

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

RURAL INDUSTRIES RESEARCH (TRANSITIONAL PROVISIONS
AND CONSEQUENTIAL AMENDMENTS) BILL 1985

EXPLANATORY MEMORANDUM

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

OUTLINE

The Rural Industries Research (Transitional Provisions and Consequential Amendments) Bill 1985 has the following main purposes:

- (1) to effect necessary amendments to complementary legislation, repeal existing legislation no longer required and provide the transitional provisions necessary for the enactment of the Rural Industries Research Bill 1985.
- (2) to provide for the transfer of assets and moneys standing to the credit of existing Trust Funds to new Research Funds established under the Rural Industries Research Bill 1985, and
- (3) to maintain arrangements and agreements in force prior to the commencement of the Rural Industries Research Bill 1985 and so minimise the disruption to existing research programs,

There are no direct financial implications for the Commonwealth resulting from this Bill.

RURAL INDUSTRIES RESEARCH (TRANSITIONAL PROVISIONS
AND CONSEQUENTIAL AMENDMENTS) BILL 1985

NOTES ON CLAUSES

Clause 1 : Short title

1. Rural Industries Research (Transitional Provisions and Consequential Amendments) Bill 1985

Clause 2 : Commencement

2. The Bill will come into operation on the day on which it receives Royal Assent subject to sub-clauses 2(2), 2(3), 2(4) and 2(5). These sub-clauses provide for the amendment and repeal of certain Acts as provided for by clauses 11 and 12 of this Bill. The amendment or repeal of these Acts will take effect from the day a levy is declared by regulations made under the Rural Industries Research Bill 1985 to be a prescribed levy.

Clause 3 : Acts to be read as one

3. The Rural Industries Research Bill 1985 and this Bill shall be read as one.

Clause 4 : Interpretation

4. A reference to a levy in the Bill is a reference to a levy specified in column 1 of any part of Schedule 1 in this Bill.

Clause 5 : Corresponding Research Accounts and corresponding Research organizations, &c.

5. This Clause provides for the identification of Research Funds and Research Councils prescribed under the Rural Industries Research Bill 1985 and the relevant Acts to which they relate. It provides that where a levy or levies are specified in the regulations of the Rural Industries Research Bill 1985 as prescribed levies and referred to in column 1 of any part of Schedule 1 of this Bill, then the Research Accounts, Research Committees/Councils and the relevant Acts identified in columns, 2, 3 and 4 respectively, will correspond to the new Research Funds and Research Councils established by the Rural Industries Research Bill 1985.

Clause 6 : Money and investments to be credited to Research Funds, &c.

6. Clause 6 provides for money and investments which belong to existing research funds to be credited to the new Funds from the day they are established under the Rural Industries

Research Bill 1985. The Minister may determine the proportion of money or investments held by the Research Fund to be split up between the separate accounts referred to in 8 (1) and (2) of the Rural Industries Research Bill 1985. Sub-Clauses 6(2)(3)&(4) relate to Funds other than the Wheat and Barley Research Trust Funds while sub-clauses 6(5)(6)&(7) deal with the Wheat and Barley Research Trust Funds. In making the determination the Minister will have regard to the amounts received by the Commonwealth as levy, to expenditure from the research account, to the principles regulating the withdrawal of money and any other matters the Minister considers to be relevant. This Clause also provides special arrangements for the transfer of funds from Poultry (Egg) Research to a new Poultry Research Trust Fund. (See sub-clauses 6(8)(9)&(10))

Clause 7 : Additional money to be paid in respect of certain levies &c.

7. The Bill provides that where a levy or levies are declared to be prescribed levies under the Rural Industries Research Bill 1985 then moneys received by the Commonwealth prior to the date on which they become prescribed will be paid into the new Research Fund to which the levy or levies relate. The Clause covers monies received from levies, the Commonwealth's matching contribution, amounts received by the Commonwealth for the Research Fund (ie donations) and any other monies received by the Commonwealth before that day (ie from the sale of property and interest on investment etc). Sub-clause 7(2) provides special arrangements for Tobacco in relation to the general provisions outlined in this clause.

