

**Primary Industries and Energy  
Legislation Amendment Act (No. 1) 1998**

**No. 102, 1998**





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**An Act to amend the law relating to primary  
industries and energy, and for related purposes**



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# Primary Industries and Energy Legislation Amendment Act (No. 1) 1998

No. 102, 1998

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## An Act to amend the law relating to primary industries and energy, and for related purposes

[Assented to 30 July 1998]

The Parliament of Australia enacts:

### 1 Short title

This Act may be cited as the *Primary Industries and Energy  
Legislation Amendment Act (No. 1) 1998*.

### 2 Commencement

This Act commences on the day on which it receives the Royal  
Assent.

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*Primary Industries and Energy Legislation Amendment Act (No. 1) 1998*    No. 102, 1998    1

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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2      *Primary Industries and Energy Legislation Amendment Act (No. 1) 1998*    No. 102,  
1998

## **Schedule 1—Amendment of Acts**

### ***Agricultural and Veterinary Chemicals (Administration) Act 1992***

#### **1 Subsection 13(1)**

Omit “7”, substitute “8”.

#### **2 Paragraph 14(2)(e)**

Repeal the paragraph, substitute:

- (e) one director has experience in occupational health and safety;  
and
- (f) one director has experience in the development or administration of Commonwealth government policy, or in the operation or management of a statutory authority established by or under a law of the Commonwealth, as an officer or employee of the authority.

### ***Australian Horticultural Corporation Act 1987***

#### **3 Section 10**

Repeal the section.

#### **4 Section 37**

Omit “with the written approval of the Minister”.

#### **5 Section 40**

Omit “with the written approval of the Minister”.

#### **6 Paragraph 43(5)(a)**

Omit “with the written approval of the Minister,”.

#### **7 Subsection 74(1)**

After “other than”, insert “its powers under section 37 or 40 or”.

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**8 Paragraph 84(1)(b)**

Repeal the paragraph, substitute:

(b) 3, 4 or 5 other members.

**9 Paragraph 96(5)(a)**

Repeal the paragraph, substitute:

(a) a majority of the members of the Committee constitutes a quorum; and

**10 Subsection 115Y(2)**

Omit “Except with the written approval of the Minister, the”, substitute “The”.

**11 Subsection 115ZC(1)**

After “this Act”, insert “(except its powers under section 37 or 40 in their application in relation to the General Manager of the Board)”.

***Australian Wine and Brandy Corporation Act 1980***

**12 Subsection 30(2)**

Omit “, subject to the approval of the Minister,”.

**13 At the end of subsection 40D(2)**

Add:

; or (e) it is not in accordance with such provisions (if any) relating to the description and presentation of wine as are prescribed for the purposes of this paragraph.

**14 After subsection 40F(5)**

Insert:

(5A) The description and presentation of wine is misleading if it is not in accordance with such provisions (if any) relating to the description and presentation of wine as are prescribed for the purposes of this subsection.

**15 Subsection 40F(6)**

Omit “and (5)”, substitute “, (5) and (5A)”.

**16 Subsection 43(1)**

After “other than”, insert “its powers under subsection 30(2) or”.

***Australian Wool Research and Promotion Organisation Act  
1993***

**17 Paragraph 42(3)(a)**

Omit “, subject to the approval of the Minister,”.

**18 Subsection 45(2)**

Omit “Subject to subsection (3), the”, substitute “The”.

**19 Subsection 45(3)**

Repeal the subsection.

**20 Subsection 70(1)**

After “this Act”, insert “(except its powers under paragraph 42(3)(a))”.

***Dairy Produce Act 1986***

**21 Subsections 33(7), (8), (9) and (10)**

Repeal the subsections.

**22 Paragraph 47(2)(a)**

Omit “, subject to the approval of the Minister,”.

**23 Subsection 50(3)**

Omit “Subject to subsection (4), the”, substitute “The”.

**24 Subsection 50(4)**

Repeal the subsection.

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***Farm Household Support Act 1992***

**25 Subsection 3(2) (definition of *grant period*)**

Repeal the definition.

**26 Sections 5 and 5A**

Repeal the sections.

**27 Section 26**

Repeal the section, substitute:

**26 Support to be by way of grant**

Farm household support is paid to a person by way of grant of financial assistance to the person.

**28 Division 3 of Part 6**

Repeal the Division.

