

# Wool Industry

No. 32 of 1967

An Act to amend the *Wool Industry Act 1962–1966*.

[Assented to 24 May 1967]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Wool Industry Act 1967*.

Short title and  
citation.

(2.) The *Wool Industry Act 1962–1966\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Wool Industry Act 1962–1967*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commence-  
ment.

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\* Act No. 99, 1962, as amended by No. 24, 1964; and No. 93, 1966.

- Parts.** 3. Section 3 of the Principal Act is amended by omitting the words—  
 “ Part VI.—Miscellaneous (Sections 83–89).”  
 and inserting in their stead the words—  
 “ Part VI.—Miscellaneous (Sections 82A–89).”.
- Definitions.** 4. Section 6 of the Principal Act is amended by inserting after the definition of “ the Board ” the following definition:—  
 “ ‘ the Fund ’ means the Wool Research Trust Fund referred to in section sixty-four of this Act;”.
- Officers and employees.** 5. Section 27 of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—  
 “ (3.) Salary is not payable to a person so appointed or engaged at a rate that exceeds—  
 (a) the rate of Eight thousand four hundred dollars per annum; or  
 (b) if a higher rate is prescribed—that higher rate,  
 unless the Minister has approved the payment of salary at that rate to that person and the other terms and conditions of employment applicable to him.”.
- Payments to the Board.** 6. Section 32 of the Principal Act is amended by adding at the end thereof the following sub-section:—  
 “ (2.) The last preceding sub-section does not apply in respect of tax imposed by a Wool Tax Act on or after the first day of July, One thousand nine hundred and sixty-seven.”.
7. After section 32A of the Principal Act the following section is inserted:—
- Payments to the Board on or after 1 July, 1967.** “ 32B. There shall be paid to the Board, out of the Consolidated Revenue Fund, which is appropriated accordingly, such amounts as are payable to the Board by virtue of section eighty-two A or section eighty-two B of this Act.”.
- Interpretation.** 8. Section 62 of the Principal Act is amended—  
 (a) by omitting the definition of “ the Fund ”; and  
 (b) by adding at the end thereof the following sub-section:—  
 “ (2.) A reference in this Part to property assigned to the Commonwealth or to the Board in pursuance of an agreement entered into under section sixty-nine of this Act shall be read as including a reference to a patent granted to the Commonwealth or to the Board by reason of an invention or an interest in an invention having been assigned to the Commonwealth or to the Board in pursuance of such an agreement.”.

9. Section 65 of the Principal Act is amended—

Payments to  
the Fund.

(a) by inserting after paragraph (a) of sub-section (1.) the following paragraphs:—

“ (aa) such amounts as are payable to the Fund by virtue of section eighty-two A or section eighty-two B of this Act;

“ (ab) the net income derived by the Commonwealth from any property assigned to the Commonwealth in pursuance of an agreement entered into under section sixty-nine of this Act and, if any such property is disposed of by the Commonwealth—

(i) in the case of a disposal by way of sale or assignment for value—the net proceeds of the sale or assignment; and

(ii) in any other case—an amount equal to the value of the property as determined by the Minister;”;

and

(b) by adding at the end thereof the following sub-section:—

“ (3.) Paragraph (a) of sub-section (1.) of this section does not apply in respect of tax imposed by a Wool Tax Act on or after the first day of July, One thousand nine hundred and sixty-seven.”.

10. After section 67 of the Principal Act, the following section is inserted:—

“ 67A.—(1.) The Minister may, in such classes of cases as are prescribed, by instrument in writing, delegate to the Board or to a member or officer of the Board his power to approve the expenditure, for a purpose referred to in paragraph (a) of sub-section (1.) of the last preceding section, of moneys standing to the credit of the Fund.

Delegation of  
power of  
Minister to  
approve  
expenditure  
from Fund.

“ (2.) Sub-section (2.) of the last preceding section does not apply in relation to the exercise by the Board or by a member or officer of the Board of a power so delegated and the power may be exercised by the Board, member or officer in accordance with the instrument of delegation.

“ (3.) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Minister.”.

11. Section 69 of the Principal Act is repealed and the following section inserted in its stead:—

“ 69.—(1.) The Minister, or an officer of the Public Service of the Commonwealth or a member or officer of the Board authorized by the Minister by instrument in writing to act under this section, may, on behalf of the Commonwealth, enter into agreements for the purposes of, or in connexion with, any research or other matter or thing to be done or performed with moneys provided in whole or in part out of the Fund.

