

1986

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN WINE AND BRANDY CORPORATION AMENDMENT BILL 1986

EXPLANATORY MEMORANDUM

(Circulated by the authority of the  
Minister for Primary Industry,  
the Hon John Kerin, MP)

# AUSTRALIAN WINE AND BRANDY CORPORATION AMENDMENT BILL 1986

## OUTLINE

The purpose of this Bill is to reconstitute the Australian Wine and Brandy Corporation (AWBC) with revised functions and powers, smaller membership and funding arrangements which provide for more even distribution of funding across levy payers. Other changes will give effect to the Government's policy for reform of primary industry statutory marketing authorities.

The AWBC's functions will no longer include involvement in technical wine research but it will continue to have scope for involvement in research relating to the marketing of wine, brandy and grape spirit. Except that the AWBC will no longer have the power to buy or sell on a commercial basis, a role not envisaged as necessary, its powers will not be substantially altered. However, it will have specific powers to recover costs by charging fees for some activities and to charge for the provision of services. This will have particular relevance to co-ordination of export promotion activities. The priority and emphasis to be given to activities undertaken by the AWBC will be reflected in corporate and annual operational plans to be developed by the Corporation and agreed by the Minister for Primary Industry.

Membership of the AWBC will be reduced from 14 to 8 part-time members selected by a Committee comprising a Presiding Member and others nominated by declared winemaker organisations. AWBC members will be selected on the basis of criteria appropriate to direction of its activities and not as representatives of particular industry groups.

Funding of the AWBC currently falls largely on a relatively small number of larger winemaking companies that do not support its continuation. This situation is being addressed by applying a ceiling to the total amount payable by a single levy payer, thus spreading the burden of its funding. As levy proceeds under the revised arrangements will not be collected until 1987/88, the Bill includes appropriate transitional provisions for funding the AWBC in 1986/87.

The AWBC's accountability to industry will be strengthened by requiring its members to report directly to an annual meeting of industry representatives who may question Corporation members on any aspects of its activities.

Other amendments will remove or relax many existing controls over administrative and operational matters to enable the AWBC to operate with greater flexibility and autonomy. The Minister will have a reserve power of direction. However, this will be exercised only in exceptional circumstances to ensure that the Corporation does not act in conflict with major Government policies.

## Financial Statement

Restructuring the AWBC will involve no costs to the Commonwealth. Administrative savings could be expected associated with the Corporation having greater autonomy in conducting its day to day affairs.

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NOTES ON CLAUSES

Clause 1: Short Title

1. Provides for the short title of the Act to be the Australian Wine and Brandy Corporation Amendment Act 1986 and establishes that the Principal Act referred to is the Australian Wine and Brandy Corporation Act 1980.

Clause 2: Commencement

2. This clause provides for certain sections of this Act to come into effect on Royal Assent to enable the Australian Wine and Brandy Corporation Selection Committee to commence operations at an early date as the terms of office of existing members expire on 30 June 1986. The remaining provisions come into operation on 1 July 1986.

Clause 3: Interpretation

3. This clause specifies amendments to section 4 of the Principal Act. Some definitions have been removed as a result of amendments to the Principal Act and some new definitions have been added. Changes are self explanatory.

Clause 4: Repeal of section 5

4. This clause repeals section 5 of the Principal Act which established classes of producers. As membership of the Corporation is no longer based on the representation of various sectors of the industry this classification is no longer required in the legislation.

Clause 5: This clause inserts after section 5 of the Principal Act a new section 5A(1) concerning declared winemakers organisations.

"Declared winemakers organisations"

5. New section 5A(1) provides for the Minister to declare by notice in the Gazette the names of organisations he or she considers to be nationally representative winemaker organisations.

Clause 6: Functions of Corporation

6. Clause 6 amends section 7 of the Principal Act by removing the function concerning research into production, handling and transportation and in its place providing for the Corporation to conduct, arrange for and assist in market research concerning grape products.

Clause 7: Powers of Corporation

7. Clause 7 revises the powers of the Corporation to, inter alia: enable the Corporation to control the export of grape products; reflect explicitly the "fee for service" principle being used; curtail the power to trade; and reflect the fact that the exercise of power should be consistent with the provisions of any corporate and annual operational plan in place.

8. Section 8 of the Principal Act is amended by omitting sub-sections (2) and (3) relating to powers of the Corporation to: make recommendations to the Minister in relation to the export of any grape product; arrange with persons, organisations or companies to perform work, or act for the Corporation in Australia or overseas; and, with approval of the Minister, engage in trade in grape products. The clause substitutes two new sub-sections.