Clause 8 : Certain arrangements and agreements to continue in force

8. This Clause enables arrangements and agreements entered into on behalf of the Commonwealth by the Minister or a person authorized by the Minister for a Research Fund, prior to a levy or levies being declared by regulation made under the Rural Industries Research Bill 1985 to be prescribed levies, then the arrangement or agreement will have effect on and after that day, subject to the following. The arrangement or agreement will continue to have effect as if it were entered into on behalf of the Commonwealth by the Chairperson of a Research Council established under the Rural Industry Research Bill 1985 which corresponds to the relevant Research Fund. Any provision in an arrangement or agreement which required the Minister to make a determination will, subject to this Clause, require the Research Council to make such a determination and any provision in the arrangement or agreement that provides for money to be paid from a research account for that arrangement or agreement will be as if the money were to be paid from the Research Fund established by the Rural Industries Research Bill 1985. Sub-clause 8(2) provides similar arrangements for Poultry (Egg) Research.

Clause 9 : Certain amounts to be paid from Research Fund

9. Provisions are made under the Bill to enable moneys to be paid from Research Funds established under the Rural Industries Research Bill 1985 for work carried out by a Committee or Council prior to a levy or levies being declared a prescribed levy under the Bill. These provisions provide for a variety of payments including: expenses incurred in the performance of functions; remuneration and allowances for members, deputies, consultants or advisers; and in the case of the Barley Research Act 1980, the Cotton Research Act 1982 or the Oilseeds Levy Collection and Research Act 1977 the payment by the Commonwealth of refunds of levies provided for under section 9 of each of those Acts. These provisions apply similarly to the Wheat and Barley Research Funds and provide for payments similar to those outlined above (other than refunds) to be paid at the State Committee level. Monies paid from the Research Fund in relation to a particular State shall be paid from that State's account in the Research Fund which is kept in accordance with the requirements of sub-clause 8(2) of the Rural Industries Research Bill 1985.

Clause 10 : Reports on operations of relevant Acts

10. This Clause provides transitional provisions for annual reporting procedures where a new Research Fund and Council are established during an annual reporting period (ie at any other time than at 30 June). The Research Council is required as soon as possible after the next 30 June to prepare and present to the Minister a report on research activities which were initiated in the 12 months that commenced immediately after the period covered by the last annual report as was required by the superseded Act. To help the new Council with this task members of the superseded Research Committees/Councils are required by this Clause to provide such information as is necessary for the new Research Council to prepare the report. This Clause provides that a report prepared by a Research Council to fulfill these requirements shall be taken to form part of the first annual report prepared by that Research Council in accordance with clause 30 of the Rural Industries Research Bill 1985. Sub-clauses 9(3)&(4) provide similar provisions for Poultry (Egg) Research.

Clause 11 : Amendments of Acts

11. Schedule 2 provides details of amendment to various Acts required to give effect to the Rural Industries Research Bill 1985. These Acts are; the Barley Research Act 1980, the Cotton Research Act 1982, the Dairy Industry Research and Promotion (Miscellaneous Amendments) Act 1976 and the Oilseeds Levy Collection and Research Act 1977. In the case of the Barley, Cotton and Oilseeds Acts the current Acts provide for both Levy Collection and Research functions. The Rural Industries Research Bill 1985 will provide new research arrangements, however the existing Levy Collection functions of these Acts

will continue to be required. This Bill provides for the amendment of these Acts so as to retain the Levy Collection functions and to repeal the Research functions. The Dairy Industry Research and Promotion (Miscellaneous Amendments) Acts 1976, Section 5 and Schedule 2 provide amendments to the Dairy Research Act 1972. The Dairy Research Act 1972 is repealed in Schedule 3 and this amendment is repealed by virtue of Schedule 2.

Clause 12 : Repeal of Acts

12. Schedule 3 provides for the repeal of the Acts specified. These Acts are; the Meat Chicken Act 1969, the Dairy Research Act 1972, the Dairy Research Amendment Act 1981, the Dried Fruits Research Act 1971, the Honey Research Act 1980, the Pig Industry Research Act 1971, the Tobacco Industry Act 1955, the Tobacco Industry Act 1965, the Wheat Research Act 1957 and the Wheat Research Amendment Acts 1878, 1979 & 1984. The Rural Industries Research Bill 1985 will provide new research arrangements for commodities covered by these Acts.

