
1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PRIMARY INDUSTRIES LEGISLATION
AMENDMENT BILL 1991

EXPLANATORY MEMORANDUM

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

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 1991

GENERAL OUTLINE

This Bill is an omnibus Bill for legislation administered within the Primary Industries and Energy portoflio. Its purpose is to make a number of amendments to existing legislation.

2. The Bill makes the following amendments.

Australian Meat and Live-stock Research and Development Corporation Act 1985

3. This amendment will change the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and to change the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985. This Bill also makes consequential amendments to other Acts which refer by name to the Australian Meat and Live-stock Research and Development Corporation or the Australian Meat and Live-stock Research and Development Corporation Act 1985.

4. This Bill also brings the Australian Meat and Live-stock Research and Development Corporation into line with other rural research and development bodies by confining the Government's commitment to match industry funding for the Corporation to 0.5% of gross value of production.

Dairy Produce Act 1986

5. This amendment will include Equal Employment Opportunity (EEO) provisions in the Act, which is the enabling Act of the Australian Dairy Corporation (ADC). The amendment will bring the ADC into line with existing Government policy on EEO.

Horticultural Research and Development Corporation Act 1987

6. The amendments to this Act provide for minor changes to the commercial role, administrative controls and accountability of the Horticultural Research and Development Corporation.

7. The Corporation's functions and powers are amended to include the commercialisation and dissemination of research and development and the power to join in the formation of a company. Its ability to acquire, hold and dispose of real and personal property is also extended.

8. The amendments will require that commercial activity in which the Corporation has an interest and activities relating to the formation of a company are reported on in the Corporation's Annual Report.

9. Arrangements for the conduct of Corporation meetings and the decision making processes are amended to permit decisions to be taken without face to face meetings by the Corporation.

10. The requirements relating to the research and development (R&D) plan and annual research and development (R&D) program are amended by removing the mandatory requirement for the plan to be revised each year and requiring that the program contain information which will assist the Corporation to use it as a budget outline and planning tool.

Dairy Produce Act 1986 and the Dairy Produce Levy (No.1) Act 1986

11. The Australian Dairy Industry Conference Inc. (ADIC) has decided to change its name to the Australian Dairy Industry Council Inc., and has also decided that its executive council will in future be known as its executive.

12. These name changes require consequential amendments to the Dairy Produce Act 1986 and to the Dairy Produce Levy (No.1) Act 1986.

FINANCIAL IMPACT STATEMENT

13. The amendments will not affect Government expenditure and will have no staffing implications for the Department of Primary Industries and Energy.

NOTES ON INDIVIDUAL CLAUSES

PART 1 - PRELIMINARY

Clause 1 - Short Title

14. Formal.

Clauses 2(1) and (2) - Commencement

15. This Bill, except for Subsection 3(1), section 4 and Part 1 of the Schedule, comes into effect on the day which it receives Royal Assent. Subsection 3(1), section 4 and Part 1 of the Schedule will commence on 1 July 1991.

Clauses 3(1) and (2) - Amendments of Acts

16. Provides that the Acts specified in Part 1 of the Schedule are amended as set out in that Part and the Acts specified in Part 2 of the Schedule are amended as set out in that Part.

Clause 4 - Meat Research Corporation

17. This clause provides for transitional arrangements to ensure that the operations of the Australian Meat and Live-stock Research and Development Corporation continue unaffected after its name is changed to the Meat Research Corporation.

Clause 5 - Australian Dairy Industry Council Inc.

18. This clause provides that if the ADIC has not formally changed its name prior to the commencement of this section, it will remain known as the Australian Dairy Industry Conference until it so changes its name to the Australian Dairy Industry Council.

SCHEDULE AMENDMENTS OF ACTS PART 1

AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION ACT 1977

19. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY POLICY COUNCIL
ACT 1984

20. This amendment provides for a consequential amendment following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation.

AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY SELECTION
COMMITTEE ACT 1984

21. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

AUSTRALIAN MEAT AND LIVE-STOCK RESEARCH AND DEVELOPMENT
CORPORATION ACT 1985

22. Makes the following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985:

Long title - Omits reference to the Australian Meat and Live-stock Research and Development Corporation in the long title of the Act and refers to the Meat Research Corporation.

