

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 6 December 1990

*(Minister for Primary Industries and Energy)*

## **A BILL**

FOR

**An Act to amend Acts relating to matters dealt with by  
the Department of Primary Industries and Energy, and for  
related purposes**

The Parliament of Australia enacts:

### **PART 1—PRELIMINARY**

#### **Short title**

5     1. This Act may be cited as the *Primary Industries and Energy  
Legislation Amendment Act (No. 2) 1990*.

#### **Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

## PART 2—AMENDMENTS OF THE GRAPE RESEARCH LEVY ACT 1986

### Principal Act

3. In this Part, “**Principal Act**” means the *Grape Research Levy Act 1986*<sup>1</sup>.

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### Interpretation

4. Section 4 of the Principal Act is amended:

(a) by omitting the definition of “R&D Authority”;

(b) by inserting the following definition:

“**representative organisation**” means:

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(a) where the levy is not attached to an R&D Corporation or R&D Fund under section 5 of the *Primary Industries and Energy Research and Development Act 1989*—an organisation in respect of which a declaration is in force under section 5D of the *Rural Industries Research Act 1985* in relation to leviable goods; or

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(b) where the levy is attached to an R&D Corporation under section 5 of the *Primary Industries and Energy Research and Development Act 1989*—an organisation declared under section 7 of that Act to be a representative organisation in relation to the Corporation; or

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(c) where the levy is attached to an R&D Fund under section 5 of that Act—an organisation declared under section 7 of that Act to be a representative organisation in relation to the R&D Council in respect of which the R&D Fund is established under that Act.”

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### Regulations

5. Section 10 of the Principal Act is amended by omitting from subsection (2) “an R&D authority” and substituting “a representative organisation”.

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## PART 3—AMENDMENTS OF THE PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT ACT 1989

### Principal Act

6. In this Part, “**Principal Act**” means the *Primary Industries and Energy Research and Development Act 1989*<sup>2</sup>.

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### Approval of R&D plans

7. Section 20 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

“(5) Where the Minister approves an R&D plan, the Corporation is, no later than one month after the day on which it is approved by

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the Minister, to notify each of its representative organisations of the Minister's approval."

**Approval of annual operational plans**

5 8. Section 26 of the Principal Act is amended by omitting from subsection (9) all the words after "notify" and substituting "each of its representative organisations of the Minister's approval".

**Accountability to representative organisations**

10 9. Section 29 of the Principal Act is amended by omitting sub-subparagraph (b) (iii) (B) and substituting the following sub-subparagraphs:

"(B) funds derived from transfer of assets, debts, liabilities and obligations under section 144; and

15 (C) funds derived from the transfer, under section 151 of this Act, of levies attached to Research Funds under the *Rural Industries Research Act 1985*; and".

**R&D plans**

10. Section 101 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

20 "(2) Subject to subsection (3), sections 19 to 24 (inclusive) apply in relation to an R&D plan prepared by an R&D Council as if:

(a) references in those sections to an R&D Corporation were references to the R&D Council; and

(b) the reference in subsection 20 (1) to 2 months were a reference to one month."

25 **Approval etc. of annual operational plans**

11. Section 103 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

30 "(1) Subject to subsection (2), section 26 (other than subsection 26 (1)) applies in relation to an annual operational plan prepared by an R&D Council as if:

(a) the reference in subsection 26 (2) to the RIR&D Corporation were a reference to the R&D Council; and

(b) references in that section to an R&D Corporation were references to the R&D Council."

35 **Annual reports of Selection Committees**

12. Section 141 of the Principal Act is amended:

(a) by inserting after subsection (1) the following subsection:

"(1A) A report for a financial year may, subject to agreement between the Presiding Member and the Chairperson of the

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R&D Corporation concerned, be included, as a discrete part, in the Corporation's annual report for that financial year.”;

- (b) by omitting from subsection (2) “The Minister” and substituting “If subsection (1A) does not apply to a report under this section, the Minister”.

**Co-ordination meetings**

13. Section 142 of the Principal Act is amended:

- (a) by adding at the end of subsection (3) “and each R&D Council”;  
(b) by omitting subsections (5) and (6).

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**NOTES**

1. No. 63, 1986, as amended. For previous amendments, see No. 140, 1989; and No. 17, 1990.
2. No. 17, 1990, as amended. For previous amendments, see No. 000, 1990.

