



Primary Industries and Energy Legislation Amendment Act 1991

No. 31 of 1991

**An Act to amend Acts relating to matters dealt with by
the Department of Primary Industries and Energy, and for
related purposes**

[Assented to 20 March 1991]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Primary Industries and Energy Legislation Amendment Act 1991*.

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Commencement

2. This Act commences on the day on which it receives the Royal Assent.

**PART 2—AMENDMENTS OF THE GRAPE RESEARCH LEVY
ACT 1986**

Principal Act

3. In this Part, “Principal Act” means the *Grape Research Levy Act 1986*¹.

Interpretation

4. Section 4 of the Principal Act is amended:

- (a) by omitting the definition of “R&D Authority”;
- (b) by inserting the following definition:

“‘representative organisation’ means:

- (a) where the levy is not attached to an R&D Corporation or R&D Fund under section 5 of the *Primary Industries and Energy Research and Development Act 1989*—an organisation in respect of which a declaration is in force under section 5D of the *Rural Industries Research Act 1985* in relation to leviable goods; or
- (b) where the levy is attached to an R&D Corporation under section 5 of the *Primary Industries and Energy Research and Development Act 1989*—an organisation declared under section 7 of that Act to be a representative organisation in relation to the Corporation; or
- (c) where the levy is attached to an R&D Fund under section 5 of that Act—an organisation declared under section 7 of that Act to be a representative organisation in relation to the R&D Council in respect of which the R&D Fund is established under that Act.”.

Regulations

5. Section 10 of the Principal Act is amended by omitting from subsection (2) “an R&D authority” and substituting “a representative organisation”.

**PART 3—AMENDMENTS OF THE PRIMARY INDUSTRIES
AND ENERGY RESEARCH AND DEVELOPMENT ACT 1989**

Principal Act

6. In this Part, “Principal Act” means the *Primary Industries and Energy Research and Development Act 1989*².

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Approval of R&D plans

7. Section 20 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

“(5) Where the Minister approves an R&D plan, the Corporation is, no later than one month after the day on which it is approved by the Minister, to notify each of its representative organisations of the Minister’s approval.”.

Approval of annual operational plans

8. Section 26 of the Principal Act is amended by omitting from subsection (9) all the words after “notify” and substituting “each of its representative organisations of the Minister’s approval”.

Accountability to representative organisations

9. Section 29 of the Principal Act is amended by omitting sub-subparagraph (b) (iii) (B) and substituting the following sub-subparagraphs:

“(B) funds derived from transfer of assets, debts, liabilities and obligations under section 144; and

(C) funds derived from the transfer, under section 151 of this Act, of levies attached to Research Funds under the *Rural Industries Research Act 1985*; and”.

R&D plans

10. Section 101 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) Subject to subsection (3), sections 19 to 24 (inclusive) apply in relation to an R&D plan prepared by an R&D Council as if:

(a) references in those sections to an R&D Corporation were references to the R&D Council; and

(b) the reference in subsection 20 (1) to 2 months were a reference to one month.”.

Approval etc. of annual operational plans

11. Section 103 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) Subject to subsection (2), section 26 (other than subsection 26 (1)) applies in relation to an annual operational plan prepared by an R&D Council as if:

(a) the reference in subsection 26 (2) to the RIR&D Corporation were a reference to the R&D Council; and

(b) references in that section to an R&D Corporation were references to the R&D Council.”.

Annual reports of Selection Committees

12. Section 141 of the Principal Act is amended:

(a) by inserting after subsection (1) the following subsection:

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“(1A) A report for a financial year may, subject to agreement between the Presiding Member and the Chairperson of the R&D Corporation concerned, be included, as a discrete part, in the Corporation’s annual report for that financial year.”;

- (b) by omitting from subsection (2) “The Minister” and substituting “If subsection (1A) does not apply to a report under this section, the Minister”.

Co-ordination meetings

13. Section 142 of the Principal Act is amended:

- (a) by adding at the end of subsection (3) “and each R&D Council”;
(b) by omitting subsections (5) and (6).
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NOTES

1. No. 63, 1986, as amended. For previous amendments, see No. 140, 1989; and No. 17, 1990.
2. No. 17, 1990, as amended. For previous amendments, see No. 134, 1990.

[*Minister’s second reading speech made in—
House of Representatives on 6 December 1990
Senate on 14 February 1991*]