



# **Australian Centre for International Agricultural Research Amendment Act 2007**

**No. 115, 2007**

**An Act to amend the *Australian Centre for  
International Agricultural Research Act 1982*, and  
for related purposes**

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# **Australian Centre for International Agricultural Research Amendment Act 2007**

**No. 115, 2007**

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**An Act to amend the *Australian Centre for  
International Agricultural Research Act 1982*, and  
for related purposes**

*[Assented to 28 June 2007]*

**The Parliament of Australia enacts:**

## **1 Short title**

This Act may be cited as the *Australian Centre for International  
Agricultural Research Amendment Act 2007*.

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*Australian Centre for International Agricultural Research Amendment Act 2007*    No. 115,  
2007    1

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## **2 Commencement**

This Act commences on 1 July 2007.

## **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Australian Centre for International Agricultural Research Act 1982*

#### **1 Section 3 (definition of *appoint*)**

Repeal the definition.

#### **2 Section 3 (definition of *appointed member of the Board*)**

Repeal the definition.

#### **3 Section 3 (definition of *Board*)**

Repeal the definition.

#### **4 Section 3**

Insert:

*CEO* means the Chief Executive Officer of the Centre.

#### **5 Section 3 (definition of *Chair*)**

Repeal the definition, substitute:

*Chair* means the Chair of the Commission.

#### **6 Section 3**

Insert:

*Commission* means the Commission for International Agricultural Research established by section 7.

#### **7 Section 3**

Insert:

*Commissioner* means a Commissioner of the Commission appointed in accordance with section 10 and includes the Chair.

#### **8 Section 3 (definition of *Director*)**

Repeal the definition.

## **9 Subsections 4(2), (3) and (4)**

Repeal the subsections, substitute:

- (2) The Centre consists of:
  - (a) the CEO; and
  - (b) the staff of the Centre referred to in section 30.

## **10 After section 4**

Insert:

### **4A The Chief Executive Officer**

There is to be a Chief Executive Officer of the Centre.

Note: Part V deals with the appointment and terms and conditions of the CEO.

## **11 Subsection 5(1)**

Omit “Centre”, substitute “CEO”.

Note: The heading to section 5 is altered by adding at the end “**of the CEO**”.

## **12 Paragraph 5(1)(d)**

Omit “its research programs”, substitute “the research programs referred to in paragraph (a)”.

## **13 Paragraph 5(1)(e)**

Omit “its”, substitute “those”.

## **14 Subsections 5(2) and (3)**

Repeal the subsections, substitute:

- (2) The CEO must, in performing his or her functions with respect to agricultural research, have regard to the need for persons or institutions in developing countries to share in that research.
- (3) Nothing in this section authorises, or permits, the CEO to carry out research on behalf of the Commonwealth.
- (4) The CEO must, in performing his or her functions, comply with any directions given to the CEO under section 5A.

## **15 After section 5**

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Insert:

**5A Power of Minister to give directions**

- (1) The Minister may, by writing, give directions to the CEO with respect to the performance of the CEO's functions under this Act (including in relation to the appropriate strategic direction the CEO should take in performing his or her functions).

Note: A direction under this section is included in the annual report: see section 39.

- (2) A direction given under subsection (1) is not a legislative instrument.

**16 Section 6**

Repeal the section, substitute:

**6 Functions of the staff of the Centre**

The functions of the staff of the Centre referred to in section 30 are to assist the CEO perform his or her functions.

**17 Part III**

Repeal the Part, substitute:

**Part III—Commission for International  
Agricultural Research**

**Division 1—The Commission**

**7 Establishment of Commission**

The Commission for International Agricultural Research is established by this section.

**8 Constitution of the Commission**

The Commission consists of:

- (a) a Chair; and
- (b) 6 other Commissioners.

## **9 Functions of the Commission**

The functions of the Commission are:

- (a) to provide advice to the Minister in relation to the formulation of programs of the kind referred to in paragraph 5(1)(a); and
- (b) to provide advice to the Minister in relation to the funding of things referred to in paragraphs 5(1)(d), (e) and (f); and
- (c) to provide advice to the Minister on program and funding priorities; and
- (d) to provide advice to the Minister, on the Minister's request, on any other matter relating to this Act.

