

# MEAT AND LIVE-STOCK INDUSTRY LEGISLATION REPEAL ACT 1995

No. 69 of 1995

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## LONG TITLE

An Act to repeal certain legislation relating to the Australian meat and live-stock industry, and for related purposes

## Short title

1. This Act may be cited as the Meat and Live-stock Industry Legislation Repeal Act 1995.

(Minister's second reading speech made in-  
House of Representatives on 7 June 1995  
Senate on 20 June 1995)

## Commencement

2. This Act commences, or is taken to have commenced, on 1 July 1995.

## Repeal

3.(1) The following Acts are repealed:  
Australian Meat and Live-stock Corporation Act 1977;  
Australian Meat and Live-stock Industry Policy Council Act 1984;  
Australian Meat and Live-stock Industry Selection Committee Act 1984;  
Cattle Transaction Levy Act 1990;  
Meat Research Corporation Act 1985;  
National Residue Survey (Cattle Transactions) Levy Act 1992.

(2) The following provisions of this Act have effect despite the repeal of the Acts referred to in subsection (1).

## Definitions

4. In this Act:

"AMLC" means:

(a) in relation to a time before the commencement day-the Australian Meat and Live-stock Corporation that was established by section 6 of the Australian Meat and Live-stock Corporation Act 1977;  
or

(b) in relation to a time on or after that day-the Australian Meat and Live-stock Corporation so established as continued in existence by section 53 of the Meat and Live-stock Industry Act 1995;

"commencement day" means the day on which this Act commences;

"export licence" means a meat export licence or a live-stock export licence;

"MRC" means:

(a) in relation to a time before the commencement day-the Meat Research Corporation that was established by section 4 of the Meat Research Corporation Act 1985; or

(b) in relation to a time on or after that day-the Meat Research Corporation so established as continued in existence by section 166 of the Meat and Live-stock Industry Act 1995.

## Pending applications for export licences

5.(1) An application for an export licence that was duly made before the commencement day under subsection 16C(1) of the Australian Meat and Live-stock Corporation Act 1977 but had not been determined by AMLC before that day is taken to be an application for an export licence duly made under subsection 62(1) of the Meat and Live-stock Industry Act 1995.

(2) The payment in full before the commencement day of the fee that was payable in respect of such an application under subsection 16C(1A) of the Australian Meat and Live-stock Corporation Act 1977 is taken to be payment in full of the fee payable under subsection 62(2) of the Meat and Live-stock Industry Act 1995.

#### Past refusals of applications for export licences

6.(1) If, before the commencement day, AMLC refused, under Division 2 of Part II of the Australian Meat and Live-stock Corporation Act 1977, an application for an export licence made under subsection 16C(1) of that Act:

(a) the application is taken to have been made under subsection 62(1) of the Meat and Live-stock Industry Act 1995; and

(b) the decision by AMLC refusing the application is taken to have been duly made under Subdivision B of Division 2 of Part 3 of the Meat and Live-stock Industry Act 1995.

(2) However, the period within which an application may be made to the Administrative Appeals Tribunal for review of the decision is to be calculated from the time when the decision was made.

(3) If an application to the Administrative Appeals Tribunal duly made under subsection 16E(2) of the Australian Meat and Live-stock Corporation Act 1977 for review of the decision was pending immediately before the commencement day, the application for review is taken to have been duly made under subsection 65(1) of the Meat and Live-stock Industry Act 1995, and the Tribunal is to continue to deal with it accordingly.

#### Existing export licences

7.(1) An export licence that was in force under subsection 16B(1) of the Australian Meat and Live-stock Corporation Act 1977 immediately before the commencement day (including an export licence that would have been in force if it had not been suspended under section 16R or 16S of that Act) continues in force (subject to any suspension) as if it had been granted under subsection 61(1) of the Meat and Live-stock Industry Act 1995 and is subject to the conditions to which it would be subject if it had actually been granted under the last-mentioned subsection.

