



Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007

No. 123, 2007

**An Act to deal with transitional and consequential
matters related to the enactment of the *Forestry
Marketing and Research and Development Services
Act 2007*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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**An Act to deal with transitional and consequential
matters related to the enactment of the *Forestry
Marketing and Research and Development Services
Act 2007*, and for related purposes**

[Assented to 28 June 2007]

The Parliament of Australia enacts:

*Forestry Marketing and Research and Development Services (Transitional and Consequential
Provisions) Act 2007 No. 123, 2007 1*

1 Short title

This Act may be cited as the *Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	28 June 2007
2. Schedule 1	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) the time the <i>Forestry Marketing and Research and Development Services Act 2007</i> commences. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	29 June 2007 (paragraph (a) applies)
3. Schedule 2	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	3 September 2007 (see F2007L02639)
Note:	This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.	

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- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

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—Transitional provisions

Part 1—Preliminary

1 Definitions

In this Schedule:

asset means:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; or
- (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

cessation time means the time when the FWPRDC ceases to exist because of the repeal of the *Forest and Wood Products Research and Development Corporation Regulations 1993*.

combined service period, in relation to a transferring employee, means the total of:

- (a) the period that is, immediately before the cessation time, the employee's period of service for the purposes of the Long Service Leave Act; and
- (b) the period during which the employee continues to be an employee of the successor body.

employee of FWPRDC means a person who is the Executive Director, or an employee, of FWPRDC immediately before the cessation time.

FWPRDC means the Forest and Wood Products Research and Development Corporation established by the *Primary Industries and Energy Research and Development Act 1989*.

liability means any liability, duty or obligation, whether actual, contingent or prospective.

Long Service Leave Act means the *Long Service Leave (Commonwealth Employees) Act 1976*, as in force immediately before the cessation time.

SRC Act means the *Safety, Rehabilitation and Compensation Act 1988*, as in force immediately before the cessation time.

successor body means the first body that is declared under the *Forestry Marketing and Research and Development Services Act 2007* as the industry services body.

transferring employee means a person who is taken to have been engaged as an employee of the successor body under Part 3.

2 Extension to external Territories

This Schedule extends to all the external Territories.

3 Extraterritorial operation

This Schedule applies within and outside Australia.

Part 2—Transfer of assets and liabilities of FWPRDC

4 Transfer of assets and liabilities

- (1) This item applies to:
 - (a) the assets of FWPRDC; and
 - (b) the liabilities of FWPRDC.
- (2) At the cessation time, the assets and liabilities cease to be assets and liabilities of FWPRDC and become assets and liabilities of the successor body without any conveyance, transfer or assignment.

Note: Assets that are Commonwealth records (as defined in the *Archives Act 1983*) do not become assets of the successor body under this item unless the National Archives of Australia gives permission under paragraph 24(2)(b) of that Act: see item 26.

- (3) Immediately after the cessation time, the successor body becomes FWPRDC's successor in law in relation to the assets and liabilities.
- (4) This item has effect despite section 145 of the *Primary Industries and Energy Research and Development Act 1989*.

Note: Section 145 of the *Primary Industries and Energy Research and Development Act 1989* still transfers to the Commonwealth at the cessation time the FWPRDC's records (if any) that the National Archives of Australia has not permitted to be transferred to the successor body. This is because this item does not transfer those records to the successor body: see item 26.

5 Transfer of pending proceedings

If any proceedings to which FWPRDC was a party:

- (a) were pending in any court or tribunal immediately before the cessation time; and
- (b) related, in whole or in part, to an asset or liability of FWPRDC;

the successor body is, by force of this item, substituted for FWPRDC as a party to the proceedings to the extent to which the proceedings relate to the asset or liability.

6 Exemption from stamp duty etc.

- (1) No stamp duty or other tax is payable under a law of a State or Territory in respect of an exempt matter, or anything connected with an exempt matter.

