

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 26 February 1981

(*Minister for Primary Industry*)

**A BILL**

**FOR**

**An Act to amend the *Dairying Research Act 1972*, and for related purposes**

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

**Short title, &c.**

1. (1) This Act may be cited as the *Dairying Research Amendment Act 1981*.

10 (2) The *Dairying Research Act 1972*<sup>1</sup> is in this Act referred to as the Principal Act.

**Interpretation**

2. Section 3 of the Principal Act is amended—

(a) by inserting before the definition of “levy” the following definition:

“ ‘appoint’ includes re-appoint;”;

15 (b) by inserting after the definition of “milk” the following definition:

“ ‘ordinary member’ means a member other than the member who is the Chairman of the Corporation;”;

- (c) by omitting the definition of “the Committee” and substituting the following definition:

“‘the Committee’ means the Australian Dairy Research Committee established by this Act;”.

### **Moneys to be paid into Research Account**

#### **3. Section 5 of the Principal Act is amended—**

- (a) by omitting paragraphs (3) (b) and (c) and substituting the following paragraphs:

“(b) moneys received by the Commonwealth—

- (i) from the sale of any property paid for out of moneys expended from the Research Account;
- (ii) from the sale of any property produced in the course of carrying out any research so paid for; or
- (iii) in respect of any work so paid for;

“(c) moneys received by the Commonwealth, on or after the date of commencement of the *Dairy Produce Sales Promotion Act 1972*—

- (i) from the sale of any property paid for out of moneys expended from the Dairy Produce Research Trust Account established by the *Dairy Produce Research and Sales Promotion Act 1958*;
- (ii) from the sale of any property produced in the course of carrying out any research so paid for; or
- (iii) in respect of any work so paid for;”;

- (b) by omitting sub-section (4) and substituting the following sub-section:

“(4) The sum of the amounts paid into the Research Account by virtue of paragraph (b) of sub-section (1) shall not exceed the sum of—

(a) the amounts paid into the Research Account by virtue of subparagraphs (i) and (ii) of paragraph (a) of that sub-section;

(b) such part of the amounts paid into the Research Account by virtue of—

- (i) paragraph (b) of that sub-section as in force before the date of commencement of the *Dairying Industry Research and Promotion (Miscellaneous Amendments) Act 1976*; and
- (ii) sub-section (2) as so in force,

as, in the opinion of the Minister, represents amounts of levy paid by virtue of paragraph (a) of sub-section (1) of section 6 of the *Butter Fat Levy Act 1965* to the Commonwealth before the date of commencement of the *Dairy Produce Sales Promotion Act 1972*; and

(c) the amounts paid into the Research Account by virtue of paragraph (c) of sub-section (1) as in force before the date of commencement of the *Dairying Industry Research and Promotion (Miscellaneous Amendments) Act 1976*.”.

### **Application of Research Account**

4. Section 6 of the Principal Act is amended by omitting from paragraph (1) (c) "fees" and substituting "remuneration".

### **Australian Dairy Research Committee**

5. Section 8 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

"(1) The committee by the name of the Dairying Research Committee established by the sub-section for which this sub-section was substituted by the *Dairying Research Amendment Act* 1981 continues in existence, by force of this sub-section, under and subject to the provisions of this Act, under the name 'Australian Dairy Research Committee'."

### **Constitution of Committee**

6. Section 9 of the Principal Act is amended—

(a) by omitting paragraphs (1) (b) and (c) and substituting the following paragraph:

"(b) four persons to represent the dairy farmers of Australia;"

(b) by omitting from paragraph (1) (h) "Board" and substituting "Corporation";

(c) by omitting sub-section (2) and substituting the following sub-section:

"(2) An ordinary member—

(a) shall be appointed by the Minister;

(b) shall hold office, subject to this Act, for such period, not exceeding three years, as the Minister specifies in the instrument of his appointment; and

(c) is eligible for re-appointment."; and

(d) by omitting sub-section (4).

### **Removal, &c., of members and deputies**

7. Section 11 of the Principal Act is amended—

(a) by omitting sub-section (3) and substituting the following sub-section:

"(3) If a member or a deputy of a member fails, without reasonable excuse, to comply with his obligations under section 11A, the Minister shall terminate the appointment of the member or the deputy, as the case may be."; and

(b) by omitting sub-section (5) and substituting the following sub-sections:

"(5) A member may resign his office by writing signed by him delivered to the Minister.

