



# Wool Industry Amendment Act 1981

No. 63 of 1981

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## **An Act to amend the *Wool Industry Act 1972***

[Assented to 12 June 1981]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

### **Short title, &c.**

1. (1) This Act may be cited as the *Wool Industry Amendment Act 1981*.
- (2) The *Wool Industry Act 1972*<sup>1</sup> is in this Act referred to as the Principal Act.

### **Commencement**

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

### **Vacation of office**

3. Section 16 of the Principal Act is amended—
  - (a) by omitting paragraph (1) (e) and substituting the following paragraph:  
“(e) fails, without reasonable excuse, to comply with his obligations under sub-section (2),”; and

- (b) by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections:

“(2) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation.

“(3) A disclosure under sub-section (2) shall be recorded in the minutes of the meeting of the Corporation.”.

### **Market Support Fund**

- 4. (1)** Section 28A of the Principal Act is amended by omitting sub-paragraph (3) (a) (iii) and substituting the following sub-paragraph:

“(iii) in the payment of refunds in accordance with Part IIIA, and in meeting the administrative expenses incurred in and in relation to the payment of refunds, in accordance with that Part, in respect of a period that has been declared under section 42B to be a declared period or incurred in and in relation to the intended payment of refunds, in accordance with that Part, in respect of a period that is proposed to be so declared, or to be part of a period that is proposed to be so declared; or”.

(2) Where moneys standing to the credit of the Market Support Fund have, before the commencement of this Act, been used by the Australian Wool Corporation in meeting administrative expenses incurred in and in relation to the payment of refunds in respect of a period that has been declared under section 42B of the Principal Act or of the Principal Act as amended and in force from time to time to be a declared period or incurred in and in relation to the intended payment of refunds in respect of a period that is proposed to be so declared, or to be part of a period that is proposed to be so declared, the use of those moneys for that purpose shall, for all purposes, be taken to have been as valid and effectual as it would have been if the amendments of the Principal Act made by this Act had been in force at the time those moneys were so used.

### **Interpretation**

- 5.** Section 42A of the Principal Act is amended—

- (a) by inserting in sub-section (3) “but subject to sub-sections (3A) and (3B)” after “Part”; and  
(b) by inserting after sub-section (3) the following sub-sections:

“(3A) Where—

- (a) before 23 May 1980, an agreement to sell wool was made before, during or after the shearing of the sheep by virtue of which the wool was or is obtained; and  
(b) under the terms of the agreement, payment in respect of any wool that was so sold was not, or is not, to be made before delivery of that wool under the agreement,

then the sale of any wool delivered under the agreement shall be deemed to have taken place at the time when payment for that wool was or is so made.

“(3B) Where—

- (a) after 23 May 1980, an agreement to sell wool was or is made before, during or after the shearing of the sheep by virtue of which the wool was or is obtained; and
- (b) under the terms of the agreement, payment in respect of any wool that was or is so sold was not, or is not, to be made before delivery of that wool under the agreement,

then the sale of any wool delivered under the agreement shall be deemed to have taken place at the time when payment for that wool was or is so made.

“(3C) Sub-section (3A) does not apply to an agreement to sell wool that was made before 2 September 1974 except to the extent that the agreement provided that the purchase price payable in respect of any wool sold under the agreement was or is payable on or after 2 September 1974 and that wool tax was or is to be deducted from the purchase price payable for that wool at the time when payment was or is made.”.

### **Declared periods**

6. Section 42B of the Principal Act is amended by inserting in sub-paragraph (2) (a) (iii) “(to the extent that those expenses had not been paid before the commencement of the financial year in which the declaration is made)” after “the Corporation”.

