Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985

No. 103, 1985 as amended

Compilation start date: 29 June 2013

Includes amendments up to: Act No. 103, 2013

Prepared by the Office of Parliamentary Counsel, Canberra
About this compilation

The compiled Act

This is a compilation of the *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985* as amended and in force on 29 June 2013. It includes any amendment affecting the compiled Act to that date.

This compilation was prepared on 22 July 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled Act is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

Modifications

If a provision of the compiled Act is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled Act has expired or otherwise ceased to have effect in accordance with a provision of the Act, details of the provision are set out in the endnotes.
Contents

1 Short title ................................................................. 1
2 Commencement .......................................................... 1
3 Acts to be read as one .................................................... 2
4 Interpretation .............................................................. 2
5 Corresponding Research Accounts and corresponding
Research organizations etc. ............................................. 2
6 Money and investments to be credited to Research Funds etc. ........ 3
8 Certain arrangements and agreements to continue in force .......... 6
9 Certain amounts to be paid from Research Fund ...................... 8
10 Reports on operations of relevant Acts ................................ 9

Schedule 1—Corresponding research accounts and
research organizations ................................................. 12

Part I ........................................................................ 12
Part II ....................................................................... 14
Part III ....................................................................... 15
Part IV ....................................................................... 16
Part V ....................................................................... 17

Endnotes .................................................................... 18

Endnote 1—Legislation history ........................................... 18
Endnote 2—Amendment history ........................................ 19
Endnote 3—Uncommenced amendments [none] ................. 20
Endnote 4—Misdescribed amendments [none] .................... 21

Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985
An Act to enact certain transitional provisions and effect certain amendments and repeals in consequence of the enactment of the *Rural Industries Research Act 1985*

1 Short title

This Act may be cited as the *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*.

2 Commencement

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) An amendment effected by section 11, being an amendment of:

(a) an Act that imposes a levy;

(b) an Act that would, upon the making of regulations referred to in section 5, be a relevant Act in relation to a levy; or

(c) an Act that amends an Act that would, upon the making of such regulations, be a relevant Act in relation to a levy;

shall not take effect until the day that is specified in those regulations to be the day with effect from which that levy is declared to be a prescribed levy or a class of levies in which that levy is included is declared to be a prescribed class of levies.

(3) A repeal effected by section 12, being a repeal of:

(a) an Act that would, upon the making of the regulations referred to in section 5, be a relevant Act in relation to a levy; or

(b) an Act that amends an Act that would, upon the making of such regulations, be a relevant Act in relation to such a levy;

shall not take effect until the day that is specified in those regulations to be the day with effect from which that levy is declared to be a prescribed levy or a class of levies in which that levy is included is declared to be a prescribed class of levies.
3 Acts to be read as one

The *Rural Industries Research Act 1985* is incorporated, and shall read as one, with this Act.

4 Interpretation

In this Act, a reference to a levy is a reference to a levy that is specified in column 1 of any Part of Schedule 1 and a reference to a class of levies is a reference to a class of levies all the levies included within which are specified in column 1 of any Part of Schedule 1 other than Part I.

5 Corresponding Research Accounts and corresponding Research organizations etc.

(1) Where regulations made under the *Rural Industries Research Act 1985* declare a levy that is specified in the regulations, being a levy that is referred to in column 1 of Part I of Schedule 1 to this Act, to be, with effect from a day that is specified in the regulations, a prescribed levy, then, for the purposes of this Act:

(a) the Research Fund that is established under the *Rural Industries Research Act 1985* in respect of goods of the kind in respect of which that levy is imposed shall be taken, with effect from that day, to correspond to the research account that is referred to in column 2 of that Part opposite to the reference to the levy in column 1 of that Part;

(b) the Research Council that is established under the *Rural Industries Research Act 1985* in respect of goods of the kind in respect of which that levy is imposed shall be taken, with effect from that day, to correspond to the research organization that is referred to in column 3 of that Part opposite to the reference to the levy in column 1 of that Part; and