(2) An export licence to which subsection (1) applies remains in force for the period for which it would have remained in force if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted, but the licence may be renewed under section 73 of the Meat and Live-stock Industry Act 1995.

(3) If an export licence to which subsection (1) applies was, immediately before the commencement day, suspended under section 16R or 16S of the Australian Meat and Live-stock Corporation Act 1977, the suspension continues according to its terms as if it had been imposed under section 74 or 75, as the case may be, of the Meat and Live-stock Industry Act 1995.

(4) However, the period within which an application may be made to the Administrative Appeals Tribunal for review of the decision suspending the licence is to be calculated from the time when the decision was made.

(5) If an application to the Administrative Appeals Tribunal duly made under subsection 16R(10) or 16S(4) of the Australian Meat and Live-stock Corporation Act 1977 for review of a decision suspending an export licence was pending immediately before the commencement day, the application for review is taken to have been duly made under subsection 74(7) or 75(4), as the case may be, of the Meat and Live-stock Industry Act 1995, and the Tribunal is to continue to deal with it accordingly.

#### Existing orders

8. Any order made by AMLC under section 16H or 16L of the Australian Meat and Live-stock Corporation Act 1977 and in force immediately before the commencement day continues in force as if it had been made under section 68 or 69, as the case may be, of the Meat and Live-stock Industry Act 1995.

#### Existing directions

9. Any direction issued by AMLC under section 16H of the Australian Meat and Live-stock Corporation Act 1977 and in force immediately before the commencement day continues in force as if it had been given under section 68 of the Meat and Live-stock Industry Act 1995.

#### Pending applications for renewal of export licences

10.(1) An application for renewal of an export licence that was duly made before the commencement day under subsection 16Q(1) of the Australian Meat and Live-stock Corporation Act 1977 but had not been determined by AMLC before that day is taken to be an application for renewal of an existing export licence duly made under subsection 73(1) of the Meat and Live-stock Industry Act 1995.

(2) The payment in full before the commencement day of the fee that was payable in respect of such an application under subsection 16Q(3A) of the Australian Meat and Live-stock Corporation Act 1977 is taken to be payment in full of the fee payable under subsection 73(4) of the Meat and Live-stock Industry Act 1995.

(3) Subsection 73(2) of the Meat and Live-stock Industry Act 1995 applies in respect of an export licence granted under subsection 16B(1) of the Australian Meat and Live-stock Corporation Act 1977 that expired before the commencement day as if the licence had not expired before that day and subsection 7(1) of this Act applied to it.

#### Past decisions refusing extension of time to apply for renewal of export licences

11.(1) Any decision made before the commencement day by AMLC under subsection 16Q(2) of the Australian Meat and Live-stock Corporation Act 1977 refusing an extension of time for making an application for renewal of an export licence is taken to have been made under subsection 73(2) of the Meat and Live-stock Industry Act 1995.

(2) However, the period within which an application may be made to the Administrative Appeals Tribunal for review of such a decision is to be calculated from the time when the decision was made.

(3) If an application to the Administrative Appeals Tribunal duly made under subsection 16Q(8) of the Australian Meat and Live-stock Corporation Act 1977 for review of a decision of AMLC for the purposes of subsection 16Q(2) of that Act was pending immediately before the commencement day, the application for review is taken to have been duly made under subsection 74(7) of the Meat and Live-stock Industry Act 1995, and the Tribunal is to continue to deal with it accordingly.

#### Existing notices to licence holders

12. If a notice in respect of an export licence was served under section 16R of the Australian Meat and Live-stock Corporation Act 1977 before the commencement day but AMLC had not taken any action before that day under section 16S of that Act in relation to the licence, the notice is taken to have been duly given under section 74 of the Meat and Live-stock Industry Act 1995.

#### Existing determinations not to renew export licences

13. Any determination made under paragraph 16S(1)(d) of the Australian Meat and Live-stock Corporation Act 1977 and in force immediately before the commencement day continues in force as if it had been made under paragraph 75(1)(d) of the Meat and Live-stock Industry Act 1995.

