

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2005 No. 218**

Issued by the Authority of the Minister for Finance and Administration

*Australian Postal Corporation Act 1989*  
*Bankruptcy Act 1966*  
*Financial Management and Accountability Act 1997*  
*National Health and Medical Research Council Act 1992*  
*Primary Industries (Customs) Charges Act 1999*  
*Primary Industries (Excise) Levies Act 1999*  
*Primary Industries Levies and Charges Collection Act 1991*  
*Retirement Savings Accounts Act 1997*  
*Superannuation Act 1976*  
*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*  
*Superannuation Industry (Supervision) Act 1993*  
*Weapons of Mass Destruction (Prevention of Proliferation) Act 1995*

*Financial Framework Legislation Amendment Regulations 2005 (No. 1)*

The *Financial Framework Legislation Amendment Regulations 2005* (FFLA Regulations) make technical amendments to 15 Principal Regulations that contained references to the financial management framework of the Commonwealth that were outdated because of changes made to that framework by the *Financial Management Legislation Amendment Act 1999* (the FMLA Act).

The FMLA Act aligned the legislative framework established in the *Financial Management and Accountability Act 1997* (the FMA Act) with the accrual financial framework, which commenced on 1 July 1999.

The primary change made by the FMLA Act was to repeal provisions dealing with fund accounting while retaining the essential features of the funds – the ability to hypothecate money for specified purposes – through provisions to establish Special Accounts recording amounts in the Consolidated Revenue Fund (CRF).

The FMLA Act also reflected the adoption of the concept of a self-executing CRF, under which money raised or received by the Commonwealth automatically forms part of the CRF, without the need to credit a ledger account designated CRF or to make a payment into a designated bank account.

The FMLA Act specifies that references in instruments to accounting funds that were repealed by the FMLA Act are deemed amended from the date of the commencement of the FMLA Act on 1 July 1999. These provisions are outlined below.

Subsection 5(5) of the FMLA Act provides that a reference to a component of the Reserved Money Fund (that is, a name ending in “Reserve” or “Fund”) is to be read as a reference to the same name, but ending with “Account”. Subsection 5(4)

provides that such an account is a Special Account for the purposes of the FMA Act. The name of a component of the Reserved Money Fund, referred to in any of the Principal Regulations, would be amended to end with “Account”.

Subsection 5(6) of the FMLA Act covers crediting or debiting amounts to or from a Special Account. Following the commencement of the FMLA Act a reference, in the Principal Regulations, to “money paid”, “money in”, or “money from” a Special Account is not accurate. This is because a Special Account is a ledger recording amounts in the CRF, set aside for particular purposes; it is not repository for money. These types of references in the Principal Regulations would be replaced with “amounts in” or “amounts credited to” or similar text with the same meaning.

Section 7 of the FMLA Act provides that a reference in any instrument to “payment of an amount into the Consolidated Revenue Fund is to be read as a reference to payment of the amount to the Commonwealth, unless the amount is already public money.” If the amount is public money, then the amount has been paid to the Commonwealth and, under a self-executing CRF, is already in the CRF. In these circumstances the text “paid into the CRF” is redundant and a provision in the Principal Regulations requiring this payment would be repealed. If the amount is not public money, a reference, in the Principal Regulations, to “paid to the Consolidated Revenue Fund” would be replaced with “paid to the Commonwealth”.

“Public money”, referred to in the previous paragraph, is defined in section 5 of the FMA Act as:

- (a) money in the custody or under the control of the Commonwealth; or
- (b) money in the custody or under the control of any person acting for or on behalf of the Commonwealth in respect of the custody or control of the money;

including such money that is held on trust for, or otherwise for the benefit of, a person other than the Commonwealth.

The FFLA Regulations make redundant the application of the deeming provisions in the FMLA Act, outlined above, because they replace text in the Principal Regulations that was deemed to be changed by those deeming provisions.

The amendments contained in Schedule 1 of the FFLA Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments. The amendments contained in Schedule 2 of the FFLA Regulations commence on 1 January 2007 because the Principal Regulations are amended by amendment regulations that also commence on that date.