(c) the Act or each Act that is referred to in column 4 of that Part, opposite to the reference to the levy in column 1 of that Part shall be taken, with effect from that day, to be a relevant Act in relation to that levy.
Section 6

(2) Where regulations made under the *Rural Industries Research Act 1985* declare levies that are specified in the regulations, being the levies referred to in column 1 of Part II, III, IV or V of Schedule 1 to this Act, to be, with effect from a day specified in those regulations, a prescribed class of levies, then, for the purposes of this Act:

(a) the Research Fund that is established under the *Rural Industries Research Act 1985* in respect of goods of the kinds in respect of which levies included in that class of levies are imposed shall be taken, with effect from that day, to correspond to the research account that is referred to in column 2 of that Part opposite to the reference to those levies in column 1 of that Part;

(b) the Research Council that is established under the *Rural Industries Research Act 1985* in respect of goods of the kinds in respect of which levies included in that class of levies are imposed shall be taken, with effect from that day, to correspond to the research organization that is referred to in column 3 of that Part opposite to the reference to those levies in column 1 of that Part; and

(c) the Act or each Act that is referred to in column 4 of that Part opposite to the reference to those levies in column 1 of that Part shall be taken, with effect from that day, to be a relevant Act in relation to those levies.

6 Money and investments to be credited to Research Funds etc.

(1) Where a Research Fund that is established under the *Rural Industries Research Act 1985* on a particular day is to be taken, in accordance with section 5 of this Act, to correspond to a research account that was established under an Act other than the first-mentioned Act:

(a) money that stood to the credit of that research account immediately before that day shall be deemed to be credited, on that day, to the Research Fund; and

(b) investments that were held for the purposes of that research account immediately before that day shall be taken to be held, on and after that day, for the purposes of the Research Fund.
Section 6

(2) So far as a Research Fund other than the Barley Research Trust Fund or the Wheat Research Trust Fund is concerned, the Minister may, by determination in writing, apportion the money that is credited to, and the investments that are held for the purposes of, that Research Fund pursuant to subsection (1) between each of the separate accounts kept under subsection 8(1) of the *Rural Industries Research Act 1985* in relation to that Research Fund.

(3) So much of any money that is, under subsection (1), credited to a Research Fund established under the *Rural Industries Research Act 1985* as is, under a determination made under subsection (2) apportioned to the account in relation to that Research Fund that is kept under paragraph 8(1)(a) of the *Rural Industries Research Act 1985* shall be taken, for the purposes of this Act and of the *Rural Industries Research Act 1985*, to represent amounts paid into that Research Fund by virtue of subparagraphs 7(1)(a)(i) and (ii) of the *Rural Industries Research Act 1985*.

(4) So much of any investments that are, under subsection (1), taken to be held for the purposes of a Research Fund established under the *Rural Industries Research Act 1985* as are, under a determination made under subsection (2), apportioned to the account in relation to that Research Fund that is kept under paragraph 8(1)(a) of the *Rural Industries Research Act 1985* shall be taken, for the purposes of this Act and of the *Rural Industries Research Act 1985*, to represent investments of amounts paid into that Research Fund by virtue of subparagraphs 7(1)(a)(i) and (ii) of the *Rural Industries Research Act 1985*.

(5) So far as the Barley Research Trust Fund or the Wheat Research Trust Fund is concerned, the Minister may, by determination in writing, apportion the money that is credited to, or investments that are held for the purposes of, that Research Fund pursuant to subsection (1) between each of the separate accounts kept under subsection 8(2) of the *Rural Industries Research Act 1985* in relation to that Research Fund.