### **Persons by whom refunds in respect of participating wool are to be made**

7. Section 42K of the Principal Act is amended—

- (a) by inserting after sub-section (6) the following sub-section:

“(6A) Where wool has become participating wool in respect of a declared period by virtue of an act or thing done in relation to that wool, being an act or thing of a kind described in sub-section (2), (3), (4), (5) or (6), but the person by whom, but for his having ceased to be a registered person, the refund in respect of that wool would be payable has ceased to be a registered person, the refund in respect of that wool shall, subject to this section, be payable by the registered person, if any, having, for the time being, possession or control of the records relating to that act or thing.”;

- (b) by omitting paragraph (7) (a) and substituting the following paragraph:

“(a) a refund in respect of participating wool would, but for this sub-section, be required to be made by a person—

- (i) who has been a registered person but is no longer a registered person; and

- (ii) whose records relating to the act or thing by virtue of the doing of which the refund would be payable by him if he had not ceased to be a registered person are not in the possession or under the control of another registered person; or”; and
- (c) by omitting from sub-section (8) “and (6)” and substituting “, (6) and (6A)”.

**Registered persons to make refunds on behalf of Corporation**

8. Section 42L of the Principal Act is amended by inserting after sub-section (5) the following sub-sections:

“(5A) Where a registered person has, whether before or after the commencement of this sub-section, acquired possession or control of the records of another person who was, but who subsequently ceased to be, a registered person relating to the acts or things done by the other person in relation to wool during a declared period, being acts or things by virtue of the doing of which the other person would, if he had not ceased to be a registered person, be taken, for the purposes of this section, to have dealt with that wool during that declared period, this section and the regulations made in pursuance of this section apply to the first-mentioned registered person—

- (a) if the first-mentioned registered person acquired possession or control of the records before the date of publication of the declaration by virtue of which the declared period became a declared period—as if he were the registered person who, by virtue of the doing of those acts or things, had dealt with the wool during that declared period;
- (b) if the first-mentioned registered person acquired possession or control of the records on or after the date referred to in paragraph (a) but before sub-section (1) has been complied with—as if he were the registered person who, by virtue of the doing of those acts or things, had dealt with the wool during the declared period and as if the reference to one month in sub-section (1) were a reference to one month after he acquired possession or control of the records; or
- (c) if the first-mentioned registered person acquired possession or control of the records on or after the date referred to in paragraph (a) and after sub-section (1) has been complied with—as if he were the registered person who, by virtue of the doing of those acts or things, had dealt with the wool during the declared period and as if he were the registered person who had complied with sub-section (1).

“(5B) Nothing in sub-section (5A) shall be taken to render a registered person liable for conviction in respect of an act or omission of another registered person in respect of an obligation imposed upon that other registered person by sub-section (1)”.

**Payments authorized under section 42L**

9. Section 42M of the Principal Act is amended by omitting from sub-section (1) “furnishing information and calculations under section 42L” and substituting

“who has furnished information and calculations under section 42L or who is, in pursuance of sub-section 42L (5A), to be taken, for the purposes of the application of that section, to have so furnished such information and calculations”.

#### **Claims made upon the Corporation**

10. Section 42N of the Principal Act is amended by omitting from sub-section (5) “its reasons for so deciding” (whenever occurring) and substituting “a statement in writing setting out its findings on material questions of fact and the reasons for its decision”.

11. Section 42z of the Principal Act is repealed and the following section substituted:

#### **Remuneration of registered persons making payments under this Part**

“42z. In accordance with principles approved by the Minister for the purposes of this section, the Corporation shall make payments to registered persons in respect of costs incurred by them in and in relation to the payment of refunds, in accordance with this Part, in respect of a period that has been declared under section 42B to be a declared period or incurred by them in and in relation to the intended payments of refunds, in accordance with this Part, in respect of a period that is proposed to be so declared, or to be part of a period that is proposed to be so declared.”.

