



Primary Industries and Energy Legislation Amendment Act (No. 2) 1995

No. 133 of 1995

**An Act to amend various Acts administered by the
Department of Primary Industries and Energy, and for
related purposes**

[Assented to 14 November 1995]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1995*.

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Commencement

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

(2) Part 3 of Schedule 3 commences, or is taken to have commenced, on 1 January 1996.

(3) Items 9 to 12 (inclusive) of Schedule 4 are taken to have commenced on 1 December 1985.

Amendments

3. The Acts specified in the Schedules are amended in accordance with the applicable items in the Schedules, and the other items in the Schedules have effect according to their terms.

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SCHEDULE 1

Section 3

EXPORT INSPECTION (QUANTITY CHARGE) ACT 1985

1. Subsections 6(1A), (1B) and (1C):

Omit the subsections.

2. Paragraph 6(1E)(p):

Omit the paragraph.

3. Application

The amendments made by this Schedule apply in relation to export permits granted after the commencement of this item.

SCHEDULE 2

Section 3

WGOL INTERNATIONAL ACT 1993

PART 1—SMALL TAXPAYERS

1. Subsection 64(1):

Omit all the words after “person”, substitute “whose name is in the section 66 register at the time when the regulations require the record to be sent”.

2. Subsection 64(4):

Omit the subsection.

3. Subsections 66(1) and (2):

Add at the end:

“Note: The operation of this subsection is modified for small taxpayers by subsection (5).”.

4. Section 66:

Add at the end:

“(5) In determining whether a person is a wool-tax payer for the purposes of subsections (1) and (2), if:

- (a) the person has paid wool tax imposed on particular shorn wool; and
- (b) the rate of that tax was calculated by reference to a sale value of less than the amount specified in the regulations; and

(c) the payment is made on or after the day specified in the regulations; the payment is to be ignored. However, this rule does not apply if the person gives Wool International a written request to take the payment into account in determining whether the person is a wool-tax payer for the purposes of subsections (1) and (2).

“(6) A request made by a person under subsection (5) may be expressed to relate to a payment that will be, or that might possibly be, made by the person after whichever is the later of:

- (a) the time when the request was made; or
- (b) the beginning of the day referred to in paragraph (5)(c).

“(7) A request made by a person under subsection (5) may be expressed to relate to a payment that was made by the person before the time when the request was made. In that event, Wool International is not required to enter the relevant particulars in the register until after the time when the request was made.”.

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SCHEDULE 2—continued

PART 2—CARPET WOOL

5. After section 66:

Insert:

Carpet wool-tax payers

“66A.(1) This section applies if Wool International has information about a person who has paid wool tax imposed on carpet wool.

“(2) The Australian Wool Research and Promotion Organisation may, with the consent of the person, request Wool International to:

- (a) allow the Organisation access to that information; or
- (b) provide the Organisation with a copy of, or an extract from, that information.

“(3) Wool International must comply with the request.”.

SCHEDULE 3

Section 3

**AUSTRALIAN WOOL RESEARCH AND PROMOTION
ORGANISATION ACT 1993**

PART 1—MEETINGS

- 1. Subsection 35(1):**
Omit “within Australia”.

PART 2—MATCHING COMMONWEALTH PAYMENTS

- 2. Subsection 55(2):**
Omit the subsection, substitute:
“(2) The sum of the amounts paid to the Organisation under subsection (1) must not exceed the total of the amounts paid to the Organisation under section 49 and subsections 52(2) and (4).
“(2A) The amount paid to the Organisation under subsection (1) in respect of a financial year must not exceed 0.5% of the total amount that the Minister determines to be the gross value of shorn wool produced in Australia in the financial year.”.

PART 3—FUNCTIONS OF THE ORGANISATION

- 1. After paragraph 6(1)(e):**
Insert:
“(ea) to develop or implement, or to arrange for the development or implementation of, programs to maintain and improve the quality of Australian wool, being:
(i) monitoring programs in relation to chemical residues in wool; or
(ii) education programs in relation to chemical residues in wool; and”.
- 2. Part 11:**
Repeal the Part.
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SCHEDULE 4

Section 3

PETROLEUM (SUBMERGED LANDS) ACT 1967

PART 1—PROTECTION OF NATIVE TITLE RIGHTS AND INTERESTS

1. Paragraphs 124(a) and (b):

Add at the end “or”.

