



Australian Centre for International Agricultural Research Act 1982

Act No. 9 of 1982 as amended

This compilation was prepared on 6 July 2007
taking into account amendments up to Act No. 115 of 2007

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to encourage research for the purpose of identifying, or finding solutions to, agricultural problems of developing countries

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Australian Centre for International Agricultural Research Act 1982*.

2 Commencement [see Note 1]

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

3 Interpretation

In this Act, unless the contrary intention appears:

Account means the account continued in existence by section 33.

agricultural research means scientific, technical, economic or socio-economic research in connection with agriculture, and includes the publication of reports, periodicals, books and papers in connection with any such research.

agriculture includes such uses of land as are prescribed for the purposes of this definition.

annual report means the report referred to in section 39.

appointed member of the Council means a member of the Council appointed under subsection 19(2).

Centre means the Australian Centre for International Agricultural Research.

CEO means the Chief Executive Officer of the Centre.

Chair means the Chair of the Commission.

Section 3

Commission means the Commission for International Agricultural Research established by section 7.

Commissioner means a Commissioner of the Commission appointed in accordance with section 10 and includes the Chair.

Council means the Policy Advisory Council.

institution includes:

- (a) an organization, group or body, whether incorporated or unincorporated; and
- (b) a Department of State, or an authority, of the Commonwealth or of a State or Territory.

international agricultural research centre means an independent, non-profit organisation that:

- (a) is internationally funded; and
- (b) carries out:
 - (i) research into sustainable improvements in the productivity of agriculture, forestry and fisheries in developing countries; and
 - (ii) activities related to such research.

President means the President of the Council.

Part II—The Australian Centre for International Agricultural Research

4 Establishment of Centre

- (1) There is hereby established a Centre by the name of the Australian Centre for International Agricultural Research.
- (2) The Centre consists of:
 - (a) the CEO; and
 - (b) the staff of the Centre referred to in section 30.

4A The Chief Executive Officer

There is to be a Chief Executive Officer of the Centre.

Note: Part V deals with the appointment and terms and conditions of the CEO.

5 Functions of the CEO

- (1) The functions of the CEO are:
 - (a) to formulate programs and policies with respect to agricultural research for either or both of the following purposes:
 - (i) identifying agricultural problems of developing countries;
 - (ii) finding solutions to agricultural problems of developing countries;
 - (b) to commission agricultural research by persons or institutions (whether the research is to be conducted in Australia or overseas) in accordance with such programs and policies; and
 - (c) to communicate to persons and institutions the results of such agricultural research; and
 - (d) to establish and fund training schemes related to the research programs referred to in paragraph (a); and
 - (e) to conduct and fund development activities related to those research programs; and
 - (f) to fund international agricultural research centres.

Section 5A

- (2) The CEO must, in performing his or her functions with respect to agricultural research, have regard to the need for persons or institutions in developing countries to share in that research.
- (3) Nothing in this section authorises, or permits, the CEO to carry out research on behalf of the Commonwealth.
- (4) The CEO must, in performing his or her functions, comply with any directions given to the CEO under section 5A.

5A Power of Minister to give directions

- (1) The Minister may, by writing, give directions to the CEO with respect to the performance of the CEO's functions under this Act (including in relation to the appropriate strategic direction the CEO should take in performing his or her functions).

Note: A direction under this section is included in the annual report: see section 39.

- (2) A direction given under subsection (1) is not a legislative instrument.

6 Functions of the staff of the Centre

The functions of the staff of the Centre referred to in section 30 are to assist the CEO perform his or her functions.

Part III—Commission for International Agricultural Research

Division 1—The Commission

7 Establishment of Commission

The Commission for International Agricultural Research is established by this section.

8 Constitution of the Commission

The Commission consists of:

- (a) a Chair; and
- (b) 6 other Commissioners.

9 Functions of the Commission

The functions of the Commission are:

- (a) to provide advice to the Minister in relation to the formulation of programs of the kind referred to in paragraph 5(1)(a); and
- (b) to provide advice to the Minister in relation to the funding of things referred to in paragraphs 5(1)(d), (e) and (f); and
- (c) to provide advice to the Minister on program and funding priorities; and
- (d) to provide advice to the Minister, on the Minister's request, on any other matter relating to this Act.

