

# Wool (Deficiency Payments)

No. 110 of 1972

An Act to amend the *Wool (Deficiency Payments) Act 1971*.

[Assented to 31 October 1972]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1) This Act may be cited as the *Wool (Deficiency Payments) Act 1972*. Short title and citation.

(2) The *Wool (Deficiency Payments) Act 1971*\* is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Wool (Deficiency Payments) Act 1971–1972*.

2.—(1) Subject to this section, this Act shall be deemed to have come into operation on the first day of July, One thousand nine hundred and seventy-two. Commencement.

(2) Without prejudice to the liability of a person under the Principal Act or under any other law, a person is not guilty of an offence against the Principal Act as amended by this Act by reason only of an act or omission that took place before the day on which this Act receives the Royal Assent.

3. The title of the Principal Act is amended by omitting the word “seventy-two” and inserting in its stead the word “seventy-three”. Amendment of title.

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\*Act No. 89, 1971.

## Interpretation.

## 4. Section 4 of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the definition of “ registered broker ”, the following definition:—

“ ‘ registered commission agent ’ means a person who is, or persons carrying on business in partnership who are, registered under this Act as a registered commission agent;”;

(b) by inserting in the definition of “ registered person ” in sub-section (1.), after the word “ broker,”, the words “ a registered commission agent;” and

(c) by omitting from sub-section (1.) the definition of “ the prescribed period ” and inserting in its stead the following definition:—

“ ‘ the prescribed period ’ means the period that commenced on the first day of July, One thousand nine hundred and seventy-two, and ends on the thirtieth day of June, One thousand nine hundred and seventy-three;”.

## 5. Section 5 of the Principal Act is repealed and the following section inserted in its stead:—

“ 5. For the purposes of this Act, a sale of wool shall be deemed to have taken place at the time when the agreement for the sale was made.”.

## Agreements for sale of wool.

## 6. Section 6 of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (1.) the words “ twenty-third day of June, One thousand nine hundred and seventy-two ” and inserting in their stead the words “ twenty-second day of June, One thousand nine hundred and seventy-three ”; and

(b) by inserting after paragraph (a) of sub-section (2.) the following paragraph:—

“ (aa) the sale is a sale by a registered commission agent;”.

## Wool in respect of which deficiency payments payable.

## Persons entitled to deficiency payments.

## 7. Section 9 of the Principal Act is amended—

(a) by omitting sub-sections (2.) to (5.), inclusive, and inserting in their stead the following sub-section:—

“ (2.) Where a deficiency payment has become payable by reason of a sale of wool or the exportation of wool for the purposes of sale outside Australia, the last preceding sub-section does not affect any right of a person to receive, or any right of the registered person by whom the deficiency payment is payable to retain, the whole or a part of the deficiency payment by virtue of a security, assignment, direction or authorization given by the producer.”; and

(b) by omitting sub-section (7.).

8. Section 12 of the Principal Act is amended—
- Table of  
notional prices.
- (a) by omitting from paragraph (b) of sub-section (2.) the words “the period that commenced on the seventeenth day of August, One thousand nine hundred and seventy, and ended on the first day of July, One thousand nine hundred and seventy-one” and inserting in their stead the words “the period that commenced on the thirtieth day of August, One thousand nine hundred and seventy-one, and ended on the twenty-third day of June, One thousand nine hundred and seventy-two”; and
- (b) by omitting from sub-section (3.) the word “seventy-two” and inserting in its stead the word “seventy-three”.
9. Section 13 of the Principal Act is amended—
- Determination  
of percentage  
rates of  
deficiency  
payments.
- (a) by omitting from paragraph (b) of sub-section (1.) the word “determining” and inserting in its stead the word “determine”; and
- (b) by omitting from paragraph (a) of sub-section (3.) the words “this Act” and inserting in their stead the words “the *Wool (Deficiency Payments) Act 1972*”.
10. Section 14 of the Principal Act is amended—
- Amounts of  
deficiency  
payments for  
wool other  
than P.A.P.  
wool.
- (a) by adding at the end of paragraph (a) of the definition of “the base week” in sub-section (2.) the word “or”; and
- (b) by omitting paragraph (b) of that definition.
11. Section 15 of the Principal Act is amended by omitting from sub-section (5.) the words “the commencement of this Act” and inserting in their stead the words “the commencement of the *Wool (Deficiency Payments) Act 1972*”.
- Amount of  
deficiency  
payment for  
P.A.P. wool.
12. Section 16 of the Principal Act is amended—
- Persons by  
whom  
deficiency  
payments to  
be made.
- (a) by inserting after sub-section (3.) the following sub-section:—
- “(3A.) A deficiency payment that has become payable by reason of the sale of wool by a registered commission agent shall be paid by the registered commission agent.”;
- (b) by inserting in sub-section (4.), after the word “merchant”, the words “, not being a sale referred to in the last preceding sub-section,”;
- (c) by inserting in sub-section (7.), after the word “tender” (second occurring), the words “, not being a sale referred to in sub-section (3A.) of this section,”; and
- (d) by inserting after sub-section (10.) the following sub-section:—
- “(10A.) A registered commission agent shall not make a deficiency payment that has become payable by reason of the sale of wool by him on behalf of the producer unless he had in his possession a record of that sale, in a form approved by the