## **Division 2—The Commissioners**

### **10 Appointment of Commissioners**

- (1) A Commissioner is to be appointed by the Governor-General by written instrument.
- (2) A Commissioner holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.
- (3) A person cannot be appointed as a Commissioner if the person is a member of the Council.

### **11 Appointments to be part-time**

A Commissioner holds office on a part-time basis.

### **12 Terms and conditions—general**

A Commissioner holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Governor-General.

### **13 Remuneration and allowances**

- (1) A Commissioner is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Commissioner is to be paid the remuneration that is prescribed by the regulations.

- (2) A Commissioner is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

## **14 Acting Commissioner**

- (1) The Minister may appoint a person to act as a Commissioner:
  - (a) during a vacancy in the office of the Commissioner (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Commissioner is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: Section 33A of the *Acts Interpretation Act 1901* contains provisions relating to acting appointments.

- (2) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
  - (a) the occasion for the appointment had not arisen; or
  - (b) there was a defect or irregularity in connection with the appointment; or
  - (c) the appointment had ceased to have effect; or
  - (d) the occasion to act had not arisen or had ceased.

## **15 Leave of absence**

- (1) The Chair may grant leave of absence to any other Commissioner on the terms and conditions that the Chair determines.
- (2) The Minister may grant leave of absence to the Chair on the terms and conditions that the Minister determines.

## **16 Resignation**

A Commissioner may resign his or her appointment by giving the Governor-General a written resignation.

## **16A Termination of appointment**

- (1) The Governor-General may terminate the appointment of a Commissioner for misbehaviour or physical or mental incapacity.
- (2) The Governor-General must terminate the appointment of a Commissioner if:
  - (a) the Commissioner:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with his or her creditors; or
    - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
  - (b) the Commissioner is absent, except on leave of absence, from 3 consecutive meetings of the Commission; or
  - (c) the Commissioner fails, without reasonable excuse, to comply with section 16B.

## **16B Disclosure of interests**

### *Disclosure to Minister*

- (1) A Commissioner must give written notice to the Minister of any direct or indirect pecuniary interest that the Commissioner has or acquires and that conflicts or could conflict with the proper performance of the Commissioner's functions.

### *Disclosure to Commission*

- (2) A Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission must disclose the nature of the interest to a meeting of the Commission.
  - (3) The disclosure under subsection (2) must be made as soon as possible after the relevant facts have come to the Commissioner's knowledge.
  - (4) The disclosure under subsection (2) must be recorded in the minutes of the meeting of the Commission.
  - (5) The Commissioner:
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- (a) must not be present during any deliberation by the Commission on the matter; and
- (b) must not take part in any decision of the Commission with respect to the matter.

### **Division 3—Meetings of the Commission**

#### **16C Times and places of meetings**

- (1) The Commission must hold such meetings as are necessary for the efficient performance of its functions.
- (2) Meetings are to be held at the times and places determined by the Commission.
- (3) The Chair may call a meeting at any time.
- (4) The Chair must ensure that at least 4 meetings are held each financial year.

#### **16D Notice of meetings**

Each Commissioner is entitled to receive reasonable notice of the Commission's meetings.

#### **16E Who presides at meetings**

- (1) The Chair presides at all meetings of the Commission at which he or she is present.
- (2) If the Chair is not present at a meeting of the Commission, the Commissioners present must elect a Commissioner to preside at the meeting.

#### **16F Quorum**

At a meeting of the Commission, 4 Commissioners constitute a quorum.

### **16G Voting at meetings**

- (1) A question arising at a meeting of the Commission is to be decided by a majority of the votes of the Commissioners present and voting.
- (2) The Commissioner presiding at a meeting of the Commission has a deliberative vote and, if necessary, also a casting vote.

### **16H Conduct of meetings**

- (1) The Commission may, subject to this Division, regulate proceedings at its meetings as it considers appropriate.
- (2) The Commission must ensure that minutes of its meetings are kept.