Further details of the FFLA Regulations are in the [Attachment](#).

The FFLA Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LIA).

Section 17 of the LIA requires rule-makers to consult before making legislative instruments. The Office of Regulation Review advised that a Regulation Impact Statement is not required because the proposed amendments would not have a direct

or significant indirect impact on business and would not restrict competition. The following Ministers agreed to the amendments to the Principal Regulations for which they are responsible:

- the Minister for Defence;
- the Minister for Health and Ageing;
- the Attorney-General;
- the Minister for Communications, Information Technology and the Arts;
- the Minister for Revenue and Assistant Treasurer; and
- the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry.

The CSS Board also agreed to the amendments to regulations made under the *Superannuation Act 1976*, as is required under that Act.

**Details of the proposed *Financial Framework Legislation Amendment Regulations 2005 (No. 1)***

**Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Financial Framework Legislation Amendment Regulations 2005 (No. 1)*.

**Regulation 2 – Commencement**

This regulation provides for the Regulations to commence on:

- (a) the day after they are registered on the Federal Register of Legislative Instruments – for regulations 1 to 3 and Schedule 1;
- (b) on 1 January 2007 – for Schedule 2.

**Regulation 3 – Amendment of legislation**

Subregulation (1) provides that Schedule 1 amends the following Principal Regulations:

- (a) the *Australian Postal Corporation Regulations 1996*;
- (b) the *Bankruptcy Regulations 1996*;
- (c) the *Financial Management and Accountability Regulations 1997*
- (d) the *National Health and Medical Research Council Regulations 1993*;
- (e) the *Primary Industries (Customs) Charges Regulations 2000*;
- (f) the *Primary Industries (Excise) Levies Regulations 1999*;
- (g) the *Primary Industries Levies and Charges Collection Regulations 1991*;
- (h) the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998*;
- (i) the *Retirement Savings Accounts Regulations 1997*;
- (j) the *Superannuation (CSS) Deferred Benefits Regulations*;
- (k) the *Superannuation (CSS) Former Eligible Employees Regulations*;
- (l) the *Superannuation (CSS) Transfer Arrangements Regulations*;
- (m) the *Superannuation (Government Co-contribution for Low Income Earners) Regulations 2004*;
- (n) the *Superannuation Industry (Supervision) Regulations 1994*; and
- (o) the *Weapons of Mass Destruction Regulations 1995*.

Subregulation (2) provides that Schedule 2 amends the following Principal Regulations:

- (a) the *Primary Industries (Customs) Charges Regulations 2000* as amended by the *Primary Industries (Customs) Charges Amendment Regulations 2003 (No. 3)*;
- (b) the *Primary Industries (Excise) Levies Regulations 1999* as amended by the *Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 3)*.

Schedule 1 – Amendments commencing on day after registration

**Items [1] and [2] – *Australian Postal Corporation Regulations 1996*: paragraph 5(2)(b) and subregulation 5(3)**

These items replace the references to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

Subregulation 5(2) deals with the payment of proceeds from the disposal of forfeited articles directed by Australia Post. The amended paragraph 5(2)(b) is:

- as to any balance [of the proceeds] – to the Commonwealth.

The amended paragraph subregulation 5(3) is:

- Any Australian coins or banknotes forfeited under subregulation (1) must be paid to the Commonwealth.

These amendments introduce text that aligns the Principal Regulations with the effect of section 7 of the *Financial Management Legislation Amendment Act 1999* (FMLA Act) and makes redundant the application of that section.

**Item [3] – *Bankruptcy Regulations 1996*: heading of Regulation 12.01**

This item replaces the reference to “into Consolidated Revenue Fund” with “to Commonwealth”. The amended heading is:

- Statement where moneys are paid to the Commonwealth.

This amendment introduces text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and make redundant the application of that section.

**Items [4] and [5] – *Bankruptcy Regulations 1996*: subregulations 12.01(1) and 12.01(3), respectively**

These items replace the reference in each subregulation to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

The first part of the amended subregulation 12.01(1) is:

- Where a trustee pays moneys, under subsection 254(2) of the Act, to the Commonwealth, he or she must, ...

