



Rural Industries Research Act 1985

No. 102 of 1985

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SCHEDULE 1

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SCHEDULE 2

NAMES OF STATE RESEARCH COMMITTEES ESTABLISHED IN RESPECT OF
CERTAIN GOODS



Rural Industries Research Act 1985

No. 102 of 1985

**An Act to provide for the undertaking of research and
development in relation to certain goods, and for related
purposes**

[Assented to 3 October 1985]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Rural Industries Research Act 1985*.

Commencement

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

Objects

3. The objects of this Act are—

- (a) to make provision for the funding and administration of research and development in respect of goods of kinds that are subject to prescribed levies or to levies included in prescribed classes of levies with a view to—
 - (i) increasing the commercial returns to members of the industry concerned with goods of those kinds and to the community in general by improving the production, processing, storage, transport or marketing of goods of those kinds;
 - (ii) making more effective use of the resources and skills of the community in general and of the scientific community in particular; and
 - (iii) improving accountability for expenditure upon research and development activities in respect of goods of those kinds; and
- (b) to make provision, additional to the provision referred to in paragraph (a) but with a view to achieving purposes similar to the purposes set out in sub-paragraphs (a) (i), (ii) and (iii), for the funding and administration of research and development in respect of goods in circumstances where that research and development—
 - (i) is in the national interest;
 - (ii) relates solely to goods of kinds not referred to in paragraph (a); or
 - (iii) relates to goods of kinds referred to in paragraph (a) and also to other goods.

Interpretation

4. (1) In this Act, unless the contrary intention appears—

“acting Chairperson” means—

- (a) in relation to a Research Council or State Research Committee—the person appointed to act as Chairperson of that Research Council or State Research Committee under sub-section 15 (1);
- (b) in relation to the Selection Committee—the person appointed to act as Chairperson of the Selection Committee under sub-section 49 (1); and
- (c) in relation to the Special Research Council—the person appointed to act as Chairperson of the Special Research Council under sub-section 15 (1) in its application by virtue of section 39;

“animal” means any member, alive or dead, of the animal kingdom, other than man;

“annual research and development program” means—

- (a) a program required to be developed by a Research Council or State Research Committee in accordance with section 27; or

- (b) a program required to be developed by the Special Research Council in accordance with section 27 in its application by virtue of section 39;

“appoint” includes re-appoint;

“appropriate Minister”, in relation to a State, means the Minister of the Crown of the State who has primary responsibility for agricultural matters and includes a Minister of the Crown of State of that State acting on behalf of that Minister;

“Chairperson” means—

- (a) in relation to a Research Council or State Research Committee—the Chairperson of that Research Council or that State Research Committee;
- (b) in relation to the Selection Committee—the Chairperson of the Selection Committee; and
- (c) in relation to the Special Research Committee—the Chairperson of the Special Research Committee;

“goods” means—

- (a) an animal or a plant, or a part of an animal or a plant; or
- (b) an article or a substance derived from an animal or a plant, whether or not in combination with any other article or substance;

“government member” means—

- (a) in relation to a Research Council—the person appointed under section 14 to be the government member of that Research Council; and
- (b) in relation to the Special Research Council—the person appointed under section 14 in its application by virtue of section 39 to be the government member of the Special Research Council;

“plant” means any member, alive or dead, of the plant kingdom;

“prescribed organization” means an organization that is declared by the Minister, by notice published in the *Gazette* pursuant to sub-section (6), to be a prescribed organization;

“relevant industry organization”, in relation to goods of a particular kind or kinds, means an organization that is declared by the Minister, by notice published in the *Gazette* pursuant to sub-section 5 (3), to be a relevant industry organization in relation to goods of that kind or those kinds;

“research and development”, in respect of goods generally or goods of a particular kind or kinds, means systematic experimentation or analysis in any field of science, technology or economics carried out with the object of—

- (a) acquiring knowledge that may be of use for the purpose of improving any aspect of the production, processing, storage, transport or marketing of goods generally or goods of that kind or those kinds; or

- (b) applying knowledge for the purpose referred to in paragraph (a);

“research and development activity”, in respect of goods generally or goods of a particular kind or kinds, means—

- (a) a research and development project in respect of goods generally or goods of that kind or those kinds;
- (b) the training of persons to carry out research and development in respect of goods generally or goods of that kind or those kinds;
- (c) the dissemination of information, or the provision of advice and assistance, to persons who, or organizations that, are engaged in any aspect of the production, processing, storage, transport or marketing of goods generally or goods of that kind or those kinds for the purpose of encouraging those persons or organizations to follow practices, or to adopt technical developments, designed or adapted to improve the operation or efficiency of that aspect of production, processing, storage, transport or marketing;
- (d) the publication of reports, periodicals, books or papers containing information that is related to research and development in respect of goods generally or goods of that kind or those kinds; or
- (e) an activity incidental to an activity referred to in paragraph (a), (b), (c) or (d);

“research and development plan” means—

- (a) a plan developed by a Research Council or State Research Committee and approved by the Minister in accordance with section 23 or that plan as varied in accordance with section 24 or 25; or
- (b) a plan developed by the Special Research Council and approved by the Minister in accordance with section 23 in its application by virtue of section 39 or that plan as varied in accordance with section 24 or 25 in its application by virtue of section 39;

“research and development project”, in respect of goods generally or goods of a particular kind or kinds, means a project for research and development in respect of goods generally or goods of that kind or those kinds;

“research component”, in relation to a levy that is declared by regulations made for the purposes of section 5 to be a prescribed levy or that is included in a class of levies that is declared by regulations made for the purposes of that section to be a prescribed class of levies, means—

- (a) if that levy is referred to in column 1 of a Part of Schedule 1—so much of that levy as is described in column 2 of that Part opposite to the reference to the levy in column 1; or

- (b) if that levy is not referred to in column 1 of any Part of Schedule 1—so much of that levy as is declared by the regulations made for the purposes of section 5 to be the research component of that levy;

“Research Council” means a council established under sub-section 11 (1), (2), (3) or (4);

“Research Fund” means a research fund established under sub-section 6 (1), (2), (3) or (4);

“Selection Committee” means the Research Councils Selection Committee established by this Act;

“Special Research Fund” means the Australian Special Rural Research Fund established under sub-section 32 (1);

“Special Research Council” means the Australian Special Rural Research Council established by sub-section 33 (1);

“State Research Committee” means a research committee established for a State by sub-section 12 (1) or (2).

(2) For the purposes of this Act—

- (a) where the Chairperson of a Research Council or State Research Committee, of the Selection Committee or of the Special Research Council is a man, he may be referred to as the Chairman of the Council or Committee of which he is the Chairperson; and

- (b) where the Chairperson of a Research Council or State Research Committee, of the Selection Committee or of the Special Research Council is a woman, she may be referred to as the Chairwoman of the Council or Committee of which she is the Chairperson.

(3) For the purposes of this Act, a research and development activity in respect of goods generally or goods of a particular kind or kinds shall be taken to have been specified by a Research Council, a State Research Committee or the Special Research Council in an annual research and development program that has been prepared by that Council or Committee if that activity is included within a class of research and development activities in respect of goods generally or goods of that kind or those kinds that are described in that program as activities of a kind that that Council or Committee is prepared to fund.

(4) In this Act, unless the contrary intention appears—

- (a) a reference to an aspect of the marketing of goods generally or of goods of a particular kind or kinds shall be construed as not including the promotion of goods generally or of goods of that kind or those kinds, as the case may be; and

- (b) a reference to a levy shall be construed as a reference to any tax, whether that tax is designated as a levy, a tax or a charge, that is imposed by an Act.

(5) Where goods of a particular kind, being goods in respect of which a levy is imposed, are grown, reared or maintained, either wholly or partly, to enable the production of goods of another kind, a reference in this Act, either by

express words or by implication, to research and development, to a research and development activity, or to a research and development project, in respect of goods of that kind, shall be construed as including a reference to research and development, to a research and development activity, or to a research and development project, in respect of goods of that other kind, as the case requires.

(6) The Minister—

- (a) shall, by notice published in the *Gazette*, declare an organization that is, or organizations that are, concerned with the production, processing, storage, transport or marketing of goods in respect of which research and development activities are likely to be funded from the Special Research Fund, to be, with effect from 1 January 1986, a prescribed organization or prescribed organizations; and
- (b) may, by notice published in the *Gazette*, vary any declaration made pursuant to paragraph (a) or, by virtue of a previous application of this sub-section, pursuant to this paragraph, with effect from a day specified in the notice, by declaring another such organization to be, with effect from that last-mentioned day, a prescribed organization in lieu of an organization that had previously been declared under this sub-section to be a prescribed organization or in addition to the organization or organizations that had previously been declared under this sub-section to be a prescribed organization or prescribed organizations.

Prescribed levies, &c.

5. (1) The regulations may, for the purposes of this Act, declare a levy specified in the regulations, being a levy imposed in respect of goods of a particular kind, to be, with effect from a day specified in the regulations, being a day not earlier than 1 January 1986, a prescribed levy.

(2) The regulations may, for the purposes of this Act, declare levies specified in the regulations, being levies imposed in respect of goods of particular kinds, to be, with effect from a day specified in the regulations, being a day not earlier than 1 January 1986, a prescribed class of levies.

(3) Where regulations made for the purposes of sub-section (1) or (2) declare a levy or levies to be, with effect from a day specified in the regulations, a prescribed levy, or a prescribed class of levies, the Minister—

- (a) shall, by notice published in the *Gazette*, declare a particular organization or organizations concerned with the production, processing, storage, transport or marketing of goods of the kind in respect of which that levy is imposed, or goods of the kinds in respect of which levies included in that class of levies are imposed, to be, with effect from that day, a relevant industry organisation, or relevant industry organizations, in relation to goods of that kind or those kinds; and
- (b) may, by notice published in the *Gazette*, vary any declaration made pursuant to paragraph (a) or, by virtue of a previous application of this

sub-section, pursuant to this paragraph, with effect from a day specified in the notice, by declaring another such organization to be, with effect from that last-mentioned day, a relevant industry organization in relation to goods of that kind or those kinds in lieu of an organization that had previously been declared under this sub-section to be such a relevant industry organization or in addition to the organization or organizations that had previously been declared under this sub-section to be such a relevant industry organization or such relevant industry organizations.

PART II—RESEARCH FUNDS

Establishment of Research Funds

6. (1) Where the regulations declare a levy that is imposed in respect of goods of a particular kind, being a levy referred to in column 1 of Part I of Schedule 1, to be, with effect from a day that is specified in the regulations, a prescribed levy, then, for the purposes of this Act—

- (a) a Research Fund is established on that day in respect of goods of that kind; and
- (b) that Fund shall be known by the name that is set out in column 3 of that Part opposite to the reference that is set out in column 1 of that Part to the levy.

(2) Where the regulations declare levies that are imposed in respect of goods of particular kinds, being the levies referred to in column 1 of Part II, III, IV or V of Schedule 1, to be, with effect from a day that is specified in the regulations, a prescribed class of levies, then, for the purposes of this Act—

- (a) a Research Fund is established on that day in respect of goods of those kinds; and
- (b) that Fund shall be known by the name that is set out in column 3 of that Part opposite to the reference in column 1 of that Part to the levies that are included in that prescribed class of levies.

(3) Where the regulations declare a levy that is imposed in respect of goods of a particular kind, not being a levy referred to in column 1 of any Part of Schedule 1, to be, with effect from a day that is specified in the regulations, a prescribed levy, then, for the purposes of this Act—

- (a) a Research Fund is established on that day in respect of goods of that kind; and
- (b) that Fund shall be known by the name that is specified in the regulations.