(6) Where:

(a) money and investments are, under subsection (1), credited to, or held for the purposes of, the Barley Research Trust Fund or the Wheat Research Trust Fund; and
(b) that money and those investments are, pursuant to a
determination made under subsection (5), apportioned to an
account in relation to that Research Fund kept under
paragraph 8(2)(b) of the *Rural Industries Research Act 1985*,
being an account that is kept in respect of a particular State;
the Minister shall, in that determination, specify:
(c) the part of the money so apportioned to that account that is to
be taken to represent amounts referred to in
subparagraphs 7(1)(a)(i) and (ii) of the *Rural Industries
Research Act 1985*, being amounts that are received by the
Commonwealth in respect of goods of the kind or kinds in
respect of which that Research Fund has been established
that are produced in the State; and
(d) the part of the investments so apportioned to that account that
is to be taken to represent the investments of amounts
referred to in paragraph (c) of this subsection;
and the part of the money, and the investments, to which the
determination relates, shall be taken, for the purposes of this Act
and of the *Rural Industries Research Act 1985*, to represent those
amounts, and those investments of amounts, accordingly.

(7) In making an apportionment, for the purposes of subsection (2) or
(5), of money that stood to the credit of, or of investments held for
the purposes of, a particular research account immediately before
being credited to, or held for the purposes of, a Research Fund
pursuant to subsection (1), the Minister shall have regard, to the
extent that it is practicable to do so, to the amounts from time to
time paid into that research account in respect of amounts received
by the Commonwealth as levy or as amounts in substitution for
levy, to the amounts expended from that research account, to the
principles regulating the withdrawal of that money and to such
other matters as the Minister considers to be relevant.

(8) Where, by reason of the regulations made under the *Rural
Industries Research Act 1985*, a Research Fund is to be established
on a particular day in respect of goods to which the *Poultry
Industry Levy Act 1965* applies, the Minister may, at any time after
the making of those regulations and before that day, determine, in
writing, that, having regard to the expenditure likely to have been
incurred but to be unpaid on that day, or likely to be incurred thereafter, in relation to research activities agreed upon pursuant to section 6B of the Poultry Industry Assistance Act 1965, a specified amount constituting part of the money standing to the credit of the Poultry Industry Trust Fund that was established under the Poultry Industry Assistance Act 1965 should be transferred on that day from the Poultry Industry Trust Fund to the credit of that Research Fund, and, where the Minister has so determined, an amount equal to that amount shall be deemed to be so transferred on that day.

(9) Money that is, pursuant to a determination made under subsection (7), transferred to the credit of a Research Fund that is established under the Rural Industries Research Act 1985 in respect of goods to which the Poultry Industry Levy Act 1965 applies shall:

(a) be credited to the account, in relation to that Research Fund, that is kept under paragraph 8(1)(a) of the Rural Industries Research Act 1985; and

(b) be taken, for the purposes of this Act and of the Rural Industries Research Act 1985, to represent amounts paid into that Research Fund by virtue of subparagraphs 7(1)(a)(i) and (ii) of the Rural Industries Research Act 1985.

(10) The Minister shall not make a determination for the purposes of subsection (8) until the Minister has consulted the Australian Egg Marketing Council.

8 Certain arrangements and agreements to continue in force

(1) Where:

(a) the Minister administering an Act referred to in column 4 of a Part of Schedule 1 or a person authorized by that Minister had, in order to give effect to that Act, or to particular provisions of that Act, entered into an arrangement or agreement on behalf of the Commonwealth relating to the carrying out of research activities in connection with goods of a particular kind, being goods upon which a levy is imposed, or goods of particular kinds, being goods upon which levies included in a class of levies are imposed;
(b) that levy or that class of levies is declared, by regulations made under the *Rural Industries Research Act 1985*, to be, with effect from a particular day, a prescribed levy or a prescribed class of levies; and

(c) the arrangement or agreement was in force immediately before that day;

the arrangement or agreement has effect, on and after that day, as if:

(d) the arrangement or agreement had been entered into under section 10 of the *Rural Industries Research Act 1985*, on behalf of the Commonwealth, by the Chairperson of the Research Council that is established under that Act in respect of goods of that kind or those kinds;

(e) any provision in the arrangement or agreement for a matter to be determined by, or agreed to by, the Minister administering the first-mentioned Act were a provision for that matter to be determined by, or agreed to by, the Research Council; and

(f) any provision in the arrangement or agreement that money be paid from a trust account established by the first-mentioned Act for the purpose of research or for the purpose of research and for other purposes were a provision that the money be paid from the Research Fund that, in accordance with section 5, corresponds with that research account.