9. New sub-section (2) specifies that the powers of the Corporation include power to : control the export of grape products; co-ordinate export promotion activities if requested; issue certificates of compliance for exports; to the extent required for promotional purposes engage in trade in grape products; arrange with persons, organisations or companies to perform work, or act, for the Corporation in Australia or overseas; charge fair and proper fees to meet costs incurred by the Corporation in performing its export control function; charge for the provision of services; and, waive the payment of fees and charges payable to the Corporation.

10. New sub-section (3) requires the Corporation, subject to any direction given pursuant to section 31K, to endeavour to follow the provisions of any corporate plan and any annual operational plan in force at the time.

#### Clause 8: Committees

11. Clause 8 amends section 11 of the Principal Act by the addition of a new sub-section 1A specifying that the Corporation is empowered to appoint a committee to perform functions appropriate for an executive committee of the Corporation.

#### Clause 9

12. Clause 9 repeals existing sections 13 to 19 inclusive of the Principal Act concerning membership of the Corporation, term of office of members, Deputy Chairman, elections for office of Deputy Chairman, deputies of members, leave of absence and resignation of members and replaces them with five new sections, 13 to 17 inclusive. Essentially, the changes involve providing for smaller membership of the reformed Corporation based on the selection of persons having the skills and experience necessary for its operation rather than on persons representing various sectors of the industry as before and that no deputies of members, other than for the position of Chairperson, will be appointed.

### Membership of Corporation

13. New section 13 provides that there shall be eight part-time members of the Corporation all appointed by the Minister. As the Corporation will account to industry by reporting to the executives of declared winemaker organisations the Presiding Officers of such organisations and their deputies are excluded from membership. Other than the Chairperson and Government member, other prospective members are to be nominated by a Selection Committee and for them to be appointed the Minister must be satisfied that they have knowledge of, or experience in, winemaking, grapegrowing, marketing, finance, administration or business management.

### Term of office of members

14. New section 14 provides for the Chairperson and other members to be appointed for a term of up to three years, except that the Commonwealth Government member is to hold office during the Minister's pleasure. As a general rule, a person who is 65 years of age or more, or who will attain the age of 65 before the expiry of the period of appointment, is precluded from appointment as a member. However, there is provision to waive this if he or she has special skills needed by the Corporation. Where a vacancy occurs in the office of Chairperson or of a member, other than the Government member, the Minister is empowered to appoint a person to the office for the remainder of the relevant term.

### Deputy Chairperson

15. New section 15 provides for the Minister to appoint a Deputy Chairperson following consultation with the Chairperson and the Presiding Member of the Selection Committee. It also enables the Minister to terminate the Deputy Chairperson's appointment and enables the Deputy Chairperson to resign that office. When the Chairperson is not available the Deputy Chairperson is empowered, and required, to perform all the functions of the Chairperson.

### Leave of absence

16. New section 16 provides for the Minister to grant leave of absence to the Chairperson and the Chairperson to grant leave of absence to other members.

### Resignation of members

17. New section 17 provides for a member to resign by writing to the Minister.

### Clause 10: Termination of Appointments

18. Clause 10 amends section 20 of the Principal Act to provide for the Minister to terminate the appointment of a member if the member: fails to comply with the condition in new sub-section 40(7) inserted by Clause 23 of this Bill; becomes the presiding officer or deputy presiding officer of a declared winemakers organisation; or, fails to meet the attendance criteria specified in the legislation.

Clause 11: Disclosure of interests by members of Corporation

19. Clause 11 repeals section 21 of the Principal Act concerning disclosure of interests by members and replaces it with a new section 21 making standard provision for a member who has a direct or indirect pecuniary interest in a matter being considered by the Corporation to disclose the nature of that interest. It also precludes the member from taking part in the Corporation's discussion of the matter, subject to the discretion of the Corporation or the Minister to determine otherwise. However, involvement in winemaking or grapegrowing shall not in itself be taken as constituting pecuniary interests.

Clause 12: Meetings of Corporation

20. This clause amends section 22 of the Principal Act by : reducing the quorum from 8 to 5; removing the Minister's power to convene a meeting; substituting "Chairperson" for "Chairman" wherever it occurs; and empowering the Corporation rather than the Minister to determine fees, allowances and expenses for a person invited to attend a Corporation meeting.