## Past decisions on export quotas

14.(1) Any decision in relation to a quota that was made by AMLC before the commencement day under section 16X of the Australian Meat and Live-stock Corporation Act 1977 and was in force immediately before that day is taken to be a decision of AMLC duly made under section 81 of the Meat and Live-stock Industry Act 1995.

(2) However, the period within which an application may be made to the Administrative Appeals Tribunal for review of such a decision is to be calculated from the time when the decision was made. (3) If an application to the Administrative Appeals Tribunal duly made under section 16Z of the Australian Meat and Live-stock Corporation Act 1977 for review of such a decision was pending immediately before the commencement day, the application for review is taken to have been duly made under section 83 of the Meat and Live-stock Industry Act 1995, and the Tribunal is to continue to deal with it accordingly.

## Existing registers

15. Any register maintained immediately before the commencement day by AMLC under a provision of section 30J of the Australian Meat and Live-stock Corporation Act 1977 continues in existence and is taken to be the register kept by AMLC under the corresponding provision of Subdivision D of Division 2 of Part 3 of the Meat and Live-stock Industry Act 1995.

## Pending applications for inclusion on register

16. Any application that was duly made before the commencement day under subsection 30J(5) of the Australian Meat and Live-stock Corporation Act 1977 for an entry in relation to a person to be made on a register established under section 30J of that Act but had not been determined by AMLC before that day is taken to be an application duly made under section 89 of the Meat and Live-stock Industry Act 1995.

## Past refusals of applications for inclusion on register

17.(1) Any decision made by AMLC before the commencement day under paragraph 30J(7)(b) of the Australian Meat and Live-stock Corporation Act 1977 refusing an application for the making of an entry in relation to a person on a register established under section 30J of that Act is taken to be a decision refusing an application for the entry of the person's name on the register made by AMLC under paragraph 90(1)(b) of the Meat and Live-stock Industry Act 1995.

(2) However, the period within which an application may be made to the Administrative Appeals Tribunal for review of such a decision is to be calculated from the time when the decision was made.

(3) If an application to the Administrative Appeals Tribunal duly made under paragraph 46A(1)(a) of the Australian Meat and Live-stock Corporation Act 1977 for review of such a decision was pending immediately before the commencement day, the application for review is taken to have been duly made under paragraph 95(1)(a) of the Meat and Live-stock Industry Act 1995, and the Tribunal is to continue to deal with it accordingly.

## Existing notices requiring returns

18. If:

(a) a notice was given under subsection 30J(9) of the Australian Meat and Live-stock Corporation Act 1977 requiring a person to furnish a return to AMLC; and

(b) the return was not furnished as required by the notice before the commencement day or did not contain the required information; and

(c) AMLC had not taken any action in respect of the matter as mentioned in subsection 30J(10), (11) or (11A) of that Act; the notice is taken to have been duly given by AMLC under section 91 of the Meat and Live-stock Industry Act 1995.

#### Existing notices proposing removal from register

19. If a notice was given by AMLC before the commencement day under subsection 30K(1) of the Australian Meat and Live-stock Corporation Act 1977 and AMLC has not taken any action under subsection 30K(2) of that Act before that day in respect of the entry to which the notice relates, the notice is taken to have been duly given under section 92 of the Meat and Live-stock Industry Act 1995.

#### Past removals of entries from register

20.(1) Any decision of AMLC made before the commencement day under subsection 30K(2) of the Australian Meat and Live-stock Corporation Act 1977 removing an entry in relation to a person from a register established under section 30J of that Act is taken to be a decision removing the entry from the register duly made by AMLC under subsection 92(2) of the Meat and Live-stock Industry Act 1995.

(2) However, the period within which an application may be made to the Administrative Appeals Tribunal for review of such a decision is to be calculated from the time when the decision was made.

