

Queensland



GRAIN RESEARCH FOUNDATION ACT 1976

**Reprinted as in force on 28 February 2002
(includes amendments up to Act No. 63 of 2001)**

Reprint No. 2

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 28 February 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



GRAIN RESEARCH FOUNDATION ACT 1976

TABLE OF PROVISIONS

Section	Page
1 Short title	3
2 Commencement	3
4 Definitions	3
5 Constitution of the Foundation	3
6 Foundation to be a body corporate	3
7 Membership of the Foundation	4
8 Term of appointment of members	5
9 Chairperson	5
10 Vacation of office	5
11 Filling of casual vacancies	6
12 Proceedings of the Foundation	7
13 Fees and allowances	8
14 Staff	8
15 Functions of the Foundation	8
16 Powers of the Foundation	9
17 Advisory committees	9
18 Financial arrangements	10
19 Foundation is statutory body	10
20 Funds to be kept	10
21 General Fund	10
22 Loan Funds	11
23 Trust Fund	11
24 Accounts	11

26	Indemnity to members.	11
27	Annual report.	12
28	Regulation-making power	12

ENDNOTES

1	Index to endnotes.	13
2	Date to which amendments incorporated.	13
3	Key.	13
4	Table of earlier reprints	14
5	Tables in earlier reprints.	14
6	List of legislation	14
7	List of annotations	15

GRAIN RESEARCH FOUNDATION ACT 1976

[as amended by all amendments that commenced on or before 28 February 2002]

An Act relating to the promotion of research in the Queensland grain industry; to provide for the constitution of a grain research foundation; and for related purposes

1 Short title

This Act may be cited as the *Grain Research Foundation Act 1976*.

2 Commencement

This Act shall commence on a day to be fixed by proclamation.

4 Definitions

In this Act—

“association” see section 7(1)(a).

“grain industries” means the crop industries engaged in the production or development of cereal grains, coarse grains, oilseeds and grain legumes, and includes any crop industry which is declared by regulation to be a grain industry for the purposes of this Act.

“the foundation” means the Grain Research foundation constituted under this Act.

5 Constitution of the foundation

There shall be constituted a body by the name of the Grain Research foundation.

6 Foundation to be a body corporate

(1) The foundation shall—

- (a) be a body corporate with perpetual succession and an official seal;
- (b) be capable in law of—
 - (i) suing and being sued; and
 - (ii) acquiring, holding, dealing with and disposing of real and personal property; and
 - (iii) doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of the foundation affixed to any document or other writing and shall presume, until the contrary is proved, that it was duly affixed.

7 Membership of the foundation

(1) The foundation is to consist of 7 members being—

- (a)
 - (i) an officer of the department who is an agricultural scientist and has substantial experience in the administration of agricultural research;
 - (ii) 2 agricultural scientists, each of whom represents a body, of whatever nature, which conducts agricultural research; and
nominated by the chief executive after consultation with the entity the chief executive considers is the peak industry body representing grain growers in the State's grain industries (the **“association”**); and
- (b) 4 representatives of the association, each of whom—
 - (i) is actively involved in the grain industries; and
 - (ii) has a comprehensive knowledge of the grain industries; and
 - (iii) has the ability to assess research priorities of the grain industries;

nominated by the association.

(2) Nominations of the persons to be appointed members of the foundation are to be made within the time and in the manner determined by the Minister.

(2A) If the association does not make a nomination within the time and in the manner so determined, the Governor in Council may appoint persons to be members of the foundation as the representatives of the association and each such member is to be taken to have been nominated by the association.

(3) The members of the foundation are to be appointed by the Governor in Council.

8 Term of appointment of members

The appointment of a member of the foundation is for the term (not longer than 3 years) specified in the member's instrument of appointment.

9 Chairperson

(1) At the first meeting of the foundation, the members present shall appoint one of their number to be chairperson of the foundation.

(2) At the first meeting of the foundation held after 1 July in each year after the year of the first constitution of the foundation the members present shall appoint one of their number to be chairperson of the foundation.

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

(4) The chairperson holds office as such until the appointment of a successor or until he or she resigns as chairperson or until he or she ceases to be a member of the foundation whichever shall first occur.

