

# **Rural Industries Research and Development Corporation Amendment Regulations 2001 (No. 1) 2001 No. 133**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2001 No. 133**

Issued by the Authority of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry

*Primary Industries and Energy Research and Development Act 1989*

Cotton Research and Development Amendment Regulations 2001 (No. 1)

Dairy Research and Development Corporation Amendment Regulations 2001 (No. 1)

Forest and Wood Products Research and Development Corporation Amendment Regulations 2001 (No. 1)

Grape and Wine Research and Development Corporation Amendment Regulations 2001 (No. 1)

Rural Industries Research and Development Corporation Amendment Regulations 2001 (No. 1)

Sugar Research and Development Corporation Amendment Regulations 2001 (No. 1)

Section 149 of the *Primary Industries and Energy Research and Development Act 1989* [PIERD Act] provides that the Governor-General may make regulations prescribing matters required or permitted by that Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

The purpose of these proposed regulations is to:

- update terminology relating to the establishment of various R&D Corporations under the PIERD Act, as required,
- provide the main criteria for the attaching of the research components of various commodity levies and charges and how to account for them, and
- revise the means of calculating the average gross value of production of the particular primary industries.

This process follows on from the consolidation of individual commodity levy and charges regulations into two main regulations, being the Primary Industries (Excise) Levies Regulations 1999 and the Primary Industries (Customs) Charges Regulations 2000. Individual commodity levy and charges are attached to the various Research and Development Corporations by regulations made under the PIERD Act. For example, the cotton levy imposed under Schedule 5 to the Levies Act is attached to the Cotton Research and Development Corporation established by regulations made under the PIERD Act.

The levies legislative process consists of three (3) parts:

- **Imposition** under the *Primary Industries (Excise) Levies Act 1999*, [the Levies Act], and the *Primary Industries (Customs) Charges Act 1999*, [the Charges Act];
- **Collection** under the *Primary Industries Levies and Charges Collection Act 1991*, [the Collection Act]; and
- **Disbursement under** legislation such as the *Primary Industries and Energy Research and Development Act 1989* [the PIERD Act].

It is the third part of the process that this package of regulations intends to address namely the disbursement of moneys collected and how to account for them. The PIERD Act provides the means to appropriate the research levies and charges collected, while regulations under that Act provide the main criteria for the attaching of the research components of various commodity levies and charges to the various R&D Corporations and how to account for them. The proposed regulations are part of a series of regulations that, together with amendments to regulations under the Levies Act, the Charges Act and the Collection Act have the main purpose of continuing the process of updating or replacing references to old legislation left after the introduction of the Levies Act and the Charges Act in 1999. This is intended to facilitate the standardising of the levies legislative processes. Proposed amendments to Regulations under the Levies Act, the Charges Act and the Collection Act are contained in a separate complementary package.

During the drafting of the proposed regulations some of the terminology has been updated. This has not resulted in any substantive change of intent from the previous Research and Development Corporation regulations made under the PIERD Act. The details in the regulations for each Research and Development Corporation under the **PIERD** Act will now follow a standard format to simplify readability, particularly the procedure for calculating the average gross value of production of the particular primary industry.

There are no policy changes or new requirements. This package of proposed regulations is part of an overall measure to reduce and modernise subordinate legislation administered by government.

Details of the proposed Cotton Research and Development Amendment Regulations 2001 (No. 1), Dairy Research and Development Corporation Amendment Regulations 2001 (No. 1), Forest and Wood Products Research and Development Corporation Amendment Regulations 2001 (No. 1), Grape and Wine Research and Development Corporation Amendment Regulations 2001 (No. 1), Rural Industries Research and Development Corporation Amendment Regulations 2001 (No. 1), and Sugar Research and Development Corporation Amendment Regulations 2001 (No. 1), appear at Attachments 1 to 6 respectively.

The Regulations would commence on 1 July 2001.

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 0100020B-010412A  
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## **ATTACHMENT 1**

### **COTTON RESEARCH AND DEVELOPMENT AMENDMENT REGULATIONS 2001 (No. 1).**

Regulation 1 provides for the name of these regulations to be the Cotton Research and Development Amendment Regulations 2001 (No. 1).

Regulation 2 provides that the Regulations would commence on 1 July 2001.

Regulation 3 provides for Schedule 1 to amend the Cotton Research and Development Regulations.

### **SCHEDULE 1      AMENDMENTS**

Item 1 substitutes regulation 1. This regulation gives the name of the regulations as the *Cotton Research and Development Corporation Regulations 1990*.

Item 2 substitutes updated definitions for "Act" and "Corporation" in regulation 3.