- (2) The Minister may certify in writing:
- (a) that a specified matter is an exempt matter; or
 - (b) that a specified thing was done in connection with a specified exempt matter.
- (3) In all courts, and for all purposes, a certificate under subitem (2) is evidence of the matter stated in the certificate.
- (4) In this item:
- exempt matter* means:
- (a) the transfer of an asset or a liability under this Part; or
 - (b) the operation of this Part in any other respect.

7 References in certain instruments

- (1) This item applies to an instrument if:
- (a) it is in operation immediately before the cessation time; and
 - (b) it is an instrument:
 - (i) to which FWPRDC is a party; or
 - (ii) which was given to, or in favour of, FWPRDC; or
 - (iii) in which a reference is made to FWPRDC; or
 - (iv) under which any right or liability accrues or may accrue to FWPRDC.
- (2) The instrument continues to have effect after the cessation time as if a reference in the instrument to FWPRDC were a reference to the successor body.
- (3) This item has effect despite section 147 of the *Primary Industries and Energy Research and Development Act 1989*.
- (4) In this item:
- instrument* does not include regulations or any other instrument made under the *Superannuation Act 1976*, the *Superannuation Act 1990* or the *Superannuation Act 2005*.

8 Certificates in relation to assets

- (1) This item applies if:
- (a) an asset vests in the successor body under this Part; and
 - (b) there is lodged with an assets official a certificate that:
-

Schedule 1 Transitional provisions

Part 2 Transfer of assets and liabilities of FWPRDC

- (i) is signed by the Minister; and
 - (ii) identifies the asset; and
 - (iii) states that the asset has become vested in the successor body under this Part.
- (2) The assets official may:
 - (a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
 - (b) make such entries in the register as are necessary having regard to the effect of this Part.
- (3) In this item:

assets official means the person or authority who, under a law of the Commonwealth, a State or a Territory, under a trust instrument or otherwise, has responsibility for keeping a register in relation to assets of the kind concerned.

Part 3—Transferring employees

Division 1—Preliminary

9 Transfer of staff

At the cessation time, each employee of FWPRDC ceases to be employed by FWPRDC and is taken to have been engaged as an employee of the successor body.

10 Terms and conditions of transferring employees

- (1) A transferring employee is taken:
 - (a) to have been engaged by the successor body on the same terms and conditions as those that applied to the person, immediately before the cessation time, as an employee of FWPRDC; and
 - (b) to have accrued an entitlement to benefits, in connection with that engagement by the successor body, that is equivalent to the entitlement that the person had accrued, as an employee of FWPRDC, immediately before the cessation time.
- (2) The service of a transferring employee as an employee of the successor body is taken, for all purposes, to be continuous with his or her service as an employee of FWPRDC.
- (3) Except as provided by this Part, a transferring employee is not entitled to receive any payment or other benefit merely because of the operation of this Part.
- (4) This item has effect subject to this Part.

11 Variation of terms and conditions of employment

- (1) This Schedule does not prevent the terms and conditions of a transferring employee's employment after the cessation time from being varied:
 - (a) in accordance with those terms and conditions; or
 - (b) by or under a law, award, determination, agreement or other instrument providing for the terms or conditions of the transferring employee's employment.

(2) In this item:

law means:

- (a) a law of the Commonwealth or of a State or Territory; or
- (b) regulations or any other instrument (other than an award, determination or industrial agreement) made under such a law.

vary, in relation to terms and conditions, includes:

- (a) omitting any of those terms and conditions; or
- (b) adding to those terms and conditions; or
- (c) substituting new terms or conditions for any of those terms and conditions.

Division 2—Application of the Safety, Rehabilitation and Compensation Act

12 Expressions defined in SRC Act

Expressions that are defined in the SRC Act and used in this Division have the same meanings as in that Act.

13 Continued application of SRC Act

The SRC Act continues to apply after the cessation time in relation to:

- (a) injuries suffered before that time by a transferring employee; and
- (b) loss of, or damage to, property incurred before that time by a transferring employee.