**29 Subsections 49B(4) and (5)**

Repeal the subsections.

**30 Subsections 49C(4) and (5)**

Repeal the subsections.

**31 Part 9**

Repeal the Part.

**32 After section 54**

Insert:

**54A Conversion of farm household support payments into grants**

- (1) The total amount of farm household support paid to a person by way of loan before the commencement of this section, to the extent that it had not already been repaid to the Commonwealth or

converted into a grant before that commencement, is converted into a grant by force of this section.

(2) This section does not affect the operation of section 56.

### ***Fisheries Administration Act 1991***

#### **33 Section 47**

Omit “with the written approval of the Minister”.

#### **34 Section 50**

Omit “with the written approval of the Minister”.

#### **35 At the end of subsection 92(1)**

Add “, except the Authority’s powers under section 47 or 50”.

### ***Horticultural Research and Development Corporation Act 1987***

#### **36 Section 36**

Omit “and approved, in writing, by the Minister”.

#### **37 Section 37**

Omit “with the written approval of the Minister”.

#### **38 Paragraph 40(5)(a)**

Omit “with the written approval of the Minister,”.

#### **39 Subsection 55(1)**

After “other than”, insert “its powers under section 36 or 37”.

### ***Petroleum (Submerged Lands) Act 1967***

#### **40 After section 38BA**

Insert:

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### **38BB Application by licensee for lease**

- (1) If:
- (a) a licence is in force under paragraph 53(1)(c) or subsection 53(2) in respect of a block or blocks; and
  - (b) no operations for the recovery of petroleum are being carried on under the licence in respect of an area (the *unused area*):
    - (i) that consists of, or consists of part of, the block or blocks; and
    - (ii) in which petroleum has been found to exist;
- the licensee may, within the application period, apply to the Designated Authority for the grant by the Joint Authority of a lease in respect of the unused area.
- (2) An application under subsection (1):
- (a) is to be in accordance with an approved form; and
  - (b) is to be made in an approved manner; and
  - (c) is to be accompanied by particulars of:
    - (i) the proposals of the applicant for work and expenditure in respect of the unused area; and
    - (ii) the commercial viability of the recovery of petroleum from the unused area at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area; and
  - (d) may set out any other matters that the applicant wishes to be considered; and
  - (e) is to be accompanied by the prescribed fee.
- (3) The Designated Authority may, at any time, by written notice served on the applicant, require the applicant to give, within the period stated in the notice, further written information in connection with the application.
- (4) The application period in respect of an application under this section by a licensee is the period of 5 years that began on:
- (a) the day on which the licence was granted; or

- 
- (b) if any operations for the recovery of petroleum have been carried on under the licence in respect of the unused area—the last day on which any such operations were so carried on.

**38BC Grant or refusal of lease in relation to application by licensee**

- (1) If:
- (a) an application has been made under section 38BB; and
  - (b) the applicant has given any further information as and when required by the Designated Authority under subsection 38BB(3); and
  - (c) the Joint Authority is satisfied that recovery of petroleum from the unused area:
    - (i) is not, at the time of the application, commercially viable; and
    - (ii) is likely to become commercially viable within the period of 15 years after that time;
- the Joint Authority must, by written notice served on the applicant, inform the applicant that it is prepared to grant to the applicant a lease in respect of the unused area.
- (2) If an application has been made under section 38BB and:
- (a) the applicant has not given further information as and when required by the Designated Authority under subsection 38BB(3); or
  - (b) the Joint Authority is not satisfied as to the matters referred to in paragraph (1)(c) in relation to the unused area;
- the Joint Authority must, by written notice served on the applicant, refuse to grant a lease to the applicant.
- (3) A notice under subsection (1) must contain:
- (a) a summary of the conditions subject to which the lease is to be granted; and
  - (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (4) in respect of the grant of the lease.

- (4) An applicant on whom a notice has been served under subsection (1) may, within one month after the date on which the notice was served, or within such further period, not exceeding one month, as the Designated Authority, on written application made to the Designated Authority before the end of the first-mentioned period of one month, allow, request the Joint Authority in writing to grant the lease to the applicant.
- (5) If an applicant on whom a notice has been served under subsection (1) has made a request under subsection (4) within the period applicable under subsection (4), the Joint Authority must grant to the applicant a retention lease in respect of the unused area.
- (6) If an applicant on whom a notice has been served under subsection (1) has not made a request under subsection (4) within the period applicable under subsection (4), the application lapses at the end of that period.
- (7) On the day on which a lease granted under this section in respect of an unused area comes into force, the licence in respect of the block or blocks of which the area consists or in which the area is included ceases to be in force in respect of the area.