The first part of the amended subregulation 12.01(3) is:

- Where the Official Trustee or Official Receiver, or a registered trustee, pays moneys, under subsection 254(2A) of the Act, to the Commonwealth, that person must, ...

These amendments introduce text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and make redundant the application of that section.

**Item [6] – *Financial Management and Accountability Regulations 1997*: subregulation 23(3)**

This item repeals paragraph 23(3)(b) and renumbers paragraph 23(3)(a) as subregulation 23(3). Paragraph 23(3)(b) is:

- The Commonwealth must ... pay the proceeds of the sale into the Consolidated Revenue Fund.

The proceeds of sale paid to the Commonwealth are in the Consolidated Revenue Fund (CRF) because the CRF is self-executing. This means that paragraph 23(3)(b) is redundant and is therefore repealed.

**Item [7] – *National Health and Medical Research Council Regulations 1993*: Schedule 1, Form 1**

This item replaces the reference to “Medical Research Endowment Reserve” with “Medical Research Endowment Account”.

The relevant part of the amended Form 1 is:

- ... to assist in making recommendations to the Commonwealth on the application of the Medical Research Endowment Account on: (a) public health research and training ...

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act and makes redundant the application of that subsection.

**Item [8] – *Primary Industries (Customs) Charges Regulations 2000*: Reader’s Guide, section 14**

This item replaces the reference to “sets up the Reserve into which the levies are paid and provides for the distribution of money from the Reserve”.

The first sentence of the amended section 14 is:

- The first 2 Acts impose the levies, and the third Act sets up the Account to which the amounts of levies are credited and provides for the debiting of amounts from the Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsections 5(5) and 5(6) of the FMLA Act and makes redundant the application of those subsections.

**Item [9] – *Primary Industries (Customs) Charges Regulations 2000*: Schedule 3, subclause 1(2), note**

This item replaces the references to “Reserve” and “Reserve” with “Account” and “Account” respectively.

The amended note to subclause 1(2) is:

- Note Subclause (2) identifies an amount that, under the *National Cattle Disease Eradication Account Act 1991*, is destined for the National Cattle Disease Eradication Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act and makes redundant the application of that subsection.

**Item [10] – *Primary Industries (Excise) Levies Regulations 1999: Reader’s Guide, section 14***

This item replaces the reference to “sets up the Reserve into which the levies are paid and provides for the distribution of money from the Reserve”.

The first sentence of the amended section 14 is:

- The first 2 Acts impose the levies, and the third Act sets up the Account to which the amounts of levies are credited and provides for the debiting of amounts from the Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsections 5(5) and 5(6) of the FMLA Act and makes redundant the application of those subsections.

**Items [11] and [12] – *Primary Industries (Excise) Levies Regulations 1999: Schedule 3, subclause 1A(2), note; and Schedule 3, subclause 2(3), note, respectively***

These items replace the references to “*Reserve*” and “Reserve” with “*Account*” and “Account” respectively.

The amended note to subclause 1A(2) is:

- *Note* Subclause (2) identifies an amount that, under the *National Cattle Disease Eradication Account Act 1991*, is destined for the National Cattle Disease Eradication Account.

The amended note to subclause 2(3) is:

- *Note* Subclause (3) identifies an amount that, under the *National Cattle Disease Eradication Account Act 1991*, is destined for the National Cattle Disease Eradication Account.

These amendments introduce text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act and makes redundant the application of that subsection.

**Items [13] – *Primary Industries Levies and Charges Collection Regulations 1991: Reader’s Guide, section 13***

This item replaces the reference to “sets up the Reserve into which the levies are paid and provides for the distribution of money from the Reserve”.

The first sentence of the amended section 13 is:

- The first 2 Acts impose the levies, and the third Act sets up the Account to which the amounts of levies are credited and provides for the debiting of amounts from the Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsections 5(5) and 5(6) of the FMLA Act and makes redundant the application of those subsections.