(5) A chairperson holding office and who is otherwise eligible may be reappointed as chairperson at the termination of his or her period of office as chairperson.

(6) The chairperson of the foundation shall be the person appointed as chairperson from time to time pursuant to this section.

(7) If the chairperson is not present at a meeting of the foundation, the members present shall appoint from their number a member as chairperson to preside at the meeting, and, whilst so presiding, the member in question may do all such acts and things as the chairperson may do.

10 Vacation of office

(1) The office of a member of the foundation becomes vacant if the member—

- (a) dies;
- (b) becomes bankrupt or compounds with the member's creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (c) is convicted in the State of an indictable offence (whether on indictment or summarily) or is convicted elsewhere of an offence that, had it been committed in the State, would be an indictable offence;
- (d) is absent, without prior leave granted by the foundation, from 3 consecutive ordinary meetings of the foundation;
- (e) resigns by signed notice given to the Minister;
- (f) in the case of the member referred to in section 7(1)(a)(i)—ceases to be an officer of the department;
- (g) in the case of a member referred to in section 7(1)(b)—is removed from office by the Governor in Council pursuant to subsection (2);
- (h) in the case of a member other than the member referred to in section 7(1)(a)(i)—is removed from office by the Governor in Council pursuant to subsection (3).

(2) The Governor in Council is to remove from office a member referred to in section 7(1)(b) on receipt of a request in writing by the association to so remove the member on the ground that the association no longer desires him or her to be a member as its representative.

(3) The Governor in Council may, for misbehaviour or incapacity appearing to the Governor in Council to be sufficient for so doing, remove from office a member other than the member referred to in section 7(1)(a)(i).

11 Filling of casual vacancies

Where a vacancy occurs in the office of a member of the foundation, the Governor in Council may, in accordance with section 7 and subject to the provisions with respect to nomination contained therein, appoint another

person as a member to hold office for the balance of his or her predecessor's term of office.

12 Proceedings of the foundation

(1) Subject to subsection (2), the chairperson shall convene such meetings of the foundation as are, in his or her opinion, necessary for the efficient performance of its functions.

(2) The chairperson shall convene a meeting of the foundation if requested by another member of the foundation to do so.

(3) Not less than 7 days notice of a meeting of the foundation shall be given by the chairperson to the other members, but all the members may agree to a meeting being held on shorter notice being given or without notice.

(4) The convenience of the majority of the members shall be considered when a meeting date is being selected.

(5) If for any reason the chairperson is not available to convene a meeting of the foundation when another member desires a meeting to be convened, that member may, with the consent of the other members, select a date suitable to such other members for a meeting, and a meeting of the foundation may be convened on that date.

(6) The chairperson shall preside at every meeting of the foundation at which he or she is present.

(7) Four members constitute a quorum at any meeting of the foundation.

(8) Questions arising at a meeting of the foundation shall be determined by a majority of votes of the members present.

(9) If a member refuses or fails to vote, his or her vote shall be counted in the negative.

(10) The chairperson or other person presiding at a meeting of the foundation has an original vote and, in the event of an equal division of votes upon any question, has a second or casting vote.

(11) The foundation shall keep minutes of the proceedings of its meetings.

(12) An act or proceeding of the foundation shall not be invalid or ineffectual in consequence only of the number of members of the foundation not being complete at the time of such act or proceeding.

(13) All acts and proceedings of the foundation shall, notwithstanding any defect in the appointment of a member or that any member was disqualified or disentitled to act, be as valid and effectual as if every such member had been duly appointed and was qualified and entitled to act and as if the foundation had been properly and fully constituted.

(14) Subject to the foregoing provisions, the foundation shall conduct and regulate its business in such manner as it determines from time to time.

13 Fees and allowances

(1) Subject to subsection (2), each member of the foundation is to be paid, by the foundation, such fees and allowances, if any, as the Governor in Council from time to time determines.

(2) Fees are not to be paid to a member who is a public service employee, for attendance at any meeting held during the ordinary working hours of the employee.

14 Staff

(1) The foundation may appoint a secretary and such other employees as may in its opinion be necessary for the proper performance of its functions under this Act.

(2) Employment of any such person may be on a full-time or a part-time basis or a person may be appointed in an honorary capacity.