**38BD Application of sections 38BB and 38BC where licence is transferred**

If:

- (a) after an application has been made under subsection 38BB(1) in relation to an area consisting of or included in a block or blocks in respect of which a licence is in force; and
  - (b) before a decision has been made by the Joint Authority under subsection 38BC(1) or (2) in relation to the application;
- a transfer of the licence is registered under section 78, sections 38BB and 38BC have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

**41 Section 53**

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After “licence” (first occurring), insert “granted before the commencement of subsection (2)”.

#### **42 Paragraph 53(c)**

Repeal the paragraph, substitute:

- (c) in the case of a licence granted by way of the second renewal of a licence—indefinitely.

#### **43 At the end of section 53**

Add:

- (2) Subject to this Part, a licence granted after the commencement of this subsection remains in force indefinitely.

#### **44 After section 53**

Insert:

#### **53A Termination of licence if no operations for 5 years**

- (1) If no operations for the recovery of petroleum under a licence referred to in paragraph 53(1)(c) or subsection 53(2) have been carried on for a continuous period of at least 5 years, the Joint Authority may, by written notice served on the licensee, inform the licensee that the Joint Authority proposes to terminate the licence after the end of one month after the notice is served.
- (2) At any time after the end of one month after the notice referred to in subsection (1) is served on the licensee, the Joint Authority may, by written notice served on the licensee, terminate the licence.
- (3) In working out for the purposes of subsection (1) the duration of the period in which no operations for the recovery of petroleum were carried on under a licence, any period in which no such operations were carried on because of circumstances beyond the licensee’s control is to be disregarded.

#### **45 Subsection 54(1)**

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After “licensee”, insert “under a licence to which paragraph 53(1)(a) or (b) applies”.

#### **46 Paragraph 55(1)(c) and (d)**

Repeal the paragraphs, substitute:

- (c) must if:
  - (i) the application is in respect of the first renewal of the licence; or
  - (ii) the application is in respect of a renewal of the licence other than the first renewal and operations for the recovery of petroleum have been carried on in the licence area within 5 years before the application for the renewal was made; or
- (d) may in any other case;

#### **47 Compensation—constitutional safety-net**

- (1) If:
  - (a) apart from this item, the operation of any of items 39A to 39G would result in the acquisition of property from a person otherwise than on just terms; and
  - (b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay compensation of a reasonable amount to the person in respect of the acquisition.

- (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 section:

***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.

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**48 Schedule 2 (heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF WESTERN AUSTRALIA” and the description of the area)**

Repeal the heading and the description, substitute:

**Area that includes the adjacent area in respect of Western Australia**

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia and runs thence southerly along the geodesic to a point of Latitude 31° 45' South, Longitude 129° East, thence southerly along the meridian of Longitude 129° East to its intersection by the parallel of Latitude 44° South, thence westerly along that parallel to its intersection by the meridian of Longitude 104° East, thence northerly along that meridian to its intersection by the parallel of Latitude 14° South, thence easterly along that parallel to its intersection by the meridian of Longitude 114° East, thence northerly along that meridian to its intersection by the parallel of Latitude 13° 05' 32" South, thence easterly along that parallel to its intersection by the meridian of Longitude 118° 10' 04.3" East, thence northerly along the geodesic to a point of Latitude 12° 49' 59.8" South, Longitude 118° 14' 18" East, thence northerly along the geodesic to a point of Latitude 12° 04' 29.9" South, Longitude 118° 06' 12.6" East, thence northerly along the geodesic to a point of Latitude 12° 04' 13.8" South, Longitude 118° 06' 09.8" East, thence northerly along the geodesic to a point of Latitude 12° 04' 24.0" South, Longitude 118° 07' 39.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 06' 26.0" South, 118° 20' 40.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 07' 51" South, Longitude 118° 25' 02.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 10' 11" South, Longitude 118° 35' 11.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 10' 31" South, Longitude 118° 37' 23.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 11'