(4) Where the regulations declare levies imposed in respect of goods of particular kinds, not being levies referred to in column 1 of any Part of

Schedule 1, to be, with effect from a day that is specified in the regulations, a prescribed class of levies, then, for the purposes of this Act—

- (a) a Research Fund is established on that day in respect of goods of those kinds; and
- (b) that Research Fund shall be known by the name that is specified in the regulations.

(5) Each Research Fund is a Trust Account for the purposes of section 62A of the *Audit Act 1901*.

Money to be paid into Research Funds

7. (1) There shall be paid into the Research Fund established in respect of goods of a kind in respect of which a prescribed levy is imposed, or goods of kinds in respect of which levies included in a prescribed class of levies are imposed, amounts equal to—

- (a) the amounts from time to time received by the Commonwealth under legislation making provision for the collection of that levy or of each of those levies as—
 - (i) the research component of that levy;
 - (ii) amounts (if any) paid on behalf of a person liable to that levy, by a person other than that person, in respect of the research component of that levy; and
 - (iii) amounts of penalty for non-payment of that levy, to the extent that the penalty is attributable to non-payment of the research component of that levy;
- (b) subject to sub-sections (2) and (3), amounts equal to one-half of the amounts from time to time required to be paid out of the Research Fund in accordance with section 9;
- (c) amounts paid to the Commonwealth for the purposes of the Research Fund;
- (d) amounts received by the Commonwealth—
 - (i) from the sale of any property paid for with money from the Research Fund;
 - (ii) from the sale of any property produced, or from dealing with patents in respect of inventions made, in the course of carrying out any research and development activity, or research and development activities, in respect of goods of that kind or those kinds, paid for with money from the Research Fund; or
 - (iii) in respect of any work paid for with money from the Research Fund; and
- (e) amounts received by the Commonwealth as interest from the investment of money standing to the credit of the Research Fund.

(2) The sum of the amounts that are paid, by virtue of paragraph (1) (b), into a Research Fund shall not exceed the sum of the amounts that are paid into the Research Fund by virtue of sub-paragraphs (1) (a) (i) and (ii) less the

amount of any refunds of levy that are required to be paid from the Research Fund in respect of amounts that are paid into the Research Fund by virtue of those sub-paragraphs.

(3) The sum of the amounts that are paid, in a financial year, by virtue of paragraph (1) (b), into a Research Fund established in respect of goods of a particular kind or kinds shall not exceed—

- (a) in the case of goods other than goods to which paragraph (b) applies—an amount equal to 0.5% of the amount that is determined by the Minister, in accordance with a method specified in the regulations, to be the gross value of production of goods of that kind or those kinds in relation to that financial year; and
- (b) in the case of goods, being tobacco leaf in respect of which levy is imposed by the *Tobacco Charge Act (No. 1) 1955*, the *Tobacco Charge Act (No. 2) 1955* or the *Tobacco Charge Act (No. 3) 1955*—3.5 cents per kilogram of tobacco leaf upon which levy is imposed in that financial year.

(4) Amounts payable into a Research Fund by virtue of paragraph (1) (a) or (b) are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Separate accounts to be kept

8. (1) So far as a Research Fund (not being either the Barley Research Trust Fund or the Wheat Research Trust Fund) established in respect of goods of a particular kind or kinds is concerned—

- (a) a separate account shall be kept of the money in the Research Fund representing the amounts paid into the Research Fund by virtue of sub-paragraphs 7 (1) (a) (i) and (ii) and paragraph 7 (1) (b); and
- (b) a separate account shall be kept of the money in the Research Fund representing the amount paid into the Research Fund by virtue of sub-paragraph 7 (1) (a) (iii) and paragraphs 7 (1) (c), (d) and (e).

(2) So far as the Barley Research Trust Fund or the Wheat Research Trust Fund is concerned—

- (a) a separate account shall be kept of such of the money in that Research Fund as represents—
 - (i) amounts referred to in sub-paragraph 7 (1) (a) (iii);
 - (ii) amounts referred to in paragraph 7 (1) (b);
 - (iii) amounts referred to in paragraph 7 (1) (c), not being amounts to which paragraph (b) of this sub-section applies; and
- (b) a separate account shall be kept, in relation to each State, of such of the money in that Research Fund as represents—
 - (i) the parts of the amounts referred to in sub-paragraphs 7 (1) (a) (i) and (ii) that are received by the Commonwealth in respect of goods of the kind or kinds in respect of which that

Research Fund was established, being goods that are produced in the State; and

- (ii) amounts referred to in paragraph 7 (1) (c), being amounts that are paid to the Commonwealth for the purposes of that Research Fund on condition that those amounts be expended in the State.

(3) So far as the Barley Research Trust Fund or the Wheat Research Trust Fund is concerned, the amounts required to be paid into that Research Fund that are referred to in paragraph 7 (1) (d) shall be credited to the various separate accounts kept in accordance with sub-section (2) in such proportions as the Barley Research Council or the Wheat Research Council, as the case requires, determines to be appropriate.

(4) So far as the Barley Research Trust Fund or the Wheat Research Trust Fund is concerned, the amounts required to be paid into that Research Fund that are referred to in paragraph 7 (1) (e) shall be credited to the various separate accounts kept in accordance with sub-section (2) in the same proportions as funds have been contributed from those various separate accounts for the purposes of making the investments referred to in that paragraph.

Application of money in Research Funds

9. (1) The money in a Research Fund that has been established in respect of goods of a particular kind or kinds, being—

- (a) in the case of a Research Fund other than the Barley Research Trust Fund or the Wheat Research Trust Fund, money standing to the credit of either of the accounts kept under sub-section 8 (1); or
- (b) in the case of the Barley Research Trust Fund or the Wheat Research Trust Fund, money standing to the credit of an account kept in accordance with paragraph 8 (2) (a),

may be paid out of that account—

- (c) with the approval of the Research Council established in respect of goods of that kind or those kinds, for the purposes of research and development activities in respect of goods of that kind or those kinds that are included in an annual research and development program that has been prepared by that Research Council and that is in force at the time when the approval is given;
- (d) in payment of the expenses incurred by that Research Council in the performance of its functions;
- (e) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in the management of the investment of money standing to the credit of the Research Fund;
- (f) in payment of remuneration and allowances payable to a member of that Research Council under section 19;
- (g) in payment of remuneration and allowances payable to persons engaged under section 29 to advise that Research Council; and

- (h) in payment to the Commonwealth of amounts equal to the amounts specified in notices given to that Research Council under section 58 by the Selection Committee in respect of its activities in relation to the selection of members of that Research Council.

(2) The money in the Barley Research Trust Fund or the Wheat Research Trust Fund, being money standing to the credit of an account kept in accordance with paragraph 8 (2) (b) in relation to a State other than Tasmania, may be paid out of that account—

- (a) with the approval of the Research Committee established for that State in respect of goods of the kind or kinds in respect of which that Research Fund was established, for the purposes of research and development activities in respect of goods of that kind or those kinds that are included in an annual research and development program that has been prepared by that State Research Committee and that is in force at the time when the approval is given;
- (b) in payment of expenses incurred by that State Research Committee in the performance of its functions;
- (c) in payment of remuneration and allowances payable to a member of that State Research Committee under section 19; and
- (d) in payment of remuneration and allowances payable to persons engaged under section 29 to advise that State Research Committee.

(3) The money in the Barley Research Trust Fund or the Wheat Research Trust Fund, being money standing to the credit of an account kept in accordance with paragraph 8 (2) (b) in relation to the State of Tasmania, may, with the approval of the appropriate Minister of that State, be paid out of that last-mentioned account for the purposes of undertaking such research and development activities in respect of goods of the kind or kinds in respect of which that Research Fund was established as the appropriate Minister of that State determines to be of special significance for the State of Tasmania.

(4) A reference in paragraph (1) (d) to the expenses incurred by a Research Council in the performance of its functions or in paragraph (2) (b) to the expenses incurred by a State Research Committee in the performance of its functions shall be taken to include a reference to expenses incurred by that Research Council or State Research Committee, as the case requires, in respect of the provision to it of administrative and clerical services if, and only if, those services are provided by a person engaged under sub-section 29 (1) or are provided under an arrangement entered into—

- (a) in the case of a Research Council—pursuant to sub-section (5); or
- (b) in the case of a State Research Committee—pursuant to sub-section (6).

(5) A Research Council may enter into an arrangement—

- (a) with the Minister, on behalf of the Commonwealth; or

- (b) with the approval of the Minister, with any other person or organization,

for the provision of administrative and clerical services to that Research Council by the Commonwealth or that person or organization, as the case requires, and, where such an arrangement is entered into, any fee paid by that Research Council under that arrangement for the provision of those services shall be taken, for the purposes of this Act, to be an expense incurred by that Research Council in the performance of its functions.

- (6) A State Research Committee may enter into an arrangement—

- (a) with the Minister, on behalf of the Commonwealth; or

- (b) with the approval of the Minister—

- (i) with the appropriate Minister of the State in respect of which that State Research Committee has been established, on behalf of that State; or

- (ii) with any other person or organization,

for the provision of administrative and clerical services to that State Research Committee by the Commonwealth, that State, or that person or organization, as the case requires, and, where such an arrangement is entered into, any fee paid by the State Research Committee under that arrangement for the provision of those services shall be taken, for the purposes of this Act, to be an expense incurred by that State Research Committee in the performance of its functions.

Agreements relating to research and development, &c.

10. (1) Where a Research Fund has been established in respect of goods of a particular kind or kinds, the Chairperson of the Research Council established in respect of goods of that kind or those kinds or another person, being another member of that Research Council or an officer of the Australian Public Service, who is authorized by the Chairperson of that Research Council, in writing, to act under this sub-section, may, on behalf of the Commonwealth, make an agreement with a person, an authority or an organization for the purposes of, or for purposes in connection with, the funding of a research and development activity in respect of goods of that kind or those kinds, being an activity that has been included in an annual research and development program prepared by that Research Council and in force at the time when the agreement is made.

(2) Where the Barley Research Trust Fund or the Wheat Research Trust Fund has been established, the Chairperson of the Research Committee established for a State in respect of goods of the kind or kinds in respect of which that Research Fund was established or another person, being another member of that State Research Committee who is authorized by the Chairperson of that State Research Committee, in writing, to act under this sub-section, may, on behalf of the Commonwealth, make an agreement with a person, an authority or an organization for the purposes of, or for purposes in connection with, the funding of a research and development activity in respect of goods of that kind or those kinds, being an activity that has been included in an annual research and development program prepared by that State Research

Committee in respect of goods of that kind or those kinds and in force at the time when the agreement is made.

(3) Where the Barley Research Trust Fund or the Wheat Research Trust Fund has been established, the appropriate Minister in relation to the State of Tasmania or another person, being an officer of the Australian Public Service who is authorized by that Minister, in writing, to act under this sub-section, may, on behalf of the Commonwealth, make an agreement with a person, an authority or an organization for the purposes of, or for purposes in connection with, the undertaking of any research and development activity in respect of goods of the kind or kinds in respect of which the Research Fund was established, being an activity that that Minister determines, for the purposes of sub-section 9 (3), to be of special significance for the State of Tasmania.

