

# WHEAT RESEARCH.

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**No. 22 of 1957.**

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

[Assented to 30th May, 1957.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

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| <b>Short title.</b>        | 1. This Act may be cited as the <i>Wheat Research Act 1957</i> .  |
| <b>Commence-<br/>ment.</b> | 2. This Act shall come into operation on the day on which it receives the Royal Assent.   |
| <b>Interpretation.</b>     | 3.—(1.) In this Act, unless the contrary intention appears—<br>— “Committee” means a Wheat Industry Research Committee established in pursuance of section thirteen of this Act;<br>“Department of Agriculture”, in relation to a State, means the Department of Agriculture of the State or other Department of the State dealing with agricultural matters; |

“ the Account ” means the Wheat Research Trust Account established by this Act;

“ the Council ” means the Wheat Industry Research Council established in pursuance of section nine of this Act.

(2.) For the purposes of this Act, the Australian Capital Territory shall be deemed to be part of the State of New South Wales.

(3.) A reference in this Act to a Committee shall, in relation to the State of Tasmania, be read as a reference to the Minister.

4.—(1.) An Account is hereby established to be known as the Wheat Research Trust Account.

(2.) The Account is a Trust Account for the purposes of section sixty-two A of the *Audit Act* 1901–1955.

5.—(1.) There shall be paid into the Account—

- (a) amounts equal to the amounts received under the *Wheat Tax Act* 1957;
  - (b) moneys appropriated by law for the purposes of the Account;
  - (c) moneys paid by any person to the Commonwealth for the purposes of the Account; and
  - (d) interest from the investment of moneys standing to the credit of the Account.
- Moneys to be paid into the Account

(2.) The Consolidated Revenue Fund is appropriated to the extent necessary for the purposes of paragraph (a) of the last preceding sub-section.

6.—(1.) A separate account shall be kept of the moneys in the Account representing— Separate accounts to be kept.

- (a) the amounts paid into the Account in accordance with paragraph (b) of sub-section (1.) of the last preceding section; and
- (b) the amounts paid into the Account in accordance with paragraph (c) of that sub-section, not being amounts to which the next succeeding sub-section applies.

(2.) A separate account shall be kept, in relation to each State, of the moneys in the Account representing—

- (a) the amounts paid into the Account as amounts equal to the amounts received under the *Wheat Tax Act* 1957 in respect of wheat delivered to the Australian Wheat Board in the State; and
- (b) the amounts paid into the Account as moneys paid by any person to the Commonwealth for the purposes of the Account on condition that those moneys are to be expended in the State.

(3.) There shall be credited to each account kept in pursuance of this section such amounts as are from time to time determined by the Minister to be the just share of that account in amounts paid into the Account in accordance with paragraph (d) of sub-section (1.) of the last preceding section.

**Application  
of the Account.**

7.—(1.) Subject to the next succeeding sub-section, amounts standing to the credit of the account kept in accordance with sub-section (1.) of the last preceding section may be paid out of the Account, with the approval of the Minister—

- (a) for a purpose referred to in the next succeeding section;
- (b) for the payment of the expenses incurred by the Council in the performance of its functions under section twelve of this Act; or
- (c) for the payment of fees, allowances or expenses payable to a member of the Council under section seventeen of this Act,

and not otherwise.

(2.) The Minister shall not exercise his power under the last preceding sub-section to approve the payment of moneys from the Account unless—

- (a) the Council has recommended the payment of those moneys; and
- (b) the Minister is satisfied that any research to be undertaken as a result of the payment would not, if the payment were not made, have been undertaken by the Commonwealth Scientific and Industrial Research Organization, a Department of Agriculture of a State or a University in Australia.

(3.) Amounts standing to the credit of an account kept in relation to a State in accordance with sub-section (2.) of the last preceding section may be paid out of the Account, with the approval of the Committee for that State—

- (a) for a purpose referred to in the next succeeding section, including a purpose approved by the Minister under sub-section (1.) of this section;
- (b) for the payment of the expenses incurred by the Committee in the exercise of its powers and the performance of its functions under this Act; or
- (c) for the payment of fees, allowances or expenses payable to a member of the Committee under section seventeen of this Act,

and not otherwise.

8. The purposes in respect of which expenditure may be approved under the last preceding section are purposes in relation to the following matters:—

Purposes in respect of which expenditure may be approved.

- (a) scientific or economic research in connexion with, or likely to benefit, the wheat industry;
- (b) the training of persons for purposes of the research referred to in the last preceding paragraph;
- (c) the dissemination of information and advice relating to technical matters in connexion with the wheat industry;
- (d) the publication of technical reports, periodicals, books and papers in connexion with the wheat industry; and
- (e) any purpose incidental to a purpose referred to in the preceding paragraphs of this section.

