

**Representative
organisation financial
support policy**



Managing Director’s authorisation: *Patrick W Dae*

Effective date: 10 October 2019

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1. PURPOSE

This policy defines the boundaries for legitimate and appropriate financial support to representative organisations by the FRDC.

2. RESPONSIBILITY

Responsibility for this policy resides with the Manager Corporate Services.

3. DEFINITIONS AND ACRONYMS

Definitions - follow link to [Definitions](#)

Acronyms – follow link to [Acronyms](#)

4. RISK CATEGORY

This policy covers the following risk categories:

Strategic	Reputational	Financial	Service Delivery	Operational	People	Governance
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5. RELEVANT DOCUMENTATION

Relevant documentation
Internal
Calendar procedure
Code of conduct policy
Financial statements procedure
Investment in Research Development and Extension (RDE) policy
Risk policy
Risk Register
External
Primary Industries Research and Development Act 1989
Commonwealth Procurement Rules
Commonwealth Grant Rules and Guidelines.

6. PUBLICATION

FRDC Website	Yes	Directors' website	Yes
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7. BACKGROUND

To facilitate the FRDC's accountability to its stakeholders, the Minister has declared the:

- Australian Recreational and Sport Fishing Industry Confederation (trading as Recfish Australia)
- National Aquaculture Council (NAC)
- Commonwealth Fisheries Association (CFA)
- National Seafood Industry Alliance (NSIA)

to be representative organisations for the purposes of section 7 of the PIRD Act.

The FRDC's relationship with its representative organisations is covered by the:

- Primary Industries Research and Development Act (**PIRD Act**) (refer Attachment 1)

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- Commonwealth Procurement Rules
- Commonwealth Grant Rules and Guidelines.

The Guidelines suggest rules for the FRDC’s funding of its representative organisations, including the process to decide funding well in advance. Section 5 of the Guidelines states: “All consultation payments made to an industry organisation that has a formal relationship under its enabling legislation with the statutory authority, must be included in the authority's financial statements in its annual report and be accompanied, in the main body of the annual report, by a brief report that explains the purpose of the funding and the industry organisations to whom funds were paid, and describes how the authority and industry organisations conformed with these guidelines.”

8. POLICY

The FRDC will abide by both the PIRD Act and the Commonwealth Procurement Rule and the Commonwealth Grant Rules and Guidelines.

For example the FRDC:

- will pay its representative organisations to consult, covering costs such as:
 - reasonable travel expenses incurred in connection with consultations with FRDC
 - other direct expenses reasonably incurred by the FRDC’s representative organisations in connection with consultations with FRDC
- will not pay for, or contribute towards, agripolitical activities, sitting fees, salaries and running costs, and capital expenditure

The FRDC may fund projects where one of its representative organisations is the provider, where those projects are consistent with the FRDC’s RD&E Plan, comply with the Investment in Research Development and Extension (RDE) policy and are to:

- investigate and evaluate requirements for RD&E Plan in the fishing and aquaculture industry
- carry out RD&E
- facilitate dissemination, adoption and commercialisation of the results of RD&E.

9. AUDIT AND REPORTING

Payments by the FRDC to a representative organisation may be subject to audit to ensure compliance with these guidelines.

10. EVALUATION

The evaluation of this policy is measured against the Government compliance component of FRDC’s performance framework.

11. ATTACHMENTS

#	Description
1	Extract from the PIRD Act 1989 on Powers and Consultation with persons and organisations
2	Extracts from the PIRD Act on representative organisations

Attachment 1 - Extract from the PIRD Act 1989 on Powers and Consultation with persons and organisations

[sections extracted from Compilation No. 27 of the Act, dated 25 August 2018 – for latest version of Act see <https://www.legislation.gov.au/Series/C2004A03948>]

Section 12: Powers

12 Powers

- (1) An R&D Corporation has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions and, in particular, may:
 - (a) enter into agreements under section 13 for the carrying out of R&D or marketing activities by other persons; and
 - (b) enter into agreements under section 14 for the carrying out of R&D or marketing activities by the Corporation and other persons; and
 - (c) make intellectual property and other applications, including joint applications, in relation to the results of research and development; and
 - (d) deal with the results of research and development vested in, or made available to, the Corporation or the Corporation and other persons; and
 - (e) make charges for work done, services rendered, and goods and information supplied, by it; and
 - (f) accept gifts, grants, bequests and devises made to it, and act as trustee of money and other property vested in it on trust; and
 - (g) acquire, hold and dispose of real and personal property for the purposes of this Act; and
 - (h) join in the formation of a company; and
 - (j) do anything incidental to any of its powers.