(4) Without limiting the generality of sub-section (1), (2) or (3), an agreement made—

- (a) under sub-section (1) by the Chairperson of a Research Council or by a person authorized by that Research Council to act under that sub-section;
- (b) under sub-section (2) by the Chairperson of a State Research Committee or by a person authorized by that State Research Committee to act under that sub-section; or
- (c) under sub-section (3) by the appropriate Minister of the State of Tasmania or by a person authorized by that Minister to act under that sub-section,

with a person, an authority or an organization in relation to money to be provided out of the Research Fund established in respect of goods of a particular kind or kinds may—

(d) provide for—

- (i) the money provided under the agreement, and any property acquired with that money or with money that includes that money, to be used only for the purposes specified in the agreement; and
 - (ii) the payment by the person, authority or organization to the Commonwealth, for the purposes of the Research Fund, of an amount equal to the whole, or such part, of the money provided under the agreement as that Research Council, State Research Committee, or appropriate Minister determines, if any of the money provided under the agreement or any of the property referred to in sub-paragraph (i) is used for a purpose not specified in the agreement;
- (e) provide for the payment by the person, authority or organization to the Commonwealth, for the purposes of the Research Fund, of an amount equal to the whole, or such part as that Research Council,

State Research Committee or appropriate Minister determines, of any net income derived by the person, authority or organization from—

- (i) property acquired with money provided under the agreement or with money that includes that money; or
 - (ii) interests in, rights to apply for patents in respect of, or patents in respect of, inventions made, or any other property acquired, in the course of undertaking a research and development activity to which the agreement relates or doing any other act or thing with that money or with money that includes that money;
- (f) provide for the assignment by the person, authority or organization to the Commonwealth of any property referred to in sub-paragraph (e) (i) or of any interests, rights, patents or other property referred to in sub-paragraph (e) (ii); and
- (g) provide for the payment by the person, authority or organization to the Commonwealth for the purposes of the Research Fund, in the event of the disposal, otherwise than to the Commonwealth, of any property of a kind referred to in paragraph (e), of an amount equal to the whole, or such part as that Research Council, State Research Committee or appropriate 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 that Research Council, State Research Committee or appropriate Minister.

PART III—ADMINISTRATION OF RESEARCH AND DEVELOPMENT

Division 1—Establishment, functions and powers of Research Councils and State Research Committees

Establishment and functions of Research Councils

11. (1) Where the regulations declare a levy that is imposed in respect of goods of a particular kind, being a levy referred to in column 1 of Part I of Schedule 1, to be, with effect from a day specified in the regulations, a prescribed levy, then, for the purposes of this Act—

- (a) a Research Council is established on that day in respect of goods of that kind; and
- (b) that Research Council shall be known by the name set out in column 4 of that Part opposite to the reference to the levy in column 1 of that Part.

(2) Where the regulations declare levies that are imposed in respect of goods of particular kinds, being the levies referred to in column 1 of Part II, III,

IV or V of Schedule 1, to be, with effect from a day specified in the regulations, a prescribed class of levies, then, for the purposes of this Act—

- (a) a Research Council is established on that day in respect of goods of those kinds; and
- (b) that Research Council shall be known by the name set out in column 4 of that Part opposite to the reference to the levies included in the prescribed class of levies in column 1 of that Part.

(3) Where the regulations declare a levy imposed in respect of goods of a particular kind, not being a levy referred to in column 1 of any Part of Schedule 1, to be, with effect from a day specified in the regulations, a prescribed levy, then, for the purposes of this Act—

- (a) a Research Council is established on that day in respect of goods of that kind; and
- (b) that Research Council shall be known by the name specified in the regulations.

(4) Where the regulations declare levies imposed in respect of goods of particular kinds, not being levies referred to in column 1 of any Part of Schedule 1, to be, with effect from a day specified in the regulations, a prescribed class of levies, then, for the purposes of this Act—

- (a) a Research Council is established on that day in respect of goods of those kinds; and
- (b) that Research Council shall be known by the name specified in the regulations.

(5) The functions of a Research Council established in respect of goods of a particular kind or kinds are—

- (a) to investigate and evaluate the requirements for research and development in respect of goods of that kind or those kinds generally and, on the basis of that investigation and evaluation, to develop research and development plans in accordance with section 22;
- (b) to develop, in respect of each year of the period covered by a research and development plan, an annual research and development program in accordance with section 27;
- (c) to approve, in accordance with paragraph 9 (1) (c), the payment of money from the Research Fund established in respect of goods of that kind or those kinds;
- (d) to monitor, and report to the Parliament and to the organization, or each organization, that is a relevant industry organization in relation to goods of that kind or those kinds on, the research and development activities, in respect of goods of that kind or those kinds, that are funded, in whole or in part, from money standing to the credit of that Research Fund;
- (e) to participate, as required, in co-ordination meetings convened pursuant to section 61; and

- (f) such other functions as are conferred on that Research Council by this Act or any other Act.

Establishment and functions of State Research Committees

12. (1) Where the regulations declare the levy imposed on goods by the *Barley Research Levy Act 1980* to be, with effect from a day that is specified in the regulations, a prescribed levy, there is established, in relation to each State that is referred to in column 2 of Part I of Schedule 2 opposite to the reference to the levy in column 1 of that Part, on that day, a Research Committee for that State in respect of goods of that kind having the name specified in column 3 of that Part opposite to the reference to that State.

(2) Where the regulations declare the levies imposed on goods by the *Wheat Tax Act 1957* and the *Wheat Tax Act 1979* to be, with effect from a day that is specified in the regulations, a prescribed class of levies, there is established, in relation to each State that is referred to in column 2 of Part II of Schedule 2 opposite to the reference to those levies in column 1 of that Part, on that day, a Research Committee for that State in respect of goods of those kinds having the name specified in column 3 of that Part opposite to the reference to that State.

(3) The functions of a Research Committee established for a State in respect of goods of a particular kind or kinds are—

- (a) to investigate and evaluate the requirement for research and development in respect of goods of that kind or those kinds with particular emphasis upon the research and development requirements of that State and, on the basis of that investigation and evaluation, to develop research and development plans for that State in accordance with section 22;
- (b) to develop, in respect of each year of the period covered by a research and development plan for that State, an annual research and development program for that State in accordance with section 27;
- (c) to approve, in accordance with paragraph 9 (2) (a), the payment of money from the Research Fund established in respect of goods of that kind or those kinds, being money standing to the credit of an account kept in accordance with paragraph 8 (2) (b) in relation to that State;
- (d) to monitor, and to report to the Research Council established in respect of goods of that kind or those kinds on, the research and development activities, in respect of goods of that kind or those kinds, that are funded, in whole or in part, from money standing to the credit of that Research Fund; and
- (e) such other functions as are conferred on that State Research Committee by this Act or any other Act.

Powers of Research Councils and State Research Committees

13. (1) A Research Council or State Research Committee has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) To the extent that it is practicable to do so, a Research Council or State Research Committee shall endeavour to ensure that the exercise, at any time, of the powers conferred on it by this Act is consistent with, and designed to give effect to the provisions of, any research and development plan, and of any annual research and development program, prepared by it and in force at that time.

Division 2—Constitution and meetings of Research Councils and State Research Committees

Constitution of Research Councils and State Research Committees

14. (1) A Research Council shall be constituted by the following members, namely:

- (a) a Chairperson;
- (b) a government member; and
- (c) such number of other members, being a number that is not fewer than 3 nor more than 7, as the Minister determines, in writing, to be appropriate in relation to that Research Council.

(2) A State Research Committee shall be constituted by the following members, namely:

- (a) a Chairperson; and
- (b) such number of other members, being a number that is not fewer than 4 nor more than 8, as the Minister determines, in writing, to be appropriate in relation to that State Research Committee.

(3) The Minister shall not determine the number of members referred to in paragraph (1) (c) in relation to a Research Council, established in respect of goods of a particular kind or kinds, until he or she has consulted the relevant industry organization or the relevant industry organizations in relation to goods of that kind or those kinds with respect to the matter and has had regard to the views, if any, expressed by that organization or those organizations.

(4) The Minister shall not determine the number of members referred to in paragraph (2) (b) in relation to a State Research Committee until he or she has consulted the appropriate Minister of the State concerned with respect to the matter and has had regard to the views expressed by the appropriate Minister.

(5) All members of a Research Council or State Research Committee shall hold office as part-time members.

(6) A member of a Research Council or State Research Committee shall be appointed by the Minister with effect from such day as the Minister specifies in the instrument of appointment of the member.

(7) A member of a Research Council, other than the Government member, or a member of a State Research Committee holds office, subject to this Act, for such period, not exceeding 3 years, as the Minister specifies in the instrument of appointment of the member but is eligible for re-appointment.

(8) The Government member of a Research Council holds office, subject to this Act, during the Minister's pleasure.

(9) A person who has attained the age of 65 years shall not be appointed as a member of a Research Council or of a State Research Committee.

(10) A person shall not be appointed as a member, other than the Government member, of a Research Council or as a member of a State Research Committee for a period that extends beyond the day on which the person will attain the age of 65 years.

(11) A person holding office as the Government member of a Research Council shall cease to hold office on the day on which the person will attain the age of 65 years.

(12) The Minister shall not appoint a person to be the government member unless the Minister is satisfied that that person has a knowledge of, and experience in, the formulation of government policy and in public administration.

(13) The members of a Research Council, other than the Chairperson and the government member, shall be appointed from persons nominated by the Selection Committee in accordance with section 46.

(14) The Chairperson and the other members of a State Research Committee shall be appointed from persons nominated for the purpose by the appropriate Minister of the State concerned.

(15) The members of a Research Council or State Research Committee hold office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined, in writing, by the Minister.

(16) The exercise of a power or the performance of a function by a Research Council or State Research Committee is not affected by reason only of there being a vacancy or vacancies in the membership of that Research Council or State Research Committee.

Acting Chairpersons of Research Councils or State Research Committees

15. (1) The Minister may appoint a person to act as Chairperson of a Research Council or State Research Committee—

- (a) during a vacancy in the office of Chairperson of that Research Council or State Research Committee, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairperson of that Research Council or State Research Committee is absent from duty or from Australia, or is, for any other reason, unable to perform the functions of the office of Chairperson of that Research Council or State Research Committee,

but a person appointed to act during a vacancy shall not continue so to act after the expiration of 12 months commencing on the date on which the vacancy occurred.

(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Minister may—

(a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Chairperson of a Research Council or State Research Committee; and

(b) terminate such an appointment at any time.

(4) Where a person is acting as Chairperson of a Research Council or a State Research Committee in accordance with paragraph (1) (b) and the office of Chairperson of that Research Council or State Research Committee becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months commencing on the day on which the vacancy occurred expires, whichever first happens.

(5) The appointment of a person to act as Chairperson ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Minister.

(6) While a person is acting as Chairperson of a Research Council, or of a State Research Committee, the person has, and may exercise, all the powers, and shall perform all the functions, of the Chairperson of that Research Council or State Research Committee under this Act.

(7) The validity of anything done by, or in relation to, a person purporting to act as the Chairperson of a Research Council or of a State Research Committee under sub-section (1) shall not be called in question on the ground that the occasion for the person's appointment had not arisen, that there is a defect or irregularity in or in connection with the person's appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

Leave of absence in respect of members of Research Councils or State Research Committees

16. (1) The Minister may grant leave of absence to the Chairperson of a Research Council or State Research Committee upon such terms and conditions as the Minister thinks fit.

(2) The Chairperson of a Research Council or State Research Committee may grant leave of absence to another member of that Research Council or State Research Committee upon such terms and conditions as the Chairperson of that Research Council or State Research Committee thinks fit.

Removal and resignation of members of Research Councils or State Research Committees

17. (1) The Minister may terminate the appointment of a member of a Research Council or State Research Committee for misbehaviour or physical or mental incapacity.

(2) If—

- (a)** a member of a Research Council or State Research Committee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (b)** a member of a Research Council or State Research Committee fails, without reasonable excuse, to comply with the member's obligations under section 18;
- (c)** the Chairperson of a Research Council or State Research Committee is absent, except with leave of the Minister, from 3 consecutive meetings of that Research Council or State Research Committee; or
- (d)** a member of a Research Council or State Research Committee other than the Chairperson of that Council or Committee is absent, except with the leave of the Chairperson, from 3 consecutive meetings of that Research Council or State Research Committee,

the Minister shall terminate the appointment of the member concerned.

