



Primary Industries and Energy Legislation Amendment Act (No. 1) 1996

No. 18, 1996

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

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

[Assented to 28 June 1996]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Primary Industries and Energy
Legislation Amendment Act (No. 1) 1996*.

2 Commencement

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

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- (2) Schedule 1 is taken to have commenced on 25 February 1994.
- (3) Schedules 3, 4 and 8 commence on the day on which a notice is published in the *Gazette* under subsection 6(6) of the *Poultry Industry Assistance Act 1965*.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Offshore Minerals Act 1994

1 Paragraphs 15(1)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) a licence has been granted on the basis that an area is within an offshore area; and
- (b) there is a change to the baseline of Australia's territorial sea or, because new data is obtained or existing data is reconsidered, the location of the baseline is reassessed; and
- (c) as a result of the change to, or reassessment of the location of, the baseline, the area ceases to be within an offshore area;

2 Paragraphs 15(3)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) a State offshore mining licence has been granted on the basis that an area is within the State's coastal waters; and
- (b) there is a change to the baseline of Australia's territorial sea or, because new data is obtained or existing data is reconsidered, the location of the baseline is reassessed; and
- (c) as a result of the change to, or reassessment of the location of, the baseline, the area:
 - (i) ceases to be within the State's coastal waters; and
 - (ii) falls within an offshore area;

Note: The heading to section 15 is altered by omitting "In baseline" and substituting "to, or reassessment of the location of, baseline".

Schedule 2—Amendment of the Poultry Industry Assistance Act 1965

1 Section 6

Add at the end:

- (5) The Minister may approve the amount standing to the credit of the Fund being paid to the Egg Industry Development Fund established under section 107 of the *Primary Industries and Energy Research and Development Act 1989*.
- (6) When the amount standing to the credit of the Fund is paid to the Egg Industry Development Fund pursuant to an approval under subsection (5), the Minister must cause notice of the payment to be published in the *Gazette*.

Schedule 3—Amendment of the Primary Industries Levies and Charges Collection Act 1991

1 Schedule 2

Omit:

Poultry Industry Levy Act 1965

Schedule 4—Amendment of the Rural Industries Research Act 1985

1 Schedule 1 (Part 1)

Omit:

Levy imposed by
*Poultry Industry
Levy Act 1965*

So much of levy referred to
in Column 1 as is received by
virtue of paragraph 6(1)(b) of
the *Poultry Industry Levy Act
1965*

*Egg Industry
Research
Trust Fund*

*Egg Industry
Research
Council*

Schedule 5—Amendment of the Laying Chicken Levy Act 1988

1 Subsection 9(2)

Omit “Australian Council of Egg Producers”, substitute “Australian Egg Industry Association Incorporated or, if another body is declared by the Minister to be the body representing the Australian egg industry, the body so declared”.

2 After subsection 9(2)

Insert:

- (2A) The Minister may, by notice published in the *Gazette*, declare a body referred to in the notice to be the body representing the Australian egg industry.

Schedule 6—Amendment of the Wool International Act 1993

Part 1—Amendments

1 Section 9

Add at the end:

- (3) In addition to its powers under subsection (1), Wool International may, with the written approval of the Minister:
 - (a) form, or participate with others in the formation of, a company; or
 - (b) acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities of, a company;
being a company whose objects include the carrying on of activities relating to trading in any wool (whether or not the wool exists) for the purposes specified in subsection 8(2).
- (4) If the Minister decides to sign an instrument (the *instrument of approval*) approving the exercise by Wool International of a particular power referred to in subsection (3):
 - (a) the Minister must set out, in the instrument of approval, particulars of the power proposed to be exercised and for which approval is given; and
 - (b) the Minister must give notice of the making of that instrument in the *Gazette*; and
 - (c) the instrument is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*; and
 - (d) the instrument must be expressed to take effect only when it can no longer be disallowed by either House of the Parliament.
- (5) Section 46A of the *Acts Interpretation Act 1901* applies in relation to an instrument of approval as if:
 - (a) there were substituted for subparagraphs 46A(1)(a)(iia) and (iv) the following subparagraphs:
 - (iia) any reference to 15 sitting days of a House of the Parliament were a reference to 3 sitting days of that House; and

- (iiib) paragraphs 48(1)(a) and (b) did not apply, but, subject to the operation of this section, the instrument took effect on the day specified as the date of effect in the instrument; and
 - (iv) subsection 48(2) did not apply to the instrument; and
- (b) there were substituted for paragraphs 46A(1)(c), (d), (e) and (f) the following paragraph:
 - (c) the instrument is not to be taken to be a statutory rule within the meaning of the *Statutory Rules Publication Act 1903*.
- (6) If the Governor-General is satisfied:
 - (a) that the Minister has not given any instrument of approval before 1 July 1997; or
 - (b) that the Minister has given an instrument of approval before 1 July 1997 but that instrument, or each such instrument, is subsequently disallowed in either House of the Parliament;the Governor-General may, by Proclamation, declare that subsection (3) ceased to have effect:
 - (c) in a case to which paragraph (a) applies—on 1 July 1997; and
 - (d) in a case to which paragraph (b) applies—on the day on which the instrument referred to in that paragraph was disallowed in a House of the Parliament or, if there was more than one such instrument, on the day on which the last of the instruments to be disallowed was so disallowed;and, where such a Proclamation is made, subsection (3) and section 49A are taken to have ceased to have effect on that day.
- (7) The Minister's approval mentioned in subsection (2) may be subject to any condition that the Minister thinks appropriate.

