



# **Rural Industries Research Amendment Act 1988**

**No. 114 of 1988**

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REGULATIONS**



# **Rural Industries Research Amendment Act 1988**

**No. 114 of 1988**

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**An Act to amend the *Rural Industries Research Act 1985*,  
the Rural Industries Research Regulations and certain other  
Acts, and for related purposes**

*[Assented to 12 December 1988]*

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

## **PART I—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Rural Industries Research Amendment Act 1988*.

### **Commencement**

**2. (1)** Subject to this section, this Act commences on the day on which it receives the Royal Assent.

**(2)** Paragraphs 5 (1) (a) and (g), 14 (b), 26 (f) and 41 (1) (a) and subsection 31 (1) shall be taken to have commenced immediately after the commencement of the *Rural Industries Research Act 1985*.

(3) Section 44 shall be taken to have commenced on 28 March 1986.

(4) The regulations that section 47 inserts in the Rural Industries Research Regulations shall be taken to have commenced:

- (a) in the case of regulations 4A and 4C—on 26 June 1986; and
- (b) in the case of regulation 4B—on 31 January 1986.

(5) Section 48 and paragraph 49 (c) shall be taken to have commenced on 26 June 1986.

## **PART II—AMENDMENTS OF THE RURAL INDUSTRIES RESEARCH ACT 1985**

### **Principal Act**

3. In this Part, “Principal Act” means the *Rural Industries Research Act 1985*<sup>1</sup>.

### **Objects**

4. Section 3 of the Principal Act is amended:

- (a) by omitting from paragraph (a) “development” (first occurring) and substituting “development,”;
- (b) by omitting from paragraph (a) “prescribed levies or to levies included in prescribed classes of levies” and substituting “levies in relation to which the regulations declare as mentioned in subsection 5 (1), (2), (3) or (4),”.

### **Interpretation**

5. (1) Section 4 of the Principal Act is amended:

- (a) by omitting “State of that” from the definition of “appropriate Minister” in subsection (1) and substituting “the”;
- (b) by inserting “, subject to subsections (4A) and (5),” after “means” in the definitions of “research and development” and “research and development project” in subsection (1);
- (c) by inserting “, subject to subsections (4A) and (5)” after “means” in the definition of “research and development activity” in subsection (1);
- (d) by omitting from subsection (1) the definitions of “acting Chairperson”, “annual research and development program”, “Chairperson”, “government member”, “prescribed organisation”, “relevant industry organisation”, “research and development plan”, “research component”, “Research Council” and “Research Fund” and substituting the following definitions:

“‘acting Chairperson’ means:

- (a) in relation to a Council or State Research Committee—a person acting as Chairperson of the Council or Research Committee under subsection 15 (1); and

(b) in relation to the Selection Committee—a person acting as Chairperson of the Selection Committee under subsection 49 (1);

‘annual research and development program’ means a program required by section 27 to be developed by a Council or State Research Committee;

‘Chairperson’ means:

(a) in relation to a Council or State Research Committee—the Chairperson of the Council or Research Committee; and

(b) in relation to the Selection Committee—the Chairperson of the Selection Committee;

‘government member’, in relation to a Council, means the person holding office under section 14 as the Council’s government member;

‘prescribed organisation’ means an organisation in relation to which a declaration under paragraph (6) (a) is in force;

‘relevant industry organisation’, in relation to goods of a particular kind, means an organisation in relation to which a declaration under subsection 5D (2) is in force in relation to goods of that kind;

‘research and development plan’ means:

(a) a plan developed by a Council or State Research Committee under section 22 and approved by the Minister under section 23; or

(b) such a plan as varied at least once under section 24, 25 or 39M;

‘research component’, in relation to a levy, means so much of the levy as:

(a) if the regulations declare the whole or a part of the levy to be the research component of the levy—the regulations declare to be the research component of the levy; or

(b) if paragraph (a) does not apply and the levy is referred to in column 1 of a Part of Schedule 1—is described in column 2 of that Part opposite that reference;

‘Research Council’ means a council that has been established by section 11 and has not been dissolved under regulations made under section 39R;

‘Research Fund’ means a research fund that has been established by section 6 and has not been abolished under regulations made under section 39R;”;

(e) by inserting in subsection (1) the following definitions:

“‘attached’ has the meaning given by section 5A;

‘authorised representative’, in relation to a Council, means the Council’s Chairperson or a person who is a member of the Council or an officer of the Australian Public Service and is authorised in writing by the Chairperson to act under subsection 10 (1);

‘Collection Act’, in relation to a levy, means the legislation providing for the collection of that levy;

‘Council’ means:

- (a) except in relation to a Fund—a Research Council or the Special Research Council; and
- (b) in relation to a Fund:
  - (i) in the case of a Research Fund to which a levy is attached—the Research Council to which that levy is attached; or
  - (ii) in the case of the Special Research Fund—the Special Research Council;

‘Fund’ means:

- (a) except in relation to a Council or State Research Committee—a Research Fund or the Special Research Fund;
- (b) in relation to a Council:
  - (i) in the case of a Research Council to which a levy is attached—the Research Fund to which that levy is attached; or
  - (ii) in the case of the Special Research Council—the Special Research Fund; and
- (c) in relation to a State Research Committee—the Research Fund established in respect of goods of the kind or kinds in respect of which the Research Committee was established;

‘in’, in relation to an account kept under section 7A, 8 or 35, means standing to the credit of;

‘included’, in relation to an annual research and development program, has a meaning affected by section 5E;

‘matching amount’, in relation to a levy or class of levies, means an amount that, by virtue of paragraph 7 (1) (b) or 34 (cb), was or is paid at a particular time (whether before, at or after the commencement of this definition) into:

- (a) a Fund to which the levy or class is or was attached at that time; and
- (b) an account kept under subsection 7A (2), paragraph 8 (2) (a) or subsection 35 (2A) in relation to the relevant kind of goods in relation to the levy or class;

‘modifications’ includes additions, omissions and substitutions;

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**'program year', in relation to a Council or State Research Committee, means:**

- (a) the period beginning at the start of the period to which the first research and development plan prepared (whether before or after the commencement of this definition) by the Council or Research Committee related or relates and ending on the next 30 June after the start of that period; or
- (b) a financial year beginning after that 30 June;

**'redirected' has the meaning given by section 5B;**

**'relevant kind' means:**

- (a) in relation to a levy—unless the levy is in a class of levies attached to a Fund, the kind of goods in respect of which the levy is imposed;
- (b) in relation to levies or a class of levies—the kind of goods that the regulations declare to be the general kind of goods in relation to those levies; and
- (c) in relation to a Fund or Council:
  - (i) a kind of goods in respect of which there is imposed a levy that is attached to the Fund or Council, other than a levy in a class of levies that is so attached; or
  - (ii) a kind of goods that the regulations declare to be the general kind of goods in relation to a class of levies that is attached to the Fund or Council;”;

**(f) by omitting subsection (3);**

**(g) by inserting after subsection (4) the following subsection:**

“(4A) Except so far as the contrary intention appears, a reference in this Act to research and development, a research and development activity, or a research and development project, in respect of goods of a kind or kinds (whether or not the kind or kinds is or are specified in a particular way) includes a reference to research and development, a research and development activity, or a research and development project, as the case may be, in respect of goods of kinds that include the first-mentioned kind or kinds.”;

**(h) by omitting paragraph (6) (b) and substituting the following paragraph:**

“(b) may, by notice published in the *Gazette*, vary, with effect from a specified day, a declaration under paragraph (a) (including such a declaration that has been varied at least once before) by doing either or both of the following:

- (i) declaring an organisation that, or organisations each of which, is so concerned, to be;



- (ii) declaring an organisation or organisations no longer to be;

a prescribed organisation or prescribed organisations.”.

(2) After the commencement of this section, an authorisation that immediately before that commencement was in force under subsection 10 (1) or 37 (1) of the Principal Act has effect as if it were an authorisation under the definition of “authorised representative” in subsection 4 (1) of the Principal Act as amended by this section.

#### **Declarations about levies**

6. Section 5 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:

“(3) The regulations may, for the purposes of this Act, declare a specified levy imposed in respect of goods of a particular kind to be, with effect from a specified day not earlier than the day of commencement of this subsection:

- (a) an additional levy attached to a specified Research Fund and a specified Research Council; or
- (b) a levy attached to the Special Research Fund and the Special Research Council.

“(4) The regulations may, for the purposes of this Act, declare specified levies imposed in respect of goods of particular kinds to be, with effect from a specified day not earlier than the day of commencement of this subsection:

- (a) a class of additional levies attached to a specified Research Fund and a specified Research Council; or
- (b) a class of levies attached to the Special Research Fund and the Special Research Council.

“(5) The regulations may, in relation to a levy or levies, declare as mentioned in subsection (1) or (3), or in subsection (2) or (4), as the case may be, even if the regulations have so declared in relation to the levy or levies at least once before.

“(6) Where, in relation to particular levies, the regulations declare as mentioned in subsection (2) or (4), the regulations shall, for the purposes of this Act, declare a specified kind of goods to be the general kind of goods in relation to those levies.

“(7) Neither of subsections (3) and (4) applies in relation to:

- (a) the Barley Research Trust Fund or the Wheat Research Trust Fund;
- (b) the levy imposed by the *Barley Research Levy Act 1980*; or
- (c) any of the levies referred to in column 1 of Part V of Schedule 1.”.

7. (1) After section 5 of the Principal Act the following sections are inserted:

**Levies attached to a Fund or Council**

“5A. For the purposes of this Act, a levy or class of levies is attached to a Fund or Council if, and only if, the levy or class:

- (a) has become attached to the Fund or Council by virtue of section 6, 11, 39E or 39F; and
- (b) has not since ceased, by virtue of section 5B, to be attached to the Fund or Council.

**Redirecting a levy**

“5B. (1) Where:

- (a) at a particular time, a levy or class of levies becomes attached to a Fund and a Council; and
- (b) immediately before that time, the levy or class was attached to another Fund and another Council;

then, for the purposes of this Act, the levy or class:

- (c) is redirected at that time:
  - (i) from the other Fund to the first-mentioned Fund; and
  - (ii) from the other Council to the first-mentioned Council; and
- (d) ceases at that time to be attached to the other Fund and the other Council.