(3) A member of a Research Council or State Research Committee may resign from office by writing signed by the member and delivered to the Minister.

Disclosure of interests of members of Research Councils or State Research Committees

18. (1) A member of a Research Council or State Research Committee who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by that Research Council or State Research Committee, being an interest that could conflict with the proper performance of that member's functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to the knowledge of that member, disclose the nature of that interest at a meeting of that Research Council or State Research Committee.

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

Remuneration and allowances of members of Research Councils and State Research Committees

19. (1) Each member of a Research Council or State Research Committee shall be paid such remuneration as is determined by the Remuneration Tribunal.

(2) Each member of a Research Council or State Research Committee shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act 1973* other than sub-sections 7 (9) and (13) of that Act.

Appointment of members to sub-committees

20. (1) A Research Council may appoint members of that Council to be a sub-committee of that Research Council for the purpose of advising that Research Council in relation to the performance of its functions.

(2) A State Research Committee may appoint members of that State Research Committee to be a sub-committee of that State Research Committee for the purpose of advising that State Research Committee in relation to the performance of its functions.

(3) For the purpose of determining the remuneration and allowances, or expenses, payable to a person who is a member of a Research Council or State Research Committee in respect of his or her performance of duties as a member of a sub-committee of that Research Council or State Research Committee, any act or thing done by the person in his or her capacity as a member of that sub-committee shall be treated as if it were done by the person in his or her capacity as a member of that Research Council or State Research Committee.

Meetings of Research Councils or State Research Committees

21. (1) The Chairperson of a Research Council or State Research Committee may convene such meetings of that Research Council or State Research Committee as the Chairperson considers necessary for the performance of its functions.

(2) Meetings of a Research Council or State Research Committee shall be held at such places and at such times as the Chairperson of that Research Council or State Research Committee determines.

(3) The Chairperson of a Research Council or State Research Committee shall preside at all meetings of the Research Council or State Research Committee at which the Chairperson is present.

(4) If, at a meeting of a Research Council or State Research Committee, the Chairperson of that Research Council or State Research Committee is not present, the members of that Research Council or State Research Committee who are present shall elect one of their number to preside at the meeting.

(5) A quorum at a meeting of a Research Council or State Research Committee is constituted by a majority of the members of that Research Council or State Research Committee.

(6) At a meeting of a Research Council or State Research Committee—

(a) all questions shall be determined by a majority of the votes of the members of the Research Council or State Research Committee present and voting; and

- (b) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(7) A Research Council or State Research Committee shall keep a record of its proceedings.

Division 3—Research and Development Plans and Annual Research and Development Programs

Research Councils and State Research Committees to develop research and development plans

22. (1) Each Research Council shall develop, and prepare in written form, in accordance with a determination in force under sub-section (6), for each successive period determined in accordance with sub-section (5), a research and development plan defining the principal objectives of that Research Council during that period in relation to research and development in respect of goods of the particular kind or kinds in respect of which that Research Council was established and giving a broad outline of the strategies to be pursued by that Research Council in achieving those objectives.

(2) Each State Research Committee shall develop, and prepare in written form, in accordance with a determination in force under sub-section (6), for each successive period determined in accordance with sub-section (5), a research and development plan defining the principal objectives of that State Research Committee during that period in relation to research and development in respect of goods of the particular kind or kinds in respect of which that State Research Committee was established with particular emphasis upon research and development requirements of the State in respect of which that State Research Committee was established and giving a broad outline of the strategies to be pursued by that State Research Committee in achieving those objectives.

(3) A research and development plan shall not be prepared by a Research Council for the purposes of sub-section (1) or by a State Research Committee for the purposes of sub-section (2) until that Research Council or State Research Committee has consulted the relevant industry organization or the relevant industry organizations in relation to goods of a particular kind or kinds in respect of which that Research Council or State Research Committee was established and any other Department or other agency that that Research Council or State Research Committee considers appropriate and has had regard to the views (if any) expressed as a result of those consultations.

(4) A research and development plan shall not be prepared for the purposes of sub-section (2) by a State Research Committee established in respect of goods of a particular kind or kinds unless that State Research Committee has consulted with the Research Council established in respect of goods of that kind or those kinds concerning the matters proposed for inclusion in that plan with a view to minimizing or avoiding the inclusion in that plan of matters included in plans that have been prepared, or to be included in plans

that are being prepared, by that Research Council and by each other State Research Committee established in respect of goods of that kind or those kinds.

(5) The first research and development plan prepared by a Research Council in accordance with sub-section (1) or by a State Research Committee in accordance with sub-section (2) shall be expressed to relate to the period of 5 years commencing on the 1 July next following the day on which that Research Council or State Research Committee is established, or to such lesser period, not being a period of less than 4 years, ending on the day on which that first-mentioned period ends, as the Minister approves for the purposes of this sub-section, and each subsequent plan shall be expressed to relate to the period of 5 years commencing at the end of the period to which the immediately preceding plan relates.

(6) The Minister shall determine, in writing, the form of, and, subject to the other requirements of this section, the matters to be dealt with by, each research and development plan that is required to be prepared in accordance with sub-section (1) or (2) and may, from time to time, vary any determination so made.

(7) The Minister—

- (a) shall not make a determination under sub-section (6) or vary any determination so made unless the Minister has consulted with the persons attending a co-ordination meeting convened under section 61 concerning the proposed determination or the proposed variation and has had regard to the views expressed at that meeting in relation to that determination or variation; and
- (b) shall notify, in writing, any determination or variation so made to the Chairperson of each Research Council or State Research Committee as soon as practicable after that determination or variation is made.

Approval of research and development plans

23. (1) A research and development plan prepared by a Research Council or State Research Committee in accordance with section 22 shall be submitted to the Minister for approval not less than 3 months, or such lesser period as the Minister, in special circumstances, allows, before the intended day of commencement of the period to which the plan relates and shall not come into force until—

- (a) the day on which it is approved by the Minister; or
- (b) the day of commencement of the period to which it relates,

whichever is the later.

(2) Where a research and development plan is submitted to the Minister by a Research Council or State Research Committee in accordance with sub-section (1) and the Minister is of the opinion that the plan should be revised in some respect, the Minister may request that Research Council or State Research Committee to revise the plan appropriately and shall include in such a request a statement setting out his or her reasons for making the request.

(3) If a Research Council or a State Research Committee receives a request under sub-section (2), it shall consider the request and statement of reasons and shall make such revision of the research and development plan to which the request relates as it considers to be appropriate and shall then submit the plan, as so revised, to the Minister for approval.

Variation of research and development plans by Research Councils or State Research Committees

24. (1) A Research Council or State Research Committee that prepared a research and development plan shall, as soon as practicable after the 30 June next following the day on which the plan comes into force and as soon as practicable after each subsequent 30 June occurring before the day of expiration of the plan, review the plan and consider whether a variation of the plan is necessary.

(2) A Research Council or State Research Committee that prepared a research and development plan may, at any time other than the times referred to in sub-section (1), whether or not the plan has come into force, review the plan and consider whether a variation to the plan is necessary.

(3) Where a Research Council or State Research Committee that prepared a research and development plan considers that a variation to the plan is necessary, it may, with the approval of the Minister, vary the plan.

(4) When requesting the Minister's approval for a variation of a research and development plan, a Research Council or State Research Committee shall provide the Minister with a statement of its reasons for making the request and shall provide the Minister with such other information as the Minister requests.

(5) The Minister may, after considering the request and statement of reasons and such other information (if any) as has been provided at his or her request, approve or reject the requested variation or may approve such other variation as he or she thinks fit.

Variation of research and development plans at request of Minister

25. (1) A research and development plan, whether or not it has come into force, may be varied by the Research Council or State Research Committee that prepared the plan at the request, and with the approval, of the Minister.

(2) When requesting a Research Council or State Research Committee to vary a research and development plan, the Minister shall include in the request a statement setting out the reasons for making the request.

(3) If a Research Council or State Research Committee receives a request under sub-section (2) to vary a research and development plan, it shall consider the request and statement of reasons to which the request relates and shall make, and submit to the Minister for his or her approval, such variation of the plan as it considers to be appropriate.

Date of commencement of research and development plans as varied

26. Where a variation of a research and development plan is approved by the Minister, in accordance with section 24 or 25, after the plan has come into force, the plan as so varied shall continue in force, on and after the day on which the variation is so approved, as if the plan had originally been approved by the Minister as so varied.

Research Councils and State Research Committees to develop annual research and development programs

27. (1) Each Research Council or State Research Committee shall develop, and prepare in written form, for each successive period determined in accordance with sub-section (3), an annual research and development program that—

- (a) specifies the particular research and development activities (if any), in respect of goods of the particular kind or kinds in respect of which that Research Council or State Research Committee was established, that that Research Council, or State Research Committee proposes to fund; and
- (b) describes the particular kinds of research and development activities (if any), in respect of goods of that kind or those kinds, that that Research Council or State Research Committee is prepared, subject to its examination of specific proposals in that respect, to fund,

in whole or in part, during that period, from money provided from the Research Fund established in respect of goods of that kind or those kinds, for the purpose of giving effect to the research and development plan prepared by that Research Council or State Research Committee that relates, or the intended research and development plan prepared by that Research Council or State Research Committee that will relate, to a period that includes, or will include, that first-mentioned period.

(2) An annual research and development program prepared in accordance with sub-section (1) shall—

- (a) in relation to each research and development activity (if any) that is specified in the program in accordance with paragraph (1) (a)—set out the nature of that activity, provide an estimate of the likely duration of that activity, provide an estimate of the total of the amounts (if any) that have been paid, and of the amounts that are likely to be paid, from the Research Fund in respect of that activity and provide an estimate of the total amount likely to be paid from the Research Fund in respect of that activity during the period to which the program relates; and
- (b) in relation to each kind of research and development activity (if any) that is described in the program in accordance with paragraph (1) (b)—provide an estimate of the maximum amount likely to be paid from the Research Fund in respect of activities of that kind during the period to which the program relates.

(3) The first annual research and development program prepared by a Research Council or State Research Committee in accordance with sub-section (1) shall be expressed to relate to the period commencing on the day of commencement of the period to which the first research and development plan prepared by that Research Council or State Research Committee relates and ending on the 30 June next following that day and each subsequent annual research and development program shall be expressed to relate to the period of one year commencing at the end of the period to which the immediately preceding annual research and development program relates.

Approval of annual research and development programs

28. (1) An annual research and development program prepared by a Research Council or State Research Committee in accordance with section 27 shall be submitted to the Minister by that Research Council or State Research Committee for approval not less than 2 months, or such lesser period as the Minister, in special circumstances, allows, before the intended day of commencement of the period to which the program relates and shall not come into force until—

- (a) the day on which it is approved by the Minister; or
 - (b) the day of commencement of the period to which it relates,
- whichever is the later.

(2) Where an annual research and development program is submitted to the Minister by a Research Council or State Research Committee in accordance with sub-section (1) and the Minister is of the opinion that the program is inconsistent with the provisions of the research and development plan prepared by that Research Council or State Research Committee that relates, or the intended research and development plan prepared by that Research Council or State Research Committee that will relate, to a period that includes, or will include, the period to which the program will relate, the Minister may request that Research Council or State Research Committee to revise the program appropriately and shall include in the request a statement setting out his or her reasons for making the request.

