

Fisheries Research and Development Corporation Regulations 1991 No. 91

EXPLANATORY STATEMENT

STATUTORY RULES 1991 No. 91

Issued by the authority of the Minister of State for Primary Industries and Energy

PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT ACT 1989

FISHERIES RESEARCH AND DEVELOPMENT CORPORATION REGULATIONS

Subsection 149(1) of the Primary Industries and Energy Research and Development Act 1989 (the Act) provides that the GovernorGeneral may make regulations, not inconsistent with the Act, prescribing matters:

- (a) required or permitted by the Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 8 of the Act provides for the establishment by regulation of a Research and Development Corporation in respect of a primary industry or class of primary industries and for the Corporation to be known by the name specified in the regulations.

The Regulations provide for the establishment of the Fisheries Research and Development Corporation, as foreshadowed in the Government's Policy Statement "New Directions for Commonwealth Fisheries Management in the 1990s", published in December 1989. The Corporation will replace the Fishing Industry Research and Development Council. The Corporation be established on 2 July 1991.

Where regulations declaring the establishment of an Research and Development Corporation under section 8 have been made but are not yet in force, and the Minister has declared under section 7 of the Act one or more specified organisations to be representative organisations in relation to the proposed Corporation, the Minister may, under subsection 135(1) of the Act, appoint a person to be a Presiding Member of a Selection Committee for the proposed Corporation and thereby initiate the process of the selecting of persons suitable for appointment as Directors of the proposed Corporation. The regulations have been made in advance of their commencement date so that the selection process can be completed and the Directors appointed from the date of establishment of the Corporation.

Where a primary industry is prescribed of the purposes of paragraph 28(1)(d) of the Act, it is required to include in its annual report particulars of sources and expenditure of funds, including commodity, cross commodity and regional classifications and funds derived from transfer of assets, debt, liabilities and obligations from the Commonwealth under section 144 of the Act. These details are also required to be included in the Chairperson's address to a meeting of the Corporation's representative organisations, where prescribed under subparagraph 29(b)(iii) of the Act.

The Minister has approved the National Fishing Industry Council (the Council) to be the representative organisation of a Fisheries Research and Development organisation. The establishment of the Corporation has been discussed with the Council.

Details of the Regulations are set out below.

Regulation 1 cites the Regulations as the Fisheries Research and Development Corporation Regulations

Regulation 2 provides that the Regulations commence on 2 July 1991.

Regulation 3 defines terms used in the proposed regulations.

Regulation 4 declares the establishment of the Fisheries Research and Development Corporation.

Regulation 5 prescribes the fisheries industry for the purposes of paragraph 28(1)(d) of the Act.

Regulation 6 prescribes the fisheries industry for the purposes of subparagraph 29(b)(iii) of the Act.