2 Subsection 43(2)

Repeal the subsection, substitute:

- (2) After the Commonwealth receives the full amount of tax imposed by any of the Wool Tax Acts in a financial year on a particular sale, purchase, export or processing of shorn wool (other than carpet wool), the Commonwealth must pay to Wool International an amount equal to the prescribed percentage of the sale value of that wool.

- (3) For the purpose of the Wool Tax Acts, the percentage that applies to a particular financial year under subsection (2) of this section is taken to have been fixed by subsection (2) of this section.
- (4) In this section:
prescribed percentage, in relation to an amount of wool tax, means:
 - (a) 4.5%; or
 - (b) if a lower percentage (which may be 0%) is prescribed by the regulations for the financial year in which the tax is imposed—that percentage.

3 Section 45

Repeal the section.

4 Section 46

Omit “43, 44 or 45”, substitute “43 or 44”.

5 Section 49

Omit “Money”, substitute “Subject to section 49A, money”.

6 After section 49

Insert:

49A Expenditure of Wool International money on wool trading subsidiaries

Wool International may, when expending money (in accordance with section 49):

- (a) in the exercise of its powers under subsection 9(3); or
 - (b) in relation to a company referred to in subsection 9(3);
- use only the income specified in subsection 51(1) or income derived from it.

7 Section 52

Omit “43, 44 and 45”, substitute “43 and 44”.

Note: The heading to section 52 is altered by omitting “43, 44 and 45” and substituting “43 and 44”.

8 Subsection 64(2)

Repeal the subsection, substitute:

- (2) The purpose of a wool tax record is to inform the recipient of the amounts paid to the Australian Wool Realisation Commission or Wool International that represent wool tax referred to in subsection (1) and paid by the person.

9 Subsection 69(2)

Omit "45,".

Part 2—Transitional provisions

10 Interpretation

In this Part:

Principal Act means the *Wool International Act 1993*.

Wool International means the body corporate continued in existence under subsection 7(1) of the Principal Act.

11 Repayment of additional contributions

If:

- (a) a person has made an additional contribution under section 45 of the Principal Act after 20 June 1995; and
- (b) Wool International was paid, under subsection 45(4) of the Principal Act, an amount equal to the contribution;

Wool International must pay to the person an amount equal to the contribution.

12 Amendments of register

If:

- (a) a person has made an additional contribution under section 45 of the Principal Act after 20 June 1995; and
- (b) an entry was made in the register (referred to in section 66 of the Principal Act) to record that payment; and
- (c) Wool International has made a payment to the person under item 11;

Wool International must make an entry in the register to record that an amount under item 11 has been paid to the person.

13 Application

The amendment effected by item 7 does not apply in respect of the financial year ending on 30 June 1996.

14 Compensation for acquisition of property

- (1) If, apart from this item, the operation of this Part would result in the acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay reasonable compensation to the person.

- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may apply to the Federal Court to determine a reasonable amount of compensation.
- (3) The jurisdiction of the Federal Court is exclusive of the jurisdiction of all other courts except that of the High Court.
- (4) Any damages or compensation recovered, or other remedy given, in a proceeding begun otherwise than under this item must be taken into account in assessing compensation payable in a proceeding begun under this item and arising out of the same event or transaction.
- (5) In this item:
acquisition of property and *just terms* have the same meaning as in paragraph 51(xxxi) of the Constitution.

Schedule 7—Amendment of the Australian Wool Research and Promotion Organisation Act 1993

1 Subsection 51(5)

Repeal the subsection, substitute:

- (5) The total of the percentages specified in recommendations that are approved under this section in relation to a particular kind of wool for the same financial year must not exceed the difference between:
 - (a) the rate of tax that applies under the Wool Tax Acts for that financial year in respect of that kind of wool; and
 - (b) the percentage that applies under subsection 43(2) of the *Wool International Act 1993* for that financial year.

2 Section 79

Repeal the section, substitute:

79 Contributions to costs of Australian Animal Health Council

- (1) This section has effect if a body known as the Australian Animal Health Council Limited is incorporated under the Corporations Law before 30 June 1997.
- (2) The Organisation is required to make contributions to the Australian Animal Health Council in respect of each financial year ending on or before 30 June 1997.
- (3) The total amount of the contributions in respect of a financial year is the amount prescribed in relation to that year.
- (4) A contribution may be paid by quarterly instalments.
- (5) Before making regulations prescribing an amount for a particular financial year, the Governor-General must take into consideration any recommendation with respect to the amount to be prescribed that has been made to the Minister by the Wool Council of Australia. The regulations may not prescribe an amount that is greater than the amount recommended.

Schedule 8—Repeal of Acts

Egg Industry Research (Hen Quota) Levy Act 1987

1 The whole of the Act

Repeal the Act.

Poultry Industry Assistance Act 1965

2 The whole of the Act

Repeal the Act.

Poultry Industry Levy Act 1965

3 The whole of the Act

Repeal the Act.

*[Minister's second reading speech made in—
House of Representatives on 9 May 1996
Senate on 23 May 1996]*