

1989

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT BILL 1989

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf
of the Government

(Circulated by authority of the Minister
for Primary Industries and Energy,
the Hon John Kerin)

**PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT BILL
1989**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Outline

1. The amendments to the Bill will allow for the transfer of outstanding monies owed by the Commonwealth to R&D Corporations and R&D Funds, and to Research Councils, to be paid to other R&D Corporations and R&D Funds following transfer of the relevant. These payments include monies received from levies and monies owed as matching Commonwealth contributions.
2. The amendments also require the Governor-General to consider the wishes of industry prior to determining, through the regulations, that the provisions of the Bill relating to annual general meetings are to apply to a particular R&D Corporation.

Financial Impact Statement

3. There are no financial implications arising from these amendments.

NOTES ON CLAUSES

Amendment 1 - Clause 30

4. This amendment provides that amounts payable from the Consolidated Revenue Fund to an R&D Corporation are to include amounts payable under section 37A (see amendment 2) or section 38 which covers payment of Commonwealth matching contributions.

Amendment 2 - Clause 37A

5. This new clause provides that where amounts from levies received and payable to an R&D Corporation by the Commonwealth is outstanding, and that where the associated levy has been subsequently transferred to another R&D Corporation or R&D Fund, the outstanding payment is to be paid to the other R&D Corporation or R&D Fund.

Amendment 3 - Clause 43

6. This clause corrects the typographical error referring to "section 41" to now read "section 42".

Amendment 4 - Clause 108

7. This amendment provides that amounts payable from the Consolidated Revenue Fund to an R&D Fund are to include amounts payable under section 115A (see amendment 5) or section 116 which covers payment of Commonwealth matching contributions.

Amendment 5 - Clause 115A

8. This new clause provides that where amounts from levies received and payable to an R&D Fund by the Commonwealth is outstanding, and that where the associated levy has been subsequently transferred to another R&D Fund or R&D Corporation, the outstanding payment is to be paid to the other R&D Fund or R&D Corporation.

Amendment 6 - Clause 116

9. This amendment deletes the unnecessary use of "or class" following "levy" in 116(c).

Amendment 7 - Clause 148

10. This amendment requires the Governor-General to consider representative organisations' recommendations prior to declaring in the regulations that provisions of Division 7 of Part 2 (in respect of annual general meetings) apply to a particular R&D Corporation.

Amendment 8 - Clause 150

11. This amendment provides that where amounts from levies received or matching contributions payable to a Research Fund under section 7(1) of the Rural Industries Research Act 1985 by the Commonwealth are outstanding, and that where the associated levy has been subsequently transferred to an R&D Corporation, the Commonwealth is no longer obliged to pay the amount into the Research Fund and the amount is to be paid to the R&D Corporation.

Amendment 9 - Clause 150

12. This amendment provides that where amounts from levies received or matching contributions payable to a Research Fund under section 7(1) of the Rural Industries Research Act 1985 by the Commonwealth are outstanding, and that where the associated levy has been subsequently transferred to an R&D Fund, the Commonwealth is no longer obliged to pay the amount into the Research Fund and the amount is to be paid to the R&D Fund.

Amendment 10 - Clause 150

13. This amendment provides that where a levy ceases to be attached to a Research Fund and that levy has subsequently been transferred to an R&D Corporation or R&D Fund, any amounts of levy that have not been matched by the Commonwealth under the Research Fund will be matched by the Commonwealth under the R&D Corporation or R&D Fund.

Amendment 11 - Clause 155

14. This amendment provides that where an amount payable by the Commonwealth into the Special Research Fund under section 34 of the Rural Industries Research Act 1985 is outstanding, the amount is payable to the RIR&D Corporation.

Amendment 12 - Clause 155

15. This amendment provides that the amount payable under section 155 (e) of the Bill (arising from amendment 11) is payable out of the Consolidated Revenue Fund.