14 Commonwealth liability to meet certain SRC Act liabilities

- (1) After the cessation time, the Commonwealth is taken to have been the employer of the transferring employees before the cessation time for the purposes of the application of the SRC Act.
- (2) Subitem (1) has effect subject to item 15.

15 SRC Act: rehabilitation provisions

- (1) If, before the cessation time, a transferring employee suffered an injury resulting in an incapacity for work or an impairment:

- (a) sections 36, 37, 38, 39, 41 and 41A of the SRC Act apply at and after that time in relation to the injury as if the employee were employed by the Department; and
- (b) after that time the successor body must provide reasonable co-operation and assistance to enable the exercise of powers and performance of duties under that application of those sections.

Note: The main effects of paragraph (1)(a) are that sections 36, 37, 38, 39, 41 and 41A of the SRC Act apply in relation to the transferring employee's injury as if the Secretary of the Department were the rehabilitation authority and Comcare were the relevant authority.

- (2) After the cessation time, the successor body is, for the purposes of section 40 of the SRC Act, taken to be the relevant employer of each transferring employee.
- (3) After the cessation time, the successor body is, for the purposes of applying section 71 of the SRC Act in relation to each transferring employee, taken to be a Commonwealth authority.

16 Premiums under the SRC Act

- (1) Comcare must, as soon as practicable after the cessation time, determine the amount (if any) by which the premium for FWPRDC for the transitional financial year should be reduced.
- (2) If:
 - (a) an amount equal to the premium for FWPRDC for the transitional financial year has been paid under Division 4A of Part VII of the SRC Act; and
 - (b) the amount of the premium is reduced as a result of a determination under subitem (1);the Secretary of the Department may, in writing, direct that an amount equal to the refund amount, or amounts that together add up to the refund amount, be paid to the successor body in accordance with the direction.
- (3) A direction by the Secretary of the Department may be given subject to such conditions (if any) about the use or expenditure of the amount or amounts to which it relates as are set out in the direction.
- (4) If the Secretary of the Department gives a direction, the amount or amounts to which it relates are payable to the successor body out of the Consolidated Revenue Fund, which is appropriated accordingly.

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Part 3 Transferring employees

- (5) The payment of an amount under subitem (4) must be made in accordance with the direction, and is subject to the conditions (if any) set out in the direction.
- (6) A copy of each direction must be published in the *Gazette* within 14 days after the direction is given.
- (7) The direction is not invalid merely because it has not been published as required under subitem (6).
- (8) A direction made under subitem (2) is not a legislative instrument.
- (9) In this item:
refund amount means the amount equal to the difference between the amount of premium for FWPRDC for the transitional financial year and the amount of that premium as reduced because of a determination under subitem (1).
transitional financial year means the financial year in which the cessation time occurs.

Division 3—Provisions relating to superannuation

17 Application of Superannuation Acts

The successor body is not an approved authority for the purposes of the *Superannuation Act 1976*, the *Superannuation Act 1990* or the *Superannuation Act 2005*.

18 Application of the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*

- (1) The Minister must not declare the successor body to be a relevant body for the purposes of the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*.
- (2) In this item:
Minister has the same meaning as in the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*.

Division 4—Provisions relating to long service leave

19 Expressions defined in Long Service Leave Act

12 *Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007* No. 123, 2007

Expressions that are defined in the Long Service Leave Act and used in this Division have the same meanings as in that Act.