Section 15: Consultations with persons and organisations

15 Consultations with persons and organisations

- (1) Without limiting the generality of subsection 12(1), an R&D Corporation may make arrangements for consulting:
 - (a) persons and bodies representative of the primary industry or class of primary industries in respect of which the Corporation was established (including any of the Corporation's representative organisations); and
 - (b) Commonwealth, State and Territory authorities concerned with that primary industry or class of primary industries.
- (2) Arrangements made by an R&D Corporation under subsection (1) may provide for:
 - (a) the Corporation agreeing to meet travel expenses reasonably incurred by a person in connection with consultations with the Corporation; and
 - (b) subject to written guidelines given to the Corporation by the Minister, the Corporation agreeing to meet expenses (other than travel expenses) reasonably incurred by a representative organisation of the Corporation, or a member of a representative organisation of the Corporation, in connection with consultations with the Corporation.

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Attachment 2 – Extracts from the PIRD Act on representative organisations

[sections extracted from Compilation No. 27 of the Act, dated 25 August 2018 – for latest version of Act see <https://www.legislation.gov.au/Series/C2004A03948>]

Section 7: Representative Organisations

7 Representative organisations

- (1) The Minister may, by notice published in the *Gazette*, declare one or more specified organisations to be representative organisations in relation to an R&D Corporation.
- (2) A declaration may be made in respect of an R&D Corporation at any time after the making of regulations under section 8 establishing the Corporation, even if the regulations concerned are not in force at that time.
- (3) The Minister must, in relation to each R&D Corporation, declare at least one organisation to be a representative organisation.
- (4) A declaration must be published on the Department's website as soon as practicable after it is made.

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Section 11: Functions

11 Functions

The functions of an R&D Corporation are:

- (a) to investigate and evaluate the requirements for research and development in relation to the primary industry or class of primary industries in respect of which it was established and, on the basis of such investigation and evaluation:
 - (i) to prepare an R&D plan under section 19; and
 - (ii) to review and revise the plan; and
- (b) to prepare an annual operational plan under section 25 for each financial year; and
- (c) to co-ordinate or fund the carrying out of R&D activities that are consistent with the annual operational plan prepared by the Corporation and in force at the time; and
- (d) to:
 - (i) monitor; and
 - (ii) evaluate; and
 - (iii) report to the Parliament, the Minister and its representative organisations on;
R&D activities that are co-ordinated or funded, wholly or partly, by the Corporation; and
- (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
- (e) to disseminate and commercialise, and facilitate the dissemination, adoption and commercialisation of, the results of research and development in relation to the primary industry or class of primary industries in respect of which the Corporation was established; and
- (ea) if a levy attached to the Corporation has a marketing component—to carry out marketing activities for the benefit of the primary industry or class of primary industries in respect of which the Corporation was established; and
- (eb) if a person makes a gift, grant, bequest or devise to the Corporation for the purpose of the Corporation carrying out marketing activities for the benefit of the primary industry or class of primary industries in respect of which the Corporation was established—to use the gift, grant, bequest or devise to carry out those marketing activities; and
- (f) such other functions as are conferred on the Corporation by this Act or any other Act.