**Annual research and development program in force when payment made**

“5C. A reference in this Act to an annual research and development program prepared by a Council and in force at the time when a payment is made with the Council’s approval includes a reference to such a program, prepared by the Council and in force at that time, that had not yet been prepared, or was not yet in force, when the approval was given.

**Relevant industry organisations**

“5D. (1) This section has effect where:

- (a) regulations take effect that declare, in relation to a particular levy or particular levies, as mentioned in subsection 5 (1) or (3), or in subsection 5 (2) or (4), as the case may be; and
- (b) immediately before the regulations take effect, no regulations are in effect that so declare in relation to the levy or levies.

“(2) The Minister shall, by notice published in the *Gazette*, declare a specified organisation that, or specified organisations each of which, is concerned with the production, processing, storage, transport or marketing of goods of the relevant kind in relation to the levy or levies to be, with effect from the day specified in the declaration referred to in paragraph (1) (a), a relevant industry organisation, or relevant industry organisations, in relation to goods of that kind.

“(3) The Minister may, by notice published in the *Gazette*, vary, with effect from a specified day, a declaration under subsection (2) (including

such a declaration that has been varied at least once before) by doing either or both of the following:

- (a) declaring an organisation that, or organisations each of which, is so concerned, to be;
  - (b) declaring an organisation or organisations no longer to be;
- such a relevant industry organisation or such relevant industry organisations.

**Research and development activities included in an annual research and development program**

“5E. For the purposes of this Act, a research and development activity (in this section called the ‘activity’) in respect of goods generally or goods of a particular kind or kinds is included in an annual research and development program in force at a particular time if, and only if:

- (a) the activity is within a broad grouping of such research and development activities that is described in the program; and
  - (b) when:
    - (i) if the program has been varied before that time—the program as last so varied came into force; or
    - (ii) otherwise—the program came into force;the Council or State Research Committee that prepared the program proposed to fund the activity or was prepared, subject to its examination of specified proposals, to fund the activity.”
- (2) Subject to subsection (3), section 5D of the Principal Act as amended by this section applies in relation to regulations whenever made.

(3) Where, immediately before the commencement of this section, there was in force under subsection 5 (3) of the Principal Act a notice declaring an organisation or organisations to be, with effect from a specified day or specified days, a relevant industry organisation, or relevant industry organisations, in relation to goods of a kind or kinds in respect of which a levy or levies are imposed, the notice has effect after that commencement as if it were a notice:

- (a) published under subsection 5D (2) of the Principal Act as amended by this section; and
- (b) declaring the organisation or organisations to be, with effect from that day or those respective days, a relevant industry organisation, or relevant industry organisations, in relation to goods of the relevant kind in relation to the levy or levies.

(4) Section 5E of the Principal Act as amended by this Act applies in relation to an annual research and development program that comes into force after the commencement of this section.

**Establishment of Research Funds**

8. Section 6 of the Principal Act is amended:

- (a) by omitting from paragraphs (1) (a), (2) (a), (3) (a) and (4) (a) “and”;

- (b) by adding at the end of subsection (1) the following word and paragraph:
  - “; and (c) the levy shall be taken to have become attached to that Fund at the beginning of that day.”;
- (c) by adding at the end of subsection (2) the following word and paragraph:
  - “; and (c) that class of levies, and each levy in that class, shall be taken to have become attached to that Fund at the beginning of that day.”;
- (d) by adding at the end of subsection (3) the following word and paragraph:
  - “; and (c) the levy shall be taken to have become, or becomes, as the case requires, attached to that Fund at the beginning of that day.”;
- (e) by adding at the end of subsection (4) the following word and paragraph:
  - “; and (c) that class of levies, and each levy in that class, shall be taken to have become, or becomes, as the case requires, attached to that Fund at the beginning of that day.”;
- (f) by omitting from subsection (3) “, not being a levy referred to in column 1 of any Part of Schedule 1,”;
- (g) by omitting from subsection (4) “, not being levies referred to in column 1 of any Part of Schedule 1,”.

#### **Money to be paid into Research Funds**

**9. Section 7 of the Principal Act is amended:**

- (a) by omitting from subsection (1) all the words before “equal” (first occurring) and substituting “There shall be paid into a Research Fund amounts”;
- (b) by omitting from paragraph (1) (a) “under legislation making provision for the collection of that levy or of each of those levies” and substituting “, under the Collection Act for each levy attached to the Fund,”;
- (c) by omitting from subparagraph (1) (a) (ii) “liable to” and substituting “liable to pay”;
- (d) by omitting paragraph 7 (1) (b) and substituting the following paragraph:
  - “(b) subject to sections 39A and 39B, amounts equal to one-half of the amounts from time to time required to be paid out of the Fund in accordance with section 9 (other than subsection 9 (3A) );”;
- (e) by inserting in paragraph (1) (d) “subject to section 39L,” before “amounts”;

- (f) by omitting from subparagraph (1) (d) (ii) "that kind or those" and substituting "a kind or";
- (g) by omitting subsections (2) and (3).

10. After section 7 of the Principal Act the following section is inserted:

**Separate accounts to be kept: Research Funds generally**

"7A. (1) This section applies in relation to a Research Fund (in this section called the 'Fund') other than the Barley Research Trust Fund or the Wheat Research Trust Fund.

"(2) A separate account shall be kept, in relation to each relevant kind of goods in relation to a levy or class of levies attached to the Fund, of the money in the Fund representing the amounts paid into the Fund (whether before, at or after the commencement of this section):

- (a) by virtue of subparagraphs 7 (1) (a) (i) and (ii) as applying in relation to that levy or those levies; and
- (b) by virtue of paragraph 7 (1) (b) because of the amounts required to be paid, in accordance with section 9, out of:
  - (i) the first-mentioned account; and
  - (ii) the account kept under subsection (3) in relation to that kind of goods.

"(3) A separate account shall be kept, in relation to each relevant kind of goods in relation to a levy or class of levies attached to the Fund, of the money in the Fund representing the amounts paid into the Fund (whether before, at or after the commencement of this section) by virtue of subparagraph 7 (1) (a) (iii) as applying in relation to that levy or those levies.

"(4) If there are 2 or more relevant kinds of goods in relation to the Fund, the amounts required by virtue of paragraphs 7 (1) (c), (d) and (e) to be paid into the Fund shall be credited, in such proportions as the Council for the Fund determines to be appropriate, to the various separate accounts kept under subsection (3) of this section in relation to those kinds of goods.

"(5) Otherwise, the amounts required by virtue of paragraphs 7 (1) (c), (d) and (e) to be paid into the Fund shall be credited to the account kept under subsection (3)."

**Separate accounts to be kept: Barley and Wheat Research Trust Funds**

11. (1) Section 8 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:

"(1) An account kept under subsection (2) in relation to a Research Fund shall be taken for the purposes of this Act to be kept in relation to the relevant kind of goods in relation to the levy or class of levies attached to the Fund.";

(b) by adding at the end of subparagraph (2) (a) (ii) “and”.

(2) An account that, immediately before the commencement of this section, was kept under paragraph 8 (1) (a) or (b) of the Principal Act in relation to a Research Fund shall be taken to be, and to have been at all times (whether before, at or after that commencement), the account kept, under subsection 7A (2) or (3), as the case may be, of the Principal Act as amended by this Act, in relation to the relevant kind of goods in relation to the levy or class of levies attached to the Fund immediately after that commencement.

(3) An account that, immediately before the commencement of this section, was kept under paragraph 8 (2) (a) or (b) of the Principal Act in relation to a Research Fund shall be taken to have been at all times before that commencement the account kept under that paragraph in relation to the relevant kind of goods in relation to the levy or class of levies attached to the Fund immediately after that commencement.

#### **Application of money in Research Funds**

**12. (1)** Section 9 of the Principal Act is amended by omitting subsections (1), (2), (3) and (4) and substituting the following subsections:

“(1) The money that is in a Research Fund and in an account kept under subsection 7A (2) or (3) in relation to a particular kind of goods may, with the approval of the Council for the Fund, be paid out of that account:

- (a) for the purposes of research and development activities in respect of goods of that kind that are included in an annual research and development program prepared by the Council and in force when the payment is made;
- (b) in payment of expenses incurred by the Council in performing its functions, to the extent that the expenses were incurred in connection with research and development activities (in this subsection called ‘eligible activities’) in respect of goods of that kind;
- (c) in payment to the Commonwealth of amounts equal to the expenses the Commonwealth incurs in managing the investment of money that is in the Fund and in an account kept under subsection 7A (2) or (3) in relation to that kind of goods;
- (d) in payment of remuneration and allowances:
  - (i) payable under section 19 to the Council’s members; and
  - (ii) payable to persons engaged under subsection 29 (2) by the Council’s Chairperson;

to the extent that the remuneration and allowances are payable in respect of work done by those members and persons, respectively, in respect of eligible activities; and

- (e) in payment to the Commonwealth of amounts equal to the amounts specified in notices the Selection Committee gives to the Council

under section 58 in respect of the Committee's activities in relation to the selection of members of the Council.

“(1A) Where, if this subsection had not been enacted, an amount required to be paid out of a Research Fund in accordance with subsection (1) would be permitted to be paid, with the approval of the Council for the Fund, out of any one of 2 or more accounts kept under section 7A in relation to the Fund, the amount may instead be paid, with that approval, out of any 2 or more of those accounts in such proportions as the Council determines to be appropriate.

“(1B) To the extent that:

- (a) an expense incurred by a Research Council in performing its functions is incurred otherwise than in connection with; or
- (b) remuneration or allowances:
  - (i) payable under section 19 to a member of a Research Council; or
  - (ii) payable to a person engaged under subsection 29 (2) by a Research Council's Chairperson;

is or are payable in respect of work done by the member or person otherwise than in respect of;

research and development activities in respect of goods of a kind or kinds, an amount may, with the Council's approval, be paid, in payment of the expense, remuneration or allowances, as the case may be:

- (c) out of any one of the accounts kept under section 7A in relation to the Council's Fund; or
- (d) out of any 2 or more of those accounts in such proportions as the Council considers to be appropriate.