9.—(1.) For the purposes of this Act, there shall be a Wheat Industry Research Council, which shall consist of—

Wheat Industry Research Council.

- (a) one member to represent the Department of Primary Industry;
- (b) two members to represent growers of wheat;
- (c) five members, namely, one member to represent the Department of Agriculture of each of the States of Queensland, New South Wales, Victoria, South Australia and Western Australia;
- (d) one member to represent the Universities in Australia; and
- (e) one member to represent the Commonwealth Scientific and Industrial Research Organization.

(2.) The members of the Council shall be appointed by the Minister and hold office during the pleasure of the Minister.

(3.) The members to represent growers of wheat shall be appointed upon the nomination of the Australian Wheat Growers' Federation.

(4.) A member to represent the Department of Agriculture of a State shall be appointed upon the nomination of the Minister of State administering that Department.

(5.) The appointment of a member of the Council 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 Council is not invalidated by reason only of there being a vacancy in the membership of the Council.

**Chairman of  
the Council.**

**10.—**(1.) The member of the Council who represents the Department of Primary Industry shall be the Chairman of the Council.

(2.) At a meeting of the Council at which the Chairman is not present the members present shall elect one of their number to act as chairman at that meeting.

**Quorum and  
voting.**

**11.** At a meeting of the Council—

- (a) seven members form a quorum;
- (b) the Chairman, or, in his absence, the member elected by the members present to act as chairman, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the Chairman, or other member presiding, has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

**Functions of  
the Council.**

**12.** The Council—

- (a) shall consult with the Committees established under this Act for the purpose of achieving co-operation, and avoiding duplication, in research in relation to which moneys are to be expended under this Act; and
- (b) shall make recommendations to the Minister for the expenditure of the moneys standing to the credit of the account kept in accordance with sub-section (1.) of section six of this Act.

**State Wheat  
Industry  
Research  
Committees.**

**13.—**(1.) For the purposes of this Act, there shall be a Wheat Industry Research Committee for each State, other than the State of Tasmania.

(2.) A Committee for a State—

- (a) shall consist of such number of members as is agreed upon from time to time between the Minister and the State Minister ; and
- (b) shall be appointed by the Minister from persons nominated by the State Minister but so that a majority of the members of the Committee shall be persons who are members of, and have been nominated to the State Minister by, an organization or organizations in the State affiliated with the Australian Wheat Growers' Federation.

(3.) The members of a Committee hold office during the pleasure of the Minister.

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

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

(6.) In this section, "the State Minister", in relation to a State, means the Minister of State administering the Department of Agriculture of that State.

**14.—**(1.) At the first meeting of each Committee, the Committee shall appoint one of its members to be the Chairman of the Committee. Chairman of Committee.

(2.) At a meeting of each Committee held not earlier than the first day of July and not later than the thirtieth day of September in each year after the year One thousand nine hundred and fifty-seven, the Committee shall appoint one of its members to be the Chairman of the Committee.

(3.) In the event of a vacancy occurring in the office of Chairman of a Committee, the members of the Committee shall, at the next meeting of the Committee, appoint one of their number to be the Chairman of the Committee.

(4.) A member of a Committee appointed as Chairman under any of the last three preceding sub-sections holds office until the appointment of a successor or until he ceases to be a member of the Committee (whichever first happens) but is eligible for re-appointment.

(5.) Subject to the preceding provisions of this section, at a meeting of a Committee at which the Chairman is not present the members present shall elect one of their number to act as chairman at that meeting.

**15.** At a meeting of a Committee—

- (a) a number of members of the Committee determined by the Minister, not being less than two-thirds of the membership of the Committee, form a quorum;
- (b) the Chairman, or, in his absence, the member elected by the members present to act as chairman, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present; and
- (d) the Chairman, or other member presiding, has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Quorum and voting.

**Committee to  
notify Council  
of expenditure  
approved.**

16. Where a Committee for a State approves the expenditure of an amount standing to the credit of the account kept in relation to that State under sub-section (3.) of section seven of this Act for a purpose referred to in section eight of this Act, the Committee shall forthwith forward to the Council particulars of the amount and of the purpose for which the amount is to be expended.

**Fees,  
allowances  
and expenses.**

17.—(1.) Subject to the next succeeding sub-section, members of the Council or of a Committee shall be paid, in respect of attendance at meetings of the Council or Committee or while engaged (whether in Australia or overseas), with the approval of the Council or Committee, on business of the Council or Committee, such fees and allowances as the Minister determines.

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

**Annual report.**

18. The Minister shall, as soon as practicable after each thirty-first day of December, prepare and lay before each House of the Parliament a report on the operation of this Act during the year that ended on that date.

**Regulations.**

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

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