Secretary, verified, as required by the form, by or on behalf of himself as agent for the producer and by or on behalf of the purchaser.”.

Payment of deficiency payments in special circumstances.

13. Section 19 of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words “ of sub-section (11.),” and inserting in their stead the words “ of sub-section (10A.), (11.),”.

Registration, and cancellation of registration.

14. Section 20 of the Principal Act is amended—

(a) by inserting after sub-section (1.) the following sub-section:—

“(1A.) A person who carries on a business in the course of which he sells wool on commission on behalf of producers may apply for registration as a registered commission agent.”; and

(b) by inserting after sub-section (10.) the following sub-section:—

“(10A.) The reference in paragraph (a) of the last preceding sub-section to the date of commencement of this Act shall, in the case of the registration of a person as a commission agent, be read as a reference to the date of commencement of the *Wool (Deficiency Payments) Act 1972.*”.

Report by Minister.

15.—(1.) Section 35 of the Principal Act is amended by omitting the word “ seventy-two ” and inserting in its stead the word “ seventy-three ”.

(2.) Notwithstanding the amendment made by the last preceding sub-section, section 35 of the Principal Act continues to apply for the purposes of the report referred to in that section.

Second Schedule.

16. The Second Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:—

**SECOND SCHEDULE** Section 8.  
**ALLOWANCE FOR EXCLUDED WOOL IN PRIVATE SALES**

Average amount in cents per kilogramme represented by sale value of all the wool	Percentage of sale value deemed to relate to wool other than excluded wool where the percentage notified under section 13 of this Act in respect of the week that is the base week in relation to the wool—									
	Does not exceed 3	Exceeds 3 but does not exceed 6	Exceeds 6 but does not exceed 9	Exceeds 9 but does not exceed 12	Exceeds 12 but does not exceed 15	Exceeds 15 but does not exceed 18	Exceeds 18 but does not exceed 21	Exceeds 21 but does not exceed 24	Exceeds 24 but does not exceed 27	Exceeds 27
Less than 15 ..	0	0	0	0	0	0	0	0	0	0
15 but less than 16 ..	0	0	0	0	0	0	0	0	0	6
16 but less than 17 ..	0	0	0	0	0	0	0	0	0	13
17 but less than 18 ..	0	0	0	0	0	0	0	0	2	20
18 but less than 19 ..	0	0	0	0	0	0	0	0	9	25
19 but less than 20 ..	0	0	0	0	0	0	0	0	16	31
20 but less than 21 ..	0	0	0	0	0	0	0	6	21	35
21 but less than 22 ..	0	0	0	0	0	0	0	12	27	40
22 but less than 23 ..	0	0	0	0	0	0	4	18	31	44
23 but less than 24 ..	0	0	0	0	0	0	10	23	36	47
24 but less than 25 ..	0	0	0	0	0	1	15	28	40	51
25 but less than 26 ..	0	0	0	0	0	7	20	32	43	54
26 but less than 27 ..	0	0	0	0	0	12	25	36	47	57
27 but less than 28 ..	0	0	0	0	4	17	29	40	50	59
28 but less than 29 ..	0	0	0	0	10	22	33	44	53	62

