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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

CATTLE (EXPORTERS) EXPORT CHARGE BILL 1997

EXPLANATORY MEMORANDUM

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

CATTLE (EXPORTERS) EXPORT CHARGE BILL 1997

GENERAL OUTLINE

1. The purpose of this Bill is to provide for the imposition of a charge on the export of live cattle from Australia. The Bill will replace provisions for the imposition of the charge contained in the *Cattle Export Charges Act 1990*. The Bill will not impose any additional charge on the export of beef cattle, but will reflect the change to non-statutory collections for beef cattle exporters under the new meat and live-stock industry arrangements. 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 The *Cattle Export Charges Act 1990*, will be repealed on the commencement of Part 3 of the *Australian Meat and Live-stock Industry Act 1997*, the same day as this Bill commences.
2. Under the Bill, the charge will be paid by the person who exports the cattle from Australia. The charge will be collected under the provisions of the *Primary Industries Levies and Charges Collection Act 1991*.
3. The Bill will provide for charges based on liveweight of cattle split into two components. One component of the charge will be payable to the prescribed research body and will be used to fund research. The other component will be paid to the prescribed marketing body for marketing purposes.
4. The Bill allows for the operational rate of charge payable for each component to be increased or decreased by regulation. Where a body has been declared by the Minister to be the representative body for the cattle industry for a component of the charge, regulations changing that component may only be made after considering recommendations made to the Minister by that body. While the operational rates of charge may be varied by regulation, they 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 cattle export charge following the repeal of the *Cattle Export Charges Act 1990*. The Bill will therefore have no financial impact on either Government or the cattle industry. It takes account of the requirement for clear sectoral differentiation in industry charge collections that are a basis of the Government meat industry reforms.

NOTES ON CLAUSES

Clause 1 - Short Title

7. This clause provides for the Act to be called the *Cattle (Exporters) 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 *Cattle Export Charges Act 1990* 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 the export of live cattle (other than dairy cattle) 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 cattle 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 permits setting of prescribed operational rates, and sets maximum rates of charge payable for the specified purposes. The operational charge rate may be increased or decreased by regulation, provided the proposed amount of charge 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 can only be made after consideration of recommendations from the prescribed industry organisation following full consultation with industry.
14. This clause also provides a definition of the liveweight of cattle.

Clause 7 - Charge payable by exporter

15. This clause provides that the cattle export charge will be paid by the person who exports the cattle from Australia.

Clause 8 - Regulations

16. This clause provides for the making of regulations that are authorised by the Act or needed to allow the Act to operate. It also empowers the Minister to declare a body or bodies as the representative body for the industry for the purpose of making recommendations to the Minister on the operational charge rates to be prescribed by the regulations.
17. To make such a declaration, the Minister must publish a written notice in the Gazette.
18. This clause also limits the power of the Governor-General to make regulations prescribing the operational charge rate payable. If a declaration is in place, the Governor-General may only exercise this power when acting on the advice of the Executive Council, following its consideration of recommendations made to the Minister by a body declared to be the body representing the industry for that component of the charge.



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