#### **Person paying wool tax to furnish details to Corporation in relation to each financial year**

12. Section 42AB of the Principal Act is amended—

- (a) by omitting from sub-section (1) “that person” and substituting “that person or, if that person has ceased to be a registered person but the records of the acts or things done by him in relation to wool by virtue of the doing of which he is to be taken to have dealt with that wool are in the possession or under the control of another person who is a registered person, require that other person”;
- (b) by omitting from paragraph (1) (a) “by him” and substituting “by the first-mentioned registered person”; and
- (c) by inserting after sub-section (3) the following sub-sections:

“(3A) Where a registered person has, whether before or after the commencement of this sub-section, acquired possession or control of the records of another person who was, but who subsequently ceased to be, a registered person, relating to the acts or things done by the other person in relation to wool during a financial year to which this Part applies that ended or ends after 30 June 1979, being acts or things by virtue of the doing of which the other person would, if he had not ceased to be a registered person, be taken to have dealt with that wool in his capacity as a registered person during that year, sub-section (3)

and the regulations made in pursuance of that sub-section apply to the first-mentioned registered person—

- (a) if the first-mentioned registered person acquired possession or control of the records before the end of that year—as if he were the registered person who, by virtue of the doing of those acts or things, had dealt with the wool in the capacity of a registered person during that year;
- (b) if the first-mentioned registered person acquired possession or control of the records after the end of that year but before sub-section (3) has been complied with in respect of that year—as if he were the registered person who, by virtue of the doing of those acts or things, had dealt with the wool in the capacity of a registered person during that year and as if the reference to one month in sub-section (3) were a reference to one month after he acquired possession or control of the records; or
- (c) if the first-mentioned registered person acquired possession or control of the records after the expiration of that year and after sub-section (3) has been complied with in respect of that year—as if he were the registered person who, by virtue of the doing of those acts or things, had dealt with the wool in the capacity of a registered person during that year and as if he were the registered person who had complied with sub-section (3).

“(3B) Nothing in sub-section (3A) shall be taken to render a registered person liable for conviction in respect of an act or omission of another registered person in respect of an obligation imposed upon that other registered person by sub-section (3).”.

13. After section 42AG of the Principal Act the following section is inserted in Part IIIA:

**Persons who become registered persons again  
after ceasing to be registered persons**

“42AH. Where a person who is a registered person ceases to be a registered person but subsequently becomes a registered person again, the provisions of this Part apply to him as if, when he again becomes a registered person, he were a registered person other than the first-mentioned registered person.”.

**Membership of Authority**

14. (1) Section 46 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “eight” and substituting “10”; and
- (b) by omitting paragraph (1) (d) and substituting the following paragraphs:
  - “(d) a person nominated by the organization known as the Wool Scourers and Carbonisers Association of Australia;
  - “(da) a person nominated by the organization known as the Federal Council of Private Treaty Wool Merchants;
  - “(db) a person nominated by the organization known as the Wool Council of Australia;”.

(2) A person who, immediately before the commencement of this Act, held office as a member of the Australian Wool Testing Authority by virtue of paragraph 46 (1) (d) of the Principal Act continues to hold office by virtue of paragraph 46 (1) (d) of the Principal Act as amended by this Act, subject to the Principal Act as amended by this Act, for the remainder of his term of office.

### **Meetings of Authority**

15. (1) Section 56 of the Principal Act is amended by omitting from sub-section (6) "five" and substituting "7".

(2) Notwithstanding the amendment made by sub-section (1), the quorum for meetings of the Australian Wool Testing Authority shall continue to be 5 members of that Authority until such time as a person nominated by the organization known as the Federal Council of Private Treaty Wool Merchants and a person nominated by the organization known as the Wool Council of Australia are first appointed to the Australian Wool Testing Authority in pursuance of section 46 of the Principal Act as amended by this Act.

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### **NOTE**

1. No. 111, 1972, as amended. For previous amendments, see Nos. 63 and 216, 1973; Nos. 65 and 152, 1974; Nos. 37 and 71, 1976; Nos. 43 and 92, 1977; Nos. 36 and 71, 1978; Nos. 31 and 49, 1979; and No. 50, 1980.