(2) Where:

(a) the Minister administering the *Poultry Industry Assistance Act 1965* or a person authorized by that Minister had entered into an arrangement or agreement on behalf of the Commonwealth relating to the carrying out of research activities in connection with goods upon which levy is imposed under the *Poultry Industry Levy Act 1965*;

(b) that levy is declared, by regulations made under the *Rural Industries Research Act 1985*, to be, with effect from a particular day, a prescribed levy; and

(c) an arrangement or agreement was in force immediately before that day;

the arrangement or agreement has effect, on and after that day, as if:

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*Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*
Section 9

(d) the arrangement or agreement had been entered into under section 10 of the *Rural Industries Research Act 1985*, on behalf of the Commonwealth, by the Chairperson of the Research Council that is established under that Act in respect of goods of that kind;

(e) any provision in the arrangement or agreement for a matter to be determined by, or agreed to by, the Minister administering the first-mentioned Act were a provision for that matter to be determined by, or agreed to by, the Research Council; and

(f) any provision in the arrangement or agreement that money be paid from the Poultry Industry Trust Account that was established under the first-mentioned Act for the purpose of research or for purposes of research and for other purposes were a provision that the money be paid from the Research Fund that is established under the *Rural Industries Research Act 1985* for that purpose or for those purposes.

9 Certain amounts to be paid from Research Fund

(1) Where, under the *Rural Industries Research Act 1985*, a levy other than a levy that is imposed by the *Poultry Industry Levy Act 1965* is declared to be a prescribed levy, or a class of levies is declared to be a prescribed class of levies, with effect from a particular day, there may be paid from the Research Fund that is established under the first-mentioned Act in respect 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, any amount that was, immediately before that day, payable under the relevant Act in relation to that levy or those levies in respect of:

(a) the expenses incurred in the performance of its functions by a research organization that was established by that relevant Act, being the research organization with which, in accordance with section 5, the Research Council established under the *Rural Industries Research Act 1985*, with effect from that day, in respect of goods of that kind or those kinds, corresponds;

(b) remuneration and allowances payable to a member, or a deputy of a member, of the research organization referred to in paragraph (a);
(c) remuneration and allowances payable to a person appointed as a consultant or adviser to the research organization referred to in paragraph (a); or

(d) if that relevant Act is the Barley Research Act 1980, the Cotton Research Act 1982 or the Oilseeds Levy Collection and Research Act 1977—the refunding by the Commonwealth of an amount under section 9 of that Act.

(2) Where, under the Rural Industries Research Act 1985, the levy imposed by the Barley Research Levy Act 1980 is declared to be a prescribed levy, or the levies imposed by the Wheat Tax Act 1957 and the Wheat Tax Act 1979 are declared to be a prescribed class of levies, with effect from a particular day, there may be paid from the Barley Research Trust Fund or the Wheat Research Trust Fund, as the case may be, that is established under the first-mentioned Act any amount that was, immediately before that day, payable under the relevant Act in relation to that levy or those levies in respect of:

(a) the expenses incurred in the performance of its functions by a research organization that was established under that last-mentioned Act in relation to a State;

(b) remuneration and allowances payable to a member, or a deputy of a member, of any such research organization; or

(c) remuneration and allowances payable to a person appointed as a consultant or adviser to any such research organization.