Clause 13: Repeal of Part IV

21. This clause repeals Part IV of the Principal Act which provided for the establishment of an Executive Committee and set down criteria relating to its membership based on representation of various sectors the industry. This system of membership will no longer apply. Although specific detail relating to an Executive Committee is removed, the Corporation will retain power to establish such a Committee under section 11.

Clause 14: This clause inserts the following new Part IVA after Part IV of the Principal Act. It provides for the establishment and operation of the Australian Wine and Brandy Corporation Selection Committee which will be responsible for nominating for appointment all Corporation members except for the Chairperson and Government member

"PART IVA - AUSTRALIAN WINE AND BRANDY CORPORATION SELECTION COMMITTEE

"Establishment of Committee

22. New section 29A establishes the Australian Wine and Brandy Corporation Selection Committee.

"Functions of Committee

23. New section 29B specifies that the functions of the Committee are to select and nominate to the Minister persons, other than as the Chairperson and Government member, to be appointed to the Corporation.

"Powers of Committee

24. New section 29C gives the Committee the powers to fulfil its functions under section 29B.

"Minister may request nominations

25. New section 29D authorises the Minister to request the Committee to provide suitable nominations for the purpose of appointing certain members or to fill casual vacancies caused by resignations or terminations of appointments of such members.

"Selection of persons by Committee

26. New section 29E provides limitations on the selection of persons by the Committee.

27. New sub-section 29E(1) will ensure that persons nominated will possess knowledge of, or experience in, winemaking, grapegrowing, marketing, finance, administration or business management, being criteria set out in the legislation and considered as relevant for effectively carrying out the Corporation's business.

28. New sub-section 29E(2) provides that a person cannot be nominated for appointment as a member if he or she is the presiding officer or deputy presiding officer of a declared winemakers organisation, a member of the Selection Committee, or has been a member of the Committee during the previous 12 months.

"Nomination

29. New section 29F specifies the requirements to be met by the Committee in providing nominations to the Minister, including a statement specifying details of each person's qualifications and experience and providing any other relevant information.

"Minister may reject nominations

30. New section 29G authorises the Minister to reject a nomination if the Minister is not satisfied as to suitability and to require the Committee to submit a new nomination.

"Membership of Committee

31. New section 29H specifies the membership of the Committee and provides for their appointment.

32. New sub-section 29H (1) provides for the Committee to consist of a Presiding Member and such other number of members as is determined by the Minister.

33. New sub-section 29H (2) provides for Committee members to hold office for up to 3 years.

34. New sub-section 29H (3) provides for Committee members other than the Presiding Member to be appointed from nominations by a declared winemakers organisation.

35. New sub-sections 29H (4) and (5) provide for Committee members to be appointed on a part-time basis and for a person who is a member of the Corporation to be ineligible for appointment as a member of the Committee.

36. New sub-sections 29H (6) and (7) are standard provisions relating to operations of Committees.

"Acting Presiding Member

37. New section 29J specifies the procedure for appointment and enables the Minister to terminate the appointment of an acting Presiding Member and establishes his or her powers and entitlements.

"Casual vacancy

38. New section 29K enables the Minister to appoint a Presiding Member or persons to the Committee to complete any unexpired period of appointment of a Presiding Member or other member who has ceased to hold office.

"Remuneration and allowances of members of Committee

39. New section 29L is a standard provision which provides for the remuneration and allowances of members of the Committee.

"Leave of absence

40. New section 29M provides for the granting by the Minister of leave of absence to the Presiding Member and by the Presiding Member to other members of the Committee.

"Resignation

41. New section 29N provides that a member may resign by writing to the Minister.

"Determination of appointment of members of Committee

42. New section 29P is a standard provision enabling the Minister to terminate the appointment of a member for specified reasons and requiring the Minister to terminate an appointment for other specified reasons.

"Disclosure of interests by members of Committee

43. New section 29O is a standard provision which provides for a member who has a direct or indirect pecuniary interest in a matter being considered to disclose the nature of that interest and precludes the relevant member from being present during discussion or taking part in any decision on that matter, unless the Minister or the Committee determines otherwise. It also provides for that interest to be disclosed to the Minister when the member takes part in a resolution of the Committee outside a formal meeting. However, involvement in winemaking shall not in itself be taken as constituting a pecuniary interest.

"Meetings of Committee

44. New section 29R provides for the convening of meetings and the working arrangements to apply at such meetings. A quorum of the Committee is specified as being the number that is one less than the number of members of the Committee. Questions are to be decided by a majority of votes of the members present, and the member presiding at a meeting has a deliberative vote and a casting vote.