Item 3 omits the definition of "the Act". This was substituted by the definition of "Act" in item 2.

Item 4 inserts the cross-reference to section 8 of the Act. This highlights the authority in the Act for the establishment of the Corporation.

Item 5 substitutes, in subregulation 5(1), updated references to Schedule 5 to the *Primary Industries (Excise) Levies Act 1999* for attaching the research levy to the Corporation.

Item 6 omits the words "the purposes of" in both subregulations 5(2) and 5(3). This is merely an updating in drafting style.

Item 7 substitutes an update of regulation 6 relating to the calculation of 'gross value of production'. This has not resulted in any substantive change of intent from the previous format.

## **ATTACHMENT 2**

### **DAIRY RESEARCH AND DEVELOPMENT CORPORATION AMENDMENT REGULATIONS 2001 (No. 1).**

Regulation 1 provides for the name of these regulations to be the Dairy Research and Development Corporation Amendment Regulations 2001 (No. 1).

Regulation 2 provides that the Regulations would commence on 1 July 2001.

Regulation 3 provides for Schedule 1 to amend the Dairy Research and Development Corporation Regulations.

#### **SCHEDULE 1      AMENDMENTS**

Item 1 substitutes regulation 1. This regulation gives the name of the regulations as the *Dairy Research and Development Corporation Regulations 1990*.

Item 2 substitutes updated definitions for "Act", "Corporation", "dairy industry" and "milk" in regulation 3.

Item 3 substitutes an updated version of the heading to regulation 4.

Item 4 inserts the cross-reference to section 8 of the Act. This highlights the authority in the Act for the establishment of the Corporation.

Item 5 substitutes, in subregulation 5(1), updated references to Schedule 6 to the *Primary Industries (Excise) Levies Act 1999* for attaching the research levy to the Corporation.

Item 6 omits the words "the purposes of" in both subregulations 5(2) and 5(3). This is merely an updating in drafting style.

Item 7 substitutes an update of regulation 6 relating to the calculation of 'gross value of production'. This has not resulted in any substantive change of intent from the previous format.

## **ATTACHMENT 3**

### **FOREST AND WOOD PRODUCTS RESEARCH AND DEVELOPMENT CORPORATION AMENDMENT REGULATIONS 2001 (No. 1).**

Regulation 1 provides for the name of these regulations to be the Forest and Wood Products Research and Development Corporation Amendment Regulations 2001 (No. 1).

Regulation 2 provides that the regulations would commence on 1 July 2001.

Regulation 3 provides for Schedule 1 to amend the Grape and Wine Research and Development Corporation Regulations.

#### **SCHEDULE 1      AMENDMENTS**

Item 1 substitutes regulation 1. This regulation gives the name of the regulations as the *Forest and Wood Research and Development Corporation Regulations 1993*.

Item 2 substitutes an updated definition of Corporation in regulation 3.

Item 3 substitutes updated definition of *leviable* logs and logs in regulation 3.

Item 4 inserts a cross-reference to section 8 of the Act into regulation 4. This highlights the authority in the Act for the establishment of the Corporation.

Item 5 substitutes new subregulation 5(1) for the old versions.

- There are updated references to Schedule 10 to the *Primary Industries (Excise) Levies Act 1999*, as well as Schedules 7 and 8 to the *Primary Industries (Customs) Charges Act 1999* for attaching the research levy and export and import charges to the Corporation.

Item 6 omits the words "the purposes of" in subregulation 5(2) and 5(3). This is merely an updating in drafting style.

Item 7 substitutes an update of regulation 6 relating to the calculation of 'gross value of production'. This has not resulted in any substantive change of intent from the previous format.

## **ATTACHMENT 4**

### **GRAPE AND WINE RESEARCH AND DEVELOPMENT CORPORATION AMENDMENT REGULATIONS 2001 (No. 1).**

Regulation 1 provides for the name of these regulations to be the Grape and Wine Research and Development Corporation Amendment Regulations 2001 (No. 1).

Regulation 2 provides that the regulations would commence on 1 July 2001.

Regulation 3 provides for Schedule 1 to amend the Grape and Wine Research and Development Corporation Regulations.

#### **SCHEDULE 1      AMENDMENTS**

Item 1 substitutes regulation 1. This regulation gives the name of the regulations as the *Grape and Wine Research and Development Corporation Regulations 1991*.

Item 2 substitutes updated definitions in regulation 3.

Item 3 inserts a cross-reference to section 8 of the Act into regulation 4. This highlights the authority in the Act for the establishment of the Corporation.