## **Division 4—Delegation by Commission**

### **16J Delegation by Commission**

- (1) The Commission may, by resolution, delegate all or any of its functions or powers under this Act to a Commissioner.  

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.
- (2) In exercising a delegated function or power, the delegate must comply with any written directions of the Commission.
- (3) The delegation continues in force despite a change in the constitution of the Commission.
- (4) The delegation may be varied or revoked by resolution of the Commission (whether or not there has been a change in the constitution of the Commission).
- (5) A certificate signed by the Chair stating any matter with respect to the delegation is prima facie evidence of the matter.
- (6) A document purporting to be a certificate mentioned in subsection (5) is taken to be such a certificate and to have been duly given unless the contrary is established.

## **Division 5—Directions by the Minister**

### **16K Directions by the Minister**

- (1) The Minister may, by writing, give directions to the Commission with respect to the performance of the Commission's functions under this Act.
- (2) In giving a direction, the Minister must have regard to any relevant advice that he or she may have received from the Council under section 18.
- (3) The Minister must give a copy of a direction to the CEO.

Note: A direction under this section is included in the annual report: see section 39.

### **18 Subsection 18(3)**

Omit "Board", substitute "Commission".

### **19 Paragraph 19(1)(b)**

Repeal the paragraph.

### **20 After subsection 19(2)**

Insert:

- (2A) A person cannot be appointed as a member of the Council if the person is a Commissioner.

### **21 Subsection 19(5)**

Omit "any or all", substitute "either or both".

### **22 Paragraph 19(5)(b)**

Repeal the paragraph.

### **23 After section 19**

Insert:

### **19A Remuneration and allowances**

- (1) An appointed member of the Council is to be paid the remuneration that is determined by the Remuneration Tribunal. If

no determination of that remuneration by the Tribunal is in operation, the appointed member of the Council is to be paid the remuneration that is prescribed by the regulations.

- (2) An appointed member of the Council is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

## **24 Subsection 23(9)**

Repeal the subsection.

## **25 Part V**

Repeal the Part, substitute:

# **Part V—The CEO**

## **24 Appointment of CEO**

- (1) The CEO is to be appointed by the Governor-General by written instrument.
- (2) The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 7 years.
- (3) A person may be appointed as both the CEO and a Commissioner (including the Chair).

## **25 Appointment to be full-time**

The CEO holds office on a full-time basis.

## **26 Terms and conditions—general**

The CEO holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Governor-General.



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## **27 Remuneration and allowances**

- (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed by the regulations.
- (2) The CEO is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

## **28 CEO not to engage in paid employment**

The CEO must not engage in paid employment outside the duties of his or her office without the Minister's approval.

## **29 Acting CEO**

- (1) The Minister may appoint a person to act as the CEO:
  - (a) during a vacancy in the office of the CEO (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the CEO is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: Section 33A of the *Acts Interpretation Act 1901* contains provisions relating to acting appointments.

- (2) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
  - (a) the occasion for the appointment had not arisen; or
  - (b) there was a defect or irregularity in connection with the appointment; or
  - (c) the appointment had ceased to have effect; or
  - (d) the occasion to act had not arisen or had ceased.

## **29A Leave of absence**

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.

- (2) The Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

## **29B Resignation**

The CEO may resign his or her appointment by giving the Governor-General a written resignation.

## **29C Termination of appointment**

- (1) The Governor-General may terminate the appointment of the CEO for misbehaviour or physical or mental incapacity.
- (2) The Governor-General must terminate the appointment of the CEO if:
- (a) the CEO:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with his or her creditors; or
    - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
  - (b) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
  - (c) the CEO engages, except with the Minister's approval, in paid employment outside the duties of his or her office; or
  - (d) the CEO fails, without reasonable excuse, to comply with section 29D.

## **29D Disclosure of interests**

The CEO must give written notice to the Minister of any direct or indirect pecuniary interest that the CEO has or acquires and that conflicts or could conflict with the proper performance of the CEO's functions.