(3) If a Research Council or a State Research Committee receives a request under sub-section (2), it shall consider the request and statement of reasons and shall make such revision of the annual research and development program to which the request relates as it considers to be appropriate and shall then submit the program, as so revised, to the Minister for approval.

(4) Where, if a proposed variation of a research and development plan developed by a Research Council or State Research Committee were to be approved by the Minister, an annual research and development program developed by that Council or Committee, being a program that relates to a period that is included in the period to which the plan relates, would not be consistent with the provisions of the plan, that Research Council or State Research Committee shall, when submitting to the Minister for his or her approval the variation of the plan, also submit to the Minister for his or her approval such variation of the program as it considers to be appropriate.

(5) The Minister shall approve an annual research and development program submitted to the Minister by a Research Council or State Research Committee under sub-section (1) or (3), or a variation of such a program submitted to the Minister by a Research Council or State Research Committee under sub-section (4), unless the Minister is of the opinion that it is inconsistent with the provisions of the research and development plan prepared by that Research Council or State Research Committee that relates, or the intended research and development plan prepared by that Research Council or State Research Committee that will relate, to a period that includes or will include the period to which the program or the program as so varied, relates.

(6) Where a variation of an annual research and development program is approved by the Minister in accordance with sub-section (5) after the program has come into force, the program as so varied shall continue in force on and after the date on which the variation is so approved as if the program had originally been approved by the Minister as so varied.

Division 4—Staff and Advisers

Staff and advisers

29. (1) The Chairperson of a Research Council or of a State Research Committee may, subject to sub-section (3), on behalf of the Commonwealth, engage persons to perform administrative and clerical services in connection with the performance of its functions.

(2) The Chairperson of a Research Council or of a State Research Committee established in respect of goods of a particular kind or kinds may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience to advise the Research Council or State Research Committee in relation to any purpose in respect of which money may be paid out of the Research Fund established in respect of goods of that kind or those kinds.

(3) A person shall not be engaged for the performance of a service referred to in sub-section (1) unless the Minister has approved that engagement or the engagement of persons to perform services of that kind.

(4) A person engaged under sub-section (1) by the Chairperson of a Research Council or of a State Research Committee shall be engaged on such terms and conditions as are, with the approval of the Public Service Board, determined by that Research Council or State Research Committee.

(5) A person engaged under sub-section (2) by the Chairperson of a Research Council or of a State Research Committee shall be engaged on such terms and conditions as are determined by that Research Council or State Research Committee.

Division 5—Accountability

Annual reports of Research Councils

30. (1) Each Research Council that is established in respect of goods of a particular kind or kinds shall, as soon as practicable after 30 June in each year,

prepare and give to the Minister a report of the operations of Parts II, III and VI of this Act in relation to goods of that kind or those kinds during the year that ended on that 30 June.

(2) Where regulations made for the purposes of section 12 have declared a levy imposed on goods of a particular kind to be a prescribed levy or levies imposed on goods of particular kinds to be a prescribed class of levies, each State Research Committee established in respect of goods of that kind or those kinds shall, as soon as practicable after 30 June, but not later than 31 August, in each year, give to the Research Council established in respect of goods of that kind or those kinds—

- (a) a report of its operations during the year ending on that 30 June for inclusion in the annual report required to be prepared by the Research Council under sub-section (1); and
- (b) particulars of its intended activities during the year next following that year.

(3) Where regulations made for the purposes of section 12 have declared a levy imposed on goods of a particular kind to be a prescribed levy or levies imposed on goods of particular kinds to be a prescribed class of levies, the appropriate Minister in relation to the State of Tasmania shall, as soon as practicable after 30 June, but not later than 31 August, in each year, give to the Research Council established in respect of goods of that kind or those kinds—

- (a) a report setting out particulars of any agreement made under sub-section 10 (3) by that Minister, or by a person authorized by that Minister to act under that sub-section, in respect of the undertaking of any research and development activity in respect of goods of that kind or those kinds during the year ending on that 30 June for inclusion in the annual report required to be prepared by that Research Council under sub-section (1); and
- (b) particulars of any research and development activities in respect of goods of that kind or those kinds that that Minister proposes to fund during the year next following that year.

(4) A report prepared by a Research Council under sub-section (1) or by a State Research Committee under sub-section (2) shall include an assessment of the extent to which the operations of that Research Council or State Research Committee during the year to which the report relates—

- (a) have contributed to the objectives set out in the research and development plan that was prepared by that Research Council or State Research Committee, as the case may be, and that relates to a period that includes that year; and
- (b) have given effect to the annual research and development program that was prepared by that Research Council or State Research Committee, as the case may be, in respect of that year.

(5) The Minister shall cause a copy of the report given to the Minister under sub-section (1) to be laid before each House of the Parliament within 15

sitting days of that House after the day on which the Minister receives the report.

(6) Where a Research Council or a State Research Committee is established on a day other than 1 July in any year, this section has effect, for the purpose of its application in relation to that Research Council or State Research Committee, as if the period beginning on the day on which that Research Council or State Research Committee is established and ending on the 30 June first occurring after that day were a period of one year.

Accountability to industry

31. The Chairperson of a Research Council established in respect of goods of a particular kind or kinds shall, as soon as practicable after the annual report of the Research Council is given to the Minister, make arrangements with the relevant industry organization, or each relevant industry organization, in relation to goods of that kind or those kinds, to attend a meeting of the executive of that organization or of a committee of the executive of that organization nominated by the executive of that organization, for the purpose of enabling members of that executive or committee—

- (a) to consider the annual report of that Research Council;
- (b) to receive an address by the Chairperson of that Research Council—
 - (i) with respect to the performance of that Research Council in the period to which the annual report relates and with respect to the intended activities of that Research Council in the year next following the end of that period; and
 - (ii) where State Research Committees have been established in respect of goods of the kind or kinds in respect of which that Research Council was established—with respect to the performance of those State Research Committees in the period to which the annual report relates and with respect to the intended activities of those State Research Committees in the year next following the end of that period; and
- (c) to question the Chairperson concerning—
 - (i) any aspect of that Research Council's activities during the period to which the annual report relates and any aspect of the intended activities of that Research Council; and
 - (ii) where State Research Committees have been established in respect of goods of the kind or kinds in respect of which that Research Council was established—any aspect of the activities of those State Research Committees during the period to which the annual report relates and any aspect of the intended activities of those State Research Committees.

PART IV—AUSTRALIAN SPECIAL RURAL RESEARCH FUND

Establishment of Special Research Fund

32. (1) There is established by this Act, on a day specified in the regulations, being a day not earlier than 1 January 1986, a Fund by the name of the Australian Special Rural Research Fund.

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

Establishment and functions of Special Research Council

33. (1) There is established by this Act, on the day on which the Special Research Fund is established, a Council by the name of the Australian Special Rural Research Council.

(2) The functions of the Special Research Council are—

- (a)** to investigate and evaluate the requirements for research and development in respect of goods generally or goods of a particular kind or kinds, being research and development that—
 - (i)** is, to the satisfaction of the Council, required to be undertaken in the national interest;
 - (ii)** relates solely to goods of a kind or kinds in respect of which a Research Council has not been established; or
 - (iii)** relates to goods of a kind or kinds in respect of which a Research Council has been established and also to other goods (whether goods of a kind or kinds in respect of which a Research Council has been established or not),and, on the basis of that investigation and evaluation, to develop research and development plans in accordance with section 22 in its application pursuant to section 39;
- (b)** to develop, in respect of each year covered by a research and development plan, an annual research and development program in accordance with section 27 in its application pursuant to section 39;
- (c)** to approve, in accordance with paragraph 36 (1) (a), the payment of money from the Special Research Fund;
- (d)** to monitor, and report to the Parliament and to the prescribed organization or each prescribed organization on, the research and development activities in respect of goods generally or goods of a particular kind or kinds that are being funded, in whole or in part, from money standing to the credit of the Special Research Account;
- (e)** to participate, as required, in co-ordination meetings convened pursuant to section 61; and
- (f)** such other functions as are conferred on the Special Research Council by this Act or any other Act.

Money to be paid into Special Research Fund

- 34.** There shall be paid into the Special Research Fund amounts equal to—
- (a) the amounts from time to time appropriated by the Parliament for the purposes of the Special Research Fund;
 - (b) amounts paid by any person or organization to the Commonwealth for the purposes of the Special Research Fund generally;
 - (c) amounts paid to the Commonwealth for the purposes of a particular research and development activity, or particular research and development activities, in respect of goods generally or goods of a particular kind or kinds;
 - (d) amounts received by the Commonwealth—
 - (i) from the sale of any property paid for with money from the Special Research Fund;
 - (ii) from the sale of any property produced, or from dealing with patents in respect of inventions made, in the course of carrying out any research and development activity, or research and development activities, in respect of goods generally or goods of a particular kind or kinds, paid for with money from the Special Research Fund; or
 - (iii) in respect of any work paid for with money from the Special Research Fund; and
 - (e) amounts received by the Commonwealth as interest from the investment of money standing to the credit of the Special Research Fund.

Separate accounts

35. (1) Where money is made available to the Special Research Fund for the purposes of a particular research and development activity, or particular research and development activities, in respect of goods generally or goods of a particular kind or kinds, being research and development activities that are, to the satisfaction of the Special Research Council, closely related, a separate account shall be kept of that money.

(2) A separate account shall be kept of the money referred to in paragraphs 34 (a) and (b).

(3) The amounts referred to in paragraphs 34 (d) and (e) shall be credited to the various separate accounts kept in accordance with sub-sections (1) and (2) in such proportions as the Special Research Council determines to be appropriate.

(4) Where the Minister is satisfied, after having regard to the advice of the Special Research Council, that money standing to the credit of a particular account, being an account kept for the purpose of undertaking a particular research and development activity, or particular research and development activities, in respect of goods generally or goods of a particular kind or kinds is not required, and is not likely to be required, for the purpose of that research

and development activity or those research and development activities, the Minister may direct, in writing, that the money be transferred to such other account referred to in this section as is specified by the Minister, and, where the Minister so directs, the money shall be transferred accordingly.

(5) In giving a direction under sub-section (4) the Minister shall specify that the money standing to the credit of a particular account be transferred either to the credit of the account referred to in sub-section (2) or to the credit of an account referred to in sub-section (1) that is kept for a purpose that, in the opinion of the Minister, most nearly relates to the purpose for which the account from which the money is to be transferred was kept.

Application of money in Special Research Fund

36. (1) Subject to sub-sections (2) and (3), the money in the Special Research Fund standing to the credit of an account kept under section 35 may be paid out of that last-mentioned account—

- (a) with the approval of the Special Research Council, for the purposes of research and development activities in respect of goods generally or goods of a particular kind or kinds that are included in an annual research and development program that has been prepared by the Special Research Council and is in force at the time when the approval is given;
- (b) in payment of expenses incurred by the Special Research Council in the performance of its functions;
- (c) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in the management of the investment of money standing to the credit of the Special Research Fund;
- (d) in payment of remuneration and allowances payable to the members of the Special Research Council under section 19 in its application pursuant to section 39;
- (e) in payment of remuneration and allowances payable to persons engaged under section 29 in its application pursuant to section 39 to advise the Special Research Council; and
- (f) in payment to the Commonwealth of amounts equal to amounts specified in notices given to the Special Research Council under section 58 by the Selection Committee in respect of its activities in relation to the selection of members of the Special Research Council.

(2) The Special Research Council shall not, pursuant to sub-section (1), approve the payment of an amount out of an account kept for the purposes of a particular research and development activity, or particular research and development activities, in respect of goods generally or goods of a particular kind or kinds, for the purpose of any other research and development activity in respect of goods generally or goods of a particular kind or kinds.

