



National Cattle Disease Eradication Account Act 1991

Act No. 23 of 1991 as amended

This compilation was prepared on 5 December 2006
taking into account amendments up to Act No. 139 of 2006

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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Contents

1	Short title [see Note 1].....	1
2	Commencement [see Note 1].....	1
3	Interpretation	1
4	National Cattle Disease Eradication Account.....	1
4A	Account's component of charge	1
4B	Account's component of levy.....	2
5	Credit of amounts to Account.....	2
6	Application of National Cattle Disease Eradication Account.....	4

Notes

5

An Act to establish the National Cattle Disease Eradication Account, and for related purposes

1 Short title [see Note 1]

This Act may be cited as the *National Cattle Disease Eradication Account Act 1991*.

2 Commencement [see Note 1]

This Act commences at the commencement of the *Primary Industries Levies and Charges Collection Act 1991*.

3 Interpretation

In this Act, unless the contrary intention appears:

Account means the National Cattle Disease Eradication Account continued in existence by section 4.

Account's component of charge has the meaning given by section 4A.

Account's component of levy has the meaning given by section 4B.

4 National Cattle Disease Eradication Account

- (1) There is continued in existence the National Cattle Disease Eradication Account.

Note: The Account was established by subsection 5(3) of the *Financial Management Legislation Amendment Act 1999*.

- (2) The Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

4A Account's component of charge

For the purposes of this Act, the *Account's component of charge* is any of the following amounts:

Section 4B

- (a) an amount of charge covered by paragraph 2(b) of Schedule 1 to the *Primary Industries (Customs) Charges Act 1999*;
- (b) an amount of charge covered by paragraph 3(1)(c) of Schedule 3 to the *Primary Industries (Customs) Charges Act 1999*;
- (c) an amount of charge covered by paragraph 3(2)(c) of Schedule 3 to the *Primary Industries (Customs) Charges Act 1999*.

4B Account's component of levy

For the purposes of this Act, the *Account's component of levy* is any of the following amounts:

- (a) an amount of levy covered by paragraph 2(b) of Schedule 2 to the *Primary Industries (Excise) Levies Act 1999*;
- (b) an amount of levy covered by paragraph 6(1)(c) of Schedule 3 to the *Primary Industries (Excise) Levies Act 1999*;
- (c) an amount of levy covered by paragraph 6(2)(c) of Schedule 3 to the *Primary Industries (Excise) Levies Act 1999*;
- (d) an amount of levy covered by paragraph 6(3)(c) of Schedule 3 to the *Primary Industries (Excise) Levies Act 1999*.

5 Credit of amounts to Account

- (1) There are to be credited to the Account:
 - (aaa) amounts equal to the amounts received by the Commonwealth by way of the Account's component of charge; and
 - (aab) amounts equal to the amounts received by the Commonwealth by way of the Account's component of levy; and
 - (a) amounts equal to the amounts of levy received by the Commonwealth (whether before or after the commencement of this paragraph) because of paragraphs 6(1)(d), 6C(1)(d), 6E(1)(d) and 6F(1)(d) of the repealed *Live-stock Slaughter Levy Act 1964* as in force at any time before 1 July 1995;

- (aa) amounts equal to the amounts of levy received by the Commonwealth because of paragraph 6C(b) of the repealed *Live-stock Slaughter Levy Act 1964* as in force at any time on or after 1 July 1995; and
- (ab) amounts equal to the amounts of levy received by the Commonwealth because of paragraph 5(b) of the repealed *Buffalo Slaughter Levy Act 1997*; and
- (b) amounts equal to the amounts of charge received by the Commonwealth (whether before or after the commencement of this paragraph) because of paragraphs 7(1)(c) and 10(1)(c) of the repealed *Live-stock Export Charge Act 1977* as in force at any time before 1 July 1995; and
- (ba) amounts equal to the amounts of charge received by the Commonwealth because of paragraph 10(b) of the repealed *Live-stock Export Charge Act 1977* as in force at any time on or after 1 July 1995; and
- (baa) amounts equal to the amounts of charge received by the Commonwealth because of paragraph 6(b) of the repealed *Buffalo Export Charge Act 1997*; and
- (bb) amounts equal to the amounts of levy received by the Commonwealth (whether before or after the commencement of this paragraph) because of paragraphs 6(1)(c) and (2)(c) of the repealed *Cattle Transaction Levy Act 1990*; and
- (bc) amounts equal to the amounts of levy received by the Commonwealth because of paragraphs 5(1)(d) and (2)(d) of the repealed *Cattle Transaction Levy Act 1995*; and
- (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 repealed *Cattle Transactions Levy Act 1997*; and
- (bd) amounts equal to the amounts of charge received by the Commonwealth because of paragraphs 6A(1)(d), (2)(d) and (3)(d) of the repealed *Cattle Export Charges Act 1990*; and
- (be) amounts equal to the amounts of charge received by the Commonwealth because of paragraphs 5(1)(c) and 5(2)(c) of the repealed *Cattle (Producers) Export Charges Act 1997*; and
- (d) amounts equal to interest from the investment of an amount standing to the credit of the Account.

