



Primary Industries Legislation Amendment Act (No. 2) 1991

No. 125 of 1991

An Act to amend legislation relating to primary industries

[Assented to 27 August 1991]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Primary Industries Legislation Amendment Act (No. 2) 1991*.

Commencement

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Section 6 is taken to have commenced immediately after the commencement of the *Australian Wool Corporation Act 1991*.

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**PART 2—AMENDMENT OF THE AUSTRALIAN
HORTICULTURAL CORPORATION AMENDMENT ACT 1991**

Principal Act

3. In this Part, “**Principal Act**” means the *Australian Horticultural Corporation Amendment Act 1991*¹.

4. After section 25 of the Principal Act the following section is inserted:

Certain amounts payable to the Board

“25A.(1) The Board is to be paid amounts equal to amounts payable under the *Dried Fruits Export Charges Act 1924* and received by the Commonwealth on or after the commencing day.

“(2) The Board is to be paid interest on each amount paid to it under subsection (1), being interest calculated:

- (a) at the rate determined by the Minister; and
- (b) in respect of the period starting on the day determined by the Minister and ending on the day on which that amount is so paid to the Board.

“(3) The amounts payable to the Board under subsections (1) and (2) are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(4) A determination under subsection (2):

- (a) must be in writing; and
- (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

**PART 3—AMENDMENTS OF THE AUSTRALIAN WOOL
CORPORATION ACT 1991**

Principal Act

5. In this Part, “**Principal Act**” means the *Australian Wool Corporation Act 1991*².

Minister to be notified of motions

6. Section 48 of the Principal Act is amended by omitting “*Primary Industries (Industry Councils) Act 1991*” and substituting “*Australian Wool Industry Council Act 1991*”.

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7. After section 98 of the Principal Act the following sections are inserted:

Payment to Corporation—where wool tax imposed before 1 July 1991 is received on or after that day

“98A.(1) Where:

- (a) tax or additional tax imposed, at any time before 1 July 1991, by a Wool Tax Act on particular shorn wool is received by the Commonwealth on or after that day; and
- (b) if the repealed Act were still in force at the time when the tax or additional tax is received, amounts would be payable to the Corporation (within the meaning of that Act) under section 47 of that Act;

there is payable to the Corporation an amount equal to the sum of:

- (c) the amount that would be payable under paragraph 47(1)(b) of the repealed Act if that Act were still in force; and
- (d) the amount that would be payable by way of interest if interest were payable on the amount referred to in paragraph (c), at the rate determined by the Minister, in respect of the period commencing on the day determined by the Minister and ending on the day on which the amount payable under this subsection is paid.

“(2) Money payable to the Corporation under subsection (1) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(3) A determination under paragraph (1)(d):

- (a) must be in writing; and
- (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Interest payable to Corporation where certain amounts payable under repealed Act remained unpaid on 30 June 1991

“98B.(1) Where:

- (a) an amount that was payable under paragraph 47(1)(b) of the repealed Act was paid to the Commission after 30 June 1991; and
- (b) under regulations made under the *Australian Wool Realisation Commission Act 1991*, the Commission has paid to the Corporation an amount (in this subsection called the ‘**transferred amount**’) equal to so much of that amount as would be payable to:
 - (i) the account maintained by the Commission under the name Promotion Reserve; and

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(ii) the account maintained by the Commission under the name General Reserve;

if the repealed Act were still in force;

the Commonwealth must pay to the Corporation the amount that would be payable by way of interest if interest were payable on the transferred amount, at the rate determined by the Minister, in respect of the period commencing on the day determined by the Minister and ending on the day on which the transferred amount was paid.

“(2) Money payable to the Corporation under subsection (1) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(3) A determination under subsection (1):

(a) must be in writing; and

(b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

“(4) In subsection (1):

‘**Commission**’ means the body corporate that:

(a) existed under the repealed Act with the name Australian Wool Corporation; and

(b) is continued in existence under the *Australian Wool Realisation Commission Act 1991* with the name Australian Wool Realisation Commission.”.

**PART 4—AMENDMENT OF THE AUSTRALIAN WOOL
REALISATION COMMISSION ACT 1991**

Principal Act

8. In this Part, “**Principal Act**” means the *Australian Wool Realisation Commission Act 1991*³.

9. After section 80 of the Principal Act the following sections are inserted:

Payment to Commission—where tax imposed before 1 July 1991 is received on or after that day

“80A.(1) Where:

(a) tax or additional tax imposed, at any time before 1 July 1991, by a Wool Tax Act on particular shorn wool is received by the Commonwealth on or after that day; and

(b) if the repealed Act were still in force at the time when the tax or additional tax is received, amounts would be payable to the Corporation (within the meaning of that Act) under section 47 of that Act;

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there is payable to the Commission an amount equal to the sum of:

- (c) the amount that would be payable under paragraph 47(1)(a) of that Act if that Act were still in force; and
- (d) the amount that would be payable by way of interest if interest were payable on the amount referred to in paragraph (c), at the rate determined by the Minister, in respect of the period commencing on the day determined by the Minister and ending on the day on which the amount payable under this subsection is paid.