20 Long service leave for employees with less than 10 years service

- (1) This item applies in relation to a transferring employee whose period of service for the purposes of the Long Service Leave Act immediately before the cessation time was less than 10 years.
- (2) This item does not apply in relation to an employee who dies.
- (3) If the employee continues to be employed by the successor body until his or her combined service period is at least 10 years, the successor body may grant the employee long service leave on full salary for a period up to the employee's long service leave credit under subitem 23(1).
- (4) If:
 - (a) the employee stops being an employee of the successor body on or after reaching the minimum retiring age, or because of retrenchment; and
 - (b) the employee's combined service period at the time when he or she stops being an employee of the successor body is at least one year;the successor body may grant the employee long service leave on full salary for a period up to the employee's long service leave credit under subitem 23(1).
- (5) If a period of long service leave may be granted to an employee under subitem (3) or (4), the successor body may, if the employee asks in writing, grant the employee long service leave on half salary for a period not longer than twice the first-mentioned period.
- (6) Long service leave granted in the circumstances set out in subitem (4) must be taken so as to end immediately before the employee stops being an employee.
- (7) For the purposes of this item, the rate of salary to be used in working out the full salary of an employee is the rate that would apply to the employee under section 20 of the Long Service Leave Act if:
 - (a) that section applied to the employee; and

- (b) for the expression “section 16 or 17” in that section there were substituted the expression “item 20 of Schedule 1 to the *Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007*”.

21 Payments in lieu of long service leave for employees with less than 10 years service

- (1) This item applies to a transferring employee whose period of service for the purposes of the Long Service Leave Act immediately before the cessation time was less than 10 years.
- (2) This item does not apply in relation to an employee who dies.
- (3) If the employee stops being an employee of the successor body on or after the day on which his or her combined service period reaches 10 years, the successor body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subitem 23(2).
- (4) If:
- (a) the employee stops being an employee of the successor body, on or after reaching the minimum retiring age, or because of retrenchment; and
 - (b) at that time the employee’s combined service period is at least one year;
- the successor body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subitem 23(2).
- (5) If:
- (a) the employee stops being an employee of the successor body; and
 - (b) the successor body is satisfied that the employee left the successor body’s employment because of ill-health that justified his or her so leaving; and
 - (c) when the employee left, his or her combined service period was at least one year;
- the successor body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subitem 23(2).

- (6) For the purposes of this item, the rate of salary to be used in working out the full salary of an employee is the rate that would apply to the employee under section 21 of the Long Service Leave Act if:
- (a) that section applied to the employee; and
 - (b) for the expression “sections 16 and 17” in that section there were substituted the expression “item 21 of Schedule 1 to the *Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007*”.

22 Payments on the death of an employee

- (1) This item applies to a transferring employee whose period of service for the purposes of the Long Service Leave Act immediately before the cessation time was less than 10 years.
- (2) If the employee dies after the cessation time and immediately before his or her death:
- (a) the employee was an employee of the successor body; and
 - (b) the employee’s combined service period was at least one year; and
 - (c) the employee had one or more dependants;
- the successor body must make a payment to the dependant or dependants.
- (3) The total amount of the payment or payments is the amount that would have been payable to the person under item 21 if, on the day of his or her death, the person had instead stopped being an employee of the successor body on or after reaching the minimum retiring age.
- (4) If subitem (2) applies, section 23 of the Long Service Leave Act has effect as if:
- (a) that section applied to an employee of the successor body; and
 - (b) a reference in that section to the approving authority were a reference to the successor body; and
 - (c) for the expression “this Act” in that section there were substituted the expression “item 22 of Schedule 1 to the *Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007*”; and
 - (d) for the expression “subsection 16(7) or 17(5)” there were substituted the expression “item 22 of Schedule 1 to the

Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007"; and

- (e) the references to whichever is applicable were omitted; and
- (f) for the expression "whichever of those subsections is applicable" there were substituted the expression "that item".

23 Employee's long service leave credit for the purposes of items 20 and 21

- (1) For the purposes of item 20, an employee's long service leave credit is equal to the long service leave credit that the employee would have under the Long Service Leave Act for the period:
 - (a) beginning when the employee began his or her period of service; and
 - (b) ending at the cessation time;if the employee had been retrenched at the cessation time.
- (2) For the purposes of item 21, an employee's long service leave credit is the employee's long service leave credit worked out under subitem (1) of this item reduced by any long service leave credit used under item 20.