(3) Money in the Special Research Fund standing to the credit of an account kept for the purposes of a particular research and development activity, or particular research and development activities, in respect of goods

generally or goods of a particular kind or kinds, shall not be paid out of that account, pursuant to sub-section (1) —

- (a) in respect of expenses of a kind referred to in paragraph (1) (b)—unless those expenses were incurred in connection with that first-mentioned research and development activity or those first-mentioned research and development activities;
- (b) in respect to remuneration or allowances of a kind referred to in paragraph (1) (d)—unless that remuneration or those allowances were payable to a member of the Special Research Council in respect of work performed by that member in respect of that first-mentioned research and development activity or those first-mentioned research and development activities;
- (c) in respect of remuneration or allowances of a kind referred to in paragraph (1) (e)—unless that remuneration or those allowances were payable to a person referred to in that paragraph in respect of work performed by that person in respect of that first-mentioned research and development activity or those first-mentioned research and development activities; or
- (d) in respect of any amount, or any part of an amount referred to in paragraph (1) (c) or (f).

(4) The reference in paragraph (1) (b) to the expenses incurred by the Special Research Council in the performance of its functions shall be taken to include a reference to expenses incurred by the Special Research Council in respect of the provision to it of administrative and clerical services if, and only if, those services are provided by a person engaged under sub-section 29 (1) in its application pursuant to section 39 or are provided under an arrangement entered into pursuant to sub-section (5).

(5) The Special Research Council may enter into an arrangement with the Minister, on behalf of the Commonwealth, for the provision of administrative and clerical services to the Special Research Council by the Commonwealth, and where such an arrangement is entered into, any fee paid by the Special Research Council under that arrangement for the provision of those services shall be taken, for the purposes of this Act, to be an expense incurred by the Special Research Council in the performance of its functions.

Agreements relating to research and development, &c.

37. (1) The Chairperson of the Special Research Council or another person, being another member of the Special Research Council or an officer of the Australian Public Service, who is authorized by the Chairperson of the Special Research Council, in writing, to act under this section, may, on behalf of the Commonwealth, make an agreement with a person, an authority or an organization for the purposes of, or for purposes in connection with, the funding of a research and development activity in respect of goods generally or goods of a particular kind or kinds, being an activity that has been included in an annual research and development program prepared by the Special Research Council and in force at the time when the agreement is made.

(2) Without limiting the generality of sub-section (1), an agreement made by the Chairperson of the Special Research Council or by a person authorized to act under that sub-section by the Special Research Council with a person, an authority or an organization in relation to money to be provided out of the Special Research Account may—

(a) provide for—

(i) the money provided under the agreement, and any property acquired with that money, or with money that includes that money, to be used only for purposes specified in the agreement; and

(ii) the payment by the person, authority or organization to the Commonwealth, for the purposes of the Special Research Fund, of an amount equal to the whole, or such part as the Special Research Council determines, of the money provided under the agreement if any of the money provided under the agreement or any of the property referred to in sub-paragraph (i) is used for a purpose not specified in the agreement;

(b) provide for the payment by the person, authority or organization to the Commonwealth, for the purposes of the Special Research Fund, of an amount equal to the whole, or such part as the Special Research Council determines, of any net income derived by the person, authority or organization from—

(i) property acquired with money provided under the agreement or with money that includes that money; or

(ii) interests in, rights to apply for patents in respect of, or patents in respect of, inventions made, or any other property acquired, in the course of undertaking a research and development activity to which the agreement relates or doing any other act or thing with that money or with money that includes that money;

(c) provide for the assignment by the person, authority or organization to the Commonwealth of any property referred to in sub-paragraph (b) (i) or of any interests, rights, patents or other property referred to in sub-paragraph (b) (ii); and

(d) provide for the payment by the person, authority or organization to the Commonwealth for the purposes of the Research Fund, 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 Special Research Council 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 Special Research Council.

Accountability of Special Research Council to industry

38. The Chairperson of the Special Research Council shall, as soon as practicable after the annual report of the Special Research Council is given to

the Minister, make arrangements with the prescribed organization or each prescribed organization to attend a meeting of the executive of that organization or of a committee of that executive having responsibility for matters relating to research and development for the purpose of enabling members of the executive or committee—

- (a) to consider the annual report of the Special Research Council;
- (b) to receive an address by the Chairperson of the Special Research Council with respect to the performance of the Special Research Council in the period to which the annual report relates and with respect to the intended activities of the Special Research Council in the year next following the end of that period; and
- (c) to question the Chairperson concerning any aspect of the Special Research Council's activities during the period to which the annual report relates and any aspect of the intended activities of the Special Research Council.

Application of provisions of this Act in relation to Special Research Council

39. Sections 14 to 30 (inclusive), 41, 44 to 48 (inclusive), 50, 56, 58 and 61 apply to and in relation to the Special Research Council as if—

- (a) any reference in any of those provisions (other than sub-section 14 (3), 22 (1), (3) or (4), 27 (1), 29 (2), 30 (2) or (3), 44 (2), (4) or (5), 46 (4) or 50 (3) or (5)) to a Research Council or to a particular Research Council were a reference to the Special Research Council;
- (b) any reference in any of those provisions to Research Councils included a reference to the Special Research Council;
- (c) any reference in any of those provisions (other than sub-section 27 (1) or 29 (2)) to a Research Fund were a reference to the Special Research Fund;
- (d) sub-section 14 (3) were omitted and the following sub-section were substituted:

“(3) The Minister shall not determine the number of members referred to in paragraph (1) (c) in relation to the Special Research Council until he or she has consulted the prescribed organization or each prescribed organization and has had regard to such views (if any) as are expressed by that organization or each of those organizations.”;

- (e) sub-section 22 (1) were omitted and the following sub-section were substituted:

“(1) The Special Research Council shall develop, and prepare in written form, for each successive period determined in accordance with sub-section (4), for the purpose of the more effective performance by the Special Research Council of its functions, a research and development plan defining the principal objectives of the Special Research Council during that period in relation to research and development in respect of goods generally or goods of a particular kind or kinds, being research and development of the kind referred to in

paragraph 33 (2) (a), and giving a broad outline of the strategies to be pursued by the Special Research Council in achieving those objectives.”;

- (f) sub-sections 22 (3) and (4) were omitted and the following sub-section were substituted:

“(3) A research and development plan shall not be prepared for the purposes of sub-section (1) by the Special Research Council until the Special Research Council has consulted the prescribed organization or each prescribed organization and any Department or other agency that the Special Research Council considers appropriate and has had regard to the views (if any) expressed as a result of those consultations.”;

- (g) sub-section 27 (1) were omitted and the following sub-section were substituted:

“(1) The Special Research Council shall develop, and prepare in written form, for each successive period determined in accordance with sub-section (3), an annual research and development program that—

- (a) specifies the particular research and development activities (if any), in respect of goods generally or goods of a particular kind or kinds, that the Special Research Council proposes to fund; and
- (b) describes the particular kinds of research and development activities (if any) in respect of goods generally or goods of a particular kind or kinds, that the Special Research Council is prepared, subject to its examination of specific proposals in that respect, to fund,

in whole or in part, during that period, from money provided from the Special Research Fund, for the purpose of giving effect to the research and development plan prepared by the Special Research Council that relates, or the intended research and development plan prepared by the Special Research Council that will relate, to a period that includes, or will include, that first-mentioned period.”;

- (h) sub-section 29 (2) were omitted and the following sub-section were substituted:

“(2) The Special Research Council may engage persons having suitable qualifications and experience to advise the Special Research Council in relation to any purpose in respect of which money may be paid out of the Special Research Fund.”;

- (j) sub-sections 30 (1), (2) and (3) were omitted and the following sub-section were substituted:

“(1) The Special Research Council shall, as soon as practicable after 30 June in each year, prepare and give to the Minister a report of the operation of Part IV of this Act during that year that ended on that 30 June.”;

- (k) sub-section 44 (2) were omitted and the following sub-section were substituted:

“(2) In appointing persons to be further members of the Selection Committee for the purpose the performance of the functions of the Selection Committee referred to in paragraphs 41 (b) and (c) in respect of the Special Research Council, the Minister shall have regard to the desirability that persons associated with the production of goods other than goods in respect of which a prescribed levy or a levy included in a prescribed class of levies is imposed be members of that Committee.”;

- (m) sub-sections 44 (4) and (5) were omitted;

- (n) sub-section 44 (7) were omitted and the following sub-section were substituted:

“(7) A person who has resigned is eligible for re-appointment.”;

- (o) sub-section 46 (4) were omitted and the following sub-section were substituted:

“(4) A person is eligible for nomination for appointment to the Special Research Council notwithstanding that a proposal for his or her nomination for appointment to the Special Research Council or to a Research Council has been rejected at a previous meeting of the Selection Committee or that a nomination for his or her appointment to the Special Research Council or to a Research Council has previously been rejected by the Minister.”;

- (p) sub-section 50 (3) were omitted and the following sub-section were substituted:

“(3) Where the Minister appoints a person under section 44 in its application to the Special Research Council to be a member of the Selection Committee, the Minister may appoint a person to be the deputy of that member.”; and

- (q) sub-section 50 (5) were omitted.

PART V—RESEARCH COUNCILS SELECTION COMMITTEE

Division 1—Establishment, functions and powers of Selection Committee

Establishment of Research Councils Selection Committee

40. There is established by this Act an authority by the name of the Research Councils Selection Committee.

Functions of Selection Committee

41. The functions of the Selection Committee are—

- (a) to develop standard procedures for the identification of persons likely to meet the requirements of selection criteria formulated by the Selection Committee in the performance of the function referred to in paragraph (b);

- (b) to formulate criteria for the selection of persons as members of Research Councils; and
- (c) to select persons to be nominated for appointment as members of Research Councils and to nominate persons so selected to the Minister for appointment as such members.

Powers of Selection Committee

42. The Selection Committee has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

Division 2—Constitution and meetings of Selection Committee

Constitution of Selection Committee otherwise than for performance of function referred to in paragraph 41 (b) or (c)

43. (1) Subject to section 44, the Selection Committee shall consist of the following members, namely:

- (a) a Chairperson;
- (b) a member appointed for the purpose of this paragraph;
- (c) a member appointed on the nomination of the Australian Agricultural Council; and
- (d) a member appointed on the nomination of the National Farmers' Federation.

(2) All members shall be appointed as part-time members.

(3) A member of the Selection Committee as constituted under this section—

- (a) shall be appointed by the Minister with effect from such day as the Minister specifies in the instrument of appointment of the member; and
- (b) holds office, subject to this Act, for such period, not exceeding 3 years, as the Minister specifies in that instrument of appointment, but is eligible for re-appointment.

(4) The Minister shall not appoint a person for the purposes of paragraph (1) (b) unless the Minister is satisfied that the person has a knowledge of, and experience in, scientific matters, research development or marketing.

(5) If the Minister is not satisfied as to the suitability of a person nominated for appointment to the Selection Committee by a body referred to in paragraph (1) (c) or (d), the Minister may request that body to make a further nomination.

(6) If a body on the nomination of which a member was appointed to the Selection Committee requests the Minister to terminate the appointment, the Minister shall terminate the appointment accordingly.

(7) The exercise of a power or the performance of a function by the Selection Committee is not affected by reason of there being a vacancy or vacancies in the membership of the Selection Committee.

(8) A person who has resigned, or whose appointment is terminated pursuant to sub-section (6), is eligible for re-appointment.

Constitution of Selection Committee for performance of functions referred to in paragraphs 41 (b) and (c)

44. (1) The Selection Committee as constituted in accordance with section 43 shall, for the purpose of the performance of the functions of the Selection Committee referred to in paragraphs 41 (b) and (c) in respect of a particular Research Council, be augmented by the appointment, by the Minister, to the Selection Committee as so constituted, of 3 further members, or, if the organization, or each organization, that is a relevant industry organization in relation to goods of the kind or kinds in respect of which that Research Council is established requests that a lesser number of further members be appointed, such lesser number of further members as is requested by that organization or by all of those organizations.

