

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 8 May 1985

(Minister representing the Minister for Resources and Energy)

A BILL

FOR

An Act to amend the *Bass Strait Freight Adjustment Trust Fund Act 1984*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1. (1)** This Act may be cited as the *Bass Strait Freight Adjustment Trust Fund Amendment Act 1985*.

(2) The *Bass Strait Freight Adjustment Trust Fund Act 1984*¹ is in this Act referred to as the Principal Act.

Commencement

10 **2. (1)** Sections 1 and 2, sub-sections 7 (3) and (4) and section 8 shall come into operation on the day on which this Act receives the Royal Assent.

(2) Section 3 and sub-section 7 (2) shall be deemed to have come into operation on 1 March 1985.

(3) Sections 4, 5 and 6 shall be deemed to have come into operation on 1 January 1985.

(4) Sub-section 7 (1) shall be deemed to have come into operation on 26 April 1984.

Interpretation

3. Section 3 of the Principal Act is amended by omitting from sub-section (1) the definition of "base period" and substituting the following definition: 5

" 'base period', in relation to a month, means—

- (a) in the case of a month that ends before 1 July 1984—the period of 30 months that ended on 30 June 1983;
- (b) in the case of a month that ends after 1 July 1984 and before 10
1 March 1985—the period of 30 months that ended 6 months before the last determination day in or before the month; or
- (c) in the case of any other month—the period of 6 months that ends at the end of the month;".

Application of Freight Adjustment Fund

4. Section 6 of the Principal Act is amended— 15

- (a) by omitting from paragraph (2) (b) "and" (last occurring); and
- (b) by inserting after paragraph (2) (b) the following paragraph:

"(ba) producers who, during the month immediately preceding the relevant month, were, under the scheme known as the Crude Oil Allocation Scheme, entitled to sell, and sold, in Australia outside that scheme prescribed oil, not being prescribed oil referred to in paragraph (b); and". 20

Amounts payable to producers

5. Section 7 of the Principal Act is amended—

- (a) by omitting from sub-section (1) "rate of \$1.26 per kilolitre" and substituting "relevant rate for that month"; 25
- (b) by omitting from sub-section (2) "\$1.26 per kilolitre" and substituting "relevant rate for that month"; and
- (c) by adding at the end the following sub-sections:

"(3) The amount payable to a producer at the end of a particular month under paragraph 6 (2) (ba) is an amount calculated at the relevant rate for that month of the prescribed oil sold by the producer by virtue of which the producer is entitled to payment under that paragraph at the end of that month. 30

"(4) In this section, 'relevant rate', in relation to a month, means the amount per kilolitre that is the rate of adjustment levy on the last day of that month." 35

Amounts payable to refiners

6 Section 8 of the Principal Act is amended by omitting "or (b)" and substituting ", (b) or (ba)". 40

Calculation of refiners percentage of monthly payments

7. (1) Section 9 of the Principal Act is amended by omitting from paragraph (1) (d) "year" and substituting "period".

(2) Section 9 of the Principal Act is amended—

(a) by omitting from sub-section (1) "the first day of" and substituting "a day during";

(b) by omitting paragraphs (2) (b) and (c) and substituting the following paragraphs:

"(b) 1 July 1984;

(c) 1 January 1985;

(d) a day during June 1985; and

(e) a day during each later month.";

(c) by inserting in sub-section (3) "that ends before 1 March 1985" after "month" (first occurring); and

(d) by inserting after sub-section (3) the following sub-section:

"(3A) Where the Minister makes a determination under paragraph (1) (d) on a day during a month that begins on or after 1 March 1985 that determination applies to that month."

(3) The Minister shall, as soon as practicable after the commencement of this sub-section—

(a) make a determination under sub-section 9 (1) of the Principal Act as amended and in force on 1 March 1985 as if the day on which the Minister makes the determination were 15 March 1985;

(b) make a determination under that sub-section as amended and in force on 1 April 1985 as if the day on which the Minister makes the determination were 15 April 1985; and

(c) make a determination under that sub-section as amended and in force on 1 May 1985 as if the day on which the Minister makes the determination were 15 May 1985.

(4) For the purposes of the Principal Act as in force after the commencement of sub-section (2)—

(a) a determination referred to in paragraph (3) (a) shall be deemed to have been made on 15 March 1985;

(b) a determination referred to in paragraph (3) (b) shall be deemed to have been made on 15 April 1985; and

(c) a determination referred to in paragraph (3) (c) shall be deemed to have been made on 15 May 1985.

Formal amendments

8. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 8

Paragraph 6 (2) (b)—

Omit “retain”, substitute “retain,”.

Sub-section 7 (1)—

- (a) Omit “he”, substitute “the producer”.
- (b) Omit “the month”, substitute “that month”.

Sub-section 7 (2)—

Omit “he”, substitute “the producer”.

Sub-section 9 (4)—

Omit “he”, substitute “the Minister”.

Sub-section 9 (5)—

- (a) Omit “he”, substitute “the Minister”.
- (b) Omit “him”, substitute “the Minister”.

NOTE

1. No. 24, 1984.