"(6) A deputy of a member may resign his office by writing signed by him delivered to the member.

"(7) A member whose deputy resigns in accordance with sub-section (6) shall forthwith give notice of the resignation, in writing, to the Minister."

8. After section 11 of the Principal Act the following section is inserted:

**Disclosure of interest by members and deputies**

“11A. (1) A member, or a deputy of a member, who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee. 5

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Committee.”.

9. Section 14 of the Principal Act is repealed and the following section substituted: 10

**Remuneration, &c.**

“14. (1) A member and a deputy of a member shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) A member (other than a member referred to in paragraph (a), (e) or (g) of sub-section (1) of section 9) and a deputy of a member shall be paid such allowances as are prescribed. 15

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*, but sub-section (9) of section 7 of that Act does not apply in relation to the remuneration payable to a member or a deputy of a member. 20

“(4) If a member or a deputy of a member is also a member of, or a candidate for election to, the Parliament of the Commonwealth or of a State, he shall not be paid remuneration or allowances under sub-section (1) or (2) but shall, subject to the approval of the Minister, be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Committee or of his engagement (whether in Australia or overseas), with the approval of the Committee, on business of the Committee.”. 25

**Appointment of advisers**

10. Section 15 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section: 30

“(2) A person appointed under sub-section (1) shall, subject to sub-section (3), be paid such fees, expenses and allowances (if any) as are approved by the Minister.”.

**Consequential amendments of *Dairying Industry Research and Promotion Levy Act 1972*** 35

11. Section 5 of the *Dairying Industry Research and Promotion Levy Act 1972*<sup>2</sup> is amended—

(a) by inserting in sub-section (1) before the definition of “milk” the following definition:

“‘Committee’ means the Australian Dairy Research Committee established by the *Dairying Research Act 1972*”; and 40

(b) by omitting from sub-section (1) the definition of “the Committee”.

**Transitional**

12. (1) Anything done before the commencing date by the Dairying Research Committee has effect on and after that date as if it had been done by the Australian Dairy Research Committee.

5 (2) A person who, immediately before the commencing date, held office as a member of the Dairying Research Committee referred to in paragraph 9 (1) (a), (b), (d), (e), (f), (g) or (h) of the Principal Act continues, on and after that date, subject to the provisions of the Principal Act as amended by this Act, to hold office for the remainder of his term of office as if he had been duly appointed for the remainder of that term under section 9 of the Principal Act as so amended to be a member of the Australian Dairy Research Committee referred to in the corresponding paragraph of the Principal Act as so amended.

15 (3) The person who, immediately before the commencing date, held office as the member of the Dairying Research Committee referred to in paragraph 9 (1) (c) of the Principal Act continues, on and after that date, subject to the provisions of the Principal Act as amended by this Act, to hold office for the remainder of his term of office as if he had been duly appointed for the remainder of that term under section 9 of the Principal Act as so amended to be one of the members of the Australian Dairy Research Committee referred to in paragraph 9 (1) (b) of the Principal Act as so amended.

25 (4) The Minister may, under sub-section 11 (2) of the Principal Act as amended by this Act, at the request of the organization known as the Australian Dairy Farmers Federation, terminate the appointment of the member of the Australian Dairy Research Committee who is referred to in sub-section (3) of this section as if his name had been submitted to the Minister by that organization in accordance with sub-section 9 (3) of that Act as so amended.

30 (5) The appointment by a member of the Dairying Research Committee of a person to be his deputy has effect on and after the commencing date as if the appointment had been made by a member of the Australian Dairy Research Committee.

(6) In this section—

35 “Australian Dairy Research Committee” means the Dairying Research Committee as continued in existence under the name “Australian Dairy Research Committee” under section 8 of the Principal Act as amended by this Act;

“commencing date” means the date of commencement of this Act;

“Dairying Research Committee” means the committee of that name established under section 8 of the Principal Act.

**NOTES**

1. No. 30, 1972, as amended. For previous amendments, see No. 79, 1976.
2. No. 31, 1972, as amended. For previous amendments, see No. 216, 1973 (as amended by No. 20, 1974); Nos. 78 and 200, 1976; No. 138, 1978; and No. 170, 1980.