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Section 15: Consultations with persons and organisations

15 Consultations with persons and organisations

- (1) Without limiting the generality of subsection 12(1), an R&D Corporation may make arrangements for consulting:
 - (a) persons and bodies representative of the primary industry or class of primary industries in respect of which the Corporation was established (including any of the Corporation's representative organisations); and
 - (b) Commonwealth, State and Territory authorities concerned with that primary industry or class of primary industries.
- (2) Arrangements made by an R&D Corporation under subsection (1) may provide for:
 - (a) the Corporation agreeing to meet travel expenses reasonably incurred by a person in connection with consultations with the Corporation; and
 - (b) subject to written guidelines given to the Corporation by the Minister, the Corporation agreeing to meet expenses (other than travel expenses) reasonably incurred by a representative organisation of the Corporation, or a member of a representative organisation of the Corporation, in connection with consultations with the Corporation.

Section 18: Members of executive of representative organisation not eligible for appointment etc

18 Members of executive of representative organisation not eligible for appointment etc.

- (1) A person who is a member of the executive of a representative organisation of an R&D Corporation must not be appointed as a director of the Corporation.
- (2) A director of an R&D Corporation who becomes a member of the executive of a representative organisation of the Corporation ceases to hold office as a director of the Corporation.

Section 20: Approval of R&D plans

20 Approval of R&D plans

- (1) An R&D plan is to be submitted to the Minister for approval no later than 2 months, or such shorter period as the Minister, in special circumstances, allows, before the intended day of commencement of the period to which the plan relates.
- (2) Where the Minister is of the opinion that an R&D Corporation's R&D plan, submitted under subsection (1) or (3) for his or her approval, should be revised in some respect, the Minister may give to the Corporation a written notice:
 - (a) requesting the Corporation to make such a revision; and
 - (b) setting out the reasons for the request.
- (3) Where an R&D Corporation receives such a request, it must:
 - (a) consider the request and the statement of reasons; and
 - (b) make such revision of the R&D plan it considers appropriate; and
 - (c) submit the plan, as so revised, to the Minister for approval.
- (4) Where a copy of an R&D plan is submitted to the Minister for approval under subsection (1) or (3), a copy of the plan is at the same time also to be provided to the Presidents (or the holders of the equivalent office) within each of the representative organisations of the Corporation.
- (5) Where the Minister approves an R&D plan, the Corporation is, no later than one month after the day on which it is approved by the Minister, to notify each of its representative organisations of the Minister's approval.
- (6) An R&D plan does not come into operation until:
 - (a) the day on which it is approved by the Minister; or
 - (b) the day of commencement of the period to which it relates; whichever is the later.

Section 21: Variation of R&D plans

21 Variation of R&D plans

- (1) An R&D Corporation must:
 - (a) as soon as practicable after 30 June next following the day on which its R&D plan comes into operation; and
 - (b) as soon as practicable after each subsequent 30 June occurring before the day of expiration of the plan;
review the plan and consider whether a variation of it is necessary.
- (2) An R&D Corporation may, at any other time, review its R&D plan (whether or not the plan has come into operation) and consider whether a variation of it is necessary.
- (3) Where the Minister gives to an R&D Corporation a notice requesting that the Corporation vary its R&D plan and setting out the reasons for making the request, it must consider, having regard to the reasons, whether the requested variation of the plan is appropriate.
- (4) Where an R&D Corporation considers that:
 - (a) a variation of its R&D plan is necessary; or
 - (b) a variation of its R&D plan, requested by the Minister, is appropriate;
it may vary the plan with the Minister's approval.
- (5) When requesting the Minister's approval for a variation of the plan, the Corporation must, unless the variation was requested by the Minister, provide the Minister with:
 - (a) a statement of its reasons for making the request; and
 - (b) such other information as the Minister requests.
- (6) The Minister may, after considering the request (together with the material (if any) provided under subsection (5)):
 - (a) approve the requested variation; or
 - (b) reject the requested variation.
- (7) Where the Minister approves a requested variation, the Corporation is, no later than one month after the day on which it is approved by the Minister, to provide a copy of the varied plan as approved by the Minister to the Presidents (or the holders of the equivalent office) within each of the representative organisations of the Corporation.
- (8) If the Minister rejects the requested variation he or she must give the Corporation his or her written reasons for doing so.