(3) The foundation may arrange with the association for the performance of secretarial and other duties in relation to the foundation.

(4) The foundation may retain or obtain the advice or services of technical or other advisers or experts as it considers necessary from time to time.

(5) Before exercising any of its powers under subsection (1) or (4), the foundation shall have due regard to, and consider carefully, the expense involved in the exercise of any such power.

15 Functions of the foundation

The functions of the foundation are—

- (a) to conduct or encourage and assist in the conducting of scientific and economic research in connection with or that is likely to benefit the grain industries;
- (b) to train or encourage and assist in the training of persons for the purposes of the carrying out of research as referred to in paragraph (a);
- (c) to disseminate information and advice relating to technical matters in connection with the grain industries;
- (d) to publish technical reports, periodicals, books and papers in connection with the grain industries;
- (e) to conduct, according to law, public appeals for funds to assist it in the carrying out of its functions;
- (f) to make donations or gifts or allocate funds to other bodies or persons for the purpose of furthering research with respect to the grain industries or for the purpose of otherwise furthering any of the functions referred to in this section;
- (g) to do and perform such incidental or consequential acts and things as may be necessary or expedient for the promotion of research in the grain industries or otherwise for the performance of its functions.

16 Powers of the foundation

Without limiting any other provision of this Act with respect to the powers of the foundation, the foundation has power to acquire property, real and personal, construct buildings and receive and disburse moneys for the purposes of or in aid of the performance of its functions, and otherwise to do all things necessary or convenient to be done for or in connection with the performance of its functions.

17 Advisory committees

(1) The foundation may appoint advisory committees to advise it on such matters within the scope of its functions as are referred by it to those committees.

(2) A person may be appointed to be a member of any such committee whether or not he or she is a member of the foundation.

(3) Subject to subsection (4), each member of an advisory committee is to be paid, by the foundation, such fees and allowances, not exceeding the rate of fees and allowances payable to a member of the foundation, as the foundation from time to time determines.

(4) Fees are not to be paid to a member who is a public service employee, for attendance at any meeting held during the ordinary working hours of the employee.

18 Financial arrangements

It is hereby declared that the foundation is subject to the *Financial Administration and Audit Act 1977*.

19 Foundation is statutory body

(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the foundation is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the foundation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

20 Funds to be kept

(1) The foundation shall establish and keep the following funds, that is to say—

- (a) a general fund; and
- (b) a loan fund in respect of each loan borrowed; and
- (c) a trust fund.

(2) The funds shall be kept separate and distinct.

21 General fund

(1) There shall be paid into the general fund all moneys, other than loan and trust moneys, that are received by the foundation.

(2) Moneys standing to the credit of the general fund shall be applied only in meeting expenses properly incurred by the foundation in the performance of its functions and the exercise of its powers.

22 Loan funds

(1) Where moneys are borrowed by the foundation in connection with any function of the foundation, there shall be paid into the loan fund established in respect of such borrowing the moneys so borrowed.

(2) Moneys standing to the credit of each loan fund shall be applied only for the purpose or purposes for which those moneys were borrowed by the foundation.

23 Trust fund

(1) There shall be paid into the trust fund all moneys received by the foundation by way of deposit or in trust for any person.

(2) Moneys standing to the credit of the trust fund shall be applied only to the purpose or purposes for which they were received by the foundation.

24 Accounts

(1) The foundation shall keep—

- (a) a separate banking account for the general fund;
- (b) a separate banking account for each loan fund or 1 consolidated banking account for all loan funds;
- (c) a separate banking account for the trust fund.

(2) The foundation shall keep in all other respects proper accounts sufficient to record accurately all financial transactions in relation to the performance of the functions and the exercise of the powers of the foundation.

(3) At least once in each year the foundation shall prepare a statement of income and expenditure and a balance sheet with respect to the general fund and a statement of receipts and disbursements with respect to each other fund kept pursuant to section 20.

26 Indemnity to members

Each member of the foundation shall be indemnified from the funds of the foundation in respect of any damages, loss and costs occasioned by any act or omission done or made by the member in good faith on behalf of and in the interests of the foundation.

27 Annual report

(1) The foundation shall report annually to the Minister concerning its operations under this Act.