**Item [14] - Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998: Reader's Guide, section 3**

This item replaces the reference to “sets up the Reserve into which the levies are paid and provides for the distribution of money from the Reserve”.

The second sentence of the amended section 3 is:

- The first 2 Acts impose the levies, and the third Act sets up the Account to which the amounts of levies are credited and provides for the debiting of amounts from the Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsections 5(5) and 5(6) of the FMLA Act and makes redundant the application of those subsections.

**Items [15], [16] and [17] – Retirement Savings Accounts Regulations 1997: subregulation 1.03(1), definition of contributions, paragraph (b); subregulation 1.03 (1), definition of Superannuation Holding Accounts Reserve; and paragraph 4.04(c), respectively**

These items replace the references to “Reserve” with “Special Account”.

The amended paragraph (b) of the definition of *contributions* is:

- (b) payments to the RSA from the Superannuation Holding Accounts Special Account.

The amendment to the definition of Superannuation Holding Accounts Reserve is:

- *Superannuation Holding Accounts Special Account* means the Special Account established by section 8 of the *Small Superannuation Accounts Act 1995*.

The amended paragraph 4.04(c) is:

- the amount of benefits arising from payments from the Superannuation Holding Accounts Special Account; and
  - The existing text “established by section 8 of the *Small Superannuation Accounts Act 1995*” is not retained in the amended paragraph because subregulation 1.03(1) includes a definition of the Superannuation Holding Accounts Special Account (amended in Item [16] of the FFLA Regulations).

These amendments introduce text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act, as varied by Item 324 of Schedule 1 of the *Financial Framework Legislation Amendment Act 2005*, and makes redundant the application of subsection 5(5) of the FMLA Act.

**Item [18] – Superannuation (CSS) Deferred Benefits Regulations: Schedule, modified subsection 112(9B) of the Superannuation Act 1976**

This item replaces the reference to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

The amended part of the provision is:

- ... but there shall be paid out of the Superannuation Fund to the Commonwealth an amount ...



This amendment introduces text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and makes redundant the application of that section.

**Item [19] - Superannuation (CSS) Former Eligible Employees Regulations: Schedule 5, modified paragraph 134(3)(b) of the *Superannuation Act 1976***

This item replaces the reference to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

The amended paragraph (b) is:

- the amounts (if any) that have been paid by the Commissioner to the Commonwealth under paragraph 128(2)(b) in relation to the person; and

This amendment introduces text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and makes redundant the application of that section.

**Item [20] - Superannuation (CSS) Transfer Arrangements Regulations: Schedule 2, modified paragraph 128(2)(b) of the *Superannuation Act 1976***

This item replaces the reference to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

The relevant part of the amended paragraph (b) is:

- ... shall, upon receipt by the Commissioner, be paid by the Commissioner to the Commonwealth.

This amendment introduces text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and makes redundant the application of that section.

**Item [21] - Superannuation (CSS) Transfer Arrangements Regulations: Schedule 2, modified paragraph 128(4)(d) of the *Superannuation Act 1976***

This item replaces the reference to “to the Consolidated Revenue Fund” with “to the Commonwealth”.

The relevant part of the amended paragraph (d) is:

- ... on the day on which that amount was paid to the Commonwealth by the Commissioner.

This amendment introduces text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and makes redundant the application of that section.

**Items [22], [23], [24], [25] and [26] - Superannuation (CSS) Transfer Arrangements Regulations, Schedule 7: modified subsection 128(1), modified subsection 128(2), modified subsection 128(2A), modified subsection 128(3), and modified subsection 128(4) of the *Superannuation Act 1976*, respectively**

These items replace the references to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

The relevant parts of the amended modified subsection 128(1) are:

- ... the Commissioner shall pay that amount to the Commonwealth.

The relevant part of the amended modified subsection 128(2) is:

- ... the Commissioner shall pay that amount of interest to the Commonwealth.

The relevant part of the amended subsection 128(2A) is:

- ... the Commissioner shall pay that amount to the Commonwealth.

The relevant part of the amended text inserted in subsection 128(3) is:

- ... an amount equal to two-sevenths of the amount paid to the Commonwealth ...