2. After paragraph 124(d):

Insert:

“or (e) the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*);”.

PART 2—WORK PRACTICES AND OCCUPATIONAL HEALTH AND SAFETY

3. Subsection 5(1):

Insert:

“*operation* means an activity to which Part III applies.”.

4. Division 6B of Part III (Heading):

Omit “*Occupational*”.

5. Subsection 140H(1):

After “subsection (2)” insert “and regulations made for the purposes of subsection 140I(1)”.

6. Subsection 140H(2):

Omit “to the extent that”, substitute “if”.

7. Subsection 140H(2):

After “provides” insert “, to any extent,”.

8. After section 140H:

Insert:

Regulations relating to health and safety

“140I.(1) The regulations may make provision in relation to the health and safety of persons at or near an operations site who are under the control of a person who is carrying on an operation.

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SCHEDULE 4—continued

“(2) Regulations for the purposes of subsection (1) may:

- (a) require a person who is carrying on an operation to establish and maintain a system of management to secure the health and safety of persons referred to in that subsection; and
- (b) specify requirements with which the system must comply.

This subsection does not limit the generality of subsection (1).

Note: Under section 9 or 11, the application in an adjacent area of State or Territory laws is subject to regulations made under this Act.”.

**PART 3—GUARANTEED WORK PROGRAM BIDDING
SYSTEM FOR EXPLORATION PERMITS**

9. Subsection 33(2):

Omit the subsection, substitute:

“(2) Subject to subsection (2A), the conditions referred to in subsection (1) may include all or any of the following:

- (a) conditions with respect to work to be carried out by the permittee in or in relation to the permit area during the term of the permit, including conditions that require the permittee to carry out the work during a period or periods consisting of one or more years; or
- (b) conditions with respect to amounts to be expended by the permittee in the carrying out of such work; or
- (c) conditions requiring the permittee to comply with directions given in accordance with the permit concerning the matters referred to in paragraphs (a) and (b).”.

10. Before subsection 96(1):

Insert:

“(1AA) This section does not apply to permits granted under section 22 or such permits renewed under section 32.”.

11. Subsection 104(1):

Omit “, at any time,”.

12. After subsection 104(3):

Insert:

“(3A) If:

- (a) an application for consent to surrender an instrument relates to a permit granted under section 22 or such a permit renewed under section 32; and

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SCHEDULE 4—continued

(b) a condition of the permit requires the registered holder to carry out specified work during a period specified in the permit; and

(c) the application is made during such a period;

the registered holder of the permit has not complied with the condition, for the purposes of this section, unless the registered holder has completed the work specified for the period during which the application was made.

Example

A permit granted under section 22 has a six year term and is subject to:

(a) a condition that requires the registered holder, during each year of the term of the permit, to carry out the work specified in the permit for the year concerned; and

(b) a condition that requires the registered holder to carry out the work specified for the first 3 years of the term of the permit before the end of the third year.

If the registered holder of the permit applies for consent to surrender the permit during the second year of the term of the permit and the holder has completed the specified work for the first and second years of the permit, but has not completed the work specified for the third year, the holder has not complied with the condition mentioned in paragraph (b).

If the registered holder of the permit applies for consent to surrender the permit during the fourth year of the term of the permit and the registered holder has not completed the work specified for the fourth year, the holder has not complied with the condition mentioned in paragraph (a).”.

13. Permits granted before commencement

(1) If a permit that was granted under section 22 of the *Petroleum (Submerged Lands) Act 1967* or was renewed under section 32 of that Act (having been originally granted under section 22 of that Act):

(a) was so granted or renewed less than 3 years prior to commencement; and

(b) is in force on commencement;

the permit is taken to include the following condition:

“1A. During the first 3 year period of the term of the permit the permittee must complete the work specified in the minimum work requirements for the years in that period.”.

(2) All permits granted under section 22 of the *Petroleum (Submerged Lands) Act 1967* during the past period and all such permits renewed under section 32 of that Act during the past period (other than permits referred to in subsection (1)) are taken to have included, for the purpose only of determining whether they were validly granted or renewed, the following condition:

“1A. During the first 3 year period of the term of the permit the permittee must complete the work specified in the minimum work requirements for the years in that period.”.