(2) The Minister shall lay the report before the Legislative Assembly.

28 Regulation-making power

The Governor in Council may make regulations under this Act.

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	13
3 Key	13
4 Table of earlier reprints	14
5 Tables in earlier reprints	14
6 List of legislation	14
7 List of annotations	15

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 February 2002. Future amendments of the Grain Research Foundation Act 1976 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of earlier reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to Act No. 15 of 1994	10 May 1994	25 November 1994
1A	to Act No. 25 of 1996	15 August 1996	20 August 1996
1B	to Act No. 54 of 1996	1 December 1996	21 March 1997
1C	to Act No. 54 of 1996	1 June 1997	4 July 1997
1D	to Act No. 16 of 2000	8 June 2000	20 July 2001
1E	to Act No. 63 of 2001	25 October 2001	8 November 2001
1F	to Act No. 63 of 2001	28 February 2002	28 February 2002

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Grain Research Foundation Act 1976 No. 68

date of assent 6 December 1976

commenced 29 January 1977 (proc pubd gaz 29 January 1977 p 274)

amending legislation—

Grain Research Foundation Act Amendment Act 1990 No. 58

date of assent 18 September 1990

ss 1–2 commenced on date of assent

remaining provisions commenced 2 February 1991 (proc pubd gaz 2 February 1991 p 395)

Grain Research Foundation Act Amendment Act 1991 No. 45

date of assent 28 August 1991

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 2

date of assent 10 May 1994
commenced on date of assent

Tobacco Industry (Restructuring) Act 1996 No. 25 ss 1, 28 sch 1

date of assent 15 August 1996
commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2

date of assent 8 June 2000
ss 1–2, 590 commenced on date of assent (see s 2(1))
remaining provisions commenced 28 February 2002 (2002 SL No. 27) (provisions were to commence 8 June 2002 (automatic commencement under AIA s 15DA(2) (2001 SL No. 46 s 2)))

Primary Industries Legislation Amendment Act 2001 No. 63 s 1, pt 4, s 58 sch

date of assent 25 October 2001
commenced on date of assent

7 List of annotations

Cesser of Deed of Trust

s 3 om R1 (see RA s 37)

Definitions

prov hdg sub 1996 No. 25 s 28 sch 1
s 4 def “**association**” ins 2001 No. 63 s 14(2)
def “**department**” ins 1990 No. 58 s 4(a)
om 1994 No. 15 s 3 sch 2
def “**Director-General**” ins 1990 No. 58 s 4(a)
om R1 (see RA s 39)
def “**grain industries**” ins 1990 No. 58 s 4(b)
amd 1994 No. 15 s 3 sch 2
def “**Minister**” sub 1990 No. 58 s 4(c)
om 1994 No. 15 s 3 sch 2
def “**the Association**” om 2001 No. 63 s 14(1)

Membership of the foundation

s 7 sub 1990 No. 58 s 5
amd 1994 No. 15 s 3 sch 2; 2001 No. 63 ss 15, 58 sch

Term of appointment of members

- prov hdg** amd 1990 No. 58 s 6(a)
s 8 amd 1990 No. 58 s 6(b)–(c)
sub 1994 No. 15 s 3 sch 2

Vacation of office

- s 10** sub 1990 No. 58 s 7
amd 2000 No. 16 s 590 sch 1 pt 2

Filling of casual vacancies

- s 11** amd 1990 No. 58 s 8; 1994 No. 15 s 3 sch 2

Proceedings of the foundation

- s 12** amd 1990 No. 58 s 9

Fees and allowances

- s 13** sub 1991 No. 45 s 3
amd 1996 No. 37 s 147 sch 2

Functions of the foundation

- s 15** amd 1990 No. 58 s 10

Advisory committees

- s 17** amd 1991 No. 45 s 4; 1996 No. 37 s 147 sch 2

Financial arrangements

- s 18** sub 1990 No. 58 s 11
amd 1996 No. 54 s 9 sch

Foundation is statutory body

- s 19** prev s 19 om 1990 No. 58 s 11
pres s 19 ins 1996 No. 54 s 9 sch

Audit

- s 25** om 1990 No. 58 s 12

Regulation-making power

- s 28** sub 1996 No. 25 s 28 sch 1