24 Employees with at least 10 years service

- (1) This item applies to a transferring employee whose period of service for the purposes of the Long Service Leave Act immediately before the cessation time was at least 10 years.
- (2) Even though the employee ceases to be employed in Government Service for the purposes of the Long Service Leave Act, the employee's accrued rights under that Act continue. However, the employee is not entitled to receive any payment because he or she ceases to be in Government Service.
- (3) The Long Service Leave Act has effect after the cessation time in relation to the employee's rights under that Act that accrued before the cessation time, as if the successor body were an approving authority for the purposes of that Act.

25 Division not to affect post-commencement long service leave rights

- (1) This Part does not affect an employee's post-cessation long service leave rights.
- (2) In this item:
law means:
- (a) a law of the Commonwealth or of a State or Territory; or
 - (b) regulations or any other instrument (other than an award, determination or industrial agreement) made under such a law.
- post-cessation long service leave rights* means any long service leave rights the employee acquires after the cessation time under:
- (a) an award; or
 - (b) a determination; or
 - (c) an industrial agreement; or
 - (d) another instrument providing for terms or conditions of the employee's employment; or
 - (e) a law (other than this Act).

Part 4—Other provisions

26 Operation of Archives Act

- (1) This Schedule does not authorise a Commonwealth record (within the meaning of the *Archives Act 1983*) to be transferred or otherwise dealt with except in accordance with the provisions of that Act.
- (2) A Commonwealth record (within the meaning of the *Archives Act 1983*) must not be transferred to a person under this Schedule unless the National Archives of Australia has given permission under paragraph 24(2)(b) of that Act.

27 FWPRDC's final annual reports etc.

- (1) The purpose of this item is to provide for the following activities after the cessation time:
 - (a) preparing and dealing with reports and financial statements relating to the FWPRDC and its subsidiaries (if any) for:
 - (i) a financial year that ended before the cessation time; or
 - (ii) the period (the *final FWPRDC period*) starting on the last 1 July before the cessation time and ending at the cessation time;
 - (b) auditing those financial statements;
 - (c) investigating, and imposing penalties for, failure to comply with requirements relating to those reports or financial statements.
- (2) Despite the repeal of the *Forest and Wood Products Research and Development Corporation Regulations 1993*, Subdivision A of Division 2 of Part 3 of the *Commonwealth Authorities and Companies Act 1997*, the other provisions of that Act so far as they relate to that Subdivision and the Finance Minister's Orders (as defined in that Act) apply for the purpose of this item as if:
 - (a) those regulations had not been repealed; and
 - (b) the final FWPRDC period were a financial year; and
 - (c) the persons who were directors (as defined in that Act) of the FWPRDC immediately before the repeal continued to be directors of the FWPRDC.

Note: If the *Forest and Wood Products Research and Development Corporation Regulations 1993* had not been repealed, the FWPRDC would continue to exist under the *Primary Industries and Energy Research and Development Act 1989* and would continue to be a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

(3) This item does not limit sections 8 and 8A of the *Acts Interpretation Act 1901*.

Note: Those sections ensure that obligations relating to the FWPRDC incurred before the cessation time continue after that time, and allow investigations and legal proceedings relating to those obligations to be undertaken after that time.

28 FWPRDC's expenditure and funding treated as industry service body's

(1) This item has effect for the purposes of working out under section 9 of the *Forestry Marketing and Research and Development Services Act 2007* the limit on the appropriation for matching payments for a financial year.

(2) For the purposes of subsection (6) of that section, there is an **unmatched R and D excess** for the last full financial year before the cessation time if:

(a) the FWPRDC spent a particular amount (the **R and D spend amount**) in the financial year on activities that qualify, under the funding contract with the successor body, as research and development activities; and

(b) because of subsection 32(1) of the *Primary Industries and Energy Research and Development Act 1989*, the payments (the **matching payments**) under paragraph 30(1)(b) of that Act to the FWPRDC for the financial year are less than 50% of the R and D spend amount.