Division 2—The Commissioners

10 Appointment of Commissioners

- (1) A Commissioner is to be appointed by the Governor-General by written instrument.
- (2) A Commissioner holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.
- (3) A person cannot be appointed as a Commissioner if the person is a member of the Council.

11 Appointments to be part-time

A Commissioner holds office on a part-time basis.

12 Terms and conditions—general

A Commissioner holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Governor-General.

13 Remuneration and allowances

- (1) A Commissioner is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Commissioner is to be paid the remuneration that is prescribed by the regulations.
- (2) A Commissioner is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

14 Acting Commissioner

- (1) The Minister may appoint a person to act as a Commissioner:
 - (a) during a vacancy in the office of the Commissioner (whether or not an appointment has previously been made to the office); or

- (b) during any period, or during all periods, when the Commissioner is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: Section 33A of the *Acts Interpretation Act 1901* contains provisions relating to acting appointments.

- (2) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in connection with the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

15 Leave of absence

- (1) The Chair may grant leave of absence to any other Commissioner on the terms and conditions that the Chair determines.
- (2) The Minister may grant leave of absence to the Chair on the terms and conditions that the Minister determines.

16 Resignation

A Commissioner may resign his or her appointment by giving the Governor-General a written resignation.

16A Termination of appointment

- (1) The Governor-General may terminate the appointment of a Commissioner for misbehaviour or physical or mental incapacity.
- (2) The Governor-General must terminate the appointment of a Commissioner if:
 - (a) the Commissioner:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or

Section 16B

- (b) the Commissioner is absent, except on leave of absence, from 3 consecutive meetings of the Commission; or
- (c) the Commissioner fails, without reasonable excuse, to comply with section 16B.

16B Disclosure of interests

Disclosure to Minister

- (1) A Commissioner must give written notice to the Minister of any direct or indirect pecuniary interest that the Commissioner has or acquires and that conflicts or could conflict with the proper performance of the Commissioner's functions.

Disclosure to Commission

- (2) A Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission must disclose the nature of the interest to a meeting of the Commission.
- (3) The disclosure under subsection (2) must be made as soon as possible after the relevant facts have come to the Commissioner's knowledge.
- (4) The disclosure under subsection (2) must be recorded in the minutes of the meeting of the Commission.
- (5) The Commissioner:
 - (a) must not be present during any deliberation by the Commission on the matter; and
 - (b) must not take part in any decision of the Commission with respect to the matter.

Division 3—Meetings of the Commission

16C Times and places of meetings

- (1) The Commission must hold such meetings as are necessary for the efficient performance of its functions.
- (2) Meetings are to be held at the times and places determined by the Commission.
- (3) The Chair may call a meeting at any time.
- (4) The Chair must ensure that at least 4 meetings are held each financial year.

16D Notice of meetings

Each Commissioner is entitled to receive reasonable notice of the Commission's meetings.

16E Who presides at meetings

- (1) The Chair presides at all meetings of the Commission at which he or she is present.
- (2) If the Chair is not present at a meeting of the Commission, the Commissioners present must elect a Commissioner to preside at the meeting.

16F Quorum

At a meeting of the Commission, 4 Commissioners constitute a quorum.

16G Voting at meetings

- (1) A question arising at a meeting of the Commission is to be decided by a majority of the votes of the Commissioners present and voting.
- (2) The Commissioner presiding at a meeting of the Commission has a deliberative vote and, if necessary, also a casting vote.

Section 16H

16H Conduct of meetings

- (1) The Commission may, subject to this Division, regulate proceedings at its meetings as it considers appropriate.
- (2) The Commission must ensure that minutes of its meetings are kept.

Division 4—Delegation by Commission

16J Delegation by Commission

- (1) The Commission may, by resolution, delegate all or any of its functions or powers under this Act to a Commissioner.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (2) In exercising a delegated function or power, the delegate must comply with any written directions of the Commission.
- (3) The delegation continues in force despite a change in the constitution of the Commission.
- (4) The delegation may be varied or revoked by resolution of the Commission (whether or not there has been a change in the constitution of the Commission).
- (5) A certificate signed by the Chair stating any matter with respect to the delegation is prima facie evidence of the matter.
- (6) A document purporting to be a certificate mentioned in subsection (5) is taken to be such a certificate and to have been duly given unless the contrary is established.