Item 4 substitutes new regulations 5, 6 and 7 for the old versions.

- In regulation 5 there are updated references to Schedules 13 and 26 to the *Primary Industries (Excise) Levies Act 1999* for attaching the research levy to the Corporation.
- The new regulation 6 relates to the calculation of 'gross value of production'. This change has not resulted in any substantive change of intent from the previous format.
- Regulation 7 prescribes both the grape industry and the wine industry for the purposes of establishing accountability of the Corporation to representative organisations.

Item 5 omits the words "the purposes of" in regulation 8. This is merely an updating in drafting style.

## **ATTACHMENT 5**

### **RURAL INDUSTRIES RESEARCH AND DEVELOPMENT CORPORATION AMENDMENT REGULATIONS 2001 (No. 1).**

Regulation 1 provides for the name of these regulations to be the Rural Industries Research and Development Corporation Amendment Regulations 2001 (No. 1).

Regulation 2 provides that the regulations would commence on 1 July 2001.

Regulation 3 repeals the *Rural Industries Research and Development Corporation (Deer) Regulations*, namely statutory rules 1992 No. 202, With the amendments to the *Rural Industries Research and Development Corporation Regulations 2000*, these are now spent.

Regulation 4 provides for Schedule 1 to amend the *Rural Industries Research and Development Corporation Regulations 2000*.

#### **SCHEDULE 1      AMENDMENTS**

Item 1 inserts a new Division 9 in Part 2 for the Deer levy.

Division 9 Deer Levy.

Clause 31 provides a definition for "deer levies". The definition takes account of both the excise levies for deer and deer velvet in Schedules 7 and 8 to the *Primary Industries (Excise) Levies Act 1999* and the customs (or export) charges for deer and deer velvet in Schedules 5 and 6 to the *Primary Industries (Customs) Charges Act 1999*.

Clause 32 provides for the attachment of the 'deer levies' to the Corporation.

- Subclause 32(1) attaches the 'deer levies' to the Corporation
- Subclause 32 (2) prescribes the whole of each levy as the research component. This is necessary to determine how much of each levy is to be disbursed to the Corporation.
- Subclause 32 (3) prescribes the deer industry as the primary industry to which the 'deer levies' relate.

Clause 33 prescribes the accounting records relating to the 'deer levies' that must be kept by the Corporation.

- Subclause 33 (1) prescribes that the Corporation must keep separate accounting records of the funding of R&D activities in relation to the deer industry.
- Subclause 33 (2) prescribes the amounts that must be credited in those accounting records.
- Subclause 33 (3) provides that all amounts specified in section 33 of the Act must be debited appropriately in the accounting records.
- Subclause 33 (4) stipulates that the amounts credited pursuant to subclause 33 (2) can only be spent on R&D activities relating to the deer industry.

Item 2 substitutes part 3 of the Rural Industries Research and Development Corporation Amendment Regulations. This part provides the mechanism for calculating gross value of production.

**[Regulations 34 to 60 have intentionally not been used].**

### **Part 3      Gross Value of Production**

Clause 61 prescribes the method for calculating gross value of production.

Item 3 tabulates various minor amendments. These amendments change "is to" or "are to" in various subregulations to "must" in each case. This is merely an updating in drafting style.



## **ATTACHMENT 6**

### **SUGAR RESEARCH AND DEVELOPMENT CORPORATION AMENDMENT REGULATIONS 2001 (No. 1).**

Regulation 1 provides for the name of these regulations to be the Sugar Research and Development Corporation Amendment Regulations 2001 (No. 1).

Regulation 2 provides that the regulations will commence on 1 July 2001.

Regulation 3 provides for Schedule 1 to amend the Sugar Research and Development Corporation Regulations.

#### **SCHEDULE 1      AMENDMENTS**

Item 1 substitutes regulation 1. This regulation gives the name of the regulations as the *Sugar Research and Development Corporation Regulations 1990*.

Item 2 substitutes updated definitions for "Act" and "Corporation" in regulation 3.

Item 3 omits the definition of "the Act". This was substituted by the definition of "Act" in item 2.

Item 4 omits the words "the purposes of" from the regulation. This is merely an updating of drafting style.

Item 5 substitutes, in subregulation 5(1), updated references to Schedule 24 to the *Primary Industries (Excise) Levies Act 1999* for attaching the research levy to the Corporation.

Item 6 omits the words "the purposes of" in both subregulations 5(2) and 5(3). This is merely an updating in drafting style.

Item 7 substitutes an update of regulation 6 relating to the calculation of 'gross value of production'. This has not resulted in any substantive change of intent from the previous format.