"Resolutions without meetings

45. New section 29S provides a procedure for the consideration of issues outside formal meetings.

"Staff and consultants

46. New section 29T provides for the Presiding Member, on behalf of the Committee, to engage consultants and staff on such terms and conditions as the Committee approves, to assist it in the performance of its functions.

Clause 15: This clause inserts the following new Part IVB after Part IVA of the Principal Act which provides for an annual meeting of representatives of the industry

"PART IVB - ANNUAL MEETING OF REPRESENTATIVES OF THE INDUSTRY

"Corporation to convene annual meeting

47. New section 29U provides for the Corporation to convene an annual meeting of members of the executives of declared winemakers organisations within 3 months of tabling in the Parliament of the Corporation's annual report, or within such longer period as is approved by the Minister. It also provides for adequate notice of the intended meeting to be given.

"Purpose of annual meeting

48. New section 29V provides that the purpose of the annual meeting is to : allow industry representatives to consider the most recent annual report of the Corporation; receive an address from the Chairperson on the performance of the Corporation in the year to which the report relates and on the outlook and intended performance in the following year; and, question the members of the Corporation on any aspect of the Corporation's activities.

"Conduct of annual meeting

49. New section 29W provides for the Chairperson of the Corporation to preside at the annual meeting and that attendees may include members of the Corporation, members of the executives of declared winemakers' organisations and such Corporation staff members as the Chairperson determines to be appropriate.

Clause 16: Employees

50. This clause amends section 30 of the Principal Act by omitting sub-section (2) and substituting two new sub-sections (2) and (3) to allow the Corporation to determine, without the need for Public Service Board approval, the terms and conditions of employment of employees with the exception that the terms and conditions for the principal employee are subject to the approval of the Minister.

Clause 17: This clause inserts, after Part V of the Principal Act, a new Part VA concerning the operation of the Corporation. The new Part VA comprises Division 1 (Corporate Plans), Division 2 (Annual operational plans) and Division 3 (Directions)

"PART VA - OPERATION OF CORPORATION

"Division 1 - Corporate Plans

"Corporation to develop corporate plans

51. New section 31 requires the Corporation to prepare a corporate plan, to cover successive periods of 3, 4 or 5 years, setting out its objectives and outlining strategies to be pursued in reaching those objectives as well as providing a statement assessing the market and economic outlook for the industry. The purpose of the corporate plan is to enhance the effectiveness of the operation of the Corporation. It will enable the Minister's relationship with the Corporation to be largely at a strategic level rather than be involved in a detailed oversighting of activities.

"Agreement to corporate plans

52. New section 31A requires that Corporate plans be provided to the Minister 3 months before the commencement of the period to which the plan relates. This is to provide adequate time for consultation as the section makes provision for the Minister to request revisions of the plan if he believes it to be in the interests of the industry. The first plan is sought by 1 October 1986 but should circumstances warrant an extension the Minister is empowered to approve a later date.

"Variation of corporate plans by Corporation

53. New section 31B provides that variations to the corporate plan, other than those of a minor nature, shall not be made by the Corporation without the Minister's agreement.

"Variation of corporate plans at request of Minister

54. New section 31C provides for the corporate plan to be varied at the request of the Minister which is to be in writing and which is to set out the reasons for the request. The consequent variation requires the Minister's agreement.

"Date of effect of variations

55. New section 31D provides for an amended corporate plan to operate from the date the variation is agreed by the Minister as if the varied plan had been originally agreed by the Minister.

"Notice of variation of corporate plans

56. New section 31E provides for particulars relating to a variation to the corporate plan to be included in the annual report of the Corporation.

## "Division 2 - Annual Operational Plans

### "Corporation to develop annual operational plans

57. New section 31F requires the Corporation to prepare a written annual operational plan setting out details of the action it will pursue in a relevant financial year to give effect to the corporate plan.

### "Agreement to annual operational plans

58. New section 31G provides for annual operational plans to be submitted for the agreement of the Minister, enables the Minister to request revisions and provides that the revised plan be re-submitted to the Minister for agreement. An operational plan is to be provided to the Minister 2 months before the commencement of the period to which the plan relates. This is to provide adequate time for consultation as the section makes provision for the Minister to request revision to the plan if he believes it to be inconsistent with the corporate plan. The first plan is sought by 1 October 1986 but should circumstances warrant extension, the Minister is empowered to approve a later date.