Division 5—Directions by the Minister

16K Directions by the Minister

- (1) The Minister may, by writing, give directions to the Commission with respect to the performance of the Commission's functions under this Act.
- (2) In giving a direction, the Minister must have regard to any relevant advice that he or she may have received from the Council under section 18.
- (3) The Minister must give a copy of a direction to the CEO.

Note: A direction under this section is included in the annual report: see section 39.

Part IV—The Policy Advisory Council

17 Establishment of Council

There is hereby established a Council by the name of the Policy Advisory Council.

18 Function of Council

- (1) The function of the Council is to provide advice to the Minister regarding:
 - (a) agricultural problems of developing countries; and
 - (b) programs and policies with respect to agricultural research for either or both of the following purposes:
 - (i) identifying agricultural problems of developing countries;
 - (ii) finding solutions to agricultural problems of developing countries.
- (2) The Council shall provide advice under subsection (1) on such occasions as it thinks fit and on request by the Minister.
- (3) The Minister shall arrange for a copy of any advice provided by the Council to be furnished to the Commission.

19 Constitution of Council

- (1) The Council shall consist of:
 - (a) a President;
 - (c) the person for the time being occupying, or performing the duties of, the position in the Australian Public Service known as Director-General, Australian International Development Assistance Bureau, or a person nominated by the Director-General; and
 - (d) not fewer than 9 nor more than 11 other members.
- (2) The members referred to in paragraphs (1)(a) and (d) shall be appointed by the Minister.

Section 19A

- (2A) A person cannot be appointed as a member of the Council if the person is a Commissioner.
- (3) In appointing persons under subsection (2):
- (a) the Minister shall have regard to:
 - (i) the knowledge of the persons concerning agricultural problems of developing countries; or
 - (ii) the experience of the persons in organizing or conducting agricultural research; and
 - (b) the Minister shall ensure that a substantial number of the members of the Council are residents of countries other than Australia.
- (4) An appointed member of the Council:
- (a) shall be appointed to be a part-time member; and
 - (b) holds office for such term, not exceeding 3 years, as is specified in the instrument of his appointment.
- (5) The performance of the functions of the Council is not affected by reason only of the existence of either or both of the following circumstances:
- (a) a vacancy in the office of President;
 - (c) the number of members referred to in paragraph (1)(d) having fallen below 9 for a period of not more than 3 months.
- (6) The appointment of a person under subsection (2) is not invalidated, and shall not be called in question, by reason of a defect or irregularity in, or in connection with, his appointment.

19A Remuneration and allowances

- (1) An appointed member of the Council is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the appointed member of the Council is to be paid the remuneration that is prescribed by the regulations.
- (2) An appointed member of the Council is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

20 President to keep Council informed

The President shall ensure that the Council is kept adequately informed with respect to the affairs of the Centre.

21 Termination of appointment

- (1) The Minister may terminate the appointment of an appointed member of the Council by reason of misbehaviour or physical or mental incapacity.
- (2) If an appointed member of the Council:
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
 - (b) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council otherwise than on business of the Council undertaken with the approval of the Council;the Minister shall terminate the appointment of that member.

22 Resignation

An appointed member of the Council may resign his office by writing signed by him and delivered to the Minister.

23 Meetings of Council

- (1) The President:
 - (a) shall convene such meetings of the Council as he considers necessary for the conduct of its business; and
 - (b) shall, on receipt of a written request signed by no fewer than 6 members of the Council, convene a meeting of the Council.
- (2) The Minister may at any time convene a meeting of the Council.
- (3) The President shall preside at all meetings of the Council at which he is present.
- (4) If the President is not present at a meeting of the Council, the members present shall elect one of their number to preside at that meeting.

Section 23

- (5) At a meeting of the Council, 7 members constitute a quorum.
- (6) Subject to subsection (7), all questions arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, including the member presiding.
- (7) In the event of an equality of votes on a motion proposed at a meeting of the Council, the motion shall be taken not to be passed.
- (8) Subject to this section, the Council may regulate the conduct of proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.

Part V—The CEO

24 Appointment of CEO

- (1) The CEO is to be appointed by the Governor-General by written instrument.
- (2) The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 7 years.
- (3) A person may be appointed as both the CEO and a Commissioner (including the Chair).

25 Appointment to be full-time

The CEO holds office on a full-time basis.

26 Terms and conditions—general

The CEO holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Governor-General.

