



Wool Tax (No. 5) Further Amendment Act 1990

No. 95 of 1990

An Act to amend the *Wool Tax Act (No. 5) 1964*, and for related purposes

[Assented to 29 November 1990]

The Parliament of Australia enacts:

Short title etc.

1. (1) This Act may be cited as the *Wool Tax (No. 5) Further Amendment Act 1990*.

(2) In this Act, “Principal Act” means the *Wool Tax Act (No. 5) 1964*¹.

Commencement

2. This Act is to be taken to have commenced on 4 October 1990.

Imposition of tax

3. Section 4 of the Principal Act is amended:

- (a) by omitting from subsection (1) “a tax” and substituting “tax”;
- (b) by omitting from subsection (4) “If” and substituting “Subject to subsection (4A), if”;
- (c) by adding at the end the following subsection:

“(4A) Subsection (4) does not apply to shorn wool if:

- (a) the tax imposed on the wool by another Wool Tax Act was imposed at a rate applicable to carpet wool; and
- (b) when the tax was imposed on the wool by that other Wool Tax Act, the wool was carpet wool because of the operation of paragraph (b) or (c) of the definition of ‘carpet wool’ in subsection 4(1) of the *Wool Tax (Administration) Act 1964*; and
- (c) the wool is exported from Australia.”.

Rate of tax

4. Section 5 of the Principal Act is amended:

- (a) by omitting “the tax” and substituting “tax, other than additional tax,”;
- (b) by omitting “20%” and substituting “30%”;
- (c) by omitting paragraph (b) and substituting the following paragraph:

“(b) if a lower rate is applicable to the wool under the regulations—that lower rate.”.

5. After section 5 of the Principal Act the following section is inserted:

Surcharge in respect of certain wool

“5A. (1) On and after a date to be fixed by the regulations, additional tax is payable in respect of shorn wool, other than carpet wool, exported from Australia.

“(2) The rate of additional tax is:

- (a) 20% of the sale value of the wool; or
- (b) if a lower rate is applicable to the wool under the regulations—that lower rate.”.

6. Section 6 of the Principal Act is repealed and the following section is substituted:

Regulations

“6. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

“(2) A rate prescribed for the purpose of paragraph 5 (b) or 5A (2) (b) must be a rate that is a particular percentage of the sale value of the shorn wool on which tax, or additional tax, as the case requires, is payable.

“(3) Regulations made for the purpose of paragraph 5 (b) may prescribe different rates for:

- (a) shorn wool other than carpet wool; and
- (b) carpet wool;

or may prescribe only a rate for shorn wool other than carpet wool or only a rate for carpet wool.

“(4) A percentage specified in a rate of tax prescribed for the purpose of paragraph 5 (b):

- (a) in the case of a rate applicable to shorn wool other than carpet wool—must not be less than 5.25%; and
- (b) in the case of a rate applicable to carpet wool—must not be less than 2.75%; and
- (c) must not be such that, at any time, the percentage is different from a percentage specified in a rate of tax prescribed for the purpose of paragraph 5 (b) of another Wool Tax Act in respect of the same kind of wool.

“(5) Before making regulations under this section prescribing a rate of tax, the Governor-General is required to take into consideration:

- (a) in the case of regulations to prescribe a rate for the purpose of paragraph 5 (b)—any recommendations with respect to that rate made to the Minister by the Wool Council of Australia, being the organisation that was formed under that name on 19 July 1979; or
- (b) in the case of regulations to prescribe a rate for the purpose of paragraph 5A (2) (b)—any recommendations with respect to that rate made to the Minister by the Australian Wool Corporation.”.

Temporary fixing of rate of tax

7. (1) The Principal Act, as amended by this Act:

- (a) has effect, in relation to shorn wool other than carpet wool, as if a rate of 25% had been prescribed, with effect on and from 4 October 1990, for the purpose of paragraph 5 (b); and
- (b) so has effect until regulations prescribing a rate for the purpose of paragraph 5 (b) first come into operation after the commencement of this Act.

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- (2) The Principal Act, as amended by this Act:
- (a) has effect, in relation to carpet wool, as if a rate of 3.85% had been prescribed, with effect on and from 4 October 1990, for the purpose of paragraph 5 (b); and
 - (b) so has effect until regulations prescribing a rate for the purpose of paragraph 5 (b) first come into operation after the commencement of this Act.
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NOTE

1. No. 29, 1964, as amended. For previous amendments, see No. 68, 1973; No. 70, 1974; No. 90, 1975; Nos. 37 and 76, 1976; No. 48, 1977; No. 76, 1978; No. 36, 1979; No. 55, 1980; No. 89, 1985; No. 50, 1987; and No. 67, 1990.

*[Minister's second reading speech made in—
House of Representatives on 13 November 1990
Senate on 15 November 1990]*