(3) If an application to the Administrative Appeals Tribunal duly made under paragraph 46A(1)(b) of the Australian Meat and Live-stock Corporation Act 1977 for review of such a decision was pending immediately before the commencement day, the application for review is taken to have been duly made under paragraph 95(1)(b) of the Meat and Live-stock Industry Act 1995, and the Tribunal is to continue to deal with it accordingly.

#### Existing warrants

21. Any warrant in force immediately before the commencement day under subsection 47(6) of the Australian Meat and Live-stock Corporation Act 1977 has effect according to its terms as if it were issued under section 138 of the Meat and Live-stock Industry Act 1995.

#### Past seizures

22. Section 47A of the Australian Meat and Live-stock Corporation Act 1977 continues to apply in relation to anything seized under that section before the commencement day.

#### Existing appointments of nominees

23. An appointment of an individual as the nominee of the holder of an export licence that was duly made under subsection 47H(2) of the Australian Meat and Live-stock Corporation Act 1977 and was in force immediately before the commencement day continues in force as if it had been duly made under subsection 153(2) of the Meat and Live-stock Industry Act 1995.

#### Existing appointments of analysts

24. An appointment duly made under subsection 47J(1) of the Australian Meat and Live-stock Corporation Act 1977 of a person as an analyst for the purposes of that Act that was in force immediately before the commencement day continues in force as if it had been duly made under subsection 154(1) of the Meat and Live-stock Industry Act 1995.

#### Existing Ministerial directions

25. Any direction duly given by the Minister to AMLC under section 30UA of the Australian Meat and Live-stock Corporation Act 1977 that was in force immediately before the commencement day continues in force as if it had been duly given under section 221 of the Meat and Live-stock Industry Act 1995.

#### Existing members of AMLC

26.(1) People who held office as members of AMLC (other than the Chairman and the Managing Director) immediately before the commencement day cease to hold office on that day but, subject to Division 4 of Part 3 of the Meat and Live-stock Industry Act 1995, are eligible for re-appointment.

(2) The person who held office as the Chairman of AMLC immediately before the commencement day (unless the person's appointment would have ended at that time if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted) holds office as the Chairperson of AMLC as if he or she had been appointed under section 109 of that Act for the unexpired portion of the period for which he or she had been appointed as Chairman under the Australian Meat and Live-stock Corporation Act 1977.

(3) The person who held office as the Managing Director of AMLC immediately before the commencement day (unless the person's appointment would have ended at that time if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted) continues to hold office as the Managing Director of AMLC as if he or she had been appointed under section 119 of that Act for the unexpired portion of the period for which he or she had been appointed as Managing Director under the Australian Meat and Live-stock Corporation Act 1977.

(4) Subject to section 119 of the Meat and Live-stock Industry Act 1995, the terms and conditions of service of a person who holds office as the Managing Director of AMLC because of subsection (3) are the terms and conditions that would have been the terms and conditions of his or her service on 1 July 1995 if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted.

#### Existing Acting Managing Director of AMLC

27.(1) The person who held office as the Acting Managing Director of AMLC immediately before the commencement day (unless the person's appointment would have ended at that time if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted) continues to hold office as the Acting Managing Director of AMLC as if he or she had been appointed under section 120 of that Act for the unexpired portion of the period for which he or she had been appointed as Acting Managing Director under the Australian Meat and Live-stock Corporation Act 1977.

(2) Subject to section 120 of the Meat and Live-stock Industry Act 1995, the terms and conditions of service as Acting Managing Director of AMLC of a person who holds that office because of subsection (1) are the terms and conditions that would have been the terms and conditions of his or her service as Acting Managing Director on 1 July 1995 if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted.

#### Existing officers and employees of AMLC

28.(1) Any person who was an officer (including an officer on probation) or an employee of AMLC immediately before the commencement day continues as an officer or employee, as the case may be, of AMLC as if he or she had been appointed or engaged under section 123 of the Meat and Live-stock Industry Act 1995.