(3) In this item:

commencement means the beginning of the day on which this Act receives the Royal Assent.

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SCHEDULE 4—continued

14. Validity of past surrenders under section 104

Items 9 to 12 (inclusive) do not affect the validity of a consent given during the past period under section 104 of the *Petroleum (Submerged Lands) Act 1967*.

15. Interpretation

In this Part:

past period means the period commencing on 1 December 1985 and ending on the commencement of this item.

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SCHEDULE 5

Section 3

EXPORT CONTROL ACT 1982

1. Subparagraphs 7(3)(b)(i) and (ii):

Add at the end “and”.

2. After subparagraph 7(3)(b)(ii):

Insert:

“(iia) the imposition of fees in connection with monitoring compliance with conditions of licences that are designated as hardwood woodchip export licences; and”.

SCHEDULE 6

Section 3

EXOTIC ANIMAL DISEASE CONTROL ACT 1989

**PART 1—AMENDMENTS RELATING TO THE CLOSURE OF
THE EXOTIC ANIMAL DISEASE PREPAREDNESS TRUST
ACCOUNT**

1. Object

The object of this Part is to enable the Exotic Animal Disease Preparedness Trust Account to be closed before 31 December 1995.

2. Before subsection 24(1):

Insert:

“(1A) The Account must be closed on a day not later than 31 December 1995.”.

3. Subsection 24(1):

Omit all the words to and including “shall” (second occurring), substitute:

“Any money standing to the credit of the Account on the day before the day on which it is to be closed must”.

4. Paragraph 24(1)(c):

Omit the paragraph, substitute:

“(c) the Australian Wool Research and Promotion Organisation (being the corporation established by subsection 5(1) of the *Australian Wool Research and Promotion Organisation Act 1993*); and”.

5. Subsection 24(2) (definition of “ASC”):

Omit “at the time when it is closed”.

6. Paragraph 24(3)(f):

Omit the paragraph, substitute:

“(f) in the case of the Australian Wool Research and Promotion Organisation—the total of the amounts received by the Commonwealth under section 53A of the *Wool Marketing Act 1987*, section 26 of the *Australian Wool Corporation Act 1991* and section 79 of the *Australian Wool Research and Promotion Organisation Act 1993*; and”.

SCHEDULE 6—continued

PART 2—TRANSITIONAL PROVISIONS

7. Object

The object of this Part is to ensure that certain payments received by the Commonwealth in relation to the *Exotic Animal Disease Control Act 1989* can be paid into the Exotic Animal Disease Preparedness Trust Account, before that account is closed.

8. Payments into Account

(1) There must be paid into the account:

- (a) in respect of each amount of Exotic Animal Disease Levy received by the Commonwealth after 30 June 1995— an amount equal to that amount of levy; and
- (b) in respect of each amount of penalty received by the Commonwealth after 30 June 1995 for non-payment of Exotic Animal Disease Levy— an amount equal to that amount of penalty; and
- (c) in respect of each amount of prescribed levy received by the Commonwealth after 30 June 1995— an amount equal to the exotic animal disease component of the levy; and
- (d) in respect of each amount of penalty received by the Commonwealth after 30 June 1995 for non-payment of a prescribed levy— an amount equal to so much of that amount of penalty as is attributable to non-payment of the exotic animal disease component of the levy.

(2) Interest received after 30 June 1995 from the investment of money standing to the credit of the Account must be paid into the Account.

(3) In this item:

Account means the Exotic Animal Disease Preparedness Trust Account established under section 21 of the *Exotic Animal Disease Control Act 1989*.

Exotic Animal Disease Levy means the exotic animal disease levy imposed by section 5 of the *Dairy Produce Levy (No. 1) Act 1986*.

prescribed levy means a levy imposed by an Act specified in the Schedule to the *Exotic Animal Disease Control Act 1989*.

9. Appropriation

Amounts payable into the Exotic Animal Disease Preparedness Trust Account under item 8 are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

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*[Minister's second reading speech made in—
House of Representatives on 1 June 1995
Senate on 5 June 1995]*