(3) Where, pursuant to subsection (2), money is authorized to be paid from the Barley Research Trust Fund or the Wheat Research Trust Fund in respect of a research organization that was established under another Act in relation to a particular State, that money shall be so paid from the account in relation to that Research Fund that is kept, in accordance with the requirements of subsection 8(2) of the Rural Industries Research Act 1985, in relation to that State.

10 Reports on operations of relevant Acts

(1) Where, under the Rural Industries Research Act 1985, a levy is declared to be a prescribed levy, or a class of levies is declared to be a prescribed class of levies, with effect from a particular day, the Research Council that is established under that Act with effect
from that day in respect 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, shall, as soon as practicable after the 30 June next following that day, prepare and give to the Minister a report on the operation of the Act that is the relevant Act in relation to that levy or those levies during the period that commenced immediately after the expiration of the last period in respect of which an annual report on the operation of that relevant Act was prepared pursuant to the requirements of that relevant Act and ended on that first-mentioned day.

(2) The persons who, immediately before the day with effect from which a Research Council referred to in subsection (1) is established under the Rural Industries Research Act 1985, were members of the research organization with which, in accordance with section 4, the Research Council corresponds, shall give to the Research Council such information as is necessary to enable the Research Council to prepare the report referred to in subsection (1).

(3) Where, under the Rural Industries Research Act 1985, the levy that is imposed by the Poultry Industry Act 1965 is declared to be a prescribed levy, with effect from a particular day, the Research Council that is established under the first-mentioned Act with effect from that day in respect of goods in respect of which that levy is imposed shall, as soon as practicable after the 30 June next following that day, prepare and give to the Minister a report on the operation of the Poultry Industry Assistance Act 1965 in relation to research activities initiated under that Act during the period that commenced immediately after the expiration of the last period in respect of which an annual report on the operation of the Poultry Industry Assistance Act 1965 was prepared pursuant to the requirements of the Poultry Industry Assistance Act 1965 and ended on that first-mentioned day.

(4) The persons who, immediately before the day with effect from which a Research Council is established under the Rural Industries Research Act 1985 in respect of goods upon which levy is imposed under the Poultry Industry Levy Act 1965, were members of the sub-committee of the Australian Egg Marketing Council that is
known as the Poultry Research Advisory Committee shall give to the Research Council such information as is necessary to enable the Research Council to prepare the report referred to in subsection (3).

(5) The report prepared by a Research Council pursuant to subsection (1) or (3) shall be included within, and, for the purposes of the *Rural Industries Research Act 1985*, be taken to form a part of, the first annual report prepared by that Research Council under section 30 of that Act.
Schedule 1—Corresponding research accounts and research organizations

Section 5

Part I

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12 Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985
## Corresponding research accounts and research organizations

### Schedule 1

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14  
*Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*
Part III

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16  
*Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*
## Part V

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*Rural Industries Research (Transitional Provisions and Consequential Amendments) Act*

1985 17
Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*.

<table>
<thead>
<tr>
<th>Act</th>
<th>Number and year</th>
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<th>Commencement date</th>
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<td>Primary Industries and Energy Legislation Amendment Act (No. 2) 1994</td>
<td>129, 1994</td>
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(a) The *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985* was amended by section 3 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1994*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

18 *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*
This endnote sets out the amendment history of the *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*.

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>s. 7</td>
<td>rep. No. 111, 2009</td>
</tr>
<tr>
<td>s. 11</td>
<td>rep. No. 103, 2013</td>
</tr>
<tr>
<td>s. 12</td>
<td>rep. No. 103, 2013</td>
</tr>
</tbody>
</table>

**Schedule 1**

Schedule 1 ................................ am. No. 129, 1994

**Schedule 2**

Schedule 2 ................................ rep. No. 103, 2013

**Schedule 3**

Schedule 3 ................................ rep. No. 103, 2013
Endnotes

Endnote 3—Uncommenced amendments [none]

There are no uncommenced amendments.
Endnote 4—Misdescribed amendments [none]

There are no misdescribed amendments.