The relevant part of the amended modified subsection 128(4) is:

- ... an additional lump sum benefit of an amount equal to the amount paid to the Commonwealth under subsection (1) or (2A), or, where amounts are paid to the Commonwealth under both of those subsections ...

These amendments introduce text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and make redundant the application of that section.

**Items [27] and [28] - Superannuation (CSS) Transfer Arrangements Regulations, Schedule 8: modified paragraph 128(2)(b) and modified paragraph 128(4)(b) of the *Superannuation Act 1976*, respectively**

These items replace the references to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

The relevant part of the amended modified paragraph 128(2)(b) is:

- ... shall be paid by the Commissioner to the Commonwealth.

The relevant part of the amended modified paragraph 128(4)(b) is:

- ... the amount, or part of the amount, paid to the Commonwealth in respect of the person ...

These amendments introduce text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and make redundant the application of that section.

**Item [29] - Superannuation (CSS) Transfer Arrangements Regulations: Schedule 8, modified paragraph 128(4)(d) of the *Superannuation Act 1976***

This item replaces the reference to “to the Consolidated Revenue Fund” with “to the Commonwealth”.

The relevant part of the amended modified paragraph 128(4)(d) is:

- ... on the day on which that amount was paid to the Commonwealth by the Commissioner.

This amendment introduces text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and makes redundant the application of that section.

**Item [30] – *Superannuation (Government Co-contribution for Low Income Earners) Regulations 2004*: subregulation 5(1), item 5, column 3**

This item replaces the reference to “Account” with “Special Account”.

The amended text in column 3 is:

- A new or existing account of the person in the Superannuation Holding Accounts Special Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act, as varied by Item 324 of Schedule 1 of the

*Financial Framework Legislation Amendment Act 2005*, and makes redundant the application of subsection 5(5) of the FMLA Act.

**Item [31] - *Superannuation (Government Co-contribution for Low Income Earners) Regulations 2004: subregulation 5(1), note***

This item adds the following paragraph to the note:

- The *Financial Framework Legislation Amendment Act 2005* renamed the Special Account as the Superannuation Holding Accounts Special Account – see item 324 of Schedule 1 to that Act.

The note records the history of name-changes to the Special Account. The additional paragraph brings that history up to date.

**Item [32] - *Superannuation (Government Co-contribution for Low Income Earners) Regulations 2004: Schedule 3, item 307***

This item replaces the reference to “a Superannuation Holding Account Reserve account” with “an account in the Superannuation Holding Accounts Special Account”.

The amended item 307 is:

- The amount that has been debited from a Government co-contribution paid to an account in the Superannuation Holding Accounts Special Account.”

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act, as varied by Item 324 of Schedule 1 of the *Financial Framework Legislation Amendment Act 2005*, and makes redundant the application of subsection 5(5) of the FMLA Act. Section 12 of the *Small Superannuation Accounts Act 1995* provides for notional accounts, in the name of particular individuals, to be kept within the Superannuation Holding Accounts Special Account created in section 8 of that Act.

**Item [33] - *Superannuation Industry (Supervision) Regulations 1994: subregulation 1.03(1), definition of contributions, paragraph (b)***

This item replaces the reference to “Reserve” with “Special Account”.

The amended paragraph (b) is:

- payments to the fund from the Superannuation Holding Accounts Special Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act, as varied by Item 324 of Schedule 1 of the *Financial Framework Legislation Amendment Act 2005*, and makes redundant the application of subsection 5(5) of the FMLA Act.

**Item [34] - *Superannuation Industry (Supervision) Regulations 1994: subregulation 1.03(1), definition of Superannuation Holding Accounts Reserve***

This item replaces the definition of “Superannuation Holding Accounts Reserve” with a definition of the “Superannuation Holding Accounts Special Account”.

The amended definition is:

- *Superannuation Holding Accounts Special Account* means the Special Account established by section 8 of the *Small Superannuation Accounts Act 1995*.

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act, as varied by Item 324 of Schedule 1 of the *Financial Framework Legislation Amendment Act 2005*, and makes redundant the application of subsection 5(5) of the FMLA Act.

