

Dried Fruits Research

No. 21 of 1971

An Act to establish a Dried Fruits Research Trust Account,
and for purposes connected therewith.

[Assented to 27 April 1971]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- Short title.** 1. This Act may be cited as the *Dried Fruits Research Act 1971*.
- Commencement.** 2. This Act shall come into operation on the date of commencement of the Levy Act.
- Definitions.** 3. In this Act, unless the contrary intention appears—
 “dried fruits”, “dried tree fruits”, “dried vine fruits” and “levy” have the same respective meanings as in the Levy Act;
 “member” means a member of the Committee;
 “nominated member” means a member referred to in paragraph (a), (b), (c) or (d) of sub-section (1.) of section 11 of this Act;
 “research” means scientific, technical or economic research in connexion with the production, processing or packaging of dried fruits, and includes—
 (a) the training of persons for the purpose of any such research;
 (b) the publication of reports, periodicals, books and papers in connexion with any such research;
 (c) the dissemination of information and advice in connexion with scientific, technical or economic matters; and
 (d) any matter incidental to a matter referred to in this definition;
 “the Committee” means the Dried Fruits Research Committee constituted under this Act;
 “the Levy Act” means the *Dried Fruits Levy Act 1971*;
 “the Levy Collection Act” means the *Dried Fruits Levy Collection Act 1971*;
 “the Research Account” means the Dried Fruits Research Trust Account established by this Act.
- Dried Fruits Research Trust Account.** 4.—(1.) An account is hereby established to be known as the Dried Fruits Research Trust Account.
 (2.) The Research Account is a Trust Account for the purposes of section 62A of the *Audit Act 1901–1969*.

5.—(1.) There shall be paid into the Research Account, out of the Consolidated Revenue Fund, which is appropriated accordingly—

Moneys to be paid into the Research Account.

- (a) amounts equal to the amounts from time to time received by the Commonwealth—
 - (i) as levy;
 - (ii) in discharge of the liability (other than a liability in respect of a penalty under sub-section (1.) of section 7 of the Levy Collection Act) of a person under sub-section (1.) of section 6 of the Levy Collection Act; and
 - (iii) as penalties under section 7 of the Levy Collection Act; and
- (b) subject to sub-section (3.) of this section, amounts equal to one-half of the amounts from time to time payable out of the Research Account in accordance with this Act.

(2.) There shall be paid into the Research Account—

- (a) moneys paid by any person to the Commonwealth for the purposes of the Research Account;
- (b) moneys received by the Commonwealth from the sale of any land or goods bought or purchased, or in respect of any work paid for, out of moneys paid out of the Research Account; and
- (c) interest from the investment of moneys standing to the credit of the Research Account.

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

- (a) the amounts paid into the Research Account by virtue of subparagraph (i) or (ii) of paragraph (a) of that sub-section;
- (b) any amount paid to the Commonwealth by the Australian Dried Fruits Control Board under the next succeeding section; and
- (c) the amounts (if any) paid to the Commonwealth by the organization known as The Australian Dried Fruits Association for the purposes of the Research Account, less any amount by which the amounts so paid by that organization exceed, in the aggregate, Fifty-six thousand dollars.

6. The Australian Dried Fruits Control Board may pay to the Commonwealth such amount (not exceeding Four thousand dollars) for the purposes of the Research Account as the Board thinks fit.

Payment by Australian Dried Fruits Control Board.

7. The regulations may make provision for or in relation to—

- (a) the keeping of a separate account in respect of moneys paid into the Research Account in respect of a specified kind, or of any of a number of specified kinds, of dried fruits;

Separate accounts in the Research Account.

- (b) the crediting to a separate account referred to in the last preceding paragraph of—
 - (i) a part of the balance standing to the credit of the Research Account when the separate account is commenced; and
 - (ii) a part of the moneys paid into the Research Account after the commencement of the separate account; and
- (c) the debiting against a separate account referred to in paragraph (a) of this section of payments made out of the Research Account.

Application
of the
Research
Account.

8.—(1.) Moneys standing to the credit of the Research Account may be expended—

- (a) with the approval of the Minister, for the purpose of research;
- (b) in payment of the expense incurred by the Committee in the performance of its functions;
- (c) in payment of fees, expenses and allowances payable to a member of the Committee, or the deputy of a member, under section 16 of this Act; and
- (d) in payment of fees, expenses and allowances payable to persons appointed by the Minister under section 17 of this Act.

(2.) The Minister shall not exercise his power to approve the expenditure of moneys from the Research Account for the purpose referred to in paragraph (a) of the last preceding sub-section except in accordance with recommendations of the Committee.

Agreements
for carrying
out of research.

9.—(1.) The Minister, or an officer of the Public Service of the Commonwealth authorized by the Minister to act under this section, may, on behalf of the Commonwealth, enter into agreements for the purposes of, or for purposes in connexion with, any research or other matter or thing to be done or performed with moneys provided in whole or in part out of the Research Account.