Section 6

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

6 Application of National Cattle Disease Eradication Account

- (1) The amount standing to the credit of the Account may, with the approval of the Minister, be debited for the following purposes:
 - (a) making payments to the States, and in meeting costs incurred by the Commonwealth, for the purpose of the eradication of any disease of cattle that is endemic in Australia;
 - (b) making payments in respect of any expenses connected with the eradication of any disease of cattle that is endemic in Australia that have been paid by the Commonwealth and have not been debited from the Account;
 - (c) making payments to the trustee of the Cattle Disease Contingency Fund Trust for the purposes of the Trust.
- (2) An amount that has been credited to the Account under an Appropriation Act, may be debited from the Account.
- (3) In this section:

Cattle Disease Contingency Fund Trust means the trust established by deed made on 13 February 2002 between the Australian Animal Health Council Limited and the Cattle Disease Contingency Fund Pty Ltd.

Table of Acts**Notes to the *National Cattle Disease Eradication Account Act 1991*****Note 1**

The *National Cattle Disease Eradication Account Act 1991* as shown in this compilation comprises Act No. 23, 1991 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>National Cattle Disease Eradication Trust Account Act 1991</i>	23, 1991	22 Feb 1991	1 July 1991 (see s. 2)	
<i>National Cattle Disease Eradication Trust Account Amendment Act 1995</i>	78, 1995	30 June 1995	Schedule (item 1): 1 July 1991 Remainder: 1 July 1995	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 939–948): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (a)	—
<i>Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997</i>	207, 1997	17 Dec 1997	Schedule 3 (items 2–6): 1 July 1998 (see <i>Gazette</i> 1997, No. GN22) (b)	Schedule 5 (item 21)
as amended by <i>Statute Law Revision Act 2006</i>	9, 2006	23 Mar 2006	Schedule 2 (item 7): (c)	—
<i>Primary Industries Levies and Charges (Consequential Amendments) Act 1999</i>	32, 1999	14 May 1999	Schedule 8: 1 July 1999 (d)	—
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 Feb 2005	S. 4 and Schedule 1 (items 174–190, 496): Royal Assent	S. 4 and Sch. 1 (item 496)
<i>National Cattle Disease Eradication Account Amendment Act 2006</i>	139, 2006	30 Nov 2006	30 Nov 2006	—

Act Notes

- (a) The *National Cattle Disease Eradication Account Act 1991* was amended by Schedule 2 (items 939–948) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (b) The *National Cattle Disease Eradication Account Act 1991* was amended by Schedule 3 (items 2–6) only of the *Australian Meat and Live-Stock Industry (Repeals and Consequential Provisions) Act 1997*, subsection 2(4) of which provides as follows:
- (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*.
- (c) Subsection 2(1) (item 24) of the *Statute Law Revision Act 2006* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
24. Schedule 2, item 7	Immediately after the time specified in the <i>Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997</i> for the commencement of item 6 of Schedule 3 to that Act.	1 July 1998

- (d) The *National Cattle Disease Eradication Account Act 1991* was amended by Schedule 8 only of the *Primary Industries Levies and Charges (Consequential Amendments) Act 1999*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the commencement of section 1 of the *Primary Industries (Excise) Levies Act 1999*.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted	
Provision affected	How affected
Title	am. No. 152, 1997; No. 8, 2005
S. 1.....	am. No. 152, 1997; No. 8, 2005
S. 3.....	am. No. 152, 1997; No. 32, 1999; No. 8, 2005
S. 4.....	rs. No. 152, 1997; No. 8, 2005
Heading to s. 4A.....	am. No. 8, 2005
S. 4A	ad. No. 32, 1999 am. No. 8, 2005
Heading to s. 4B.....	am. No. 8, 2005
S. 4B	ad. No. 32, 1999 am. No. 8, 2005
Heading to s. 5	am. No. 152, 1997 rs. No. 8, 2005
S. 5.....	am. No. 78, 1995; Nos. 152 and 207, 1997; No. 32, 1999; No. 8, 2005
Note to s. 5(1).....	ad. No. 8, 2005
Heading to s. 6	am. No. 152, 1997
S. 6.....	am. No. 152, 1997 rs. No. 8, 2005 am. No. 139, 2006

Table A

Table A

Application, saving or transitional provisions

Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997 (No. 207, 1997)

Schedule 5

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*

Table A

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

Table A

- (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.

Financial Framework Legislation Amendment Act 2005 (No. 8, 2005)

4 Saving of matters in Part 2 of Schedule 1

- (1) If:
- (a) a decision or action is taken or another thing is made, given or done; and
- (b) the thing is taken, made, given or done under a provision of a Part 2 Act that had effect immediately before the commencement of this Act;

then the thing has the corresponding effect, for the purposes of the Part 2 Act as amended by this Act, as if it had been taken, made, given or done under the Part 2 Act as so amended.

- (2) In this section:

Part 2 Act means an Act that is amended by an item in Part 2 of Schedule 1.

Table A

Schedule 1

496 Saving provision—Finance Minister’s determinations

If a determination under subsection 20(1) of the *Financial Management and Accountability Act 1997* is in force immediately before the commencement of this item, the determination continues in force as if it were made under subsection 20(1) of that Act as amended by this Act.