**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.*

**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.

**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:

“(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).

**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*]