**29E CEO not subject to direction by the Commission on certain matters**

To avoid doubt, the CEO is not subject to direction by the Commission in relation to the CEO's performance of functions, or exercise of powers, under:

- (a) the *Financial Management and Accountability Act 1997*; or
  - (b) the *Public Service Act 1999*;
- in relation to the Centre.

**26 Subsection 30(2)**

Omit "Director" (wherever occurring), substitute "CEO".

**27 Subsection 31(1)**

Omit "Board", substitute "CEO".

**28 Subsection 31(1)**

Omit "Centre", substitute "CEO in relation to the CEO's functions".

**29 Subsection 31(2)**

Omit "Board", substitute "CEO".

**30 Subsection 31(2)**

Omit "Centre", substitute "CEO in relation to the CEO's functions".

**31 Section 32**

Repeal the section, substitute:

**32 Consultants**

The CEO may, on behalf of the Commonwealth, engage consultants to perform services for the CEO related to the CEO's functions.

**32 Sections 34 to 38**

Repeal the sections, substitute:

### **34 Credits to the Account**

There must be credited to the Account amounts equal to the following:

- (a) all money appropriated by the Parliament for the purposes of the Account;
- (b) other money received by the Commonwealth in relation to the performance of the functions of the CEO;
- (c) amounts of any gifts given or bequests made for the purposes of the Account.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

### **35 Purposes of the Account**

- (1) This section sets out the purposes of the Account.
- (2) Amounts standing to the credit of the Account may be debited for the following purposes:
  - (a) in payment or discharge of the costs, expenses and other obligations incurred by the Commonwealth in the performance of the functions of the CEO or of the staff of the Centre referred to in section 30;
  - (b) in payment of any remuneration and allowances payable to any person under this Act.

### **33 Subsection 39(1)**

Omit “Board”, substitute “CEO”.

### **34 At the end of subsection 39(2)**

Add:

- ; and (c) particulars of all directions given during the year by the Minister to the CEO under section 5A; and
- (d) particulars of all directions given during the year by the Minister to the Commission under section 16K.

### **35 Section 40**

Repeal the section.

### **36 Section 41**

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Repeal the section, substitute:

**41 Delegation by Minister**

The Minister may, by writing, delegate to any person all or any of the Minister's functions or powers under this Act.

## Schedule 2—Transitional provisions

### Part 1—Preliminary

#### 1 Definitions

In this Schedule:

***amend*** includes repeal and remake.

***asset*** means:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; or
- (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

***assets official***, in relation to an asset other than land, means the person or authority who, under a law of the Commonwealth, a State or a Territory, under a trust instrument or otherwise, has responsibility for keeping a register in relation to assets of the kind concerned.

***Board*** has the same meaning as in the old law.

***Centre*** means the Australian Centre for International Agricultural Research established by the *Australian Centre for International Agricultural Research Act 1982*.

***CEO*** means the Chief Executive Officer of the Centre.

***commencement time*** means the time when this Schedule commences.

***Commission*** has the same meaning as in the new law.

***Director*** has the same meaning as in the old law.

***instrument***:

- (a) includes:
  - (i) a contract, deed, undertaking or agreement; and
  - (ii) a notice, authority, order or instruction; and
  - (iii) an instrument made under an Act or regulations; and
  - (iv) regulations; but
- (b) does not include an Act.

***land*** means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

***land registration official***, in relation to land, means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

***liability*** means any liability, duty or obligation, whether actual, contingent or prospective.

***new law*** means the *Australian Centre for International Agricultural Research Act 1982* as in force immediately after the commencement time.

***old law*** means the *Australian Centre for International Agricultural Research Act 1982* as in force immediately before the commencement time.

## Part 2—Assets, liabilities and legal proceedings

### 2 Vesting of assets of Centre

- (1) This item applies to the assets of the Centre immediately before the commencement time.
- (2) At the commencement time, the assets to which this item applies cease to be assets of the Centre and become assets of the Commonwealth without any conveyance, transfer or assignment. The Commonwealth becomes the successor in law in relation to these assets.