(2) The Minister shall not appoint a person to be a further member of the Selection Committee for the purpose of the performance of the functions of the Selection Committee referred to in paragraphs 41 (b) and (c) in respect of a particular Research Council unless that further member has been nominated by the organization, or each organization, that is a relevant industry organization in relation to goods of the kind or kinds in respect of which that Research Council is established.

(3) A member appointed under sub-section (1)—

- (a) shall be appointed with effect from such day as the Minister specifies in the instrument of appointment of the member; and
- (b) holds office, subject to this Act, for such period, not exceeding 3 years, as the Minister specifies in the instrument of appointment, but is eligible for re-appointment.

(4) If the Minister is not satisfied that a person nominated for appointment to the Selection Committee by a relevant industry organization or relevant industry organizations in accordance with sub-section (2) is suitable for appointment, the Minister may request that organization or those organizations to make a further nomination.

(5) Where—

- (a) a member was appointed to the Selection Committee under sub-section (1) on the nomination of a relevant industry organization or relevant industry organizations; and
- (b) that relevant industry organization or any of those relevant industry organizations requests the Minister to terminate the appointment,

the Minister shall terminate the appointment accordingly.

(6) Sub-sections 43 (2) and (7) apply in relation to a member appointed to the Selection Committee pursuant to sub-section (1) of this section in like manner as they apply to a member appointed to the Selection Committee under section 43.

(7) A person who has resigned or whose appointment is terminated pursuant to sub-section (5) is eligible for re-appointment.

Minister may request nominations

45. The Minister may—

- (a) for the purpose of appointing the members of a Research Council; or
- (b) for the purpose of filling a vacancy caused by the resignation of, or termination of the appointment of, any of the members of a Research Council,

by notice in writing given to the Chairperson of the Selection Committee, request the Selection Committee, as augmented in accordance with section 44, to give to the Minister, within such period as is specified in the notice, the names of persons, or of a person, as the case requires, considered by the Selection Committee as so augmented to be suitable for appointment as such members or as such a member.

Selection of persons for nomination

46. (1) A person is not entitled to be nominated by the Selection Committee for appointment as a member of a Research Council unless that person possesses qualifications relevant to, or has expertise in, one or more of the following fields of activity:

- (a) commodity production;
- (b) commodity processing;
- (c) commodity marketing;
- (d) science;
- (e) technology, and technology transfer;
- (f) economics;
- (g) administration of research and development in respect of any goods;
- (h) finance;
- (j) business management.

(2) For the purpose of enabling it to nominate a person or persons for appointment to a Research Council, the Selection Committee—

- (a) shall invite the nomination of persons for consideration by the Selection Committee—
 - (i) by advertisements placed in a newspaper that circulates throughout Australia; and
 - (ii) by notice in writing given to the organization, or each organization, that is a relevant industry organization in relation to goods of the kind or kinds in respect of which that Research Council is established; and

- (b) may invite the nomination of persons for consideration by the Selection Committee in any other manner it considers appropriate.

(3) In selecting, pursuant to sub-section (1), persons for nomination for appointment as members of a Research Council, the Selection Committee shall choose from the available candidates such persons as will best ensure that that Research Council collectively possesses qualifications and experience in as many as possible of the fields of activity referred to in paragraphs (1) (a) to (j) (inclusive).

(4) A person is eligible for nomination for appointment to a Research Council notwithstanding that a proposal for his or her nomination for appointment to that Research Council, to another Research Council or to the Special Research Council has been rejected at a previous meeting of the Selection Committee or that a nomination for his or her appointment to that Research Council, to another Research Council or to the Special Research Council has previously been rejected by the Minister.

(5) A person who is a member of the Selection Committee is not eligible for nomination for appointment to a Research Council and a person who has been a member of the Selection Committee is not eligible for nomination to a Research Council until a period of one year has elapsed after the person ceased or last ceased to be a member.

Nominations

47. (1) The Selection Committee shall, by the day specified by the Minister in a notice requesting the nomination of a person or persons for appointment to a Research Council, inform the Minister, by notice in writing, of the name or names of the person or persons whom the Selection Committee considers suitable for appointment.

(2) Subject to sub-section 48 (1), the Selection Committee shall make only one nomination in respect of each appointment to be made by the Minister.

(3) The notice specifying the name of a person or the names of persons nominated for appointment to a Research Council shall be accompanied by a statement in respect of the person, or of each of the persons, so nominated—

- (a) containing details of the person's qualifications or experience in any one or more of the fields of activity referred to in paragraphs 46 (1) (a) to (j) (inclusive); and
- (b) containing such other information relating to the person as the Selection Committee thinks appropriate to include so as to assist the Minister in considering whether to appoint the person.

(4) If the Minister considers the information contained in a statement accompanying a nomination made to the Minister by the Selection Committee to be inadequate for the Minister to consider the suitability of the person nominated for appointment, the Minister may, by notice in writing given to the Chairperson, require the Selection Committee, by such date as the Minister

specifies in the notice, to provide the Minister with such further information of the kind referred to in sub-section (3) as the Minister specifies.

Minister may reject nominations

48. (1) Where the Minister is not satisfied that a person nominated for appointment as a member of a Research Council by the Selection Committee is suitable for appointment, the Minister may inform the Selection Committee, by notice in writing given to the Chairperson, that the Minister rejects the nomination and may include in that notice a further request for a nomination.

(2) For the purposes of this Act, a further request made under sub-section (1) shall be treated as a request made under and in accordance with section 45.

Acting Chairperson of Selection Committee

49. (1) The Minister may appoint a person to act as Chairperson—

- (a)** during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
- (b)** during any period, or during all periods, when the Chairperson is absent from duty or from Australia, or is, for any other reason, unable to perform the functions of the office of Chairperson,

but a person appointed to act during a vacancy shall not continue so to act after the expiration of 12 months commencing on the date on which the vacancy occurred.

(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) A person who is a member of the Selection Committee, or a deputy of such a member, is not eligible to be appointed to act as Chairperson.

(4) The Minister may—

- (a)** determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Chairperson; and
- (b)** terminate such an appointment at any time.

(5) Where a person is acting as Chairperson in accordance with paragraph (1) (b) and the office of Chairperson becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months commencing on the day on which the vacancy occurred expires, whichever first happens.

(6) The appointment of a person to act as Chairperson ceases to have effect if the person resigns his or her appointment by writing signed by the person and delivered to the Minister.

(7) While a person is acting as Chairperson, the person has, and may exercise, all the powers, and shall perform all the functions, of the Chairperson under this Act.

(8) The validity of anything done by, or in relation to, a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for the person's appointment had not arisen, that there is a defect or irregularity in or in connection with the person's appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

Deputies of members of Selection Committee

50. (1) The Minister may appoint a person to be the deputy of the member of the Selection Committee referred to in paragraph 43 (1) (b).

(2) The Minister may, upon the nomination of a body referred to in paragraph 43 (1) (c) or (d), appoint a person to be the deputy of the member of the Selection Committee appointed pursuant to that paragraph.

(3) Where a relevant industry organization referred to in sub-section 44 (2) has, or relevant industry organizations referred to in that sub-section have, nominated a person for appointment as a member of the Selection Committee for the purpose of the performance of the functions of the Selection Committee referred to in paragraphs 41 (b) and (c) in respect of a particular Research Council and the Minister has appointed that person as a member of the Selection Committee, the Minister may, on the nomination of that organization or those organizations, appoint a person to be the deputy of that member of the Selection Committee.

(4) If a member of the Selection Committee who is entitled to attend a meeting of the Selection Committee does not attend the meeting, the person appointed to be the deputy of that member may attend the meeting and, while the deputy attends the meeting, the deputy shall be deemed to be a member of the Selection Committee.

(5) If a body or organization on the nomination of which a person was appointed to be the deputy of a member of the Selection Committee, requests the Minister to terminate the appointment, the Minister shall terminate the appointment accordingly.

(6) The appointment of a person as the deputy of a member of the Selection Committee is not invalidated, and shall not be called in question, by reason of a defect or irregularity in or in connection with the person's nomination or appointment.

Casual vacancies

51. (1) If the Chairperson of the Selection Committee ceases to hold office before the expiration of the period for which the Chairperson was appointed, the Minister may appoint another person to be the Chairperson for the remainder of that period.

(2) If a member of the Selection Committee as it is constituted for the performance of a particular function or particular functions ceases to hold office as such a member before the expiration of the period for which the person

was appointed, the Minister may appoint another person as the member of the Selection Committee as so constituted for the remainder of that period.

(3) For the purposes of sub-section (2), if the member of the Selection Committee who ceased to hold office had been appointed by the Minister on a nomination by a body referred to in paragraph 43 (1) (c) or (d), the person appointed by the Minister shall be a person nominated to the Minister by that body.

(4) For the purposes of sub-section (2), if the member of the Selection Committee who ceased to hold office had been appointed by the Minister under sub-section 44 (1) on a nomination by a relevant industry organization or relevant industry organizations referred to in sub-section 44 (2), the person appointed by the Minister shall be a person nominated to the Minister by that organization or those organizations.

Leave of absence in respect of members of Selection Committee

52. (1) The Minister may grant leave of absence to the Chairperson of the Selection Committee upon such terms and conditions as the Minister thinks fit.

(2) The Chairperson may grant leave of absence to another member of the Selection Committee upon such terms and conditions as the Chairperson thinks fit.

Removal and resignation of members of Selection Committee

53. (1) The Minister may terminate the appointment of a member of the Selection Committee for misbehaviour or physical or mental incapacity.

(2) If—

- (a) a member of the Selection Committee becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for their benefit;
- (b) a member of the Selection Committee fails, without reasonable excuse, to comply with the member's obligations under section 54;
- (c) the Chairperson is absent, except with the leave of the Minister, from 3 consecutive meetings of the Selection Committee; or
- (d) a member of the Selection Committee, other than the Chairperson, is absent, except with the leave of the Chairperson, from 3 consecutive meetings of the Selection Committee that that member is eligible to attend,

the Minister shall terminate the appointment of the member concerned.

(3) A member of the Selection Committee may resign from office by writing signed by the member and delivered to the Minister.

Disclosure of interests of members of Selection Committee

54. (1) A member of the Selection Committee as it is constituted for the performance of a particular function who has a direct or indirect pecuniary

interest in a matter that is being considered, or that is about to be considered, by the Selection Committee as so constituted, being an interest that could conflict with the proper performance of that member's functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to the knowledge of that member, disclose the nature of that interest at a meeting of the Selection Committee.

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

(3) A member of the Selection Committee as it is constituted for the performance of a particular function who has a direct or indirect pecuniary interest in a matter the subject of a document of a kind referred to in section 57, being an interest that could conflict with the proper performance of that member's functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to the knowledge of that member, disclose the nature of that interest to the Minister.

Remuneration and allowances of members of Selection Committee

55. (1) Each member of the Selection Committee and each deputy of a member shall be paid such remuneration as is determined by the Remuneration Tribunal.

(2) Each member of the Selection Committee and each deputy of a member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act 1973* other than sub-sections 7 (9) and (13) of that Act.

Meetings of Selection Committee

56. (1) The Chairperson may convene such meetings of the Selection Committee as the Chairperson considers necessary for the performance of its functions.

(2) Meetings of the Selection Committee shall be held at such places and at such times as the Chairperson determines.

(3) The Chairperson shall preside at all meetings of the Selection Committee at which he or she is present.