**Items [35], [36] and [37] – *Superannuation Industry (Supervision) Regulations 1994*: subregulation 5.01(2), paragraph 10.06(2)(c) and paragraph 10.07(2)(c), respectively**

These items replace the references to “Reserve” with “Special Account”.

The amended subregulation 5.01(2) is:

- For the purposes of this Part, a payment from the Superannuation Holding Accounts Special Account is taken to be a mandated employer contribution.

The amended subregulation 10.06(2)(c) and subregulation 10.07(2)(c) is:

- amounts paid from the Superannuation Holding Accounts Special Account.

These amendments introduce text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act, as varied by Item 324 of Schedule 1 of the *Financial Framework Legislation Amendment Act 2005*, and make redundant the application of subsection 5(5) of the FMLA Act.

**Item [38] – *Superannuation Industry (Supervision) Regulations 1994*: Schedule 2, item 202.2, modified paragraph 9(1)(e) of the *Occupational Superannuation Standards Regulations***

This item replaces the reference to “Reserve” with “Special Account”.

The amended paragraph 9(1)(e) is:

- benefits must be preserved if they arise from payments from the Superannuation Holding Accounts Special Account;
  - The existing text “established under that name by section 8 of the *Small Superannuation Accounts Act 1995*” is not retained in the amended paragraph because subregulation 1.03(1) includes a definition of the Superannuation Holding Accounts Special Account (amended in Item [34] of the FFLA Regulations).

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act, as varied by Item 324 of Schedule 1 of the *Financial Framework Legislation Amendment Act 2005*, and makes redundant the application of subsection 5(5) of the FMLA Act.

**Item [39] – *Weapons of Mass Destruction Regulations 1995*: paragraph 9(3)(c)**

This item replaces the reference to “into the Consolidated Revenue Fund” with “to the Commonwealth”.

The amended paragraph 9(3)(c) is:

- if the goods are sold – pay the proceeds to the Commonwealth.

This amendment introduces text that aligns the Principal Regulations with the effect of section 7 of the FMLA Act and makes redundant the application of that section.

Schedule 2 – Amendments commencing on 1 January 2007

**Item [40] – *Primary Industries (Customs) Charges Regulations 2000: Schedule 3, subclause 1(2), note 1***

This item replaces the references to “*Reserve*” and “Reserve” with “*Account*” and “Account”, respectively.

The amended note 1 is:

- Subclause (2) identifies an amount that, under the *National Cattle Disease Eradication Account Act 1991*, is destined for the National Cattle Disease Eradication Account.

This amendment introduces text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act and makes redundant the application of that subsection.

This amendment will commence on 1 January 2007 because the Principal Regulations are amended by the *Primary Industries (Customs) Charges Amendment Regulations 2003 (No.3)* from that date.

Item [9] in Schedule 1 of the FFLA Regulations amends the Principal Regulations for the period from the date of commencement of Schedule 1 until 1 January 2007.

**Items [41] and [42] - *Primary Industries (Excise) Levies Regulations 1999: Schedule 3, subclause 1A(2), note 1; and Schedule 3, subclause 2(3), note 1***

These items replace the references to “*Reserve*” and “Reserve” with “*Account*” and “Account”, respectively.

The amended subclause 1A(2), note 1 is:

- Subclause (2) identifies an amount, that under the *National Cattle Disease Eradication Account Act 1991*, is destined for the National Cattle Disease Eradication Account.

The amended subclause 2(3), note 1 is:

- Subclause (3) identifies an amount that, under the *National Cattle Disease Eradication Account Act 1991*, is destined for the National Cattle Disease Eradication Account.

These amendments introduce text that aligns the Principal Regulations with the effect of subsection 5(5) of the FMLA Act and make redundant the application of that subsection.

These amendments would commence on 1 January 2007 because the Principal Regulations are amended by the *Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 3)* from that date.

Item [11] in Schedule 1 of the FFLA Regulations amends the Principal Regulations for the period from the date of commencement of Schedule 1 until 1 January 2007.