27 Remuneration and allowances

- (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed by the regulations.
- (2) The CEO is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

28 CEO not to engage in paid employment

The CEO must not engage in paid employment outside the duties of his or her office without the Minister's approval.

Section 29

29 Acting CEO

- (1) The Minister may appoint a person to act as the CEO:
 - (a) during a vacancy in the office of the CEO (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the CEO is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: Section 33A of the *Acts Interpretation Act 1901* contains provisions relating to acting appointments.

- (2) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in connection with the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

29A Leave of absence

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

29B Resignation

The CEO may resign his or her appointment by giving the Governor-General a written resignation.

29C Termination of appointment

- (1) The Governor-General may terminate the appointment of the CEO for misbehaviour or physical or mental incapacity.
- (2) The Governor-General must terminate the appointment of the CEO if:
 - (a) the CEO:
 - (i) becomes bankrupt; or

- (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
- (iii) compounds with his or her creditors; or
- (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
- (b) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
- (c) the CEO engages, except with the Minister's approval, in paid employment outside the duties of his or her office; or
- (d) the CEO fails, without reasonable excuse, to comply with section 29D.

29D Disclosure of interests

The CEO must give written notice to the Minister of any direct or indirect pecuniary interest that the CEO has or acquires and that conflicts or could conflict with the proper performance of the CEO's functions.

29E CEO not subject to direction by the Commission on certain matters

To avoid doubt, the CEO is not subject to direction by the Commission in relation to the CEO's performance of functions, or exercise of powers, under:

- (a) the *Financial Management and Accountability Act 1997*; or
- (b) the *Public Service Act 1999*;

in relation to the Centre.

Part VI—Staff and consultants

30 Staff

- (1) The staff of the Centre shall be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the CEO and the APS employees assisting the CEO together constitute a Statutory Agency; and
 - (b) the CEO is the Head of that Statutory Agency.

31 Arrangements relating to staff

- (1) The CEO may arrange with an Agency Head (within the meaning of the *Public Service Act 1999*) or with a body (other than a company or an association) established for a public purpose by or under a law of the Commonwealth for the services of officers or employees of the Agency or body to be made available to the CEO in relation to the CEO's functions.
- (2) The CEO may enter into an arrangement with the appropriate authority of a State or Territory for the services of officers or employees of the Public Service of the State or Territory, or of a body established for a public purpose by or under a law of the State or Territory, to be made available to the CEO in relation to the CEO's functions.

32 Consultants

The CEO may, on behalf of the Commonwealth, engage consultants to perform services for the CEO related to the CEO's functions.

Part VII—Finance

33 Australian Centre for International Agricultural Research Account

- (1) There is continued in existence the Australian Centre for International Agricultural Research Account.

Note: The Account was established by subsection 5(3) of the *Financial Management Legislation Amendment Act 1999*.

- (2) The Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

34 Credits to the Account

There must be credited to the Account amounts equal to the following:

- (a) all money appropriated by the Parliament for the purposes of the Account;
- (b) other money received by the Commonwealth in relation to the performance of the functions of the CEO;
- (c) amounts of any gifts given or bequests made for the purposes of the Account.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

35 Purposes of the Account

- (1) This section sets out the purposes of the Account.
- (2) Amounts standing to the credit of the Account may be debited for the following purposes:
- (a) in payment or discharge of the costs, expenses and other obligations incurred by the Commonwealth in the performance of the functions of the CEO or of the staff of the Centre referred to in section 30;
 - (b) in payment of any remuneration and allowances payable to any person under this Act.

Part VIII—Miscellaneous

39 Annual report

- (1) As soon as practicable after 30 June in each year, the CEO must prepare and give to the Minister a report of the operations of the Centre during the year.
- (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*; and
 - (c) particulars of all directions given during the year by the Minister to the CEO under section 5A; and
 - (d) particulars of all directions given during the year by the Minister to the Commission under section 16K.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

41 Delegation by Minister

The Minister may, by writing, delegate to any person all or any of the Minister's functions or powers under this Act.

