Primary Industries and Energy Research and Development Amendment Bill 2007

No. , 2007

(Agriculture, Fisheries and Forestry)

A Bill for an Act to amend the Primary Industries and Energy Research and Development Act 1989, and for related purposes
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A Bill for an Act to amend the *Primary Industries and Energy Research and Development Act 1989*, and for related purposes

The Parliament of Australia enacts:

1 **Short title**

This Act may be cited as the *Primary Industries and Energy Research and Development Amendment Act 2007*.

2 **Commencement**

This Act commences on the day on which it receives the Royal Assent.
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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Primary Industries and Energy Research and Development Act 1989

1 Subsection 4(1) (paragraph (b) of the definition of director)  
Repeal the paragraph.

2 Subsection 4(1) (definition of government director)  
Repeal the definition.

3 Subsection 4(1) (definition of government member)  
Repeal the definition.

4 Subsection 4(1) (paragraph (a) of the definition of member)  
Repeal the paragraph, substitute:  
(a) in relation to an R&D Council—a member of the Council  
including the Chairperson; and

5 Subsection 4(1) (definition of nominated director)  
Omit “, a government director”.

6 Subsection 4(1) (definition of nominated member)  
Omit “or government member”.

7 After paragraph 11(d)  
Insert:  
(da) to:  
(i) assess; and  
(ii) report to the Parliament, the Minister and its  
representative organisations on;  
the impact, on the primary industry or class of primary  
industries in respect of which the Corporation was  
established, of R&D activities that are co-ordinated or  
funded, wholly or partly, by the Corporation; and

8 Paragraph 16(1)(b)  
Repeal the paragraph.
9 Paragraph 16(1)(d)
Omit “not fewer than 4 nor more than 6”, substitute “not fewer than 5 nor more than 7”.

10 Subsection 17(2)
Repeal the subsection.

11 Before paragraph 24(a)
Insert:
   (aa) the Minister; and

12 After subparagraph 28(1)(a)(ia)
Insert:
   (iib) the impact of those activities on the primary industry or class of primary industries in respect of which the Corporation was established; and

13 Subparagraph 63(2)(b)(ii)
Omit “and a different government director”.

14 Paragraph 66(1)(b)
Repeal the paragraph, substitute:
   (b) holds office, subject to this Act, for such term (not exceeding 3 years) as is specified in the instrument of appointment, but is eligible for re-appointment in accordance with this Act.

15 Subsection 66(2)
Omit “(other than the government director)”.

16 Subsection 71(2)
Omit “, or the government director,”.

17 Subsection 77(2)
Omit “, the government director”.

18 Section 84
Repeal the section.

19 After paragraph 93(d)
Insert:
(da) to:
  (i) assess; and
  (ii) report to the Parliament, the Minister and its representative organisations on;
the impact, on the primary industry or class of primary industries in respect of which the Council was established, of R&D activities that are funded, wholly or partly, by money from the Council’s R&D Fund; and

20 Paragraph 97(1)(b)
Repeal the paragraph.

21 Subsection 98(2)
Repeal the subsection.

22 Paragraph 100(1)(e)
Repeal the paragraph.

23 After subparagraph 105(2)(a)(ii)
Insert:
(iiia) the impact of those activities on the primary industry or class of primary industries in respect of which the Council was established; and

24 After paragraph 123(1)(c)
Insert:
(ca) requesting the Presiding Member to ask each of the Corporation’s representative organisations to have regard to the desirability of reflecting a diversity of expertise, experience and gender among the persons nominated for appointment to the Selection Committee; and

25 After paragraph 123(2)(d)
Insert:
(da) requesting the Presiding Member to ask each of the Council’s representative organisations to have regard to the desirability of reflecting a diversity of expertise, experience and gender
among the persons nominated for appointment to the Selection Committee; and

26 Paragraph 124(1)(b)

Repeal the paragraph, substitute:

(b) give to each of the Corporation’s representative organisations written notice requesting:
   (i) the organisation; or
   (ii) if there is more than one such organisation—the organisation acting jointly with all the other representative organisations;

to nominate to the Minister persons for appointment to the Selection Committee, having regard to the desirability of reflecting a diversity of expertise, experience and gender among the nominees.

27 Paragraph 125(3)(b)

Repeal the paragraph, substitute:

(b) give to each of the Corporation’s representative organisations written notice requesting:
   (i) the organisation; or
   (ii) if there is more than one such organisation—the organisation acting jointly with all the other representative organisations;

to nominate to the Minister persons for appointment to the Selection Committee, having regard to the desirability of reflecting a diversity of expertise, experience and gender among the nominees.

28 Paragraph 126(1)(b)

Repeal the paragraph, substitute:

(b) give to each of the Council’s representative organisations written notice requesting:
   (i) the organisation; or
   (ii) if there is more than one such organisation—the organisation acting jointly with all the other representative organisations;

to nominate to the Minister persons for appointment to the Selection Committee, having regard to the desirability of
reflecting a diversity of expertise, experience and gender among the nominees.

29 Paragraph 130(3)(b)
Repeal the paragraph, substitute:
(b) specifying how, in the Selection Committee’s opinion, the nomination or nominations will best ensure that the directors of the R&D Corporation concerned, or the members of the R&D Council concerned, collectively possess:
   (i) an appropriate balance of expertise in accordance with subsection 131(2); and
   (ii) experience in board affairs.

30 At the end of subsection 131(1)
Add:
; (p) public administration.

31 After subsection 131(1)
Insert:
(1A) Before making a nomination for appointment to an R&D Corporation, the Selection Committee must consult the Chairperson (if any) of the Corporation, on the appropriate balance of expertise and experience of directors of the Corporation that, in the Chairperson’s opinion, would best ensure the effective performance of the Corporation’s functions.

(1B) Before making a nomination for appointment to an R&D Council, the Selection Committee must consult the Chairperson (if any) of the Council, on the appropriate balance of expertise and experience of members of the Council that, in the Chairperson’s opinion, would best ensure the effective performance of the Council’s functions.

32 Subsection 131(2)
Omit all the words after “R&D Council concerned,”, substitute:
collectively possess:
  (a) an appropriate balance of expertise in as many as possible of the fields referred to in subsection (1), having regard to the particular primary industry or class of primary industries in

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Without limiting subsection (1), a report for a financial year must include an assessment of the processes undertaken by each Selection Committee (if any) for the R&D Corporation to identify the widest possible field of available candidates for nomination for appointment to the Corporation.

The amendment made by item 34 applies in relation to financial years starting on or after the commencement of this item.