Section 1 - Renames the Australian Meat and Live-stock Research and Development Corporation Act 1985, the Meat Research Corporation Act 1985.

Subsection 3(1)(definition of "Corporation") - Changes the definition of the "Corporation" to mean the "Meat Research Corporation".

Section 4 - Changes the name of the corporation established by the Act to "Meat Research Corporation".

Paragraph 42(1)(c) - Ensures that section 42A, which limits the Commonwealth's matching payments to 0.5% of gross value of production, applies in determining the amount of money paid to the Corporation.

After section 42 - Inserts section 42A which restricts the Government's obligation to match industry funding of Australian Meat and Live-stock Research and Development Corporation research to 0.5% of gross value of production and for the Minister to determine the amount of the gross value of production in a manner determined by regulations.

After paragraph 44(ba) - Clarifies the meaning of meat and livestock research and development activities in subsection 42(1).

Subsections 47(1) and (2) - Omits reference to the Research and Development Corporation, as defined by subsection 47(4) and substitutes Meat Research Corporation.

Subsection 47(4) - Omits this subsection which has been made obsolete by the amendments to subsections 47(1) and (2).

BEEF PRODUCTION LEVY ACT 1990

23. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

CATTLE AND BEEF LEVY COLLECTION ACT 1990

24. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

CATTLE EXPORT CHARGE ACT 1990

25. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

CATTLE TRANSACTION LEVY ACT 1990

26. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

DAIRY PRODUCE ACT 1986
Subsection 3(1) - Interpretation

27. (1) This amendment provides for the inclusion of a definition of an equal employment opportunity program.

28. (1A) This amendment provides for the inclusion of additional definitions, as set out in a Schedule to the Act, relating to the operation of the equal employment opportunity program. The definitions in the Schedule are self-explanatory.

29. (1B) This amendment restricts the application of the definition of 'employee', set out in the Schedule, to subsection (1A) and sections 50A and 50B.

Subsection 17(1)

30. (h) This amendment adds a requirement for the equal employment opportunity program developed under section 50A to be set out in the corporate plan.

Subsection 23(2)

31. This amendment adds a requirement for the annual operational plan to include details of action proposed to implement the equal employment opportunity program developed under section 50A.

Subsections 50A(1), (2), (3) - Equal employment opportunity

32. These amendments place a requirement on the Australian Dairy Corporation to develop and implement an equal employment opportunity program for the Corporation.

Section 50B - Merit principle to apply

33. This amendment establishes the principle that employment matters are to be dealt with on the basis of merit.

Subsection 123(3) - Annual Reports

34. (d) This amendment places a requirement on the Australian Dairy Corporation to include in its annual report a summary of actions taken to develop and implement its equal employment opportunity program.

EXOTIC ANIMAL DISEASE CONTROL ACT 1989

35. These amendments provide consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and

Live-stock Research and Development Corporation Act 1985
to the Meat Research Corporation Act 1985.

HORTICULTURAL RESEARCH AND DEVELOPMENT CORPORATION ACT
1987

36. The Schedule includes the following amendments to the Principal Act.

37. The insertion of paragraph 6(da) extends the functions of the Corporation to include the dissemination, adoption and commercialisation of horticultural research and development.

38. The insertion of paragraph 7(1)(fa) and the repeal of subsection 7(2) extend the powers of the Corporation to acquire, hold and dispose of real and personal property by removing the requirement for Ministerial approval for purchases valued greater than \$100,000. The insertion of 7(1)(fb) extends the powers of the Corporation to allow it to join in the formation of a company.

39. A new subsection 7(2) is inserted to require that, where the Corporation holds a controlling interest in a company, the Corporation must ensure the company does not do anything that the Corporation is not empowered to do.

40. Subsections 19(3), (4) and (5) are repealed. These subsections exempt the Corporation from paying members where such pay is contrary to State Law and require other members to repay remuneration received from the Corporation to their principal employers. The changes reflect the Government's view that arrangements between members and their principal employers concerning remuneration are matters which are the responsibility of individual members.