42 Regulations

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

Table of Acts**Notes to the *Australian Centre for International Agricultural Research Act 1982*****Note 1**

The *Australian Centre for International Agricultural Research Act 1982* as shown in this compilation comprises Act No. 9, 1982 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 1 October 2001 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Australian Centre for International Agricultural Research Act 1982</i>	9, 1982	30 Mar 1982	3 June 1982 (<i>see Gazette</i> 1982, No. G22)	
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1983</i>	39, 1983	20 June 1983	S. 3: 18 July 1983 (a)	S. 7(1)
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1983</i>	91, 1983	22 Nov 1983	S. 3: 20 Dec 1983 (b)	S. 6(1)
<i>Public Service Reform Act 1984</i>	63, 1984	25 June 1984	S. 151(1): 1 July 1984 (<i>see Gazette</i> 1984, No. S245) (c)	S. 151(9)
<i>Public Service and Statutory Authorities Amendment Act 1985</i>	166, 1985	11 Dec 1985	S. 45: 8 Jan 1986 (d)	S. 45(2)
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	S. 3: Royal Assent (e)	S. 5(1)
<i>Industrial Relations Legislation Amendment Act 1991</i>	122, 1991	27 June 1991	Ss. 4(1), 10(b) and 15-20: 1 Dec 1988 Ss. 28(b)-(e), 30 and 31: 10 Dec 1991 (<i>see Gazette</i> 1991, No. S332) Remainder: Royal Assent	S. 31(2)
<i>Australian Centre for International Agricultural Research Amendment Act 1992</i>	170, 1992	11 Dec 1992	11 Dec 1992	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (item 20): Royal Assent (f)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 216-225): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49)(g)	—
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 144-149): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (h)	—
<i>Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001</i>	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97) [see Table A]
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 Feb 2005	S. 4 and Schedule 1 (items 84–88, 496): Royal Assent	S. 4 and Sch. 1 (item 496) [see Table A]
<i>Australian Centre for International Agricultural Research Amendment Act 2007</i>	115, 2007	28 June 2007	1 July 2007	Sch. 2 [see Table A]

Act Notes

- (a) The *Australian Centre for International Agricultural Research Act 1982* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (b) The *Australian Centre for International Agricultural Research Act 1982* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (c) The *Australian Centre for International Agricultural Research Act 1982* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (d) The *Australian Centre for International Agricultural Research Act 1982* was amended by section 45 only of the *Public Service and Statutory Authorities Amendment Act 1985*, subsection 2(7) of which provides as follows:
- (7) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (e) The *Australian Centre for International Agricultural Research Act 1982* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (f) The *Australian Centre for International Agricultural Research Act 1982* was amended by Schedule 4 (item 20) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (g) The *Australian Centre for International Agricultural Research Act 1982* was amended by Schedule 2 (items 216-225) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (h) The *Australian Centre for International Agricultural Research Act 1982* was amended by Schedule 1 (items 144-149) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
S. 3	am. No. 170, 1992; No. 152, 1997; No. 8, 2005; No. 115, 2007
Part II	
S. 4	am. No. 39, 1983; No. 115, 2007
S. 4A	ad. No. 115, 2007
Heading to s. 5	am. No. 115, 2007
S. 5	am. No. 170, 1992; No. 115, 2007
S. 5A	ad. No. 115, 2007
S. 6	rs. No. 115, 2007
Part III	
Part III	rs. No. 115, 2007
Division 1	
S. 7	rs. No. 115, 2007
S. 8	am. No. 170, 1992 rs. No. 115, 2007
Heading to s. 9	am. No. 152, 1997 rs. No. 115, 2007
S. 9	am. No. 152, 1997 rs. No. 115, 2007
Division 2	
S. 10	am. No. 152, 1997 rs. No. 115, 2007
S. 11	am. No. 91, 1983 rs. No. 115, 2007
Ss. 12, 13	rs. No. 115, 2007
Ss. 14, 15	am. No. 152, 1997 rs. No. 115, 2007
S. 16	rs. No. 115, 2007
Ss. 16A, 16B	ad. No. 115, 2007
Division 3	
Ss. 16C–16H	ad. No. 115, 2007
Division 4	
S. 16J	ad. No. 115, 2007
Division 5	
S. 16K	ad. No. 115, 2007
Part IV	
S. 18	am. No. 115, 2007
S. 19	am. No. 170, 1992; No. 146, 1999; No. 115, 2007
S. 19A	ad. No. 115, 2007