The amount of the unmatched R and D excess is:

$$\text{R and D spend amount in the financial year} - \left(2 \times \frac{\text{The amount of the matching payments for the financial year}}{\text{the financial year}} \right)$$

(3) If the cessation time is in a financial year after the start of the year, subsection 9(7) of the *Forestry Marketing and Research and Development Services Act 2007* has effect as if:

(a) the amount spent in that year by the successor body on activities that qualify, under the funding contract, as research

and development activities included the amount (if any) spent on those activities by the FWPRDC in that year; and

- (b) the matching payments for the financial year included payments made under paragraph 30(1)(b) of the *Primary Industries and Energy Research and Development Act 1989* to the FWPRDC during the financial year.

29 Certificates etc. taken to be authentic etc.

A document that appears to be a certificate or other document made or issued under this Schedule:

- (a) is taken to be such a certificate or other document; and
- (b) is taken to have been properly given;

unless the contrary is established.

30 Delegation

- (1) The Minister may, by writing, delegate all or any of his or her powers and functions under this Schedule to:
 - (a) the Secretary of the Department; or
 - (b) an SES employee, or acting SES employee, in the Department.
- (2) In exercising powers or functions under a delegation, the delegate must comply with any directions of the Minister.

31 Compensation for acquisition of property

- (1) If the operation of this Schedule would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (3) In this item:
acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

32 Regulations

- (1) The Governor-General may make regulations 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) In particular, regulations may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) arising from:
 - (a) the amendments or repeals made by this Act; and
 - (b) the enactment of this Act.

Schedule 2—Consequential provisions

Primary Industries and Energy Research and Development Act 1989

1 Subsection 25(4)

Repeal the subsection.

2 Paragraph 33(1)(db)

Repeal the paragraph.

3 Section 33A

Repeal the section.

Primary Industries (Customs) Charges Act 1999

4 Clause 1 of Schedule 7 (definition of *industry body*)

Repeal the definition, substitute:

industry body means a body for which both of the following conditions are met:

- (a) members of the body are exporters of logs;
- (b) the body is prescribed by the regulations for the purposes of this paragraph.

5 Clause 1 of Schedule 8 (definition of *industry body*)

Repeal the definition, substitute:

industry body means a body for which both of the following conditions are met:

- (a) members of the body are importers of forest products;
- (b) the body is prescribed by the regulations for the purposes of this paragraph.

Primary Industries (Excise) Levies Act 1999

6 Clause 1 of Schedule 10 (definition of *industry body*)

Repeal the definition, substitute:

industry body means a body for which both of the following conditions are met:

- (a) members of the body are operators of mills;
- (b) the body is prescribed by the regulations for the purposes of this paragraph.

Primary Industries Levies and Charges Collection Act 1991

7 Subsection 4(1) (paragraph (da) of the definition of *producer*)

Repeal the paragraph.

8 Subsection 4(1) (paragraph (j) of the definition of *producer*)

After “(2)”, insert “, (2A) or (2B)”.

9 Subsection 4(1) (definition of *forest industries levy or charge*)

Repeal the definition.

10 After subsection 4(2)

Insert:

- (2A) The operator of a mill to which logs are delivered is taken to be the producer of the logs for the operation of this Act relating to levy imposed by Schedule 10 to the *Primary Industries (Excise) Levies Act 1999* on the logs.

Note: In subsection (2A), *logs*, *mill* and *operator* have the meanings they have in Schedule 10 to the *Primary Industries (Excise) Levies Act 1999*: see subsection (4) of this section.

- (2B) The person prescribed by regulations for the purposes of this subsection is taken to be the producer of logs (as defined in Schedule 10 to the *Primary Industries (Excise) Levies Act 1999*) for the operation of this Act relating to levy imposed by regulations made for the purposes of Schedule 27 to that Act on the logs.

11 Subsections 10(7) and (8) and 11(8) and (9)

Repeal the subsections.

*[Minister's second reading speech made in—
House of Representatives on 29 March 2007
Senate on 12 June 2007]*

(60/07)

24 *Forestry Marketing and Research and Development Services (Transitional and
Consequential Provisions) Act 2007 No. 123, 2007*