(2) Subsection (1) does not apply to a person whose employment as an officer or employee of AMLC would, if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted, have ended immediately before the commencement day.

(3) AMLC is taken, upon the commencement day, to have determined under subsection 123(2) of the Meat and Live-stock Industry Act 1995 terms and conditions of service or employment of officers and employees of AMLC to whom subsection (1) applies that would have been the terms and conditions of service or employment of those officers and employees on 1 July 1995 if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted.

#### Existing members of MRC

29.(1) People who held office as members of MRC (other than the Chairperson and the Executive Director) immediately before the commencement day cease to hold office on that day but, subject to Division 4 of Part 4 of the Meat and Live-stock Industry Act 1995, are eligible for re-appointment.

(2) The person who held office as the Chairperson of MRC immediately before the commencement day (unless the person's appointment would have ended at that time if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted) continues to hold office as the Chairperson of MRC as if he or she had been appointed under section 188 of that Act for the unexpired portion of the period for which he or she had been appointed as Chairperson under the Meat Research Corporation Act 1985.

(3) The person who held office as the Executive Director of MRC immediately before the commencement day (unless the person's appointment would have ended at that time if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted) holds office as the Managing Director of MRC as if he or she had been appointed under section 198 of that Act for the unexpired portion of the period for which he or she had been appointed as Executive Director under the Meat Research Corporation Act 1985.

(4) Subject to section 198 of the Meat and Live-stock Industry Act 1995, the terms and conditions of service of a person who holds office as the Managing Director of MRC because of subsection (3) are the terms and conditions that would have been the terms and conditions of his or her service as Executive Director on 1 July 1995 if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted.

#### Existing Acting Executive Director of MRC

30.(1) The person who held office as the Acting Executive Director of MRC immediately before the commencement day (unless the person's appointment would have ended at that time if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted) holds office as the Acting Managing Director of MRC as if he or she had been appointed under section 199 of that Act for the unexpired portion of the period for which he or she had been appointed as Acting Executive Director under the Meat Research Corporation Act 1985.

(2) Subject to section 199 of the Meat and Live-stock Industry Act 1995, the terms and conditions of service as Acting Managing Director of MRC of a person who holds that office because of subsection (1) are the terms and conditions that would have been the terms and conditions of his or her service as Acting Executive Director on 1 July 1995 if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted.

#### Existing members of staff of MRC

31.(1) Any person who was, immediately before the commencement day, a member of the staff of MRC because of an appointment or engagement under section 41 of the Meat Research Corporation Act 1985 is taken to be an employee of MRC as if he or she had been employed under section 202 of the Meat and Live-stock Industry Act 1995.

(2) Subsection (1) does not apply to a person whose appointment or engagement by MRC would, if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted, have ended immediately before 1 July 1995.

(3) MRC is taken, upon the commencement day, to have determined under subsection 202(2) of the Meat and Live-stock Industry Act 1995 terms and conditions of employment of people to whom subsection (1) applies that would have been the terms and conditions of appointment or engagement of those people on that day if this Act and the Meat and Live-stock Industry 1995 had not been enacted.

#### Equal employment opportunity program

32. AMLC's equal employment opportunity program developed under section 33 of the Australian Meat and Live-stock Corporation Act 1977 and in force immediately before the commencement day is taken to be the

equal employment opportunity program developed under subsection 124(1) of the Meat and Live-stock Industry Act 1995.

Existing authorised officers

33.(1) A person who was, immediately before the commencement day, an authorised officer under section 47D of the Australian Meat and Live-stock Corporation Act 1977 is taken to be an authorised officer duly appointed under subsection 150(1) of the Meat and Live-stock Industry Act 1995.

(2) Subsection (1) does not apply to a person whose appointment as an authorised officer would, if this Act and the Meat and Live-stock Industry Act 1995 had not been enacted, have ended immediately before the commencement day.