“(1C) The money that is in the Barley Research Trust Fund or the Wheat Research Trust Fund and in an account kept under paragraph 8 (2) (a) may, with the approval of the Council for the Fund, be paid out of that account:

- (a) for the purposes of research and development activities in respect of goods of the relevant kind in relation to the Fund that are included in an annual research and development program prepared by the Council and in force when the payment is made;
- (b) in payment of expenses incurred by the Council in performing its functions;
- (c) in payment to the Commonwealth of amounts equal to the expenses the Commonwealth incurs in managing the investment of money in the Fund;
- (d) in payment of remuneration and allowances:
  - (i) payable under section 19 to the Council's members; and
  - (ii) payable to persons engaged under subsection 29 (2) by the Council's Chairperson; and

- (e) in payment to the Commonwealth of amounts equal to the amounts specified in notices the Selection Committee gives to the Council under section 58 in respect of the Committee's activities in relation to the selection of members of the Council.

“(2) The money that is in the Barley Research Trust Fund or the Wheat Research Trust Fund and in an account kept under paragraph 8 (2) (b) in relation to a State other than Tasmania may, with the approval of the Research Committee established for that State in respect of goods of the kind or kinds in respect of which that Fund was established, be paid out of that account:

- (a) for the purposes of research and development activities in respect of goods of the relevant kind in relation to the Fund that are included in an annual research and development program prepared by the Committee and in force when the payment is made;
- (b) in payment of expenses incurred by the Committee in performing its functions; and
- (c) in payment of remuneration and allowances:
  - (i) payable under section 19 to the Committee's members; and
  - (ii) payable to persons engaged under subsection 29 (2) by the Committee's Chairperson.

“(3) The money in the Barley Research Trust Fund or the Wheat Research Trust Fund and in an account kept under paragraph 8 (2) (b) in relation to Tasmania may, with the approval of the appropriate Minister of Tasmania, be paid out of that account for the purposes of undertaking such research and development activities in respect of goods of the relevant kind in relation to the Fund as that Minister determines to be of special significance for Tasmania.

“(3A) Money may also be paid out of a Research Fund in accordance with section 39C or 39D.

“(4) A reference in paragraph (1) (b), (1B) (a), (1C) (b) or (2) (b) to an expense incurred by a Council or State Research Committee in performing its functions includes a reference to an expense incurred by the Council or Committee in respect of the provision to it of administrative and clerical services if, and only if, those services are provided:

- (a) by a person engaged under subsection 29 (1) by the Chairperson of the Council or Committee; or
- (b) under an arrangement entered into by the Council or Committee under subsection (5) or (6), as the case may be, of this section.”.

(2) Subsections 9 (1), (1A), (1B), (1C), (2), (3) and (4) of the Principal Act as amended by this section apply in relation to:

- (a) an approval, whenever given;
- (b) research and development activities in respect of goods of a particular kind or kinds, whenever undertaken;



- (c) expenses, whenever incurred;
- (d) remuneration and allowances, whenever they became payable; and
- (e) a notice under section 58 of the Principal Act, whenever given.

**Insertion of Part heading**

13. After section 9 of the Principal Act the following heading is inserted:

**“PART IIA—AGREEMENTS ABOUT RESEARCH AND  
DEVELOPMENT FUNDING”.**

**Agreements**

14. Section 10 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) An authorised representative of a Council may, on the Commonwealth’s behalf, make an agreement with a person, authority or organisation for the purposes of, or for purposes in connection with, funding a research and development activity in respect of:

  - (a) in any case—goods of a relevant kind or relevant kinds in relation to the Council; or
  - (b) in the case of the Special Research Council—goods generally or goods of a particular kind or kinds;

that is included in an annual research and development program prepared by the Council and in force when the agreement is made.”;
- (b) by omitting from paragraphs (4) (a) and (b) “by that” and substituting “by the Chairperson of a”;
- (c) by omitting paragraph (4) (a) and substituting the following paragraph:

“(a) under subsection (1) by an authorised representative of a Council;”;
- (d) by omitting from subsection (4) “the Research Fund established in respect of goods of a particular kind or kinds” and substituting “a Fund”;
- (e) by omitting subparagraph (4) (d) (ii) and substituting the following subparagraph:

“(ii) the payment by the person, authority or organisation to the Commonwealth, for the purposes of the Fund, of an amount equal to the whole, or such part as that Council, State Research Committee or appropriate Minister determines, of the money provided under the agreement if money so provided or property of the kind referred to in subparagraph (i) is used for a purpose not specified in the agreement;”;
- (f) by omitting from paragraphs (4) (e) and (g) “Research Fund” (wherever occurring) and substituting “Fund”;

- (g) by omitting from paragraphs (4) (e) and (g) “Research Council” (wherever occurring) and substituting “Council”.

**Establishment and functions of Research Councils**

**15. Section 11 of the Principal Act is amended:**

- (a) by omitting from paragraphs (1) (a), (2) (a), (3) (a) and (4) (a) “and”;
- (b) by adding at the end of subsection (1) the following word and paragraph:
  - “; and (c) the levy shall be taken to have become attached to that Council at the beginning of that day.”;
- (c) by adding at the end of subsection (2) the following word and paragraph:
  - “; and (c) that class of levies and each levy in it shall be taken to have become attached to that Council at the beginning of that day.”;
- (d) by adding at the end of subsection (3) the following word and paragraph:
  - “; and (c) the levy shall be taken to have become, or becomes, as the case requires, attached to that Council at the beginning of that day.”;
- (e) by adding at the end of subsection (4) the following word and paragraph:
  - “; and (c) that class of levies and each levy in it shall be taken to have become, or becomes, as the case requires, attached to that Council at the beginning of that day.”;
- (f) by omitting from subsection (3) “, not being a levy referred to in column 1 of any Part of Schedule 1,”;
- (g) by omitting from subsection (4) “, not being levies referred to in column 1 of any Part of Schedule 1,”;
- (h) by omitting from subsection (5) “established in respect of goods of a particular kind or kinds”;
- (j) by omitting from paragraph (5) (a) “of that kind or those kinds” and substituting “of the relevant kind or relevant kinds”;
- (k) by omitting paragraphs (5) (b), (c) and (d) and substituting the following paragraphs:
  - “(b) to develop annual research and development programs in accordance with section 27;
  - (c) to approve, in accordance with section 9, the payment of money from the Council’s Fund;
  - (d) to monitor, and report to the Parliament and to each relevant industry organisation in relation to each relevant kind of goods about, the research and development activities, in respect of goods of the relevant kind or relevant kinds,

that are funded, wholly or partly, from money in that Fund;”.

**Establishment and functions of State Research Committees**

**16.** Section 12 of the Principal Act is amended:

- (a) by omitting paragraph (3) (b) and substituting the following paragraph:
  - “(b) to develop annual research and development programs for that State in accordance with section 27;”;
- (b) by omitting from paragraph (3) (c) “paragraph 9 (2) (a)” and substituting “subsection 9 (2)”.

**Amendment of heading**

**17.** The heading to Division 2 of Part III of the Principal Act is amended by omitting “Research Councils” and substituting “Councils”.

**Constitution of Councils and State Research Committees**

**18.** Section 14 of the Principal Act is amended:

- (a) by omitting from subsections (1), (5) to (11), inclusive, (13), (15) and (16) “Research Council” (wherever occurring) and substituting “Council”;
  - (b) by omitting subsection (3) and substituting the following subsection:
    - “(3) The Minister shall not make a determination under paragraph (1) (c) in relation to a Council until he or she has consulted:
      - (a) in any case—each relevant industry organisation in relation to each relevant kind of goods in relation to the Council; and
      - (b) in the case of the Special Research Council—each prescribed organisation;
- and has had regard to the views (if any) expressed by the organisation or organisations.”;
- (c) by omitting from subsections (7), (8), (10) and (11) “Government” and substituting “government”.

**Research and development plans**

**19.** (1) Section 22 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:
  - “(1) A Council shall, for each successive period determined in accordance with subsection (5), develop, and prepare in written form, a research and development plan defining the Council’s principal objectives during that period in relation to:
    - (a) in any case—research and development in respect of goods of a particular kind or kinds, being the relevant kind or kinds in relation to the Council during that period; and

- (b) in the case of the Special Research Council—research and development in respect of goods generally or goods of a particular kind or kinds, being research and development of the kind referred to in paragraph 33 (2) (a);  
and giving a broad outline of the strategies the Council is to follow in achieving those objectives.”;
  - (b) by omitting from subsection (2) “in accordance with a determination in force under subsection (6),”;
  - (c) by omitting subsection (3) and substituting the following subsection:
    - “(3) A Council or State Research Committee shall not prepare a research and development plan for the purposes of subsection (1) or (2) until the Council or State Research Committee has consulted:
      - (a) in the case of a Council—each relevant industry organisation in relation to each relevant kind of goods in relation to the Council;
      - (b) in the case of the Special Research Council—each prescribed organisation;
      - (c) in the case of a State Research Committee—each relevant industry organisation in relation to the relevant kind of goods in relation to the Research Council established in respect of goods of the kind or kinds in respect of which the State Research Committee was established; and
      - (d) in any case—such other Departments and agencies as the Council or State Research Committee considers appropriate; and has had regard to the views (if any) expressed as a result of those consultations.”;
  - (d) by omitting from subsection (5) and paragraph (7) (b) “Research Council” (wherever occurring) and substituting “Council”;
  - (e) by inserting after subsection (6) the following subsection:
    - “(6A) A plan prepared under this section shall be prepared in accordance with the determination in force under subsection (6) when the plan is prepared.”.
- (2) The amendments made by subsection (1) (other than paragraph (1) (d)) apply in relation to a period beginning at or after the commencement of this section.

**20.** After section 24 of the Principal Act the following sections are inserted:

**Approval for varied plan to run for 4 years from next 1 July: Councils generally**

“24A. (1) When requesting the Minister’s approval for a variation under section 24 or 39M of a research and development plan that is in force, a Council (other than the Council for the Barley Research Trust Fund or the Wheat Research Trust Fund) may also request the Minister’s approval for

the plan as varied to be in force until the end of 4 years beginning on the next 1 July after the day on which the variation takes effect.

“(2) Where:

- (a) a request is made under subsection (1);
- (b) subsection 24 (5) or 39M (5), as the case may be, empowers the Minister to approve the variation; and
- (c) the Minister is satisfied that the conditions prescribed by section 24C have been satisfied;

the Minister may, by notice in writing given to the Council:

- (d) approve the variation or instead approve such other variation as he or she thinks fit; and
- (e) give his or her approval for the plan as varied to be in force as mentioned in subsection (1) of this section.