### 3 Vesting of liabilities of Centre

- (1) This item applies to the liabilities of the Centre immediately before the commencement time.
- (2) At the commencement time, the liabilities to which this item applies cease to be liabilities of the Centre and become liabilities of the Commonwealth without any conveyance, transfer or assignment. The Commonwealth becomes the successor in law in relation to these liabilities.

### 4 Certificates relating to vesting of land

- (1) This item applies if:
  - (a) any land vests in the Commonwealth under this Part; and
  - (b) there is lodged with a land registration official a certificate that:
    - (i) is signed by the Minister; and
    - (ii) identifies the land, whether by reference to a map or otherwise; and
    - (iii) states that the land has become vested in the Commonwealth under this Part.

Note: Certificates under paragraph (1)(b) are presumed to be authentic: see item 17.

- (2) The land registration official may:
    - (a) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and
    - (b) deal with, and give effect to, the certificate.
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## **5 Certificates relating to vesting of assets other than land**

- (1) This item applies if:
- (a) any asset other than land vests in the Commonwealth under this Part; and
  - (b) there is lodged with an assets official a certificate that:
    - (i) is signed by the Minister; and
    - (ii) identifies the asset; and
    - (iii) states that the asset has become vested in the Commonwealth under this Part.

Note: Certificates under paragraph (1)(b) are presumed to be authentic: see item 17.

- (2) The assets official may:
- (a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
  - (b) make such entries in the register as are necessary, having regard to the effect of this Schedule.

## **6 Substitution of Commonwealth as a party to pending proceedings**

If any proceedings to which the Centre was a party were pending in any court or tribunal immediately before the commencement time, the Commonwealth is substituted for the Centre, from the commencement time, as a party to the proceedings.

## **7 Transfer of custody of Centre or Board records**

- (1) This item applies to any records or documents that, immediately before the commencement time, were in the custody of the Centre or the Board.
- (2) The records and documents are to be transferred into the custody of the CEO at or after the commencement time.

## **Part 3—Reference to, and things done by or in relation to, the Centre, the Director or the Board**

### **8 References in instruments**

*References to Centre or Director taken to be references to CEO or Commonwealth*

(1) If:

- (a) an instrument is in force immediately before the commencement time; and
- (b) the instrument contains a reference to the Centre or to the Director;

the instrument has effect from the commencement time as if the reference were a reference to the CEO.

(2) However, if:

- (a) an instrument is in force immediately before the commencement time; and
- (b) the instrument relates to assets or liabilities covered by item 2 or 3; and
- (c) the instrument refers to the Centre or to the Director;

the reference is to be read as a reference to the Commonwealth as necessary to give effect to item 2 or 3, as the case requires.

*References to Board taken to be references to Commission*

(3) If:

- (a) an instrument is in force immediately before the commencement time; and
- (b) the instrument contains a reference to the Board;

the instrument has effect from the commencement time as if the reference were a reference to the Commission.

*Minister and regulations may provide otherwise*

(4) The Minister may, by writing, determine that subitem (1), (2) or (3):

- (a) does not apply in relation to a specified reference; or

- (b) applies as if:

A determination under this subitem has effect accordingly.

- (5) The regulations may provide that an instrument containing a reference specified in a determination under paragraph (4)(a) has effect from the commencement time as if:

*Determinations are not legislative instruments*

- (6) A determination under subitem (4) is not a legislative instrument.

## 9 Operation of laws

*Things done by Centre or Director taken to be done by CEO*

- (1) If, before the commencement time, a thing was done by, or in relation to, the Centre or the Director, then, for the purposes of the operation of any law of the Commonwealth after the commencement time, the thing is taken to have been done by, or in relation to, the CEO.
- (2) For the purposes of subitem (1), a thing done before the commencement time under a provision that is amended by this Act has effect from that time as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.

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*Minister and regulations may provide otherwise*

- (3) The Minister may, by writing, determine that subitem (1):
- (a) does not apply in relation to a specified thing done by, or in relation to, the Centre or the Director; or
  - (b) applies as if the reference in that subitem to the CEO were a reference to the Commonwealth.

A determination under this subitem has effect accordingly.

