-stock industry reform. The *Live-stock Export Charge Act 1977* will be repealed on the same day as this Bill commences.
2. Under the Bill, the charge will be paid by the producer of the Buffalo, as was previously the case. The charge will be collected under the provisions of the *Primary Industries Levies and Charges Collection Act 1991*.
3. The Bill will provide for the continuation of the current operational rate of charge, which is a charge per head of buffalo split into two components. One component of the charge will be payable to the Rural Industries Research and Development Corporation (RIRDC) and will be used to fund the research program for the buffalo industry which is managed by the Corporation. The other component will be paid into the National Cattle Disease Eradication Trust Account which funds the Brucellosis and Tuberculosis Eradication Campaign.
4. The Bill allows for the operational rate of charge payable for each component to be increased or decreased by regulations. While the operational rate of charge payable to RIRDC or the National Cattle Disease Eradication Trust Account may be varied by regulation, it cannot be increased beyond the maximum rate for each component set in the Bill.
5. The regulatory impact consequences for this Bill are not considered to be significant and have been covered in the Explanatory Memorandum prepared for the *Australian Meat and Live-stock Industry Bill 1997*.

FINANCIAL IMPACT STATEMENT

6. The intent of the Bill is to provide a new legislative basis for the imposition of the existing buffalo export charge following the repeal of the *Live-stock Export Charge Act 1977*. The Bill will therefore have no financial impact on either Government or the buffalo industry.

NOTES ON CLAUSES

Clause 1 - Short Title

7. This clause provides for the Act to be called the *Buffalo Export Charge Act 1997*.

Clause 2 - Commencement

8. This clause provides for the Act to come into effect on the same day as Part 3 of the *Australian Meat and Live-stock Industry Act 1997* commences, which will also be the day on which the *Live-stock Export Charge Act 1977* will be repealed under the provisions of the *Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997*.

Clause 3 - Definitions

9. This clause provides definitions that will assist in the interpretation of the Act.

Clause 4 - Imposition of Charge

10. This clause provides for the imposition of a charge on buffaloes exported from Australia in accordance with the provisions of the Act.

Clause 5 - No amount of charge payable in certain cases

11. This clause provides that regulations may be made to provide that no charge will be payable by the exporters of buffalo under the Act, and will further provide that if such a regulation is made, it will override any other relevant provisions of the Act during the period the regulation is in force.

Clause 6 - Rate of charge

12. This clause sets the operational and maximum levy rates payable for the specified purposes. The operational levy rate may be increased or decreased by regulation, provided the proposed amount of levy does not exceed the maximum rate, but the maximum rate can only be changed through primary legislation.
13. The reason for allowing the operational rate to be changed by regulation is to avoid imposing an unreasonable burden on the Parliament as the operational rate is open to frequent changes. In addition, delays in amending legislation can hamper industry programs. Any changes to operational rates will only be made after consultation with industry.

Clause 7 - Charge payable by producer

14. This clause provides that the buffalo export charge will be paid by the producer who, for the purposes of the Act, is the person who exports the buffalo from Australia.

Clause 8 - Regulations

15. This clause provides for the making of regulations that are authorised by the Act or needed to allow the Act to operate.