**Approval for varied plans to run for 4 years from next 1 July: Barley and Wheat Research Councils and Committees**

“24B. (1) When requesting the Minister’s approval for variations under section 24 of the respective research and development plans that were prepared by them and are in force, the Research Council and State Research Committees established in respect of goods of the kind or kinds in respect of which the Barley Research Trust Fund or the Wheat Research Trust Fund was established may jointly request the Minister’s approval for the plans as varied to be in force until the end of 4 years beginning on the next 1 July after the day on which the variations take effect.

“(2) Where:

- (a) a request is made under subsection (1);
- (b) subsection 24 (5) empowers the Minister to approve each of the variations; and
- (c) the Minister is satisfied that the conditions prescribed by section 24C have been satisfied;

the Minister may, by notice in writing given to the Council and each of those Research Committees:

- (d) in relation to each of the variations:
  - (i) approve the variation; or
  - (ii) instead approve such other variation as he or she thinks fit; and
- (e) give his or her approval for the plans as varied to be in force as mentioned in subsection (1) of this section;

and if the Minister does so, he or she shall be taken to have approved the variations on the day when the notice is given to the Council.

**Pre-conditions for approval under section 24A or 24B**

“24C. (1) The first condition is that the plan, or each of the plans, as the case may be, as varied:

- (a) will be expressed to relate to the period beginning on the day when the variation of that plan takes effect and ending at the end of 4 years beginning on the next 1 July after that day; and
- (b) would comply with subsection 22 (1) or (2), as the case requires, and with subsection 22 (6A), if:
  - (i) that plan as varied were a plan prepared under section 22 on the day on which the request under section 24A or 24B, as the case may be, was made; and
  - (ii) the period referred to in paragraph (a) of this subsection were a period determined in accordance with subsection 22 (5).

“(2) The next condition is that the Council has, or the Council and those Research Committees have each, as the case may be:

- (a) consulted:
  - (i) each relevant industry organisation in relation to each relevant kind of goods in relation to the Council;
  - (ii) in the case of the Special Research Council—each prescribed organisation; and
  - (iii) such other Departments and agencies as the Council or Research Committee, as the case may be, considers appropriate;

about:

- (iv) the variation of the plan prepared by the Council or Research Committee, as the case may be; and
  - (v) whether or not the plan as varied should be in force as mentioned in subsection 24A (1) or 24B (1), as the case may be; and
- (b) had regard to the views (if any) expressed as a result of those consultations.

“(3) In the case of a request under section 24B, the next condition is that each of those Research Committees has consulted with the Council, about the variation of the plan prepared by that Research Committee, with a view to minimising or avoiding the inclusion in that plan as varied of matters included in any other of the plans as varied.

“(4) In the case of a request under section 24A, the next conditions are:

- (a) that, when making the request, the Council gave the Minister a statement of its reasons for making the request; and
- (b) that the Council has since given the Minister such information as he or she has asked for for the purposes of considering the request.

“(5) In the case of a request under section 24B, the next conditions are:

- (a) that, when making the request, the Council and those Research Committees gave the Minister a statement of their reasons for making the request; and
- (b) that the Council and those Research Committees have since given the Minister such information as he or she has asked for for the purposes of considering the request.

“(6) The order in which this section prescribes conditions does not indicate that the conditions must be satisfied in a particular order.”.

**21. (1)** Section 26 of the Principal Act is repealed and the following section is substituted:

**When variations of research and development plans take effect**

“26. (1) This section applies where the Minister approves a variation under section 24, 25 or 39M of a research and development plan.

“(2) If the plan has come into force and:

- (a) the variation is under section 24 and the Minister also gives his or her approval under subsection 24A (2) or 24B (2) for the plan as varied, or research and development plans including the plan as varied, to be in force as mentioned in subsection 24A (1) or 24B (1); or

- (b) the variation is under section 39M;

the variation shall take effect on:

- (c) if the Minister, when approving the variation, or approving under subsection 24B (2) variations including the variation, determines that it or they shall take effect on a specified day not earlier than the day of the approval—the specified day; or
- (d) otherwise—the next 1 July after the day of approval of the variation.

“(3) Otherwise, the variation shall take effect on the day of approval of the variation and, if the plan has come into force, the plan as varied shall continue in force, on and after that day, as if the Minister had originally approved the plan as varied.”.

(2) The amendment made by subsection (1) applies in relation to a variation that the Minister approves after the commencement of this section, even if the approval was requested before that commencement.

**22. (1)** Section 27 of the Principal Act is repealed and the following section is substituted:

**Annual research and development programs**

“27. (1) In this section:

‘eligible activities’, in relation to a Council or State Research Committee, in relation to a program year, means research and development activities in respect of:

- (a) in the case of a Council:

- (i) in any case—goods of a particular kind or kinds, being the relevant kind or kinds in relation to the Council during the program year; or
- (ii) in the case of the Special Research Council—goods generally or goods of a particular kind or kinds; or
- (b) in the case of a State Research Committee—goods of the kind or kinds in respect of which the Research Committee was established.

“(2) A Council or State Research Committee shall, for each program year, develop, and prepare in written form, an annual research and development program that is expressed to relate to the program year and complies with this section.

“(3) The program shall describe in general terms:

- (a) the broad groupings of the eligible activities that the Council or Research Committee proposes to fund, during the program year, wholly or partly from money provided from its Fund; and
- (b) to what extent, and how, so funding those eligible activities will:
  - (i) give effect to the research and development plan prepared by the Council or Research Committee and in force during the program year; and
  - (ii) in particular, pursue the strategies outlined in the plan and help to achieve the objectives defined in the plan.

“(4) For each broad grouping of eligible activities that is described in it, the program shall provide an estimate of what is likely to be the total of the amounts that will be paid from the Fund, during the program year, in respect of the eligible activities within that broad grouping.

“(5) The program shall provide an estimate of what is likely to be the total of all amounts (in this section called the ‘administrative expenses’) that will be paid from the Fund, during the program year, by virtue of:

- (a) in the case of a Research Council or State Research Committee—subsection 9 (1), (1C) or (2), as the case requires, other than paragraph (a) of that subsection; or
- (b) in the case of the Special Research Council—subsections 36 (1), (2) and (2A), other than paragraph (a) of any of those subsections; and section 39C.

“(6) The program shall provide an estimate of what is likely to be the total of:

- (a) all amounts that will be paid from the Fund, during the program year, in respect of the eligible activities referred to in paragraph (3) (a); and
- (b) the administrative expenses.

“(7) A reference in this section to eligible activities that a Council or State Research Committee proposes to fund includes a reference to eligible



activities that the Council or State Research Committee is prepared, subject to its examination of specific proposals, to fund.”.

(2) The amendments made by subsection (1) and paragraph 5 (1) (f) apply in relation to a program year of a Council or State Research Committee beginning at or after the commencement of this section.

#### **Staff and consultants**

**23.** Section 29 of the Principal Act is amended:

- (a) by omitting from subsections (1), (3), (4) and (5) “Research Council” (wherever occurring) and substituting “Council”;
- (b) by omitting subsection (2) and substituting the following subsection:

“(2) The Chairperson of a Council, or of a State Research Committee, may, on the Commonwealth’s behalf, engage, under written agreements, as consultants to, or to perform services of a professional nature for, the Council or Research Committee in connection with the performance of any of its functions, persons having suitable qualifications and experience.”.

#### **Annual reports of Councils**

**24.** (1) Section 30 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsections:

“(1) A Research Council shall, as soon as practicable after 30 June in each year, prepare and give to the Minister a report of the operation of Parts II, IIA, III, IVA, IVB and VI, during the year that ended on that 30 June, in relation to goods of the relevant kind or kinds in relation to the Council during that year.

“(1A) The Special Research Council shall, as soon as practicable after 30 June in each year, prepare and give to the Minister a report of:

- (a) the operation of Parts IIA, III, IV, IVA, IVB and VI, during the year that ended on that 30 June, in relation to the Council; and
- (b) the operation of Parts IIA, III, IVA, IVB and VI, during that year, in relation to goods of the relevant kind or kinds in relation to the Council during that year.”;
- (b) by omitting from subsection (4) “Research Council” (wherever occurring) and substituting “Council”;
- (c) by inserting in subsections (4) and (5) “or (1A)” after “(1)”.

(2) The amendments made by subsection (1) apply in relation to 30 June in 1989 and in each later year.

#### **Accountability to industry**

**25.** (1) Section 31 of the Principal Act is amended:

- (a) by omitting all the words from and including “The Chairperson” to and including “organisation” (fifth occurring) and substituting the following:

“As soon as practicable after a Council’s annual report is given to the Minister, the Council’s Chairperson shall arrange with:

- (aa) in any case—each relevant industry organisation in relation to each relevant kind of goods in relation to the Council; and
- (ab) in the case of the Special Research Council—each prescribed organisation;  
for the Council’s Chairperson to attend a meeting of the executive of the organisation concerned, or a meeting of a committee of that executive nominated by the executive”;
- (b) by omitting “that Research Council” (wherever occurring) and substituting “the Council”;
- (c) by omitting from subparagraph (c) (i) “that Research Council’s” and substituting “the Council’s”.

(2) The amendments made by subsection (1) apply in relation to an annual report that is given to the Minister after the commencement of this section, whether or not the annual report relates to a period ending after that commencement.