- (4) The regulations may provide for a thing specified in a determination under paragraph (3)(a) to be taken to have been done by, or in relation to, a specified person or body other than the Commonwealth or the CEO.

*Meaning of **doing***

- (5) To avoid doubt, for the purposes of this item, **doing** a thing includes making an instrument.

*Determinations are not legislative instruments*

- (6) A determination made under subitem (3) is not a legislative instrument.

## **10 Reporting requirements**

*Future reporting requirements*

- (1) If:
- (a) immediately before the commencement time, a law required the Centre, the Director or the Board to provide a report (whether financial statements or otherwise) for a period; and
  - (b) the period ends after the commencement time;
- the CEO must provide the report, as required, for so much of the period as occurs before the commencement time.
- (2) If:
- (a) under subitem (1), the CEO is required to provide a report for a part of a period; and
  - (b) the CEO is also required to provide a similar report for the remainder of the period;
- the CEO may meet the requirements in a single report for the period.

### Outstanding reporting requirements

- (3) If:
- (a) a law required the Centre, the Director or the Board to provide a report (whether financial statements or otherwise) for a period that ended before the commencement time; and
  - (b) the report has not been provided by the commencement time;
- the CEO must provide the report as required.

### Application of law to CEO

- (4) To avoid doubt, if, under this item, the CEO is required to provide a report under a law, the law applies to the CEO in respect of the report in the same way as the law would have applied to the Centre, the Director or the Board in respect of the report.

## Part 4—CEO, staff and consultants

### 11 CEO

- (1) The person holding office as the Director under section 24 of the old law immediately before the commencement time is taken, at the commencement time, to have been duly appointed as the CEO by the Governor-General under section 24 of the new law:
  - (a) for the balance of the person's term of appointment that remained immediately before the commencement time; and
  - (b) on the same terms and conditions as applied to the person immediately before the commencement time.
- (2) This item does not prevent those terms and conditions being varied after the commencement time.

### 12 Staff of the Centre

- (1) A person who was a member of the staff of the Centre immediately before the commencement time is taken, at the commencement time, to have been engaged by the CEO as a member of the staff of the Centre.
- (2) The person is taken to have been engaged on the same terms and conditions as applied to the person immediately before the commencement time.
- (3) This item does not prevent those terms and conditions being varied after the commencement time.

### 13 Arrangements relating to external staff

An arrangement in force under section 31 of the old law immediately before the commencement time continues in force after that time as if it had been entered into under section 31 of the new law.

### 14 Consultants

- (1) A person in respect of whom an engagement was in force under section 32 of the old law immediately before the commencement time is taken, at the commencement time, to have been engaged as a consultant under section 32 of the new law.

- (2) The person is taken to have been engaged on the same terms and conditions as applied to the person immediately before the commencement time.
- (3) This item does not prevent those terms and conditions being varied after the commencement time.

## Part 5—Other matters

### 15 Exemption from stamp duty and other State or Territory taxes

No stamp duty or other tax is payable under a law of a State or Territory in respect of, or in respect of anything connected with:

- (a) the transfer of an asset or liability under this Schedule; or
- (b) the operation of this Schedule in any other respect.

### 16 Constitutional safety net—acquisition of property

- (1) If the operation of this Schedule would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (3) In this item:  
*acquisition of property* has the same meaning as in paragraph 51(xxxi) of the Constitution.  
*just terms* has the same meaning as in paragraph 51(xxxi) of the Constitution.

### 17 Certificates taken to be authentic

A document that appears to be a certificate made or issued under a particular provision of this Schedule:

- (a) is taken to be such a certificate; and
- (b) is taken to have been properly given;

unless the contrary is established.

### 18 Delegation by Minister

- (1) The Minister may, by writing, delegate all or any of his or her powers and functions under this Schedule to the CEO.



- (2) In exercising powers or performing functions under a delegation, the CEO must comply with any directions of the Minister.

## **19 Regulations**

- (1) The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Schedule to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Schedule.
- (2) The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by Schedule 1 to this Act.
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*[Minister's second reading speech made in—  
House of Representatives on 10 May 2007  
Senate on 12 June 2007]*

(50/07)

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