06" South, Longitude 118° 38' 55.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 13' 17" South, Longitude 118° 43' 04.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 16' 02" South, Longitude 118° 49' 25.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 17' 59" South, Longitude 118° 55' 07.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 18' 55" South, Longitude 118° 58' 26.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 20' 00" South, Longitude 119° 02' 35.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 20' 26" South, 119° 04' 55.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 21' 56" South, Longitude 119° 08' 58.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 23' 47" South, Longitude 119° 15' 18.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 24' 03" South, Longitude 119° 16' 30.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 25' 04" South, Longitude 119° 20' 29.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 25' 48" South, Longitude 119° 21' 30.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 29' 24" South, Longitude 119° 27' 12.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 32' 36" South, Longitude 119° 33' 11.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 35' 48" South, Longitude 119° 40' 28.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 40' 38" South, Longitude 119° 50' 23.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 41' 41" South, Longitude 119° 52' 33.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 41' 51" South, Longitude 119° 52' 52.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 42' 02" South, Longitude 119° 53' 13.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 43' 51" South, Longitude 119° 56' 08.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 45' 43" South, Longitude 119° 59' 10.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 45' 52" South, Longitude 119°

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59' 26.4" East, thence south-easterly along the geodesic to a point of Latitude 12° 46' 32.9" South, Longitude 120° 00' 42.3" East, thence south along the meridian to a point of Latitude 13° 56' 36.7" South, Longitude 120° 00' 42.3" East, thence north-easterly along the geodesic to a point of Latitude 12° 43' 13.3" South, Longitude 121° 49' 11.3" East, thence south-easterly along the geodesic to a point of Latitude 12° 56' South, Longitude 122° 06' East, thence south-easterly along the geodesic to a point of Latitude 13° 20' South, Longitude 122° 41' East, thence easterly along the geodesic to a point of Latitude 13° 19' 30" South, Longitude 123° 16' 45" East, thence easterly along the parallel of Latitude 13° 19' 30" South to its intersection by the meridian of Longitude 124° 27' 45" East, thence north-easterly along the geodesic to a point of Latitude 13° 13' 15" South, Longitude 124° 36' 15" East, thence north-easterly along the geodesic to a point of Latitude 12° 46' 15" South, Longitude 124° 55' 30" East, thence north-easterly along the geodesic to a point of Latitude 11° 51' South, Longitude 125° 27' 45" East, thence north-easterly along the geodesic to a point of Latitude 11° 44' 30" South, Longitude 125° 31' 30" East, thence north-easterly along the geodesic to a point of Latitude 10° 21' 30" South, Longitude 126° 10' 30" East, thence north-easterly along the geodesic to a point of Latitude 10° 13' South Longitude 126° 26' 30" East, thence north-easterly along the geodesic to a point of Latitude 10° 05' South, Longitude 126° 47' 30" East, thence south-easterly along the geodesic to a point of Latitude 11° 13' 15" South, Longitude 127° 32' East, then south-easterly along the geodesic to a point of Latitude 11° 48' South, Longitude 127° 53' 45" East, thence south-easterly along the geodesic to a point of Latitude 12° 26' 30" South, Longitude 128° 22' East, thence south-easterly along the geodesic to a point of Latitude 12° 32' 45" South, Longitude 128° 24' East, thence south-easterly along the geodesic to a point of Latitude 12° 55' 30" South, Longitude 128° 28' East, thence southerly along the meridian of Longitude 128° 28' East to its intersection by the parallel of Latitude 13° 15' 30" South, thence south-easterly along the geodesic to a point of Latitude 13° 39' 45" South, Longitude 128° 30' 45" East, thence south-easterly along the geodesic to a point of Latitude 13° 49' 45" South, Longitude 128° 33' 15" East,

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thence south-easterly along the geodesic to a point of Latitude 14° South, Longitude 128° 42' 15" East, thence south-easterly along the geodesic to a point of Latitude 14° 19' 30" South, Longitude 128° 53' East, thence south-easterly along the geodesic to a point of Latitude 14° 32' 30" South, Longitude 129° 01' 15" East, thence southerly along the geodesic to a point of Latitude 14° 37' 30" South, Longitude 129° 01' 45" East, thence southerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia, thence along the coastline of the State of Western Australia at mean low water to the point of commencement.