#### **Establishment, functions and powers of Special Research Council**

**26.** Section 33 of the Principal Act is amended:

- (a) by omitting subparagraphs (2) (a) (ii) and (iii) and substituting the following subparagraphs:
  - “(ii) relates solely to goods other than goods (in this paragraph called ‘Council goods’) of a relevant kind in relation to a Council; or
  - (iii) relates both to Council goods and to other goods (whether or not the other goods are Council goods);”;
- (b) by omitting from paragraph (2) (a) all the words from and including “and, on” to the end of the paragraph;
- (c) by omitting paragraph (2) (b) and substituting the following paragraphs:
  - “(ba) to investigate and evaluate the requirements for research and development in respect of goods of the relevant kind or relevant kinds generally;
  - (bb) on the basis of the Council’s investigation and evaluation under paragraphs (a) and (ba), to develop research and development plans in accordance with section 22;
  - (b) to develop annual research and development programs in accordance with section 27;”;
- (d) by omitting from paragraph (2) (c) “paragraph 36 (1) (a)” and substituting “section 36”;
- (e) by omitting paragraph (2) (d) and substituting the following paragraph:

“(d) to monitor, and report to:

- (i) the Parliament;
- (ii) each relevant industry organisation in relation to each relevant kind of goods in relation to the Council; and
- (iii) each prescribed organisation;

about, the research and development activities in respect of goods generally or goods of a particular kind or kinds that are funded, wholly or partly, from money in the Special Research Fund;”;

(f) by adding at the end the following subsection:

“(3) Section 13 applies in relation to the Special Research Council as if a reference in that section to a Research Council were a reference to the Special Research Council.”.

### **Money to be paid into Special Research Fund**

27. Section 34 of the Principal Act is amended:

(a) by inserting in paragraph (a) “(otherwise than by section 34A)” after “Parliament”;

(b) by inserting after paragraph (c) the following paragraphs:

“(ca) the amounts from time to time received by the Commonwealth, under the Collection Act for each levy attached to the Fund, as:

- (i) the research component of that levy;
- (ii) amounts (if any) paid on behalf of a person liable to pay that levy, by a person other than that person, in respect of the research component of that levy; and
- (iii) amounts of penalty for non-payment of that levy, to the extent that the penalty is attributable to non-payment of the research component of that levy;

(cb) subject to sections 39A and 39B, amounts equal to one-half of the amounts from time to time required to be paid out of the Fund in accordance with subsection 36 (2A);”;

(c) by inserting in paragraph (d) “subject to section 39L,” before “amounts”.

28. After section 34 of the Principal Act the following section is inserted:

### **Appropriation**

“34A. Amounts payable into the Special Research Fund by virtue of paragraph 34 (ca) or (cb) are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

**Separate accounts**

**29. (1)** Section 35 of the Principal Act is amended:

- (a)** by inserting in subsection (1) “(otherwise than by virtue of paragraph 34 (ca) or (cb))” after “Fund”;
- (b)** by omitting subsections (2) and (3) and substituting the following subsections:

“(2) A separate account shall be kept of the money in the Special Research Fund representing the amounts paid into the Fund by virtue of paragraphs 34 (a) and (b).

“(2A) A separate account shall be kept, in relation to each relevant kind of goods in relation to a levy or class of levies attached to the Special Research Fund, of the money in the Fund representing the amounts paid into the Fund:

- (a)** by virtue of subparagraphs 34 (ca) (i) and (ii) as applying in relation to that levy or those levies; and
- (b)** by virtue of paragraph 34 (cb) because of the amounts required to be paid, in accordance with subsection 36 (2A), out of:
  - (i)** the first-mentioned account; and
  - (ii)** the account kept under subsection (2B) in relation to that kind of goods.

“(2B) A separate account shall be kept, in relation to each relevant kind of goods in relation to a levy or class of levies attached to the Special Research Fund, of the money in the Fund representing the amounts paid into the Fund by virtue of subparagraph 34 (ca) (iii) as applying in relation to that levy or those levies.

“(3) The amounts required by virtue of paragraphs 34 (d) and (e) to be paid into the Special Research Fund shall be credited, in such proportions as the Special Research Council determines to be appropriate, to the various separate accounts kept under subsections (1), (2) and (2B).”;

- (c)** by inserting in subsection (4) “under subsection (1)” after “kept”;
- (d)** by omitting from subsections (4) and (5) “referred to in” (wherever occurring) and substituting “kept under”;
- (e)** by omitting from subsection (5) “that is kept”.

**(2)** Subsection 35 (2) of the Principal Act as amended by this section applies in relation to an amount paid into the Special Research Fund whether before, at or after the commencement of this section.

**(3)** Subsection 35 (3) of the Principal Act as amended by this section applies in relation to an amount, whenever received by the Commonwealth.

**(4)** After the commencement of this section, a determination that immediately before that commencement was in force under subsection 35 (3)

of the Principal Act has effect as if it were a determination under subsection 35 (3) of the Principal Act as amended by this section.

**Application of money in Special Research Fund**

**30. (1)** Section 36 of the Principal Act is amended:

- (a) by omitting from subsection (1) all the words before “account” (second occurring) and substituting “The money in the account kept under subsection 35 (2) may, with the Special Research Council’s approval, be paid out of the”;
- (b) by omitting from paragraph (1) (a) “with the approval of the Special Research Council,”;
- (c) by omitting from paragraph (1) (a) “at the time when the approval is given” and substituting “when the payment is made”;
- (d) by omitting from paragraph (1) (c) “standing to the credit of the Special Research Fund” and substituting “in an account kept under subsection 35 (1) or (2)”;
- (e) by omitting paragraphs (1) (d) and (e) and substituting the following paragraph:
  - “(d) in payment of remuneration and allowances:
    - (i) payable under section 19 to the Council’s members; and
    - (ii) payable to persons engaged under subsection 29 (2) by the Council’s Chairperson; and”;
- (f) by omitting subsections (2), (3) and (4) and substituting the following subsections:
  - “(2) The money in an account kept under subsection 35 (1) may, with the Special Research Council’s approval, be paid out of the account:
    - (a) if the particular research and development activity, or any of the particular research and development activities, in respect of goods generally or goods of a particular kind or kinds, for whose purposes the account is kept is or are included in an annual research and development program prepared by the Council and in force when the payment is made—for the purposes of that research and development activity, or of such of those research and development activities as is or are so included, as the case may be;
    - (b) in payment of expenses incurred by the Council in performing its functions, to the extent that the expenses were incurred in connection with that research and development activity or those research and development activities, as the case may be; and
    - (c) in payment of remuneration and allowances:
      - (i) payable under section 19 to the Council’s members; and

- (ii) payable to persons engaged under subsection 29 (2) by the Council's Chairperson;

to the extent that the remuneration and allowances are payable in respect of work done by those members and persons, respectively, in respect of that research and development activity or those research and development activities.

“(2A) The money in an account kept under subsection 35 (2A) or (2B) in relation to a particular kind of goods may, with the Special Research Council's approval, be paid out of the account:

- (a) for the purposes of research and development activities in respect of goods of that kind that are included in an annual research and development program prepared by the Council and in force when the payment is made;
- (b) in payment of expenses incurred by the Council in performing its functions, to the extent that the expenses were incurred in connection with research and development activities (in this subsection called 'eligible activities') in respect of goods of that kind;
- (c) in payment to the Commonwealth of amounts equal to the expenses the Commonwealth incurs in managing the investment of money in the account;
- (d) in payment of remuneration and allowances:

- (i) payable to the Council's members under section 19; and

- (ii) payable to persons engaged under subsection 29 (2) by the Council's Chairperson;

to the extent that the remuneration and allowances are payable in respect of work done by those members and persons, respectively, in respect of eligible activities; and

- (e) in payment to the Commonwealth of amounts equal to the amounts specified in notices the Selection Committee gives to the Council under section 58 in respect of the Committee's activities in relation to the selection of members of the Council.

“(2B) Where, if this subsection had not been enacted, an amount required to be paid out of the Special Research Fund in accordance with this section would be permitted to be paid, with the approval of the Special Research Council, out of any one of 2 or more accounts, the amount may instead be paid, with that approval, out of any 2 or more of those accounts in such proportions as the Council determines to be appropriate.

“(3) To the extent that:

- (a) an expense incurred by the Special Research Council in performing its functions is incurred otherwise than in connection with; or
- (b) remuneration or allowances:
  - (i) payable under section 19 to a member of the Special Research Council; or
  - (ii) payable to a person engaged under subsection 29 (2) by the Special Research Council’s Chairperson;

is or are payable in respect of work done by the member or person otherwise than in respect of;

research and development activities in respect of goods generally or goods of a kind or kinds, an amount may, with the Council’s approval, be paid, in payment of the expense, remuneration or allowances, as the case may be:

- (c) out of any one of the accounts kept under subsections 35 (2), (2A) and (2B); or
- (d) out of any 2 or more of those accounts in such proportions as the Council considers to be appropriate.

“(3A) Money may also be paid out of the Special Research Fund in accordance with section 39C or 39D.

“(4) A reference in paragraph (1) (b), (2) (b), (2A) (b) or (3) (a) to an expense incurred by the Special Research Council in performing its functions includes a reference to an expense incurred by the Council in respect of the provision to it of administrative and clerical services if, and only if, those services are provided:

- (a) by a person engaged under subsection 29 (1) by the Council’s Chairperson; or
- (b) under an arrangement entered into by the Council under subsection (5) of this section.”.

(2) Subsections 36 (1), (2) and (4) of the Principal Act as amended by this section apply in relation to:

- (a) an approval, whenever given;
- (b) research and development activities in respect of goods generally or goods of a particular kind or kinds, whenever undertaken;
- (c) expenses, whenever incurred;
- (d) remuneration and allowances, whenever they became payable; and
- (e) a notice under section 58 of the Principal Act, whenever given.

### **Repeal of section 37**

31. (1) Section 37 of the Principal Act is amended by omitting from subsection (2) “the Special Research Council” (second occurring) and substituting “that Chairperson”.

(2) Section 37 of the Principal Act is repealed.

(3) After the commencement of subsection (2), an agreement that was made under section 37 of the Principal Act and was in force immediately before that commencement shall be taken to have been made under subsection 10 (1) of the Principal Act as amended by this Act.

**Repeal of section 38**

**32.** Section 38 of the Principal Act is repealed.

**Repeal of section 39**

**33. (1)** Section 39 of the Principal Act is repealed.

(2) Despite the repeal effected by subsection (1), section 22, 27 or 30 of the Principal Act continues to apply, as provided by section 39 of that Act, in relation to:

- (a) in the case of section 22 or 27—a period beginning before the commencement of this section; or
- (b) in the case of section 30—30 June in 1988 and in each earlier year.

(3) Where, immediately before the commencement of this section, a provision of the Principal Act had an application by virtue of section 39 of that Act, a reference in the Principal Act, as amended by this Act, to that provision includes a reference to that provision as it applied by virtue of that section or as it applies by virtue of subsection (2) of this section.

