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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

PRIMARY INDUSTRIES AND ENERGY LEGISLATION
AMENDMENT BILL (NO 2) 1995

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Request for an amendment to be moved on behalf of the
Government

(Circulated by authority of the Minister for Primary
Industries and Energy,
Senator the Hon Bob Collins)



**REQUEST FOR AN AMENDMENT TO BE MOVED TO PRIMARY
INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL
(NO.2) 1995**

GENERAL OUTLINE

1. The amendments to the *Exotic Animal Disease Control Act 1989* (the Act) relate to the operation of the Exotic Animal Disease Preparedness Trust Account (the Trust Account) established by the Act.
2. The amendments to the Trust Account provisions will rectify the unintended consequences of the cessation on 30 June 1995 of those sections related to levy collection and payments into the Trust Account. The amendments will restore the authority to pay exotic animal disease levy received by the Commonwealth after 30 June 1995 into the Trust Account and enable industry funds in the Account to be invested after 30 June 1995. A provision is included to enable the Trust Account to be closed on a day no later than 31 December 1995 as it is expected that all liabilities will be finalised before that date and there will be no need for the Trust Account to remain open.
3. The amendments also correct procedures for closing the Trust Account to comply with the *Audit Act 1901*.

FINANCIAL IMPACT STATEMENT

4. The amendments will have no financial impact on Government expenditure.

Consolidated revenue fund and then an amount equal to the levy is to be appropriated into the trust Account. Interest from the investment of industry funds held in the Trust Account is not matched by the Government.

NOTES ON CLAUSES

5. At the end of Schedule 5 add the following Schedule:

SCHEDULE 5

EXOTIC ANIMAL DISEASE CONTROL ACT 1989

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

Item 1: Object

6. This clause states that the object of this part is to enable the Exotic Animal Disease Preparedness Trust Account to be closed before 31 December 1995.

Item 2: Before subsection 24(1)

7. This amendment inserts the date of 31 December 1995 as the latest date that the Trust Account may be closed. The Account may be closed earlier than this date if all liabilities have been finalised and there is no requirement for the Trust Account to remain open.

Item 3: Subsection 24(1)

8. This subsection is amended by omitting the reference to the date of closure of the Trust Account, now dealt with in subsection 24(1), and replaces it with the requirement to disperse any unspent money in the Account on the day prior to its closure. The amendment clarifies the procedures for closing the Trust Account and corrects the wording of the subsection so that action taken in accordance with this section does not contravene the requirements of the Audit Act 1901.

Item 4: Paragraph 24(1)(c)

9. Subsection 24(1) identifies the recipients of the funds remaining in the Trust Account at the time of its closure. This replacement paragraph removes reference to the Australian Wool Corporation (as it no longer exists) and replaces it with the Australian Wool Research and Promotion Organisation.

Item 5: Subsection 24(2) (definition of 'ASC')

10. This clause is a consequential amendment to subsection 24(1) and removes the reference to the time of closure of the Trust Account in the formula used to determine the amounts to be returned to the industry research trust funds and corporations.

Item 6: Paragraph 24(3)(f)

11. This paragraph refers to the corporation which is to receive prescribed amounts on behalf of the wool industry

from the balance of the Trust Account at the time of its closure . This amendment removes a reference to the Australian Wool Corporation as the recipient corporation and replaces it with the Australian Wool Research and Promotion Organisation (AWRAP) and also recognises the contributions paid by AWRAP.

PART 2 - TRANSITIONAL PROVISIONS

Item 7: Object

12. The purpose of the transitional provisions is to ensure that amounts equal to the industry levy payments received by the Commonwealth after 30 June 1995 for exotic animal disease purposes are paid into the Exotic Animal Disease Preparedness Trust Account before it is closed.

Item 8: Payments into Account

13. Item 8(1) provides for amounts equal to each amount of prescribed exotic animal disease levy or any exotic animal disease component of a prescribed levy, plus any associated penalty payments, received by the Commonwealth after 30 June 1995, to be paid into the Trust Account.

Item 8(2) provides for the investment of industry money in the Trust Account and for the interest received on those investments to be paid into the Trust Account.

Item 8(3) provides the interpretation of the words *Account*, *Exotic Animal Disease Levy* and *prescribed levy* used in the transitional provisions.

Item 9: Appropriation

14. This clause provides for the amounts paid into the Trust Account under Item 8(1) to be paid by appropriation from the Consolidated Revenue Fund.