

HONEY RESEARCH ACT 1980 No. 144, 1980

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HONEY RESEARCH ACT 1980

No. 144 of 1980

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HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 1.
Short title.

SECT

HONEY RESEARCH ACT 1980

No. 144 of 1980

An Act to establish a Honey Research Trust Account, and for related purposes

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:
Short title

1. This Act may be cited as the Honey Research Act 1980.*1*

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 2.
Commencement

SECT

2. This Act shall come into operation on the day on which it receives the Royal Assent.*1*

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 3.
Interpretation

SECT

3. In this Act, unless the contrary intention appears-

"appoint" includes re-appoint;

"Committee" means the Honey Research Committee established under this Act;

"export charge" means charge imposed by virtue of the Export Charge Act;

"Export Charge Act" means the Honey Export Charge Act 1973;

"Export Charge Collection Act" means the Honey Export Charge Collection Act 1973;

"levy" means levy imposed by virtue of a Levy Act;

"Levy Act" means the Honey Levy Act (No. 1) 1962 or the Honey Levy Act (No. 2) 1962;

"Levy Collection Act" means the Honey Levy Collection Act 1962;

"member" means a member of the Committee;

"nominated member" means a member referred to in paragraph 10 (1) (b), (c), (d) or (e);

"producers' organization" means the organization known as The Federal Council of Australian Apiarists' Associations, or, if another organization is for the time being prescribed for the purposes of this definition, that other organization;

"research" means scientific, technical or economic research in connection with bee-keeping and the production, packing and marketing of hive products, and includes-

(a) the training of persons for the purpose of any such research;

(b) the publication of reports, periodicals, books and papers in connection with any such research;

(c) the dissemination of information and advice in connection with scientific, technical or economic matters; and

(d) any matter incidental to a matter referred to in this definition;

"Research Account" means the Honey Research Trust Account established by this Act.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 4.
Honey Research Trust Account

SECT

4. (1) An account is hereby established to be known as the Honey Research Trust Account.

(2) The Research Account is a Trust Account for the purposes of section 62A of the Audit Act 1901.

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Moneys to be paid into Research Account

SECT

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

(a) so much of the amounts from time to time received by the Commonwealth as export charge as is so received by virtue of paragraph 7 (1) (b) of the Export Charge Act;

(b) so much of the amounts from time to time received by the Commonwealth as levy as is so received by virtue of paragraph 5 (1) (b) of a Levy Act;

(c) so much of the amounts from time to time received by the Commonwealth in discharge of the liability (other than a liability in respect of a penalty under sub-section 8 (1) of the Levy Collection Act) of a person under sub-section 7 (1) of that Act in respect of amounts payable by virtue of paragraph 5 (1) of a Levy Act;

(d) so much of the amounts (if any) from time to time received by the Commonwealth as penalties under section 6 of the Export Charge Collection Act

as relates to amounts referred to in paragraph (a) of this sub-section;

(e) so much of the amounts (if any) from time to time received by the Commonwealth as penalties under section 8 of the Levy Collection Act as relates to amounts referred to in paragraph (b) or (c) of this sub-section;
and

(f) subject to sub-section (3), one-half of any amount paid or to be paid out of the account kept under sub-section 6 (1).

(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-

(i) from the sale of any property paid for out of moneys expended from the Research Account;

(ii) from the sale of any property produced in the course of carrying out any research so paid for; or

(iii) in respect of any work so paid for; 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 (1) (f) shall not exceed the sum of the amounts paid into the Research Account by virtue of paragraphs (1) (a), (b) and (c).

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 6.
Separate accounts to be kept

SECT

6. (1) A separate account shall be kept of the moneys in the Research Account representing the amounts paid into the Research Account by virtue of paragraphs 5 (1) (a), (b), (c) and (f).

(2) A separate account shall be kept of the moneys in the Research Account representing-

(a) the amounts paid into the Research Account by virtue of

paragraphs 5 (1)
(d) and (e); and

(b) the amounts paid into the Research Account by virtue of sub-section 5
(2).