41. The insertion of new subsections 25(5A), (5B) and (5C) provide for the Corporation to permit a member to participate in a meeting by phone or by any other means of communication and to regard such participants as being at the meeting.

42. A new section 25A is inserted to enable resolutions to be passed without face to face meetings of the Corporation. It requires a majority of members, which if at a meeting constitute a quorum, to indicate agreement with the resolution.

43. The addition to subsection 26(1) requires the Corporation to prepare new research and development (R&D) plans for each successive 5 year period.

44. Subsections 26(2) and (3) are repealed to allow the timing of reviews of R&D plans to be altered and to allow removal of the mandatory requirement for annual revisions of the R&D plan.

45. Subsection 26(5) is substituted to define the periods to which R&D plans relate.

46. New subsections 26(6A) and (6B) provide that the Corporation must review its 5 year R&D plan annually after each 30 June and at any other time it considers necessary, and consider whether a revision of the plan is necessary.

47. New subsections 26(6C) and (6D) provide that, where the Minister requests a revision to a R&D plan of the Corporation, the Corporation will amend the plan as it considers appropriate and re-submit the revised plan for approval.

48. A new section 26(A) is inserted to provide for variations to five year plans to be in force for the subsequent four years from the following 1 July to allow the Corporation to prepare rolling five year plans. The Minister is required to consider and approve the variation to be in force for the subsequent four years from the following 1 July.

49. New subsections 27(1), (2), (2A) and an amendment to subsection 27(3) remove the mandatory requirement for the Corporation to include details of individual projects in its annual R&D program. Instead the Corporation must specify groupings of research and development activities the Corporation intends to fund for the year, and describe how funding these activities will give effect to the five year R&D plan. The amendments also add a requirement for the Corporation to include estimates of expenditure on each of the broad groupings of research and development expenditure, on non-direct research and development activity and of income in the annual program.

50. A new paragraph 27(6)(a) provides that the Corporation's annual R&D program must be submitted to the Minister no later than one month, or a shorter period in special circumstances, before its intended date of commencement.

51. The changes to subsection 27(7), section 28 and subparagraph 29(1)(a)(iii) are consequential to the formation of rolling R&D plans.

52. New subparagraphs 29(1)(a)(v), (vi), (vii), (viii) and (ix) insert additional matters that the Corporation must include in its Annual Report to reflect the extended functions and powers of the Corporation. These include details of joint ventures entered into, patent dealings and any activities of the Corporation in relation to companies it has formed or has an interest in.

53. Sections 36 and 42 are repealed and a new section 36 is inserted to transfer the power to determine the remuneration of the Executive Director from the

Remuneration Tribunal, to the Corporation, with the requirement for Ministerial approval of the remuneration package.

LIVE-STOCK EXPORT CHARGE ACT 1977

54. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

LIVE-STOCK SLAUGHTER LEVY ACT 1964

55. These amendments provide for consequential amendments following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

RURAL INDUSTRIES RESEARCH ACT 1985

56. This amendment provides for a consequential amendment following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation, and the name of the Australian Meat and Live-stock Research and Development Corporation Act 1985 to the Meat Research Corporation Act 1985.

SALES TAX ASSESSMENT ACT (NO.1) 1930

57. This amendment provides for a consequential amendment following amendments to the Australian Meat and Live-stock Research and Development Corporation Act 1985 which changed the name of the Australian Meat and Live-stock Research and Development Corporation to the Meat Research Corporation.

PART 2

DAIRY PRODUCE ACT 1986

Subsection 3(1) - Interpretation

58. This amendment provides for the deletion of the definition of "Conference" and "executive council" and their replacement with a definition of "Council" and "executive".

Various sections from 10 through to 102

59. The remaining amendments allow for the deletion of the words "Conference" and "executive council" and their replacement with "Council" and "executive" respectively wherever they occur in the Act.

DAIRY PRODUCE LEVY (NO.1) ACT 1986

Subsection 14(3) - Regulations

60. This amendment provides for the deletion of "executive council" and its replacement with "executive".



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