**49 Schedule 2 (heading "AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF THE TERRITORY OF ASHMORE AND CARTIER ISLANDS" and the description of the area)**

Omit the heading and the description, substitute:

**Area that includes the adjacent area in respect of the Territory of Ashmore and Cartier Islands**

The area the boundary of which commences at a point of Latitude 12° 43' 13.3" South, Longitude 121° 49' 11.3" East and runs thence north-easterly along the geodesic to a point of Latitude 12° 14' 30.9" South, Longitude 122° 31' 02.1" East, thence northerly along the arc of a circle drawn concave to Ashmore Islands with a radius of twenty-four nautical miles to a point of Latitude 12° 06' 49.7" South, Longitude 122° 32' 19.6" East, thence generally northerly, north-easterly, easterly, and south-easterly along a series of intersecting circular arcs drawn concave to Ashmore Islands with a radius of twenty-four nautical miles and having the following vertices :

South Latitude	East Longitude
12° 03' 17.3"	122° 33' 51.3"
12° 02' 10.1"	122° 34' 29.3"
12° 00' 46.5"	122° 35' 23.4"

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11° 55' 51.8"	122° 39' 56"
11° 55' 01.4"	122° 40' 59.8"
11° 52' 58.5"	122° 44' 12.3"
11° 51' 58.4"	122° 46' 16.7"
11° 51' 27.5"	122° 47' 34.4"
11° 51' 18"	122° 48' 00.6"
11° 50' 53.2"	122° 49' 15.4"
11° 50' 05.7"	122° 50' 30"
11° 48' 37.2"	122° 53' 20.2"
11° 47' 36.1"	122° 56' 03.7"
11° 47' 12.5"	122° 57' 28"
11° 46' 49.3"	122° 59' 18.4"
11° 46' 36.9"	123° 00' 45.2"
11° 46' 30.8"	123° 05' 23.4"
11° 47' 30.7"	123° 10' 58.4"
11° 47' 44"	123° 12' 00.7"
11° 47' 45.4"	123° 12' 08.2"
11° 48' 04.4"	123° 13' 33.6"

thence south-easterly along the arc of a circle drawn concave to Ashmore Islands with a radius of twenty-four nautical miles to a point of Latitude 11° 48' 11.2" South, Longitude 123° 14' 00" East, thence north along the meridian to its intersection by the parallel of Latitude 11° 35' South, thence north-easterly along the rhumb line to a point of Latitude 11° 23' South, Longitude 123° 26' East, thence south-easterly along the rhumb line to a point of Latitude 11° 28' South, Longitude 123° 40' East, thence north-easterly along the rhumb line to a point of Latitude 11° 26' South, Longitude 124° East, thence north-easterly along the rhumb line to a point of Latitude 11° 25' South, Longitude 124° 10' East, thence north-easterly along the rhumb line to a point of Latitude 11° 07' South, Longitude 124° 34' East, thence north-easterly along the rhumb line to a point of Latitude 11° 01' South, Longitude 125° 19' East, thence north-easterly along the rhumb line to a point of Latitude 10° 37' East, South, Longitude 125° 41' East, thence north-easterly along the rhumb line to a point of Latitude 10° 28' South, Longitude 126° East, thence north-easterly along the geodesic to a point of Latitude 10° 21'

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30" South, Longitude 126° 10' 30" East, thence south-westerly along the geodesic to a point of Latitude 11° 44' 30", South, Longitude 125° 31' 30" East, thence south-westerly along the geodesic to a point of Latitude 11° 51' South, Longitude 125° 27' 45" East, thence south-westerly along the geodesic to a point of Latitude 12° 46' 15" South, Longitude 124° 55' 30" East, thence south-westerly along the geodesic to a point of Latitude 13° 13' 15" South, Longitude 124° 36' 15" East, thence south-westerly along the geodesic to a point of Latitude 13° 19' 30" South, Longitude 124° 27' 45" East, thence westerly along the parallel of Latitude 13° 19' 30" South to its intersection by the meridian of Longitude 123° 16' 45" East, thence westerly along the geodesic to a point of Latitude 13° 20' South, Longitude 122° 41' East, thence north-westerly along the geodesic to a point of Latitude 12° 56' South, Longitude 122° 06' East, thence north-westerly along the geodesic to the point of commencement.

### ***Pig Industry Act 1986***

#### **50 Subsection 22(3)**

Omit "with the approval of the Minister".

#### **51 Subsection 32(1)**

After "other than", insert "its powers under subsection 22(3) or".

### ***Primary Industries and Energy Research and Development Act 1989***

#### **52 Subsection 30A(2)**

Omit "The amounts", substitute "Subject to subsection (2A), the amounts".