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 7.
Application of Research Account

SECT

7. (1) Subject to sub-section (2), amounts standing to the credit of either
of the accounts kept under section 6 may be paid out of that account-

(a) with the approval of the Minister, for the purpose of research;

(b) in payment of the expenses incurred by the Committee in the performance
of its functions;

(c) in payment of remuneration, allowances and expenses payable to a member,
or the deputy of a member, under section 16; and

(d) in payment of fees, expenses and allowances payable to persons appointed
by the Committee under section 17.

(2) The Minister shall not exercise his power to approve the payment of
moneys out of the Research Account for the purpose referred to in paragraph

(1) (a) except in accordance with the recommendations of the Committee.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 8.
Agreements for carrying out of research

SECT

8. (1) The Minister, or an officer of the Australian Public Service 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
connection with, and 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 sub-section (1), 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 any patents for inventions or other property referred to in sub-paragraph (ii) 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 paragraph (b), 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.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 9.
Honey Research Committee

SECT

9. (1) For the purposes of this Act there shall be a Honey Research

Committee.

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

(a) the rates to be prescribed from time to time for the purposes of paragraph 7 (1) (b) of the Export Charge Act or paragraph 5 (1) (b) of a Levy Act; and

(b) the payment out of the Research Account of moneys standing to the credit of either of the accounts kept under section 6.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 10.
Constitution of Committee

SECT

10. (1) The Committee shall consist of 5 members, namely-

(a) a member to represent the Department of Primary Industry;

(b) a member to represent the producers' organization;

(c) a member to represent the Australian Honey Board;

(d) a member to represent the organization known as the Australian Agricultural Council; and

(e) a member to represent the Commonwealth Scientific and Industrial Research Organization.

(2) A member-

(a) shall be appointed by the Minister; and

(b) shall hold office, subject to this Act, for such period, not exceeding 3 years, as the Minister specifies in the instrument of his appointment.

(3) A nominated member shall be appointed on the nomination of the organization that he is to represent.

(4) If the office of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Minister may appoint a person nominated in accordance with sub-section (3) to hold the vacant office 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 connection with

his nomination.

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

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 11.
Chairman of Committee

SECT

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

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 12.
Deputies of members

SECT

12. (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.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 13.
Removal and resignation of members and deputies

SECT

13. (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 a nominated member represents, terminate the appointment of that person as a member.

(3) If a member or the deputy of a member fails, without reasonable excuse, to comply with his obligations under section 14, the Minister shall terminate

his appointment.

(4) A member may resign his office by writing signed by him delivered to the Minister.

(5) The deputy of a member may resign his office by writing signed by him delivered to the member.

(6) A member whose deputy resigns in accordance with sub-section (5) shall forthwith give notice of the resignation, in writing, to the Minister.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 14.
Disclosure of interest by a member, &c.

SECT

14. (1) A member, or the deputy of a member, who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Committee.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 15.
Meetings of Committee

SECT

15. (1) Subject to this section, meetings of the Committee shall be held at such times and places as the Committee from time to time determines.

(2) The Chairman of the Committee may at any time convene a meeting of the Committee.

(3) At a meeting of the Committee-

(a) the Chairman of the Committee and 3 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 of the Committee has a deliberative vote and, in

the event
of an equality of votes, also has a casting vote.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 16.
Remuneration, &c.

SECT

16. (1) A member and a deputy of a member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, each shall be paid remuneration as is prescribed.

(2) A member and a deputy of a member shall be paid such allowances as are prescribed.

(3) Sub-sections (1) and (2) have effect subject to the Remuneration Tribunals Act 1973, but sub-section 7 (9) of that Act does not apply in relation to the remuneration payable to a member or a deputy of a member.

(4) If a member or a deputy of a member is also a member of, or a candidate for election to, the Parliament of the Commonwealth or of a State, he shall not be paid remuneration or allowances under sub-section (1) or (2) 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.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 17.
Appointment of adviser

SECT

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

(2) A person appointed under sub-section (1) shall be paid such fees, expenses and allowances (if any) as are approved by the Minister.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 18.

Annual report

SECT

18. The Committee shall, as soon as practicable after each 30 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.

HONEY RESEARCH ACT 1980 No. 144 of 1980 - SECT. 19.
Regulations

SECT

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

HONEY RESEARCH ACT 1980 No. 144 of 1980 - NOTES.

NOTES

1. Act No. 144, 1980; assented to 19 September 1980.