EXPLANATORY STATEMENT

STATUTORY RULES 1990 NO. *235"*

Issued by the Authority of the Minister of State for Primary Industries and Energy.

PRIMARY INDUSTRIES AND ENERGY RESEARCH

ANP DEVELOPMENT ACT 1989

GRAINS RESEARCH AND DEVELOPMENT CORPORATION REGULATIONS

The proposed Regulations provide for the establishment of the Grains Research and Development Corporation.

Section 8 of the Primary Industries and Energy Research and Development Act 1989 (the Act) provides for the establishment by regulation of a Research and Development Corporation in respect of a primary industry or class of primary industries and for the Corporation to be known by the name specified in the regulations. Before making regulations for this purpose the Governor-General is to take into consideration any relevant recommendation made to the Minister by any of the organisations that, in the Minister's opinion, represent that primary industry. The grains industry has submitted recommendations for certain provisions to be included in the Regulations. These have been considered by the Minister.

Section 5 of the Act provides for the Regulations to declare that each of the following levies be attached to the Corporation:

the levy imposed by Section 5 of the Barley Research Levy Act 1980

the levy imposed by Section 6 of the Grain Legumes Levy Act 1985

the levy imposed by Section 5 of the Oilseeds Levy Act 1988

the levy imposed by Section 5 of the Triticale Levy Act 1988

that percentage of the levy imposed by Section 5 of the Wheat Industry Fund Levy Act 1989 that is equal to the percentage fixed by determination under subsection 85(3) of the Wheat Marketing Act 1989.

Subsection 32(2) of the Act provides for a statement in the Regulations as to the manner in which the Minister is to determine the amount of the gross value of production of goods that are the produce of the industry to which the levy relates, for a financial year. This is important in that subsection 32(1) of the Act limits the Commonwealth's matching payments to the Corporation in a particular financial year to a maximum amount equal to 0.5% of the gross value of production of goods, as determined by the Minister, for that financial year.

Subsection 135(1) of the Act allows the Minister to appoint a Presiding member of a Corporation Selection Committee if the Regulations have been made but are not yet in force. Appointment of a Presiding Member initiates the process of selecting persons suitable for appointment as Directors of the Corporation and it is important that this process be completed before the Corporation is established. It is therefore necessary that the Regulations be made well in advance of their commencement date.

SR NoS$/90