Section 24: Consultation

24 Consultation

Before preparing or varying an R&D plan, or making a request under subsection 22(1), an R&D Corporation must consult, and have regard to the views expressed by:

- (aa) the Minister; and
- (a) each of its representative organisations; and
- (b) such other persons or organisations as it considers appropriate.

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Section 25: Annual operational plans

25 Annual operational plans

- (1) An R&D Corporation must, for each financial year during which an R&D plan is in force, prepare, in written form, an annual operational plan that is expressed to relate to that financial year.
- (2) The annual operational plan is to:
 - (a) specify the broad groupings of R&D and marketing activities that the R&D Corporation proposes to fund, wholly or partly, during the financial year; and
 - (b) describe how and to what extent funding those activities will:
 - (i) give effect to the R&D plan in force during that financial year; and
 - (ii) in particular, pursue the strategies outlined in the R&D plan and help to achieve the objectives described in the R&D plan; and
 - (c) provide an estimate of:
 - (i) the total amounts likely to be spent by the Corporation in respect of each broad grouping of R&D activities the Corporation proposes to fund during the financial year; and
 - (ii) the total of the amounts likely to be spent by the Corporation under section 33, other than paragraph 33(1)(a), during the financial year; and
 - (iii) the total of the amounts referred to in subparagraphs (i) and (ii); and
 - (iv) the total of the amounts that are likely to be paid to the Corporation during the financial year (other than the amounts paid under section 30, 30A or 30B).
- (3) A reference in this section to R&D or marketing activities that an R&D Corporation proposes to fund includes a reference to R&D or marketing activities that the Corporation is prepared, subject to its examination of specific proposals, to fund.

Section 26: Commencement of annual operational plan etc.

26 Commencement of annual operational plan etc.

- (1) An annual operational plan for an R&D Corporation comes into operation on the first day of the period to which the plan relates.
- (2) Before the plan comes into operation, the Corporation must provide a copy of the plan to:
 - (a) the Minister; and
 - (b) each of the representative organisations of the Corporation.

Section 27: Compliance with R&D plans and annual operational plans

27 Compliance with R&D plans and annual operational plans

To the extent that it is practicable to do so, an R&D Corporation must ensure that, at any time:

- (a) the performance of its functions; and
- (b) the exercise of its powers;

are consistent with, and designed to give effect to, any R&D plan, and any annual operational plan, prepared by it and in force at the time.

Section 29: Accountability to representative organisations

29 Accountability to representative organisations

The Chairperson of an R&D Corporation (other than an R&D Corporation to which Division 7 applies) must, as soon as practicable after the Corporation's annual report has been submitted to the Minister, provide copies of the report to each of the Corporation's representative organisations, and make arrangements with each of those organisations to attend the organisation's annual conference, or a meeting of the organisation's executive, for the purpose of enabling:

- (a) the annual report to be considered; and
- (b) the Chairperson to deliver an address in relation to:
 - (i) the Corporation's activities in the period to which the report relates; and
 - (ii) the Corporation's intended activities in the financial year following the end of the period; and
 - (iii) in respect of the grain industry and such other primary industry or class of primary industries as is prescribed in the regulations, particulars of sources and expenditure of funds, including:
 - (A) commodity, cross commodity and regional classifications; and
 - (B) funds derived from transfer of assets, debts, liabilities and obligations under section 144; and
 - (C) funds derived from the transfer, under section 151 of this Act, of levies attached to Research Funds under the *Rural Industries Research Act 1985*; and
- (c) the Chairperson to be questioned in relation to those activities.

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Section 59: Notice of the convening of an annual general meeting

59 Notice of the convening of an annual general meeting

- (1) An R&D Corporation must, not later than 70 days before the day on which an annual general meeting is to be held in a financial year, cause a notice to be published in the *Gazette*, and in a newspaper that circulates throughout Australia, specifying:
 - (a) the day, time and place of the meeting; and
 - (b) the day (not being earlier than 14 days after the notice is published) before which applications from persons seeking to be entered on the list of levy payers for the financial year must be received by the Corporation.
- (2) In addition to publishing a notice under subsection (1), the Corporation:
 - (a) must give copies of the notice to each of its representative organisations; and
 - (b) may cause particulars of the annual general meeting to be made public in such a way as the Corporation determines at any time before the day referred to in paragraph (1)(b).

