



Primary Industries Research and Development Amendment Act 2018

No. 79, 2018

**An Act to amend the *Primary Industries Research
and Development Act 1989*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Primary Industries Research and Development Amendment Act 2018

No. 79, 2018

**An Act to amend the *Primary Industries Research
and Development Act 1989*, and for related purposes**

[Assented to 24 August 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Primary Industries Research and Development
Amendment Act 2018*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	25 August 2018

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Primary Industries Research and Development Act 1989

1 Subsection 4(1) (at the end of the definition of *marketing activities*)

Add “or an activity incidental to such marketing, advertising or promotion”.

2 After paragraph 11(ea)

Insert:

- (eb) if a person makes a gift, grant, bequest or devise to the Corporation for the purpose of the Corporation carrying out marketing activities for the benefit of the primary industry or class of primary industries in respect of which the Corporation was established—to use the gift, grant, bequest or devise to carry out those marketing activities; and

3 Paragraph 13(1)(b)

Repeal the paragraph, substitute:

- (b) marketing activities as mentioned in paragraph 11(ea) or (eb).

4 Paragraph 14(1)(b)

Repeal the paragraph, substitute:

- (b) marketing activities as mentioned in paragraph 11(ea) or (eb).

5 Subparagraph 28(a)(ia)

Repeal the subparagraph, substitute:

- (ia) the marketing activities that it coordinated or funded, wholly or partly, during the period; and

6 At the end of section 28

Add:

Note: For subparagraph (a)(ia), an R&D Corporation is permitted to carry out marketing activities as mentioned in paragraphs 11(ea) and (eb).

7 After subsection 33(1)

Insert:

- (1A) Subsection (1) does not apply to an R&D Corporation's money to the extent that it includes a gift, grant, bequest or devise of a kind mentioned in paragraph 11(eb).

Note: Under that paragraph, the R&D Corporation must use the gift, grant, bequest or devise to carry out marketing activities.

8 At the end of section 33A

Add:

Note: An R&D Corporation must use certain gifts, grants, bequests or devises to carry out marketing activities: see paragraph 11(eb).

9 Application provisions

- (1) The amendments of sections 13 and 14 of the *Primary Industries Research and Development Act 1989* made by this Schedule apply in relation to agreements entered into on or after the commencement of this item.
- (2) The amendments of section 28 of the *Primary Industries Research and Development Act 1989* made by this Schedule apply in relation to annual reports prepared on or after the commencement of this item.

[Minister's second reading speech made in—
House of Representatives on 29 March 2017
Senate on 10 May 2018]

(55/17)