#### **53 After subsection 30A(2)**

Insert:

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(2A) The amounts to be paid to the Corporation under paragraph (1)(b) during the 1997-98 financial year are the amounts worked out under subsection (2) reduced by \$3,612,000.

**54 Section 81**

Omit “and approved, in writing, by the Minister”.

**55 Paragraph 85(2)(a)**

Repeal the paragraph.

**56 Subsection 90(1)**

After “this Act”, insert “(except its powers under section 81)”.

***Primary Industry Councils Act 1991***

**57 Part 2 of the Schedule**

Repeal the Part.

***Wheat Marketing Act 1989***

**58 Subsection 12(1)**

After “functions”, insert “(except its powers under paragraph 45(2)(a))”.

**59 Subsection 44(2)**

Repeal the subsection, substitute:

- (2) The terms and conditions of employment of a person are to be determined by the Board.

**60 Subsection 44(4)**

Repeal the subsection.

**61 Paragraph 45(2)(a)**

Omit “, subject to the approval of the Minister,”.

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## **Schedule 2—Consequential amendments of other legislation**

### ***Income Tax Assessment Act 1936***

#### **1 After Subdivision IA of Division 1AA of Part III**

Insert:

#### **Subdivision IB—Exemption from income tax: farm household support converted into grants under the Farm Household Support Act 1992**

##### **24AIC Farm household support**

- (1) An amount of farm household support that was, before or at the commencement of this section, converted into a grant under the *Farm Household Support Act 1992* is exempt, and is taken always to have been exempt.
- (2) Subsection (1) does not apply to the 1997-98 year of income or any subsequent year of income.

Note: Section 53-25 of the *Income Tax Assessment Act 1997* applies instead.

#### **2 Subsection 160AAA(1) (after paragraph (da) of the definition of *rebataable benefit*)**

Insert:

- (db) paid by way of a grant of financial assistance as farm household support under the *Farm Household Support Act 1992*; or

### ***Income Tax Assessment Act 1997***

#### **3 Section 11-15 (table item headed “social security or like payments”, after the entry relating to exceptional circumstances relief)**

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Insert:

farm household support payment made by way of a grant of financial assistance.....	53-10 and 53-15
farm household support converted into a grant.....	<b>24AIC</b> and 53-25

**4 Section 13-1 (after table item headed “exceptional circumstances relief”)**

Insert:

**farm household support**  
see *social security and other benefit payments*

**5 Section 13-1 (table item headed “primary production”, after the entry relating to exceptional circumstances relief payments)**

Insert:

farm household support see *social security and other benefit payments*

**6 Section 13-1 (table item headed “social security and other benefit payments”, after the entry relating to exceptional circumstances relief payments)**

Insert:

farm household support under the <i>Farm Household Support Act 1992</i> .....	<b>160AAA(3)</b>
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**7 Section 53-10 (after table item 4)**

Insert:

4A	<b>Farm household support payment made by way of a grant of financial assistance</b>	<i>The Farm Household Support Act 1992</i>	Only the supplementary amount is exempt (see section 53-15)
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**8 At the end of section 53-15**

Add:

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- (2) The *supplementary amount* of a farm household support payment to a person is the total of:
- (a) so much of the payment as is included by way of rental assistance; and
  - (b) so much of the payment as would have been included by way of remote area allowance if it had been a payment of newstart allowance under the *Social Security Act 1991* or of youth training allowance under the *Student and Youth Assistance Act 1973*.

## **9 Section 53-20 (link note)**

Repeal the link note, substitute:

### **53-25 Amounts of farm household support converted into grants**

An amount of farm household support that was converted into a grant under section 52 or 54A of the *Farm Household Support Act 1992* is exempt from income tax.

*[The next Division is Division 55.]*

## **10 Section 995-1 (definition of *supplementary amount*, table item 1)**

Omit “or payment of restart income support”, substitute “, payment of restart income support or payment of farm household support”.

## **11 Application**

Items 3 to 10 (inclusive) apply in relation to the 1997-98 income year and all subsequent income years.

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*[Minister's second reading speech made in—  
House of Representatives on 3 December 1997  
Senate on 24 March 1998]*

(231/97)

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*Primary Industries and Energy Legislation Amendment Act (No. 1) 1998 No. 102, 1998*

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