Table of Amendments

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Provision affected	How affected
S. 23	am. No. 170, 1992; No. 115, 2007
Part V	
Part V	rs. No. 115, 2007
S. 24	rs. No. 115, 2007
S. 25	am. No. 159, 2001 rs. No. 115, 2007
S. 26	rs. No. 122, 1991 am. No. 146, 1999 rs. No. 115, 2007
S. 27	am. No. 122, 1991 rs. No. 115, 2007
Ss. 28, 29	rs. No. 115, 2007
Ss. 29A–29E	ad. No. 115, 2007
Part VI	
Ss. 30, 31	am. No. 63, 1984; No. 146, 1999; No. 115, 2007
S. 32	am. No. 166, 1985 rs. No. 115, 2007
Part VII	
Heading to s. 33	am. No. 152, 1997 rs. No. 8, 2005
S. 33	am. No. 152, 1997 rs. No. 8, 2005
S. 34	am. No. 170, 1992 rs. No. 152, 1997; No. 8, 2005; No. 115, 2007
Heading to s. 35	am. No. 152, 1997 rs. No. 8, 2005; No. 115, 2007
S. 35	am. No. 152, 1997 rs. No. 8, 2005; No. 115, 2007
S. 36	am. No. 152, 1997; No. 8, 2005 rep. No. 115, 2007
S. 37	rs. No. 170, 1992 rep. No. 115, 2007
S. 38	rep. No. 115, 2007
S. 38A	ad. No. 141, 1987 rep. No. 152, 1997
S. 38AA	ad. No. 170, 1992 rep. No. 152, 1997
S. 38B	ad. No. 141, 1987 rep. No. 152, 1997
Part VIII	
S. 39	am. No. 91, 1983 rs. No. 152, 1997 am. No. 115, 2007
S. 40	am. No. 43, 1996 rep. No. 115, 2007
S. 41	am. No. 170, 1992 rs. No. 115, 2007

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Ss. 43, 44.....	rep. No. 170, 1992

Table A

Table A

Application, saving or transitional provisions

Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001
(No. 159, 2001)

Schedule 1

97 Application of amendments

The amendments made by this Schedule do not apply to an appointment if the term of the appointment began before the commencement of this item.

Financial Framework Legislation Amendment Act 2005 (No. 8, 2005)

4 Saving of matters in Part 2 of Schedule 1

(1) If:

- (a) a decision or action is taken or another thing is made, given or done; and
- (b) the thing is taken, made, given or done under a provision of a Part 2 Act that had effect immediately before the commencement of this Act;

then the thing has the corresponding effect, for the purposes of the Part 2 Act as amended by this Act, as if it had been taken, made, given or done under the Part 2 Act as so amended.

(2) In this section:

Part 2 Act means an Act that is amended by an item in Part 2 of Schedule 1.

Schedule 1

496 Saving provision—Finance Minister’s determinations

If a determination under subsection 20(1) of the *Financial Management and Accountability Act 1997* is in force immediately before the commencement of this item, the determination continues in force as if it were made under subsection 20(1) of that Act as amended by this Act.

Australian Centre for International Agricultural Research Amendment Act 2007
(No. 115, 2007)

Schedule 2

1 Definitions

In this Schedule:

amend includes repeal and remake.

asset means:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; or
- (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

assets official, in relation to an asset other than land, means the person or authority who, under a law of the Commonwealth, a State or a Territory, under a trust instrument or otherwise, has responsibility for keeping a register in relation to assets of the kind concerned.

Board has the same meaning as in the old law.

Centre means the Australian Centre for International Agricultural Research established by the *Australian Centre for International Agricultural Research Act 1982*.

CEO means the Chief Executive Officer of the Centre.

commencement time means the time when this Schedule commences.

Commission has the same meaning as in the new law.

Director has the same meaning as in the old law.

Table A

instrument:

- (a) includes:
 - (i) a contract, deed, undertaking or agreement; and
 - (ii) a notice, authority, order or instruction; and
 - (iii) an instrument made under an Act or regulations; and
 - (iv) regulations; but
- (b) does not include an Act.

land means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

land registration official, in relation to land, means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

liability means any liability, duty or obligation, whether actual, contingent or prospective.

new law means the *Australian Centre for International Agricultural Research Act 1982* as in force immediately after the commencement time.

old law means the *Australian Centre for International Agricultural Research Act 1982* as in force immediately before the commencement time.