Section 62: Conduct of annual general meetings

62 Conduct of annual general meetings

- (1) An annual general meeting of an R&D Corporation may be attended by:
 - (a) the directors of the Corporation; and
 - (b) the eligible levy payers of the Corporation who are included in the list of levy payers for the financial year in which the meeting is held; and
 - (c) the members of the executive of each of the Corporation's representative organisations; and
 - (d) persons invited by the Corporation to attend the meeting; and
 - (e) such employees and consultants of the Corporation as the Chairperson determines, having regard to the business of the meeting.
- (2) The Chairperson must preside at an annual general meeting at which he or she is present.
- (3) An eligible levy payer of the Corporation is entitled to vote upon any matter to be determined at an annual general meeting if the eligible levy payer is included in the Corporation's list of levy payers for the financial year in which the meeting is held.
- (4) The Corporation must keep a record of the proceedings of an annual general meeting.

Section 64: Notification of motions passed

64 Notification of motions passed

- (1) An R&D Corporation must, within one month after the holding of an annual general meeting, provide to each of its representative organisations a copy of the text of all motions passed at the meeting.

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Section 77: Appointment

77 Appointment

- (1) The Executive Director is to be appointed by the Corporation.
- (2) The Chairperson or a nominated director must not be appointed as the Executive Director.
- (3) A person who is a member of the executive of a representative organisation of the Corporation must not be appointed as the Executive Director.
- (4) If the Executive Director becomes a member of the executive of a representative organisation of the Corporation, he or she ceases to hold office as the Executive Director.
- (6) The appointment of a person as Executive Director is not invalid because of a defect or irregularity in connection with the person's appointment.

Section 123: Minister may request the establishment of a Selection Committee

123 Minister may request the establishment of a Selection Committee

- (1) The Minister must, for the purposes of:
 - (a) appointing the nominated directors of an R&D Corporation; or
 - (b) filling a vacancy caused by the resignation of, or the termination of the appointment of, any such director;give a written notice to the Presiding Member of the Selection Committee for that R&D Corporation:
 - (c) if there is no Selection Committee for the R&D Corporation—requesting the Presiding Member to establish the Selection Committee; and
 - (d) specifying the period within which the Selection Committee must nominate persons, or a person, for appointment.
- (3) If the Minister believes on reasonable grounds that a vacancy of a kind referred to in subsection (1) is about to arise, the Minister may give a notice under subsection (1) before the vacancy arises.

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Section 124: Establishment of Selection Committees – R&D Corporations

124 Establishment of Selection Committees—R&D Corporations

- (1) If:
 - (a) the Presiding Member of the Selection Committee for an R&D Corporation (other than an R&D Corporation to which section 125 applies) receives a request under subsection 123(1); and
 - (b) there is no Selection Committee for the Corporation;
the Presiding Member must establish the Selection Committee for the purpose of nominating persons for appointment to the Corporation.
- (2) The Selection Committee so established consists of the following members:
 - (a) the Presiding Member;
 - (b) up to 4 other members appointed by the Minister on the nomination of the Presiding Member.
- (2A) For the purposes of nominating the other members, the Presiding Member must:
 - (a) consult with each of the Corporation's representative organisations; and
 - (b) have regard to the desirability of reflecting diversity, including a diversity of expertise, experience and gender, among the nominees.
- (3) Subject to subsections (4) and (5), the Minister must appoint the persons nominated by the Presiding Member.
- (4) Where the Minister is not satisfied that a person nominated for appointment should be appointed, the Minister may reject the nomination and request another nomination.
- (5) Where the Minister is satisfied that nominations for membership of a Selection Committee, as provided for under paragraph (2)(b) or subsection (4), will not be made within a reasonable time, the Minister may appoint persons to be members of the Selection Committee as if they had been so nominated.
- (6) The performance of the function, and the exercise of the powers, of a Selection Committee for an R&D Corporation are not affected merely because of vacancies in the Selection Committee's membership.

