

FISHING INDUSTRY RESEARCH ACT 1969

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Short title.

FISHING INDUSTRY RESEARCH ACT 1969

An Act to establish a Fishing Industry Research Trust Account, and for purposes connected therewith.

1. This Act may be cited as the Fishing Industry Research Act 1969.*

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.*

Definitions.

3. In this Act, unless the contrary intention appears-

"approved research fund" means a fund or account that is, by virtue of a direction under the next succeeding section, an approved research fund in respect of a State;

"member" means a member of the Committee;

"nominated member" means a member referred to in paragraph (a), (b) or (c) of sub-section (1) of section 11 of this Act;

"the Chairman" means the Chairman of the Committee;

"the Committee" means the Fishing Industry Research Committee constituted under this Act;

"the fishing industry" has the same meaning as in the Fishing Industry Act 1956;

"the Research Account" means the Fishing Industry Research Trust Account established by this Act.

Approved research funds.

4. (1) Subject to this section, the Minister may, from time to time, by instrument in writing, direct that a fund or account established under a law of a State in connexion with the fishing industry be an approved research fund in respect of the State for the purposes of this Act.

(2) The Minister shall, in a direction under the last preceding sub-section, fix a date, which may be a date earlier than the date on which the direction is given but shall not be a date earlier than the first day of July, One thousand nine hundred and sixty-nine, as the date of operation of the direction.

(3) There shall not at any one time be more than one approved research fund in respect of each State.

Approved moneys.

5. (1) Subject to this section, the Minister may, from time to time, by instrument in writing, direct that moneys of a kind specified in the direction shall be approved moneys for the purposes of this Act.

(2) The Minister shall, in a direction under the last preceding sub-section, fix a date, which may be a date earlier than the date on which the direction is given, as the date of operation of the direction.

(3) A direction under this section has effect in relation to moneys of a kind specified in the direction paid into an approved research fund on or after the date of operation of the direction.

Fishing Industry Research Trust Account.

6. (1) An account is hereby established to be known as the Fishing Industry Research Trust Account.

(2) The Research Account is a Trust Account for the purposes of section 62A of the Audit Act 1901-1969.

Money to be paid into Research Account.

7. (1) There shall be paid into the Research Account out of the Consolidated Revenue Fund, which is appropriated accordingly, an amount equal to each amount of approved moneys paid into an approved research fund on or after the date of operation of the direction given under section 4 of this Act with respect to that fund.

(2) There shall be paid into the Research Account-

(a) moneys received by the Commonwealth from the sale of-

(i) any goods paid for out of moneys expended from the Research Account; or

(ii) any goods produced in the course of carrying out research so paid for;

(b) royalties and other payments received by the Commonwealth under patents for inventions made in the course of carrying out research paid for out of moneys expended from the Research Account;

(c) moneys paid by any person to the Commonwealth for the purposes of the Research Account; and

(d) interest from the investment of moneys standing to the credit of the Research Account.

Application of the Research Account.

8. (1) Subject to the next succeeding sub-section, moneys standing to the credit of the Research Account may, with the approval of the Minister, be expended for the following purposes:-

(a) scientific, economic or technical research in connexion with matters related, either directly or indirectly, to the fishing industry;

(b) the training of persons for the purposes of any such research;

(c) the dissemination of information and advice in connexion with scientific, economic or technical matters related, either directly or indirectly, to the fishing industry;

- (d) the publication of reports, periodicals, books and papers in connexion with scientific, economic or technical matters related, either directly or indirectly, to the fishing industry;
- (e) vocational training and technical education for persons engaged, or to be engaged, in the fishing industry;
- (f) the establishment or development of the fishing industry in a particular place or for a particular purpose;
- (g) any purpose incidental to a purpose referred to in a preceding paragraph of this sub-section; and
- (h) the payment of fees, expenses and allowances in accordance with this Act.

(2) The Minister shall not exercise his power to approve an expenditure of moneys from the Research Account for a purpose referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) of the last preceding subsection except in accordance with a recommendation of the Committee.

Agreements for carrying out of research.