(4) Where:

- (a) immediately before the commencement of this section, a provision (other than subsection 29 (2)) of the Principal Act, in the provision's application by virtue of section 39 of that Act, applied in relation to the Special Research Council or the Special Research Fund; and
- (b) that provision is amended by this Act in such a way as to apply of its own force in relation to the Special Research Council or the Special Research Fund;

then, subject to this Act, that provision as so amended applies as if it had been in force as so amended ever since the commencement of the Principal Act.

**34. (1)** After Part IV of the Principal Act the following Parts are inserted:

**“PART IVA—CERTAIN PAYMENTS INTO, AND OUT OF, FUNDS**

**Matching amounts not to exceed levy revenue**

“39A. (1) The sum of the matching amounts in relation to a levy or class of levies shall not exceed the sum of the Fund credits in relation to the levy or levies less the sum of the refunds in relation to the levy or levies.

“(2) In this section:

‘Fund credit’, in relation to a levy, means an amount that, by virtue of subparagraph 7 (1) (a) (i) or (ii) or 34 (ca) (i) or (ii) as applying



in relation to the levy, was or is paid (whether before, at or after the commencement of this section) into a Fund;

‘refund’, in relation to a levy, means the amount of a refund required to be paid from a Fund in respect of a Fund credit in relation to the levy, whether the refund was or is so paid before, at or after the commencement of this section.

**Matching amounts not to exceed certain proportion of value of production of relevant kind of goods**

“39B. The sum of such of the matching amounts in relation to a levy or class of levies as are paid in a particular financial year (whenever beginning) shall not exceed an amount equal to:

- (a) in the case of the levies referred to in column 1 of Part IV of Schedule 1—3.5 cents per kilogram of the tobacco leaf in respect of which those levies are imposed in that financial year; or
- (b) otherwise—0.5% of the amount that the Minister determines, in accordance with a method specified in the regulations, to be the gross value of production, for that financial year, of goods of the relevant kind in relation to the levy or class.

**Commonwealth may recover levy collection expenses from Fund**

“39C. Money that is in a Fund and in an account kept under subsection 7A (2) or (3), 8 (2) or 35 (2A) or (2B) in relation to the relevant kind of goods in relation to a levy or class of levies attached to the Fund may be paid out of that account in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (a) the collection or recovery of amounts of the kind referred to in paragraph 7 (1) (a) or 34 (ca) that are receivable by the Commonwealth under the Collection Act for that levy or the Collection Acts for the levies in that class; and
- (b) the administration of paragraph 7 (1) (a) or 34 (ca) in respect of that levy or those levies.

**Account from which levy reimbursement to be paid**

“39D. (1) This section applies where there is required to be paid from a Fund (in this section called the ‘current Fund’) an amount (in this section called the ‘reimbursement’), being a refund payable, or being an amount equal to the amount of a refund paid, in respect of an amount (in this section called the ‘Fund credit’) paid into a Fund by virtue of:

- (a) subparagraph 7 (1) (a) (i) or (ii) or 34 (ca) (i) or (ii); or
- (b) subparagraph 7 (1) (a) (iii) or 34 (ca) (iii);

as applying in relation to a levy.

“(2) If the current Fund is the Barley Research Trust Fund or the Wheat Research Trust Fund, the reimbursement shall be paid:

- (a) if the Fund credit was paid into 2 or more accounts—out of those accounts in the respective proportions in which the Fund credit was paid into those accounts; or
- (b) otherwise—the account into which the Fund credit was paid.

“(3) Otherwise, the reimbursement shall be paid out of the account kept under:

- (a) if paragraph (1) (a) applies—subsection 7A (2) or 35 (2A), as the case requires;
- (b) if paragraph (1) (b) of this section applies—subsection 7A (3) or 35 (2B), as the case requires;

in relation to the relevant kind of goods in relation to:

- (c) if the levy is not in a class of levies attached to the current Fund—the levy; or
- (d) if the levy is in a class of levies attached to the current Fund—that class.

#### **“PART IVB—RE-ORGANISATIONS OF FUNDS AND COUNCILS**

##### **Additional levies attached to a Research Fund and Research Council**

“39E. Where the regulations declare a levy or levies to be, with effect from a specified day, an additional levy, or a class of additional levies, as the case may be, attached to a specified Research Fund and a specified Research Council, then, for the purposes of this Act, the levy, or the class and each levy in it, becomes attached to that Fund and Council at the beginning of that day.

##### **Levies attached to the Special Research Fund and Special Research Council**

“39F. Where the regulations declare a levy or levies to be, with effect from a specified day, a levy or class of levies, as the case may be, attached to the Special Research Fund and the Special Research Council, then, for the purposes of this Act, the levy, or the class and each levy in it, becomes attached to that Fund and Council at the beginning of that day.

##### **Change of name of Research Fund, Research Council or State Research Committee**

“39G. (1) The regulations may amend:

- (a) column 3 or 4 of a Part of Schedule 1; or
- (b) column 3 of a Part of Schedule 2.

“(2) Where a Research Fund’s name is changed by virtue of:

- (a) regulations made under subsection (1); or
- (b) an amendment of regulations made for the purposes of paragraph 6 (3) (b) or (4) (b);

subsection 25B (1) of the *Acts Interpretation Act 1901* applies in relation to the change of name as if a reference in subsection 25B (1) of that Act to an office included a reference to a Research Fund.

**Transfer of money between Funds where levies redirected**

“39H. (1) This section applies where a levy or class of levies is redirected from a Fund (in this section called the ‘old Fund’) to another Fund (in this section called the ‘new Fund’).

“(2) If the old Fund is a Research Fund, the money that is in the old Fund and in an account kept under subsection 7A (2) or (3) in relation to the relevant kind of goods in relation to the levy or class shall be paid out of that account and into the new Fund:

- (a) if the new Fund is a Research Fund—into the account kept under subsection 7A (2) or (3), as the case may be, in relation to that kind of goods; or
- (b) if the new Fund is the Special Research Fund—into the account kept under subsection 35 (2A) or (2B), as the case may be, in relation to that kind of goods.

“(3) If the old Fund is the Special Research Fund, the money that is in the old Fund and in an account kept under subsection 35 (2A) or (2B) in relation to the relevant kind of goods in relation to the levy or class shall be paid out of that account and into the new Fund into the account kept under subsection 7A (2) or (3), as the case may be, in relation to that kind of goods.

**Treatment of unmatched amounts where levies redirected**

“39J. (1) This section applies where:

- (a) by virtue of paragraph 7 (1) (b) or 34 (cb), an amount (in this section called the ‘matching amount’) becomes, or but for either or both of sections 39A and 39B would become, required to be paid into a Fund (in this section called the ‘old Fund’) because of an amount (in this section called the ‘matchable amount’) required to be paid, in accordance with section 9 or subsection 36 (2A), out of an account kept under subsection 7A (2) or (3) or 35 (2A) or (2B) in relation to the relevant kind of goods in relation to a levy or class of levies attached to the old Fund; and
- (b) before the matching amount is paid into the old Fund, the levy or class is redirected from the old Fund to another Fund.

“(2) After the redirection, paragraphs 7 (1) (b), 7A (2) (b), 34 (cb) and 35 (2A) (b) apply as if the matchable amount:

- (a) were not an amount required to be paid, in accordance with section 9 or subsection 36 (2A), as the case may be, out of the old Fund out of the account referred to in paragraph (1) (a) of this section; and

- (b) were an amount required to be paid, in accordance with section 9 (other than subsection 9 (3A)) or subsection 36 (2A), as the case requires, out of the other Fund out of the account kept under subsection 7A (2) or (3) or 35 (2A) or (2B), as the case requires, in relation to the relevant kind of goods in relation to the levy or class.

**Transfer of liabilities where levies redirected**

**“39K. (1) This section applies where:**

- (a) subsection 39H (2) or (3) has been complied with by paying money out of a Fund (in this section called the ‘old Fund’) out of accounts (in this section called the ‘old accounts’) into another Fund (in this section called the ‘new Fund’) into other accounts (in this section called the ‘new accounts’); and
- (b) an amount would, if that money had not been so paid, be permitted to be paid, with the approval of the Council for the old Fund:
  - (i) out of either of the old accounts and out of no other accounts; or
  - (ii) out of any one of 3 or more accounts including the old accounts.

**“(2) With the approval of the Council for the old Fund or of the Minister:**

- (a) if subparagraph (1) (b) (i) applies—the amount; or
- (b) if subparagraph (1) (b) (ii) applies—so much of the amount as:
  - (i) the respective Councils for the old Fund and the new Fund jointly determine to be appropriate; or
  - (ii) the Minister determines to be appropriate;

**may be paid out of:**

- (c) whichever one of the new accounts the Council for the new Fund, or the Minister, determines; or
- (d) the new accounts in such proportions as the Council for the new Fund determines.

**“(3) For the purposes of paragraphs 7 (1) (b), 7A (2) (b), 34 (cb) and 35 (2A) (b), so much of the amount as is paid out of an account or accounts under subsection (2) of this section shall be taken to be an amount required to be paid, in accordance with section 9 (other than subsection 9 (3A)) or subsection 36 (2A), as the case requires, out of the new Fund out of that account or those accounts.**

**“(4) If subparagraph (1) (b) (ii) applies, the remainder (if any) of the amount referred to in paragraph (1) (b) shall be taken, for the purposes of this Act, to be an amount that is permitted to be paid out of any one of the accounts referred to in that subparagraph, other than the old accounts.**

**Treatment of amounts received, after levies redirected from Fund, as a result of earlier expenditure from Fund**

**“39L. (1) This section applies where:**

- (a) the Commonwealth receives an amount:**
  - (i) from the sale of property paid for;**
  - (ii) from the sale of property produced, or from dealing with patents in respect of inventions made, in the course of carrying out a research and development activity, or research and development activities, in respect of goods of a kind or kinds, paid for; or**
  - (iii) in respect of work paid for;**  
wholly or partly with money paid out of a Fund out of an account kept under subsection 7A (2) or (3) or 35 (2A) or (2B) in relation to the relevant kind of goods in relation to a levy or class of levies; and
- (b) when the Commonwealth receives the amount, the levy or class is no longer attached to the Fund.**

**“(2) An amount (in this section called the ‘resulting amount’) equal to so much of the amount referred to in subsection (1) as the Minister determines to be appropriate shall be paid:**

- (a) into the Fund to which the levy or class is attached when the resulting amount is paid; and**
- (b) into the account kept under subsection 7A (3) or 35 (2B), as the case requires, in relation to that kind of goods.**

**Variation of research and development plans because of attachment of levies**

**“39M. (1) This section applies where a regulation declaring a levy or levies to be, with effect from a specified day (in this section called the ‘attachment day’):**

- (a) an additional levy, or a class of additional levies, as the case may be, attached to a specified Research Council; or**
- (b) a levy or class of levies, as the case may be, attached to the Special Research Council;**

**takes effect on a particular day (in this section called the ‘declaration day’).**

**“(2) If, as at the declaration day, the Minister has approved in accordance with section 23 a research and development plan that was prepared by the Council and will be in force on the attachment day, the Council shall, as soon as practicable after the declaration day:**

- (a) review the plan;**
- (b) consider what variation (if any) of the plan is necessary having regard to the fact that on and after the attachment day the relevant kind of goods in relation to the levy or class will be a relevant kind of goods in relation to the Council; and**

- (c) with the Minister's approval, make whatever variation (if any) of the plan the Council considers necessary having regard to that fact.