(4) If, at a meeting of the Selection Committee, the Chairperson is not present, the members of the Selection Committee who are present shall elect one of their number to preside at the meeting.

(5) Subject to sub-section (6), a quorum at a meeting of the Selection Committee as it is constituted for the performance of a particular function shall consist of a majority of the members of the Selection Committee as so constituted.

(6) Where a meeting of the Selection Committee is convened for the purpose of the performance of a function referred to in paragraph 41 (b) or (c), the quorum for the purposes of that meeting must include a majority of the

members of the Selection Committee who are appointed to the Selection Committee under section 44.

(7) At a meeting of the Selection Committee—

- (a) subject to sub-section (8), a question shall be determined by a majority of the votes of the members of the Selection Committee present and voting; and
- (b) the person presiding—
 - (i) in a case where that person is the Chairperson—has a deliberative vote and, in the event of an equality of votes, also has a casting vote; and
 - (ii) in any other case—has a deliberative vote only.

(8) At a meeting held in the absence of the Chairperson, a person may not be nominated for appointment to a Research Council if his or her proposed nomination is voted against by more than one of the members of the Selection Committee who are present.

(9) The Selection Committee shall keep a record of its proceedings.

Resolutions without formal meetings of Selection Committee

57. (1) If a number of the members of the Selection Committee as constituted for the performance of a particular function (being members who, if they were present at a meeting of the Selection Committee as so constituted, would constitute a quorum) sign a document containing a statement that they are in favour of a resolution of the Selection Committee as so constituted in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a duly convened meeting of the Selection Committee as so constituted on the day on which the document was signed, or, if the members signed the document on different days, on the day on which the document was last signed by a member.

(2) For the purposes of sub-section (1), 2 or more separate documents containing statements in identical terms each of which is signed by one or more members of the Selection Committee as constituted for the performance of a particular function shall together be deemed to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.

Selection Committee to notify costs to each Research Council

58. (1) The Selection Committee shall, as soon as practicable after the end of the period commencing on the day of commencement of this Act and ending on 31 December 1985, and as soon as practicable after the end of each subsequent period of one year, determine the amount, if any, of the costs that were incurred by the Selection Committee during that period that were attributable to the Selection Committee's activities in relation to the selection of the members of a Research Council and shall give to that Research Council a notice in writing specifying the amount of the costs that were so attributable

during that period or stating that no costs were so attributable during that period, as the case requires.

(2) In sub-section (1), a reference to the costs incurred by the Selection Committee shall be taken to include a reference to the remuneration and allowances payable to the Chairperson of the Selection Committee, to the members of the Selection Committee to the deputies of those members and to the staff of, and consultants to, the Selection Committee.

Division 3—Staff and Consultants

Staff and consultants

59. (1) The Chairperson of the Selection Committee may, subject to sub-section (3), on behalf of the Commonwealth, engage persons to perform administrative and clerical services in connection with the performance of its functions as so constituted or as constituted in accordance with section 44.

(2) The Chairperson of the Selection Committee may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience as consultants to the Selection Committee to assist the Selection Committee as constituted in accordance with section 44 in identifying persons suitable for nomination to the Minister.

(3) A person shall not be engaged for the performance of a service referred to in sub-section (1) unless the Minister has approved that engagement or the engagement of persons to perform services of that kind.

(4) A person engaged under sub-section (1) by the Chairperson of the Selection Committee shall be engaged on such terms and conditions as are, with the approval of the Public Service Board, determined by the Selection Committee.

(5) A person engaged under sub-section (2) by the Chairperson of the Selection Committee shall be engaged on such terms and conditions as are determined by that Selection Committee.

Division 4—Accountability

Annual reports of Selection Committee

60. (1) The Selection Committee as constituted in accordance with section 43 shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of its operations during the year that ended on that 30 June.

(2) The Minister shall cause a copy of the report furnished to the Minister under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

(3) For the purposes of sub-section (1), if the Selection Committee is established on a day other than 1 July in any year, that sub-section shall have effect as if—

- (a) the first 30 June to occur after the day on which the Selection Committee is established were the 30 June first occurring at least 6 months after that day; and
- (b) the period beginning on the day on which the Selection Committee is established and ending on the 30 June first occurring at least 6 months after that day were a period of one year.

PART VI—MISCELLANEOUS

Co-ordination meetings

61. (1) The Minister shall, at least once in each financial year—

- (a) cause a meeting, to be called a co-ordination meeting, to be held at a time and place nominated by him or her for the purpose of considering, and, to the extent that it is practicable, co-ordinating, the research and development activities pursued, or proposed to be pursued, by the respective Research Councils and State Research Committees; and
- (b) nominate the Chairperson of one of the Research Councils as the person entitled to preside at that co-ordination meeting.

(2) Each co-ordination meeting shall be attended by the Chairperson of each of the Research Councils, or, if that person is unable to attend, by such other person as is nominated by the Research Council for the purpose.

(3) For the purpose of enabling the Chairperson of, or another person nominated to represent, a Research Council established in respect of goods of a kind or kinds in respect of which State Research Committees have been established under section 12 fully to participate in a co-ordination meeting, each such State Research Committee shall, upon receipt of a written request by the Research Council, give to that Research Council, within such period as is specified in the request, such information as is requested concerning its operations since the time of its last report to the Research Council pursuant to sub-section 30 (2).

(4) If the Chairperson nominated by the Minister to preside at a co-ordination meeting is unable to attend that meeting, the persons attending the meeting in accordance with sub-section (3) shall elect one of their number to preside at the meeting.

(5) The member nominated by the Minister under sub-section (1) as the person entitled to preside at a co-ordination meeting or, if that person is unable to attend the meeting, the person elected to preside in accordance with sub-section (4), may, subject to this Act and to the regulations, give directions regarding the procedure to be followed at or in connection with the meeting.

(6) At a co-ordination meeting—

- (a) all questions shall be decided by a majority of votes of the persons attending the meeting in accordance with sub-section (3) and voting; and
- (b) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(7) The member nominated by the Minister under sub-section (1) as the person entitled to preside at a co-ordination meeting may invite any person involved in the administration of a research and development program in respect of goods of a particular kind or kinds to attend that co-ordination meeting for the purpose of advising the meeting of research and development activities being undertaken, or proposed to be undertaken, in respect of goods of that kind or those kinds under that research program.

Regulations

62. The Governor-General may make regulations, not inconsistent with this Act prescribing all matters—

- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
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SCHEDULE 1

Sections 4, 6 and 11

NAMES OF RESEARCH FUNDS AND RESEARCH COUNCILS ESTABLISHED IN RESPECT OF CERTAIN GOODS

PART I

Column 1	Column 2	Column 3	Column 4
Levy	Research component of levy	Name of Research Fund established under this Act	Name of Research Council established under this Act
Levy imposed by <i>Barley Research Levy Act 1980</i>	Whole of levy referred to in Column 1	Barley Research Trust Fund	Barley Research Council
Levy imposed by <i>Meat Chicken Levy Act 1969</i>	Whole of levy referred to in Column 1	Chicken Meat Research Trust Fund	Chicken Meat Research Council
Levy imposed by <i>Cotton Research Act 1982</i>	Whole of levy referred to in Column 1	Cotton Research Trust Fund	Cotton Research Council
Levy imposed by <i>Dried Fruits Levy Act 1971</i>	Whole of levy referred to in Column 1	Dried Fruits Research Trust Fund	Dried Fruits Research Council
Levy imposed by <i>Oilseeds Levy Act 1977</i>	Whole of levy referred to in Column 1	Oilseeds Research Trust Fund	Oilseeds Research Council
Levy imposed by <i>Pig Slaughter Levy Act 1971</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 6 (1) (a) of the <i>Pig Slaughter Levy Act 1971</i>	Pig Research Trust Fund	Pig Research Council
Levy imposed by <i>Poultry Industry Levy Act 1965</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 6 (1) (b) of the <i>Poultry Industry Levy Act 1965</i>	Poultry Research Trust Fund	Poultry Research Council

PART II

Column 1	Column 2	Column 3	Column 4
Levy	Research component of levy	Name of Research Fund established under this Act	Name of Research Council established under this Act
Levy imposed by section 6 of the <i>Dairying Industry Research and Promotion Levy Act 1972</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 7 (a) of the <i>Dairying Industry Research and Promotion Act 1972</i>	Dairying Research Trust Fund	Dairy Research Council
Levy imposed by section 10 of the <i>Dairying Industry Research and Promotion Levy Act 1972</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 11 (a) of the <i>Dairying Industry Research and Promotion Levy Act 1972</i>		

SCHEDULE 1—continued

PART III

Column 1	Column 2	Column 3	Column 4
Levy	Research component of levy	Name of Research Fund established under this Act	Name of Research Council established under this Act
Levy imposed by <i>Honey Export Charge Act 1973</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 7 (1) (b) of the <i>Honey Export Charge Act 1973</i>	Honey Research Fund	Honey Research Council
Levy imposed by <i>Honey Levy Act (No. 1) 1962</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 5 (1) (b) of the <i>Honey Levy Act (No. 1) 1962</i>		
Levy imposed by <i>Honey Levy Act (No. 2) 1962</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 5 (1) (b) of the <i>Honey Levy Act (No. 2) 1962</i>		

PART IV

Column 1	Column 2	Column 3	Column 4
Levy	Research component of levy	Name of Research Fund established under this Act	Name of Research Council established under this Act
Levy imposed by <i>Tobacco Charge Act (No. 1) 1955</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 5 (b) of the <i>Tobacco Charge Act (No. 1) 1955</i>	Tobacco Research Fund	Tobacco Research Council
Levy imposed by <i>Tobacco Charge Act (No. 2) 1955</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 6 (b) of the <i>Tobacco Charge Act (No. 2) 1955</i>		
Levy imposed by <i>Tobacco Charge Act (No. 3) 1955</i>	So much of levy referred to in Column 1 as is received by virtue of paragraph 5 (b) of the <i>Tobacco Charge Act (No. 3) 1955</i>		

PART V

Column 1	Column 2	Column 3	Column 4
Levy	Research component of levy	Name of Research Fund established under this Act	Name of Research Council established under this Act
Levy imposed by <i>Wheat Tax Act 1957</i>	Whole of levy referred to in Column 1	Wheat Research Fund	Wheat Research Council
Levy imposed by <i>Wheat Tax Act 1979</i>	Whole of levy referred to in Column 1		

SCHEDULE 2

Section 12

NAMES OF STATE RESEARCH COMMITTEES ESTABLISHED IN RESPECT OF CERTAIN GOODS

PART I

Column 1	Column 2	Column 3
Levy	States in respect of which a State Research Committee established under this Act	Name of State Research Committee established under this Act
Levy imposed by <i>Barley Research Levy Act 1980</i>	New South Wales	Barley Research Committee for New South Wales
	Victoria	Barley Research Committee for Victoria
	Queensland	Barley Research Committee for Queensland
	Western Australia	Barley Research Committee for Western Australia
	South Australia	Barley Research Committee for South Australia

PART II

Column 1	Column 2	Column 3
Levy	States in respect of which a State Research Committee established under this Act	Name of State Research Committee established under this Act
Levy imposed by <i>Wheat Tax Act 1957</i>	New South Wales	Wheat Research Committee for New South Wales
Levy imposed by <i>Wheat Tax Act 1979</i>	Victoria	Wheat Research Committee for Victoria
	Queensland	Wheat Research Committee for Queensland
	Western Australia	Wheat Research Committee for Western Australia
	South Australia	Wheat Research Committee for South Australia

[Minister's second reading speech made in—
House of Representatives on 17 April 1985
Senate on 9 May 1985]