(3) Any identity card that was issued to a person to whom subsection (1) applies under section 47E of the Australian Meat and Live-stock Corporation Act 1977 and was in force immediately before the commencement day is taken to be an identity card duly given to the person under subsection 150(2) of the Meat and Live-stock Industry Act 1995.

Annual reports

34.(1) Section 22 of the Australian Meat and Live-stock Industry Policy Council Act 1984 continues in force in relation to the operations of the Australian Meat and Live-stock Industry Policy Council during the year that ended on 30 June 1995 but the report under that section is to be prepared and furnished to the Minister by the Meat Industry Council.

(2) Section 49 of the Australian Meat and Live-stock Corporation Act 1977 continues in force in relation to the operations of AMLC during the year that ended on 30 June 1995.

(3) Section 50 of the Meat Research Corporation Act 1985 continues in force in relation to the annual report required to be prepared by MRC in relation to the year that ended on 30 June 1995.

Payments to AMLC in respect of levies or charges for transactions or other dealings before commencement day

35. Subject to section 37, section 34 of the Australian Meat and Live-stock Corporation Act 1977 continues to apply for the purpose of the payment of amounts to AMLC because of amounts received by the Commonwealth on or after the commencement day in respect of transactions or other dealings that took place before that day.

Payments to MRC in respect of levies or charges for transactions or other dealings before commencement day

36. Subject to section 37, sections 42 and 42A of the Meat Research Corporation Act 1985 continue to apply for the purpose of the payment of amounts to MRC because of amounts received by the Commonwealth on or after the commencement day in respect of transactions or other dealings that took place before that day.

Payments to Rural Industries Research and Development Corporation in respect of certain levies or charges for transactions or other dealings before commencement day

37.(1) Any amount that, apart from this subsection, would be required to be paid to AMLC under section 35 in respect of the slaughter or export of buffaloes is not to be so paid but is to be paid instead to the Rural Industries Research and Development Corporation and is to be so paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

(2) Any amount that, apart from this subsection, would be required to be paid to MRC under section 36 in respect of the slaughter or export of buffaloes is not to be so paid but is to be paid instead to the Rural

Industries Research and Development Corporation and is to be so paid out of the Consolidated Revenue Fund, which is appropriated accordingly. However, for the purposes of subsection 42(2) of the Meat Research Corporation Act 1985 as it continues to apply under section 36, an amount paid to the Rural Industries Research and Development Corporation under this subsection is taken to be paid to the MRC under paragraph 42(1)(a) or (b), as the case may be, of that Act.

#### Application of amounts of cattle transaction levy paid under the Cattle Transaction Levy Act 1990

38. If:

(a) a person has paid or pays, in respect of a particular transaction or other dealing with cattle that occurred before the commencement day, an amount in respect of a liability for cattle transaction levy that the Cattle Transaction Levy Act 1990 purported to impose on the person; and

(b) the amount has not been repaid to the person;

the payment of the amount is taken, by this section, to have discharged or to discharge, as the case may be, the person's liability to pay cattle transaction levy imposed by the Cattle Transaction Levy Act 1995, or to pay cattle export charge imposed by subsection 5(2) of the Cattle Export Charges Act 1990, in respect of that transaction or other dealing.

#### Application of amounts of National Residue Survey Levy paid under National Residue Survey (Cattle Transactions) Levy Act 1992

39. If:

(a) a person has paid or pays, in respect of a particular transaction or other dealing with cattle that occurred before the commencement day, an amount in respect of a liability for National Residue Survey Levy that the National Residue Survey (Cattle Transactions) Levy Act 1992 purported to impose on the person; and

(b) the amount has not been repaid to the person;

the payment of the amount is taken, by this section, to have discharged or to discharge, as the case may be, the person's liability to pay National Residue Survey Levy imposed by the National Residue Survey (Cattle Transactions) Levy Act 1995, or to pay National Residue Survey Levy imposed by the National Residue Survey (Cattle Export) Levy Act 1995, in respect of that transaction or other dealing.