2 Vesting of assets of Centre

- (1) This item applies to the assets of the Centre immediately before the commencement time.
- (2) At the commencement time, the assets to which this item applies cease to be assets of the Centre and become assets of the Commonwealth without any conveyance, transfer or assignment. The Commonwealth becomes the successor in law in relation to these assets.

3 Vesting of liabilities of Centre

- (1) This item applies to the liabilities of the Centre immediately before the commencement time.
- (2) At the commencement time, the liabilities to which this item applies cease to be liabilities of the Centre and become liabilities of the Commonwealth without any conveyance, transfer or assignment. The Commonwealth becomes the successor in law in relation to these liabilities.

4 Certificates relating to vesting of land

- (1) This item applies if:
- (a) any land vests in the Commonwealth under this Part; and
 - (b) there is lodged with a land registration official a certificate that:
 - (i) is signed by the Minister; and
 - (ii) identifies the land, whether by reference to a map or otherwise; and
 - (iii) states that the land has become vested in the Commonwealth under this Part.

Note: Certificates under paragraph (1)(b) are presumed to be authentic: see item 17.

- (2) The land registration official may:
- (a) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and
 - (b) deal with, and give effect to, the certificate.

5 Certificates relating to vesting of assets other than land

- (1) This item applies if:
- (a) any asset other than land vests in the Commonwealth under this Part; and
 - (b) there is lodged with an assets official a certificate that:
 - (i) is signed by the Minister; and
 - (ii) identifies the asset; and
 - (iii) states that the asset has become vested in the Commonwealth under this Part.

Note: Certificates under paragraph (1)(b) are presumed to be authentic: see item 17.

- (2) The assets official may:
- (a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
 - (b) make such entries in the register as are necessary, having regard to the effect of this Schedule.

Table A

6 Substitution of Commonwealth as a party to pending proceedings

If any proceedings to which the Centre was a party were pending in any court or tribunal immediately before the commencement time, the Commonwealth is substituted for the Centre, from the commencement time, as a party to the proceedings.

7 Transfer of custody of Centre or Board records

- (1) This item applies to any records or documents that, immediately before the commencement time, were in the custody of the Centre or the Board.
- (2) The records and documents are to be transferred into the custody of the CEO at or after the commencement time.

8 References in instruments

References to Centre or Director taken to be references to CEO or Commonwealth

- (1) If:
 - (a) an instrument is in force immediately before the commencement time; and
 - (b) the instrument contains a reference to the Centre or to the Director;the instrument has effect from the commencement time as if the reference were a reference to the CEO.
- (2) However, if:
 - (a) an instrument is in force immediately before the commencement time; and
 - (b) the instrument relates to assets or liabilities covered by item 2 or 3; and
 - (c) the instrument refers to the Centre or to the Director;the reference is to be read as a reference to the Commonwealth as necessary to give effect to item 2 or 3, as the case requires.

Table A

References to Board taken to be references to Commission

- (3) If:
- (a) an instrument is in force immediately before the commencement time; and
 - (b) the instrument contains a reference to the Board;
- the instrument has effect from the commencement time as if the reference were a reference to the Commission.

Minister and regulations may provide otherwise

- (4) The Minister may, by writing, determine that subitem (1), (2) or (3):
- (a) does not apply in relation to a specified reference; or
 - (b) applies as if:
 - (i) in the case of subitem (1)—the reference in that subitem to the CEO were a reference to the Commonwealth; or
 - (ii) in the case of subitem (2)—the reference in that subitem to the Commonwealth were a reference to the CEO; or
 - (iii) in the case of subitem (3)—the reference in that subitem to the Commission were a reference to the CEO.

A determination under this subitem has effect accordingly.

- (5) The regulations may provide that an instrument containing a reference specified in a determination under paragraph (4)(a) has effect from the commencement time as if:
- (a) in the case of an instrument covered by subitem (1)—the reference were a reference to a specified person or body other than the Commonwealth or the CEO; or
 - (b) in the case of an instrument covered by subitem (2)—the reference were a reference to a specified person or body other than the Commonwealth or the CEO; or
 - (c) in the case of an instrument covered by subitem (3)—the reference were a reference to a specified person or body other than the Commission or the CEO.

Determinations are not legislative instruments

- (6) A determination under subitem (4) is not a legislative instrument.