9. The Minister, or an officer of the Public Service of the Commonwealth authorized by the Minister to act under this section, may, on behalf of the Commonwealth, enter into agreements for the purposes of, or for purposes in connexion with, any research or other matter or thing to be done or performed with moneys provided in whole or in part out of the Research Account.

Fishing Industry Research Committee.

10. (1) For the purposes of this Act, there shall be a Fishing Industry Research Committee constituted as provided by this Act.

(2) The functions of the Committee are to consider proposals for the expenditure of moneys from the Research Account, and to make recommendations to the Minister with respect to the proposals.

Constitution of Committee.

11. (1) The Committee shall consist of-

- (a) one member to represent the organization known as the Australian Fisheries Council;
- (b) one member to represent the organization known as the Australian Fishing Industry Council;
- (c) one member to represent the Commonwealth Scientific and Industrial Research Organization; and
- (d) one member to represent the Department of Primary Industry.

(2) The members of the Committee-

- (a) shall be appointed by the Minister;

- (b) hold office, subject to this Act, for a period of two years; and
- (c) are eligible for re-appointment.

(3) A member of the Committee referred to in paragraph (a), (b) or (c) of sub-section (1) of this section shall be appointed upon the nomination of the organization that he is to represent.

(4) If the place of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Minister may appoint a person nominated in accordance with the last preceding sub-section to hold the vacant place for the remainder of that term.

(5) The appointment of a nominated member is not invalidated, and shall not be called in question, by reason of a defect or irregularity in connexion with his nomination.

(6) The exercise of a power, or the performance of a function, by the Committee is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Committee.

Chairman of the Committee.

12. The member of the Committee who represents the Department of Primary Industry shall be the Chairman of the Committee.

Deputies of members.

13. (1) A member may, with the approval of the Minister, appoint a person to be his deputy.

(2) A member may revoke the appointment of a person as his deputy, but the revocation is not effective until the member has given notice of it in writing to the Minister.

(3) The deputy of a member is entitled, in the event of the absence of the member from a meeting of the Committee, to attend that meeting and, when so attending, shall be deemed to be a member and, if he is the deputy of the Chairman, shall be deemed to be the Chairman.

Personal advisers.

14. (1) A member who is attending a meeting of the Committee may be accompanied by one personal adviser.

(2) A personal adviser referred to in the last preceding sub-section is not a member of the Committee.

Removal and resignation of members of the Committee and deputies of members.

15. (1) The Minister may remove a member or the deputy of a member from office for incapacity, incompetence or misbehaviour.

(2) The Minister shall terminate the appointment of a nominated member if the organization that the member represents so requests.

(3) A member or the deputy of a member may resign his office by writing under his hand delivered to the Minister.

Quorum and voting.

16. At a meeting of the Committee-

- (a) the Chairman and two other members form a quorum;
- (b) the Chairman shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the Chairman has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Fees and allowances.

17. (1) Members, deputies of members and personal advisers of members shall be paid, in respect of attendance at meetings of the Committee, or while engaged (whether in Australia or overseas), with the approval of the Committee, on business of the Committee, such fees, expenses and allowances as the Minister determines.

(2) If a member, the deputy of a member or the personal adviser of a member is also a member of the Parliament of the Commonwealth or of a State, he shall not be paid fees, expenses or allowances under the last preceding sub-section, but shall, subject to the approval of the Minister, be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Committee or of his engagement (whether in Australia or overseas), with the approval of the Committee, on business of the Committee.

Appointment of advisers to Committee.

18. (1) The Minister may, upon the recommendation of the Committee, appoint persons to advise the Committee in relation to any purpose in respect of which moneys may be expended from the Research Account.

(2) A person appointed under the last preceding sub-section shall be paid such fees, expenses and allowances (if any) as the Minister determines.

Annual report.

19. The Committee shall, as soon as practicable after each thirtieth day of June, make a report to the Minister on the operation of this Act during the year that ended on that date and the Minister shall cause the report to be laid before each House of the Parliament within fifteen sitting days of that House after receipt of the report by the Minister.

Regulations.

20. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTE

1. Act No. 80, 1969; assented to 26 September 1969; commenced 1 January 1970 (see Gazette 1969, p. 7647).