Agreements.

“(2.) Without limiting the generality of the last preceding sub-section, an agreement made with a person under that sub-section in relation to moneys provided out of the Fund may—

- (a) provide for the moneys to which the agreement relates and any property acquired with those moneys or with moneys that include those moneys to be used only for purposes specified in the agreement and for the payment by the person to the Commonwealth for the purposes of the Fund, in the event of any of those moneys or any of that property being used for a purpose not specified in the agreement, of an amount equal to the whole, or such part as the Minister determines, of those moneys;
- (b) provide for the payment by the person to the Commonwealth for the purposes of the Fund of an amount equal to the whole, or such part as the Minister determines, of any net income derived by the person from—
  - (i) property acquired with moneys to which the agreement relates or with moneys that include those moneys; or
  - (ii) patents for inventions made, or any other property acquired, in the course of carrying out research or doing any other act or thing with those moneys or with moneys that include those moneys,

or for the assignment by the person to the Commonwealth or to the Board of any property referred to in sub-paragraph (i) of this paragraph, of any patents for inventions or other property referred to in sub-paragraph (ii) of this paragraph or of any such invention or of any interest that he may have in any such invention; and

- (c) provide for the payment by the person to the Commonwealth for the purposes of the Fund, in the event of the disposal otherwise than to the Commonwealth or the Board of any property of a kind referred to in the last preceding paragraph, of an amount equal to the whole, or such part as the Minister determines—
  - (i) in the case of a disposal by way of sale or assignment for value—of the net proceeds of the sale or assignment; and
  - (ii) in any other case—of the value of the property as determined by the Minister.

“(3.) Where any property is assigned to the Board in pursuance of an agreement entered into under this section, the Board shall pay to the Commonwealth for the purposes of the Fund an amount equal to the net income, if any, derived by the Board from that property and, if the property is disposed of by the Board—

- (a) in the case of a disposal by way of sale or assignment for value—the net proceeds of the sale or assignment; and
- (b) in any other case—an amount equal to the value of the property as determined by the Minister.”

12. Before section 83 of the Principal Act the following sections are inserted in Part VI.:-

“ 82A.—(1.) Where an amount is received by the Commissioner of Taxation in respect of tax imposed on or after the first day of July, One thousand nine hundred and sixty-seven, by any Wool Tax Act, an amount equal to that amount is payable to the Board or to the Fund, or to the Board and to the Fund, in accordance with this section. Payments to the Board and to the Fund.

“ (2.) The Minister shall from time to time, by instrument in writing, after taking into account any recommendations made by the Australian Wool Industry Conference, determine the total amount to be paid to the Fund under this section in respect of taxes imposed by any Wool Tax Acts in each year commencing on a first day of July.

“ (3.) Subject to any determinations by the Minister under the last preceding sub-section, the Secretary to the Department of Primary Industry shall from time to time, by instrument in writing, determine whether amounts that become payable under this section are—

- (a) to be paid wholly to the Board;
- (b) to be paid wholly to the Fund; or
- (c) to be divided between the Board and the Fund.

“ (4.) Where the Secretary to the Department of Primary Industry determines that amounts are to be divided between the Board and the Fund, he shall specify in the instrument of determination the proportions in which the Board and the Fund are to share in those amounts.

“ 82B.—(1.) Subject to sub-section (3.) of this section, where an amount is payable to the Board under the last preceding section by reason of an amount having been received by the Commissioner of Taxation in respect of tax imposed during the period of three years commencing on the first day of July, One thousand nine hundred and sixty-seven, by any Wool Tax Act, there is also payable to the Board an amount equal to the first-mentioned amount. Additional payments to the Board and to the Fund.

“ (2.) Subject to the next succeeding sub-section, where an amount is payable to the Fund under the last preceding section by reason of an amount having been received by the Commissioner of Taxation in respect of tax imposed during the period of three years commencing on the first day of July, One thousand nine hundred and sixty-seven, by any Wool Tax Act, there is also payable to the Fund an amount equal to the first-mentioned amount.

“ (3.) The sum of the amounts paid to the Board and the amounts paid to the Fund under this section by reason of amounts having been received by the Commissioner of Taxation in respect of taxes imposed by any Wool Tax Acts in each year commencing on a first day of July shall not exceed Fourteen million dollars.”