(2.) Without limiting the generality of the last preceding sub-section, an agreement made with a person under that sub-section in relation to moneys provided out of the Research Account may—

- (a) provide for the moneys to which the agreement relates and any property acquired with those moneys or with moneys that include those moneys to be used only for purposes specified in the agreement and for the payment by the person to the Commonwealth for the purposes of the Research Account, in the event of any of those moneys or any of that property being used for a purpose not specified in the agreement, of an amount equal to the whole, or such part as the Minister determines, of those moneys;

- (b) provide for the payment by the person to the Commonwealth for the purposes of the Research Account of an amount equal to the whole, or such part as the Minister determines, of any net income derived by the person from—
- (i) property acquired with moneys to which the agreement relates or with moneys that include those moneys; or
 - (ii) patents for inventions made, or any other property acquired, in the course of carrying out research or doing any other act or thing with those moneys or with moneys that include those moneys,
- or for the assignment by the person to the Commonwealth of any property referred to in sub-paragraph (i) of this paragraph, of any patents for inventions or other property referred to in sub-paragraph (ii) of this paragraph or of any such invention or of any interest that he may have in any such invention; and
- (c) provide for the payment by the person to the Commonwealth for the purposes of the Research Account, in the event of the disposal otherwise than to the Commonwealth of any property of a kind referred to in the last preceding paragraph, of an amount equal to the whole, or such part as the Minister determines—
- (i) in the case of a disposal by way of sale or assignment for value—of the net proceeds of the sale or assignment; and
 - (ii) in any other case—of the value of the property as determined by the Minister.

10.—(1.) For the purposes of this Act there shall be a Dried Fruits Research Committee.

Dried Fruits
Research
Committee.

(2.) The functions of the Committee are to make recommendations to the Minister with respect to—

- (a) the amounts to be fixed from time to time for the purposes of section 6 of the Levy Act;
- (b) the expenditure of moneys standing to the credit of the Research Account; and
- (c) where provision is made under section 7 of this Act for the keeping of a separate account, or separate accounts, in the Research Account—such matters in connexion with that separate account or those separate accounts, as the case may be, as are prescribed.

11.—(1.) The Committee shall consist of—

- (a) four persons to represent the organization known as The Australian Dried Fruits Association;
- (b) two persons to represent the packers of dried fruits;
- (c) three persons to represent the organization known as the Australian Agricultural Council;

Constitution
of Committee.

- (d) one person to represent the Commonwealth Scientific and Industrial Research Organization; and
- (e) one person to represent the Department of Primary Industry.

(2.) The members of the Committee—

- (a) shall be appointed by the Minister;
- (b) hold office, subject to this Act, for a period of three years; and
- (c) are eligible for re-appointment.

(3.) A nominated member shall be appointed on the nomination of—

- (a) in the case of a member referred to in paragraph (b) of subsection (1.) of this section—the organization known as The Australian Dried Fruits Association; or
- (b) in any other case—the organization that he is to represent.

(4.) If the place of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Minister may appoint a member nominated in accordance with the last preceding subsection to hold the vacant place for the remainder of that term.

(5.) The appointment of a nominated member is not invalidated and shall not be called in question by reason of a defect or irregularity in connexion with his nomination.

(6.) The exercise of the power or the performance of a function by the Committee is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Committee.

Chairman of the Committee.

12. The member representing the Department of Primary Industry is the Chairman of the Committee.

Deputies of members.

13.—(1.) A member may, with the approval of the Minister, appoint a person to be his deputy.

(2.) A member may revoke the appointment of a person as his deputy, but the revocation is not effective until the member has given notice of it in writing to the Minister.

(3.) The deputy of a member is entitled, in the event of the absence of the member from a meeting of the Committee, to attend that meeting and, when so attending, shall be deemed to be a member and, if he is the deputy of the Chairman of the Committee, shall be deemed to be the Chairman.

Removal and resignation of members and deputies.

14.—(1.) The Minister may remove a member or the deputy of a member from office for incapacity, incompetence or misbehaviour.

(2.) The Minister may, at the request of the organization that nominated a nominated member, terminate the appointment of that person as a member.

(3.) A member or the deputy of a member may resign his office by writing under his hand delivered to the Minister.

15. At a meeting of the Committee—

Quorum and voting.

- (a) the Chairman of the Committee and five other members form a quorum;
- (b) the Chairman of the Committee shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the Chairman has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

16.—(1.) Members and deputies of members shall be paid, in respect of attendance at meetings of the Committee, or while engaged (whether in Australia or overseas), with the approval of the Committee, on business of the Committee, such fees, expenses and allowances as are prescribed.

Fees, expenses and allowances.

(2.) If a member or the deputy of a member is also a member of the Parliament of the Commonwealth or of a State, he shall not be paid fees, expenses and allowances under the last preceding sub-section, 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.

17.—(1.) The Minister may, upon the recommendation of the Committee, appoint persons to advise the Committee in relation to any purpose in respect of which moneys may be expended from the Research Account.

Appointment of advisors.

(2.) A person appointed under the last preceding sub-section shall be paid such fees, expenses and allowances (if any) as are prescribed.

18.—(1.) The Committee shall, as soon as practicable after the thirtieth day of June, One thousand nine hundred and seventy-two, and after each succeeding thirtieth day of June, make a report to the Minister on the operation of this Act during the year that ended on that date and the Minister shall cause the report to be laid before each House of the Parliament.

Annual report.

(2.) For the purposes of the last preceding sub-section, the period that commences on the commencement of this Act and ends on the thirtieth day of June, One thousand nine hundred and seventy-two, shall be deemed to be a year.

19. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.