“(3) The Council shall not vary the plan under subsection (2) until the Council:

- (a) has consulted:
  - (i) each relevant industry organisation in relation to that kind of goods; and
  - (ii) such other Departments and agencies as the Council considers appropriate;about the proposed variation; and
- (b) has had regard to the views (if any) expressed as a result of those consultations.

“(4) If, as at the declaration day:

- (a) the levy or class is attached to another Council;
- (b) the Minister has approved in accordance with section 23 a research and development plan that was prepared by the other Council and will be in force on the attachment day; and
- (c) the other Council has reason to expect that, at the end of the attachment day, at least one other levy will be attached to the other Council;

the other Council shall, as soon as practicable after the declaration day:

- (d) review the plan;
- (e) consider what variation (if any) of the plan is necessary having regard to the fact that on and after the attachment day that kind of goods will no longer be a relevant kind of goods in relation to the other Council; and
- (f) with the Minister's approval, make whatever variation (if any) of the plan the other Council considers necessary having regard to that fact.

“(5) Subsections 24 (4) and (5) apply in relation to a variation, under subsection (2) or (4) of this section, of a research and development plan.

“(6) A variation approved under subsection 24 (5) as applying by virtue of subsection (5) of this section shall be taken to have been approved under this section.

### **Consequential variation of annual research and development programs**

“39N. (1) This section applies where, as at the time when a Council submits to the Minister for his or her approval a proposed variation under section 39M of a research and development plan, the Minister has approved in accordance with section 28 an annual research and development program that was prepared by the Council.

“(2) If:

- (a) at that or a later time, the Council has reason to expect that, if a variation of the plan is approved under section 39M, the program will be in force when the variation takes effect; or
- (b) the program is in force when a variation of the plan, being a variation approved under section 39M, takes effect;

the Council shall submit to the Minister for his or her approval such proposed variation (if any) of the program as the Council considers appropriate having regard to the variation referred to in paragraph (a) or (b) of this subsection.

“(3) The Minister shall approve the variation of the program unless he or she is of the opinion that the program as varied would be inconsistent with the plan as in force when the program as varied would come into force.

“(4) If the Minister approves under subsection (3) the variation of the program, the program as varied shall come into force on:

- (a) if the Minister, when approving the variation, determines that it shall take effect on a specified day not earlier than the day of the approval—the specified day; or
- (b) otherwise—the day of the approval.

“(5) Subsection 28 (4) does not apply in relation to the variation referred to in subsection (1) of this section.

**Effect of redirecting levies: agreements under section 10**

“39P. (1) This section applies where, at the time (in this section called the ‘redirection’) when a levy or class of levies is redirected from a Council (in this section called the ‘old Council’) to another Council (in this section called the ‘new Council’), there is in force an agreement made under subsection 10 (1) by an authorised representative of the old Council in relation to funding a research and development activity in respect of:

- (a) goods of the relevant kind in relation to the levy or class; or
- (b) goods of particular kinds that include both the relevant kind in relation to the levy or class and at least one kind of goods that is not, immediately after the redirection, a relevant kind in relation to the new Council.

“(2) If paragraph (1) (a) applies, then, after the redirection, the agreement has effect, with such modifications as the circumstances require, as if the Chairperson of the new Council were substituted for the authorised representative of the old Council as a party to the agreement and, except in relation to a time before the redirection:

- (a) a reference in the agreement to the old Council were a reference to the new Council; and
- (b) a reference in the agreement to the old Council’s Fund were a reference to the new Council’s Fund.

“(3) If paragraph (1) (b) applies, the regulations may provide that, after the redirection, the agreement has effect, with such modifications as the circumstances require, as if:

- (a) specified authorised representatives of specified Councils each of which has functions in relation to research and development in respect of goods of at least one kind included in the kinds referred to in paragraph (1) (b) were jointly substituted; or
- (b) a specified authorised representative of the Special Research Council were substituted;

for the authorised representative of the old Council as a party to the agreement and specified modifications of the agreement that are necessary or convenient having regard to that substitution, but do not affect the agreement’s operation before the redirection, were made.

“(4) Regulations in force under subsection (3) have effect accordingly.”.

**Effect of redirecting levies: staff and consultants**

“39Q. (1) Within 2 months, or such longer period as the Minister directs in writing, after a levy or class of levies is redirected from a Council (in this section called the ‘old Council’) to another Council (in this section called the ‘new Council’), the Chairpersons of the old Council and the new Council may jointly determine, or the Minister may determine, that persons specified in the determination who were engaged under subsection 29 (1) or (2) by the old Council’s Chairperson and are still so engaged immediately before a day that is so specified shall be taken to be engaged at the beginning of that day, under that subsection, by the new Council’s Chairperson, on the respective terms and conditions on which those persons were engaged by the old Council’s Chairperson immediately before that day.

“(2) A determination under subsection (1) has effect accordingly but does not prevent the new Council from varying, on or after the specified day and in accordance with subsection 29 (4) or (5), the terms and conditions of engagement of any of the specified persons.

**Winding up Research Funds and Councils to which no levy is attached**

“39R. The regulations may provide for:

- (a) winding up the affairs of, and abolishing or dissolving, Research Funds, and Research Councils, to which no levy is attached; and
- (b) matters for which it is necessary or convenient to provide in connection with winding up the affairs of, or abolishing or dissolving, such a Research Fund or Research Council.”.

(2) Section 39C of the Principal Act as amended by this section applies in relation to:

- (a) an expense incurred after the commencement of this section; or
- (b) an expense that was incurred before that commencement and in respect of which money was, immediately before that commencement, payable out of a Fund by virtue of a provision of the Principal Act.



**Constitution of Selection Committee for performance of functions under paragraphs 41 (b) and (c)**

**35. (1)** Section 44 of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsection:

“(1) For the purposes of performing functions under paragraphs 41 (b) and (c) in respect of a particular Council, the Selection Committee as constituted under section 43 shall be augmented by the appointment to it, by the Minister, of:

(a) if the Council is a Research Council and each relevant industry organisation in relation to each relevant kind of goods in relation to the Council requests that fewer than 3 further members be appointed—such number of further members, being fewer than 3, as that organisation requests, or all those organisations request, as the case requires; or

(b) otherwise—3 further members.”;

(b) by omitting from subsection (2) all the words after “nominated by” and substituting “each relevant industry organisation in relation to each relevant kind of goods in relation to the Research Council.”;

(c) by inserting after subsection (2) the following subsection:

“(2A) In appointing persons to be further members of the Selection Committee for the purposes of the performance of functions under paragraphs 41 (b) and (c) in respect of the Special Research Council, the Minister shall have regard to:

(a) the desirability that a person or persons associated with the production of goods of the relevant kind or relevant kinds in relation to the Special Research Council be a member or members of that Committee for those purposes; and

(b) the desirability that a person or persons associated with the production of goods other than goods of a relevant kind in relation to a Council be a member or members of that Committee for those purposes.”.

(2) After the commencement of this section, a request that immediately before that commencement had effect for the purposes of subsection 44 (1) of the Principal Act has effect for the purposes of subsection 44 (1) of the Principal Act as amended by this section as if the request had been made under the last-mentioned subsection.

**Selecting persons for nomination**

**36.** Section 46 of the Principal Act is amended:

(a) by omitting from subsections (1), (2), (3) and (5) “Research Council” (wherever occurring) and substituting “Council”;

(b) by omitting from subparagraph (2) (a) (i) “and”;

(c) by omitting subparagraph (2) (a) (ii) and substituting the following subparagraphs:

- “(ii) by notice in writing given to each relevant industry organisation in relation to each relevant kind of goods in relation to the Council; and
- (iii) in the case of the Special Research Council—by notice in writing given to each prescribed organisation; and”;
- (d) by omitting subsection (4) and substituting the following subsection:
  - “(4) A person is eligible for nomination for appointment to a Council even if either or both of the following has or have happened at least once before:
    - (a) a proposal for a nomination for his or her appointment to that or another Council has been rejected at a meeting of the Selection Committee;
    - (b) the Minister has rejected such a nomination.”.

#### **Deputies of Selection Committee members**

37. Section 50 of the Principal Act is amended by inserting after subsection (3) the following subsection:

“(3A) Where the Minister appoints a person under section 44, in its application to the Special Research Council, to be a member of the Selection Committee, the Minister may appoint a person to be that member’s deputy.”.

#### **Selection Committee to notify costs to each Council**

38. Section 58 of the Principal Act is amended:

- (a) by inserting before subsection (1) the following subsection:
  - “(1A) In this section:  
‘reimbursement period’ means:
    - (a) the period of 12 months ending on 31 December 1988;
    - (b) the period of 6 months ending on 30 June 1989; or
    - (c) a period of 12 months ending on 30 June in a later year.”;
- (b) by omitting from subsection (1) all the words from and including “the period” to and including “one year” and substituting “each reimbursement period”;
- (c) by omitting from subsection (1) “Research Council” and substituting “Council”;
- (d) by omitting from subsection (2) “the staff of, and consultants to, the Selection Committee” and substituting “the persons engaged under section 59 by the Chairperson”.