Table A

9 Operation of laws

Things done by Centre or Director taken to be done by CEO

- (1) If, before the commencement time, a thing was done by, or in relation to, the Centre or the Director, then, for the purposes of the operation of any law of the Commonwealth after the commencement time, the thing is taken to have been done by, or in relation to, the CEO.
- (2) For the purposes of subitem (1), a thing done before the commencement time under a provision that is amended by this Act has effect from that time as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.

Minister and regulations may provide otherwise

- (3) The Minister may, by writing, determine that subitem (1):
 - (a) does not apply in relation to a specified thing done by, or in relation to, the Centre or the Director; or
 - (b) applies as if the reference in that subitem to the CEO were a reference to the Commonwealth.

A determination under this subitem has effect accordingly.

- (4) The regulations may provide for a thing specified in a determination under paragraph (3)(a) to be taken to have been done by, or in relation to, a specified person or body other than the Commonwealth or the CEO.

*Meaning of **doing***

- (5) To avoid doubt, for the purposes of this item, **doing** a thing includes making an instrument.

Determinations are not legislative instruments

- (6) A determination made under subitem (3) is not a legislative instrument.

10 Reporting requirements

Future reporting requirements

- (1) If:
- (a) immediately before the commencement time, a law required the Centre, the Director or the Board to provide a report (whether financial statements or otherwise) for a period; and
 - (b) the period ends after the commencement time;

the CEO must provide the report, as required, for so much of the period as occurs before the commencement time.

- (2) If:
- (a) under subitem (1), the CEO is required to provide a report for a part of a period; and
 - (b) the CEO is also required to provide a similar report for the remainder of the period;

the CEO may meet the requirements in a single report for the period.

Outstanding reporting requirements

- (3) If:
- (a) a law required the Centre, the Director or the Board to provide a report (whether financial statements or otherwise) for a period that ended before the commencement time; and
 - (b) the report has not been provided by the commencement time;

the CEO must provide the report as required.

Application of law to CEO

- (4) To avoid doubt, if, under this item, the CEO is required to provide a report under a law, the law applies to the CEO in respect of the report in the same way as the law would have applied to the Centre, the Director or the Board in respect of the report.

11 CEO

- (1) The person holding office as the Director under section 24 of the old law immediately before the commencement time is taken, at the commencement time, to have been duly appointed as the CEO by the Governor-General under section 24 of the new law:

Table A

- (a) for the balance of the person's term of appointment that remained immediately before the commencement time; and
 - (b) on the same terms and conditions as applied to the person immediately before the commencement time.
- (2) This item does not prevent those terms and conditions being varied after the commencement time.

12 Staff of the Centre

- (1) A person who was a member of the staff of the Centre immediately before the commencement time is taken, at the commencement time, to have been engaged by the CEO as a member of the staff of the Centre.
- (2) The person is taken to have been engaged on the same terms and conditions as applied to the person immediately before the commencement time.
- (3) This item does not prevent those terms and conditions being varied after the commencement time.

13 Arrangements relating to external staff

An arrangement in force under section 31 of the old law immediately before the commencement time continues in force after that time as if it had been entered into under section 31 of the new law.

14 Consultants

- (1) A person in respect of whom an engagement was in force under section 32 of the old law immediately before the commencement time is taken, at the commencement time, to have been engaged as a consultant under section 32 of the new law.
- (2) The person is taken to have been engaged on the same terms and conditions as applied to the person immediately before the commencement time.
- (3) This item does not prevent those terms and conditions being varied after the commencement time.

Table A

15 Exemption from stamp duty and other State or Territory taxes

No stamp duty or other tax is payable under a law of a State or Territory in respect of, or in respect of anything connected with:

- (a) the transfer of an asset or liability under this Schedule; or
- (b) the operation of this Schedule in any other respect.

16 Constitutional safety net—acquisition of property

- (1) If the operation of this Schedule would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (3) In this item:
acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.
just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

17 Certificates taken to be authentic

A document that appears to be a certificate made or issued under a particular provision of this Schedule:

- (a) is taken to be such a certificate; and
- (b) is taken to have been properly given;

unless the contrary is established.

18 Delegation by Minister

- (1) The Minister may, by writing, delegate all or any of his or her powers and functions under this Schedule to the CEO.
- (2) In exercising powers or performing functions under a delegation, the CEO must comply with any directions of the Minister.

Table A

19 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Schedule to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Schedule.

- (2) The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by Schedule 1 to this Act.