### "Variation of annual operational plans

59. New section 31H provides for variation of annual operational plans by the Corporation and at the request of the Minister and also provides for the date of effect of such variations. These provisions are the same as those relating to corporate plans. This section also includes provision to ensure consistency between a corporate plan and the relevant operational plan when a variation to the former is proposed.

### "Notice of variation of annual operational plan

60. New section 31J provides that particulars relating to a variation of an annual operational plan are to be included in the annual report of the Corporation.

## "Division 3 - Directions

### "Directions to Corporation

61. New section 31K provides for the Minister to have a general reserve power of direction over the affairs of the Corporation. The legislation makes it clear that this power is to be exercised only in exceptional circumstances involving action by the Corporation which conflicts with major Government policies, that forewarning of an intended direction has to be provided to the Chairperson in writing and that before the direction is given the Chairperson has adequate opportunity for discussion on the matter with the Minister.

62. New sub-section 31K (5) outlines certain procedures the Minister must adopt when a direction to the Corporation is given. These procedures deal with public notification of any direction given.

Clause 18: This clause repeals sections 32, 33 and 34 of the Principal Act which deal with payments to the Corporation, payments by the Corporation to the Commonwealth and borrowing, respectively and provides for 5 new sections 32, 33, 34, 34A and 34B covering essentially the same subject matter, except that Commonwealth guarantees for borrowing are not explicitly provided for.

"Payments to Corporation

63. New section 32 provides for the payment to the Corporation, out of Consolidated Revenue, of amounts equal to amounts received as levy imposed under the Wine Grapes Levy Act 1979 to finance the operation of the Corporation.

"Payments by Corporation to Commonwealth

64. New section 33 provides for the Corporation to repay the Commonwealth amounts equal to amounts refunded by the Commonwealth in respect of levy paid or overpaid to the Commonwealth under the Wine Grapes Levy Collection Act 1979, and previously paid to the Corporation.

"Borrowing

65. New section 34 sets out the conditions under which, with the Minister's approval, the Corporation may borrow money (otherwise than from the Commonwealth) or raise money otherwise than by borrowing and provides comment to help define what is meant by a "raising", "securities" and "dealing in securities". Approved borrowings or raisings of money may be in other than Australian currency and may relate to a particular transaction or class of transactions.

"Corporation may give security

66. New section 34A provides for the Corporation to give security over its land or other assets in respect of its borrowings.

"Borrowings not otherwise permitted

67. New section 34B provides that the Corporation shall not borrow or raise money or other than in accordance with the provisions set down in new section 34.

Clause 19: Application of money of Corporation

68. This clause amends section 35 of the Principal Act by inserting after paragraph (a) a new paragraph (aa) to provide for the Corporation to expend funds in connection with the operation of the Selection Committee of the Corporation.

Clause 20: Repeal of section 37

69. This clause repeals section 37 of the Principal Act which required Ministerial approval for contracts exceeding \$100,000 entered into by the Corporation.

Clause 21: Application of Division 2 of Part XI of the Audit Act

70. This clause amends section 38 of the Principal Act by omitting sub-section (2) and substituting a new sub-section (2) to provide that reference to an approved bank or banks in sub-section 63D(1) of Division 2 of Part XI of the Audit Act includes a reference to the Reserve Bank. In addition, all references to the Auditor-General under Section 63G of the Audit Act, relating to audit procedures and under Section 63H relating to certification of financial statements are widened to include reference to an auditor appointed under new section 38A inserted by clause 22 of this Bill. The Auditor-General retains discretionary power to do all things permitted under sections 63G and 63H of the Audit Act whether or not a company auditor is appointed.

Clause 22: This clause inserts after section 38 of the Principal Act a new section 38A concerning the appointment of commercial auditors

"Appointment of commercial auditors

71. New sub-section 38A(1) provides that the Corporation may request the Minister in writing to appoint a company auditor to be the auditor of the Corporation.

72. New sub-sections 38A(2) and 38A(3) provide that the Minister shall give the Auditor-General particulars of any such request and the Auditor-General shall, after considering the suitability of the company auditor specified in the request, inform the Minister in writing of his decision and of the reasons for that decision.

73. New sub-sections 38A(4) and 38A(5) provide that where the Auditor-General has informed the Minister in writing that a company auditor is suitable, the Minister shall give particulars to the Chairman of the Joint Committee of Public Accounts. The Committee shall subsequently inform the Minister in writing whether it considers the company auditor is suitable.