Section 125: Establishment of Selection Committees – predominantly Commonwealth funded R&D Corporations

125 Establishment of Selection Committees—predominantly Commonwealth funded R&D Corporations

- (1) This section applies to an R&D Corporation if the regulations declare the Corporation to be a predominantly Commonwealth funded R&D Corporation.
 - (2) If a request is made under subsection 123(1) to the Presiding Member of the Selection Committee for the R&D Corporation:
 - (a) if there is no Selection Committee for the R&D Corporation—the Presiding Member must establish the Selection Committee for the purpose of nominating persons for appointment to the Corporation; and
 - (b) the Minister may appoint up to 4 persons as members of that Committee for the purposes of this paragraph; and
 - (c) the Minister must inform the Presiding Member of any such appointment.
 - (3) If the Minister has not appointed 4 persons under paragraph (2)(b), the Minister may request the Presiding Member to nominate to the Minister persons for appointment to the Selection Committee.
 - (4) The Selection Committee so established consists of the following members:
 - (a) the Presiding Member;
 - (b) up to 4 other members, being:
 - (i) the members (if any) appointed by the Minister under paragraph (2)(b); and
 - (ii) such other members appointed by the Minister on the nomination of the Presiding Member.
- (4A) For the purposes of nominating persons for appointment to the Selection Committee, the Presiding Member must:

- (a) consult with each of the Corporation's representative organisations; and
 - (b) have regard to the desirability of reflecting diversity, including a diversity of expertise, experience and gender, among the nominees.
- (5) Subject to subsections (6) and (7), the Minister must appoint the persons nominated by the Presiding Member.
- (6) Where the Minister is not satisfied that a person nominated for appointment should be appointed, the Minister may reject the nomination and request another nomination.
- (7) Where the Minister is satisfied that nominations for membership of a Selection Committee, as provided for under subparagraph (4)(b)(ii) or subsection (6), will not be made within a reasonable time, the Minister may appoint persons to be members of the Selection Committee as if they had been so nominated.
- (8) The performance of the function, and the exercise of the powers, of a Selection Committee for an R&D Corporation to which this section applies are not affected merely because of vacancies in the Selection Committee's membership.

Section 130: Nomination to be made by Selection Committees

130 Nominations to be made by Selection Committees

- (1) A Selection Committee for an R&D Corporation must, within the period specified by the Minister in a request under section 123, give to the Minister a written notice nominating the person or persons it considers suitable for appointment to the R&D Corporation, having regard to the desirability of reflecting diversity, including a diversity of expertise, experience and gender, among the nominees.
- (2) For the purpose of enabling it to make a nomination, the Selection Committee:
 - (a) must invite nomination of persons for appointment by advertisements placed in a newspaper that circulates throughout Australia; and
 - (b) must invite nomination of persons for appointment from the representative organisation or representative organisations of the R&D Corporation; and
 - (c) may invite nomination of persons for appointment in any other way it considers appropriate; and
 - (d) must make a list of persons the Selection Committee considers suitable for nomination and the details of their expertise and experience.
- (3) A notice under subsection (1) is to include a statement:
 - (a) containing, in respect of each nominee:
 - (i) details of the nominee's qualifications and experience; and
 - (ii) any other information, relating to the nominee, that the Selection Committee considers will assist the Minister in deciding whether or not to appoint the nominee; and
 - (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 collectively possess:
 - (i) an appropriate balance of expertise in accordance with subsection 131(2); and
 - (ii) experience in board affairs; and
 - (iii) appropriate diversity.

Section 149: Regulations

149 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Before making a regulation for the purposes of section 8 establishing an R&D Corporation in respect of a primary industry or class of primary industries, the Governor-General is to take into consideration any relevant recommendation made to the Minister by any of the organisations that, in the Minister's opinion, represent that primary industry or class of primary industries.
- (3) Before making a regulation for the purposes of section 56 declaring that Division 7 of Part 2 applies to an R&D Corporation, the Governor-General is to take into consideration any relevant recommendation made to the Minister by any of the Corporation's representative organisations.

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