#### **Staff and consultants**

39. Section 59 of the Principal Act is amended:

- (a) by omitting subsection (2) and substituting the following subsection:
  - “(2) The Selection Committee’s Chairperson may, on the Commonwealth’s behalf, engage persons, under written agreements, as consultants to, or to perform services of a professional nature

for, the Selection Committee to assist the Selection Committee as constituted in accordance with section 44 in identifying persons suitable for nomination to the Minister.”;

- (b) by inserting after subsection (3) the following subsection:

“(3A) A person may only be engaged under subsection (2) if he or she has suitable qualifications and experience.”.

#### **Co-ordination meetings**

40. (1) Section 61 of the Principal Act is amended:

- (a) by omitting from subsections (1) and (2) “Research Councils” (wherever occurring) and substituting “Councils”;
- (b) by omitting from subsection (2) “Research Council” and substituting “Council”;
- (c) by omitting from subsection (4) and paragraph (6) (a) “(3)” and substituting “(2)”;
- (d) by omitting subsection (8) and substituting the following subsection:

“(8) In this section:

‘Chairperson’, in relation to a Council, means, if there is no office of Chairperson of that Council, a prescribed member of that Council;

‘Council’ includes:

- (a) the Wool Research and Development Council in existence by force of section 90 of the *Wool Marketing Act 1987*;
- (b) the Australian Meat and Live-stock Research and Development Corporation established by section 4 of the *Australian Meat and Live-stock Research and Development Corporation Act 1985*;
- (c) the Horticultural Research and Development Corporation established by section 4 of the *Horticultural Research and Development Corporation Act 1987*;
- (d) the Fishing Industry Research and Development Council established by section 5 of the *Fishing Industry Research and Development Act 1987*; and
- (e) a prescribed body (whether incorporated or not).

(2) The amendment made by subsection (1) applies in relation to a meeting held after this section commences, regardless of when the Minister nominated the time and place of the meeting.

#### **Schedule 1**

41. (1) Schedule 1 to the Principal Act is amended:

- (a) by omitting from column 1 of Part I “*Cotton Research Act 1982*” and substituting “*Cotton Levy Act 1982*”;

- (b) by omitting from column 3 of Part I “Poultry Research Trust Fund” and substituting “Egg Industry Research Trust Fund”;
- (c) by omitting from column 4 of Part I “Poultry Research Council” and substituting “Egg Industry Research Council”.

(2) Subsection 25B (1) of the *Acts Interpretation Act 1901* applies in relation to the change of name made by virtue of paragraph (1) (b) of this section as if a reference in that subsection to an office included a reference to a Research Fund.

#### **Consequential amendments**

42. The following provisions of the Principal Act are amended by omitting “Research Council” (wherever occurring) and substituting “Council”:

Sections 15, 16, 17, 18 and 19, subsections 20 (1) and (3), section 21, subsections 23 (1), (2) and (3), section 24, subsections 25 (1), (2) and (3) and 28 (1) to (5), inclusive, paragraphs 41 (b) and (c) and 45 (a) and (b) and subsections 47 (1) and (3), 48 (1) and 56 (8).<sup>2</sup>

### **PART III—AMENDMENTS OF THE RURAL INDUSTRIES RESEARCH REGULATIONS**

#### **Principal Regulations**

43. In this Part, “Principal Regulations” means the Rural Industries Research Regulations<sup>3</sup>.

#### **Interpretation**

44. Regulation 3 of the Principal Regulations is amended by inserting the following definition:

“‘leviable grain legumes’ has the same meaning as in the *Grain Legumes Levy Act 1985*;”.

#### **Repeal of regulation 3A**

45. Regulation 3A of the Principal Regulations is repealed.

#### **Declarations about levies; general kinds of goods**

46. Regulation 4 of the Principal Regulations is amended by adding at the end the following subregulation:

“(3) The kind of goods specified in Column 3 of an item in Schedule 3 is declared to be the general kind of goods in relation to the levies specified in Column 2 of that item.”.

47. (1) After regulation 4 of the Principal Regulations the following regulations are inserted:

**Research components of levies generally**

“4A. Subject to these Regulations, the whole of a levy specified in Column 2 of an item in Schedule 1 or 2 to these Regulations (other than a levy referred to in Column 1 of a Part of Schedule 1 to the Act) is declared to be the research component of that levy.

**Research component of grain legumes levy**

“4B. The whole of the levy imposed by the *Grain Legumes Levy Act 1985* is declared to be the research component of that levy.

**Research component of wine grapes levy**

“4C. So much of the levy imposed by the *Wine Grapes Levy Act 1979* as is received by virtue of subparagraph 6 (1) (a) (ii) or (b) (ii) of that Act is declared to be the research component of that levy.”.

(2) For the purposes of the definition of “research component” in subsection 4 (1) of the Principal Act, being that definition as in force before the commencement of paragraph 5 (1) (d) of this Act, the regulations inserted by subsection (1) of this section shall be taken always to have been regulations made for the purposes of section 5 of that Act.

48. After regulation 6 of the Principal Regulations the following regulation is inserted:

**Grape and Wine Research Fund and Council**

“6A. The Research Fund established under subsection 6 (4), and the Research Council established under subsection 11 (4), of the Act in respect of goods of the kinds in respect of which the levies specified in Column 2 of item 5 in Schedule 2 are imposed shall be known as the Grape and Wine Research Trust Fund and the Grape and Wine Research Council, respectively.”.

**Schedule 2**

49. Schedule 2 to the Principal Regulations is amended:

- (a) by inserting at the bottom of Column 2 of item 1 “Levy imposed by section 5 of the *Dairy Produce Levy (No. 1) Act 1986*”;
- (b) by inserting at the bottom of Column 2 of item 4 “Levy imposed by the *Wheat Tax (Permit) Act 1984*”;
- (c) by adding at the end the item set out in Schedule 1 to this Act.

**Addition of Schedule 3**

50. The Principal Regulations are amended by adding at the end the Schedule set out in Schedule 2 to this Act.

**Repeal of Statutory Rules 1986 No. 143**

51. The Rural Industries Research Regulations (Amendment), being Statutory Rules 1986 No. 143, are repealed and, except for the purposes of this section, the amendments of the Principal Regulations made by the first-mentioned Regulations shall be taken never to have been made.

## **PART IV—CONSEQUENTIAL AMENDMENTS OF OTHER ACTS**

### **Refund of levy etc.**

**52.** (1) This section applies to:

- (a) the *Oilseeds Levy Collection Act 1977*;
- (b) the *Cotton Levy Collection Act 1982*;
- (c) the *Grain Legumes Levy Collection Act 1985*;
- (d) the *Grape Research Levy Collection Act 1986*; and
- (e) the *Sugar Cane Levy Collection Act 1987*.

(2) Section 9 of each Act to which this section applies is amended by omitting subsection (2) and substituting the following subsections:

“(2) Where an amount that is to be refunded in accordance with subsection (1) has been taken into account under paragraph 7 (1) (a) or 34 (ca) of the *Rural Industries Research Act 1985* in calculating an amount to be paid into a Fund, the amount of the refund shall be paid from the Fund to which the levy for whose collection this Act makes provision is attached when the refund is paid.

“(3) An expression has the same meaning in subsection (2) as in the *Rural Industries Research Act 1985*.”.

(3) An amendment made by subsection (2) applies in relation to an amount that is to be refunded, regardless of when the refund became payable.

### **Refund of milk fat levy**

**53.** Section 65 of the *Dairy Produce Act 1986* is amended by omitting subsection (3) and substituting the following subsections:

“(3) Where:

- (a) an amount has been refunded in accordance with subsection (1); and
- (b) a part of the amount has been taken into account under paragraph 7 (1) (a) or 34 (ca) of the *Rural Industries Research Act 1985* in calculating an amount to be paid into a Fund;

an amount (in this subsection called the ‘reimbursement’) equal to the amount refunded shall be paid to the Commonwealth from the Fund to which the research levy imposed by the first Levy Act is attached when the reimbursement is paid.

“(4) An expression has the same meaning in subsection (3) as in the *Rural Industries Research Act 1985*.”.

**SCHEDULE 1**

Section 49

**ITEM TO BE ADDED AT THE END OF SCHEDULE 2 TO THE  
RURAL INDUSTRIES RESEARCH REGULATIONS**

Column 1 Item	Column 2 Levy	Column 3 Specified day
5	Levy imposed by the <i>Wine Grapes Levy Act 1979</i>  Levy imposed by the <i>Grape Research Levy Act 1986</i>	1 July 1986

**SCHEDULE 2**

Section 50

**SCHEDULE 3 TO BE ADDED AT THE END OF THE RURAL  
INDUSTRIES RESEARCH REGULATIONS**

**SCHEDULE 3**

Subregulation 4 (3)

**GENERAL KINDS OF GOODS IN RELATION TO LEVIES**

Column 1 Item No.	Column 2 Levies	Column 3 General kind of goods
1	The levies specified in Column 2 of item 1 in Schedule 2	Goods that are relevant dairy produce within the meaning of the <i>Dairy Produce Levy (No. 1) Act 1986</i>
2	The levies specified in Column 2 of item 2 in Schedule 2	Honey produced in Australia
3	The levies specified in Column 2 of item 3 in Schedule 2	Tobacco leaf grown in Australia
4	The levies specified in Column 2 of item 4 in Schedule 2	Wheat
5	The levies specified in Column 2 of item 5 in Schedule 2	Goods that are prescribed goods within the meaning of an Act referred to in Column 2 of item 5 in Schedule 2

**NOTES**

1. No. 102, 1985, as amended. For previous amendments, see Nos. 19, 59 and 82, 1986; and No. 51, 1988.
2. At the commencement of section 42 of this Act, the headings to sections 15, 16, 17, 18, 19, 21 and 24 of the *Rural Industries Research Act 1985* are altered by omitting "Research Councils" and substituting "Councils".
3. Statutory Rules 1986 No. 2 as amended by 1986 Nos. 41 and 143 and 1987 No. 134.

*Rural Industries Research Amendment      No. 114, 1988*

*[Minister's second reading speech made in—  
House of Representatives on 2 November 1988  
Senate on 10 November 1988]*