74. New sub-sections 38A(6) and 38A(7) provide that where a company auditor is considered suitable by the Joint Committee of Public Accounts, the Minister may appoint the auditor and inform the Corporation in writing. Where the Minister has not complied with the Corporation's request, the Minister shall give the reasons for not doing so.

75. New sub-section 38A(8) defines "company auditor".

Clause 23: Remuneration and allowances of members of Corporation

76. This clause introduces a number of amendments essentially of a machinery nature to section 40 of the Principal Act which provides remuneration and allowances for Corporation members. It also omits sub-section (5) and substitutes new sub-sections (5), (6), (7), (8) and (9).

77. New sub-section 40(5) provides that payments made under section 40 shall be made out of the funds of the Corporation.

78. New sub-section 40(6) precludes remuneration or allowances to a member who is a State Parliamentarian or a candidate for State Parliament where the law of the State concerned provides that such a person would not be eligible to remain or to be elected as a member of that Parliament if he or she were entitled to remuneration or allowances under this Act. Such a person shall only be reimbursed for expenses reasonably incurred on Corporation business.

79. New sub-section 40(7) provides that where a Corporation member is a member of Parliament, public servant or employee of an authority of a State other than a State referred to in sub-section 40(6), it is a condition of that person holding office that any remuneration received be paid to the State within one month of its receipt. Such a person shall only be reimbursed for expenses reasonably incurred on Corporation business.

#### Clause 24: Indemnity

80. This clause amends section 41 of the Principal Act by deleting references to "deputy of the member" as there will be no appointment of deputies to members (a deputy to the Chairperson is to be selected from within the membership).

#### Clause 25: Delegation

81. This clause amends section 43 of the Principal Act by deleting reference to "Executive Committee". Although the Corporation will retain power to establish an Executive Committee, whether there is such a Committee, and if so the specifics of it, are matters being left to the Corporation to decide upon.

#### Clause 26: Regulations

82. This clause amends section 46 of the Principal Act by removing reference to Corporation membership election procedures that are no longer applicable; referring to the Corporation in lieu of the Minister as being the responsible authority for granting, suspending or cancelling export licenses; and, removing reference to the power to prescribe grape juice as a product to which the Corporation's functions apply.

#### Clause 27: Penalties

83. This clause provides for penalties in the Principal Act to be amended to be brought into line with current rates as specified in Schedule 1 to the Act.

#### Clause 28: Sexist language

84. This clause provides for amendments to the Principal Act to remove gender specific language.

Clause 29: Transitional - levy imposed before 1 July 1986

85. This clause retains the application of specified sections of the Principal Act to provide for payments to the Corporation and recovery of overpayments of levy and penalty for which liability was incurred in 1984/85 or earlier years. It also deems levy imposed under the existing arrangements in 1985/86 to comprise a research component and a component to fund the Corporation. This provision is necessary to ensure continuity in funding the Corporation and wine research in 1986/87 as levy proceeds for these purposes will not be available under the new arrangements until 1987/88.

86. Sub-clause 29(1) is a saving provision enabling amounts of levy or penalty received by the Commonwealth for which liability was incurred prior to 1 July 1985 under the Wine Grapes Levy Act 1979 to be paid to the Corporation as if section 32 of the Principal Act continued to apply.

87. Sub-clause 29(2) is a saving provision which retains the application of section 33 of the Principal Act in relation to overpayments of levy or penalty in respect of 1984/85 or earlier years. It provides for the Commonwealth to recover from the Corporation amounts overpaid which the Commonwealth has refunded to levy payers who made overpayments of levy or penalty under the Wine Grapes Levy Collection Act 1979.

88. Sub-clause 29(3) provides that 11/24 of the amount received by the Commonwealth as levy or penalty in respect of levy imposed on prescribed goods (i.e. fresh grapes or fresh grape equivalent) during the year that commenced on 1 July 1985 shall be deemed to be the "marketing amount" of levy under section 6(1)(a)(i) or 6(1)(b)(i) of the Wine Grapes Levy Act which is payable to the Corporation. The balance of any such amount received is deemed to be the "research amount" of levy under section 6(1)(a)(ii) or 6(1)(b)(ii) of the Levy Act which will be payable to the Grape and Wine Research Trust Fund to be established under the Rural Industries Research Act 1985.

Clause 30: Transitional - selection committee

89. This clause ensures the effective operation of Selection Committee procedures as from the date of Royal Assent.