“(2) Money payable to the Commission under subsection (1) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(3) A determination under paragraph (1)(d):

- (a) must be in writing; and
- (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Interest payable to Commission where certain amounts payable under repealed Act remained unpaid on 30 June 1991

“80B.(1) Where an amount that was payable under paragraph 47(1)(a) of the repealed Act is paid to the Commission after 30 June 1991, the Commonwealth must pay to the Commission interest on that amount, at the rate determined by the Minister, in respect of the period commencing on the day determined by the Minister and ending on the day on which that amount is paid.

“(2) Money payable to the Commission under subsection (1) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(3) A determination under subsection (1):

- (a) must be in writing; and
- (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

PART 5—AMENDMENTS OF THE PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT ACT 1989

Principal Act

10. In this Part, “Principal Act” means the *Primary Industries and Energy Research and Development Act 1989*.

Payments to R & D Corporation in respect of the wool industry

11. Section 30B of the Principal Act is amended:

- (a) by omitting from subsection (4) “There” and substituting “Subject to subsection (4A), there”;

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(b) by inserting after subsection (4) the following subsections:

“(4A) The total of the amounts paid under subsection (4) to the R & D Corporation in respect of the wool industry in a financial year must not exceed:

- (a) the maximum amount for that financial year; or
- (b) 0.5% of the amount that the Minister determines to be the gross value of shorn wool produced in Australia in that financial year;

whichever is less.

“(4B) For the purposes of paragraph (4A)(a):

- (a) the maximum amount in respect of the financial year commencing on 1 July 1991 is the amount equal to the total of the amounts paid under subsections (1) and (2) of this section, paragraph 89B(1)(c) and subsection 89B(2) to the R & D Corporation in respect of the wool industry during the financial year; and
- (b) the maximum amount in respect of any subsequent financial year is equal to the difference between:
 - (i) the total of the amounts paid under subsections (1) and (2) of this section, paragraph 89B(1)(c) and subsection 89B(2) to the R & D Corporation in respect of the wool industry during the period commencing on 1 July 1991 and ending at the end of the financial year; and
 - (ii) the total of the amounts paid under subsection (4) to that Corporation during the period commencing on 1 July 1991 and ending immediately before the commencement of the financial year.”.

12. After section 89A of the Principal Act the following sections are inserted:

Payment to R & D Corporation in respect of the wool industry—where wool tax imposed before 1 July 1991 is received on or after that day

“89B.(1) Where:

- (a) tax or additional tax imposed, at any time before 1 July 1991, by a Wool Tax Act on particular shorn wool is received by the Commonwealth on or after that day; and
- (b) if the *Wool Marketing Act 1987* were still in force at the time when the tax or additional tax is received, amounts would be payable to the Corporation (within the meaning of that Act) under section 47 of that Act:

there is payable to the R & D Corporation in respect of the wool industry:

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- (c) an amount equal to the amount that would be payable under paragraph 47(1)(c) of that Act if that Act were still in force; and
- (d) the amount that would be payable by way of interest if interest were payable on the amount referred to in paragraph (c), at the rate determined by the Minister, in respect of the period commencing on the day determined by the Minister and ending on the day on which the amount payable under this subsection is paid.

“(2) Where:

- (a) an amount (being an amount equal to an amount that would be payable under paragraph 47(1)(c) of the *Wool Marketing Act 1987* if that Act were in force) has been paid to the R & D Corporation in respect of the wool industry under subsection (1); and
- (b) if the *Wool Marketing Act 1987* were in force, an amount (in this subsection called the ‘**matching amount**’) would be payable into the Research Fund (within the meaning of that Act) under paragraph 93(1)(b) of that Act because of the amount that would have been paid under paragraph 47(1)(c) of that Act;

there is payable to that Corporation an amount equal to the matching amount.

“(3) Money payable to the R & D Corporation in respect of the wool industry under subsection (1) or (2) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(4) A determination under paragraph (1)(d):

- (a) must be in writing; and
- (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Interest payable to R & D Corporation in respect of the wool industry where certain amounts payable under repealed Act remained unpaid on 30 June 1991

“89C.(1) Where:

- (a) an amount that was payable under paragraph 47(1)(c) of the *Wool Marketing Act 1987* was paid to the Commission after 30 June 1991; and
- (b) under regulations made under the *Australian Wool Realisation Commission Act 1991*, the Commission has paid to the R & D Corporation in respect of the wool industry an amount (in this subsection called the ‘**transferred amount**’) equal to that amount;

the Commonwealth must pay to that Corporation the amount that would be payable by way of interest if interest were payable on the transferred amount, at the rate determined by the Minister, in respect

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of the period commencing on the day determined by the Minister and ending on the day on which the transferred amount was paid.

“(2) Money payable to the Corporation under subsection (1) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(3) A determination under subsection (1):

- (a) must be in writing; and
- (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

“(4) In subsection (1):

‘**Commission**’ means the body corporate that:

- (a) existed under the *Wool Marketing Act 1987* with the name Australian Wool Corporation; and
- (b) is continued in existence under the *Australian Wool Realisation Commission Act 1991* with the name Australian Wool Realisation Commission.”.

NOTES

1. No. 42, 1991.
2. No. 108, 1991.
3. No. 107, 1991.
4. No. 17, 1990. For further amendments, see No. 134, 1990; and Nos. 26, 31 and 109, 1991.

[*Minister's second reading speech made in—
House of Representatives on 20 August 1991
Senate on 22 August 1991*]