

Western Australia

**Biosecurity and Agriculture Management
Regulations Amendment (Industry Funding
Schemes) Regulations 2020**

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Biosecurity and Agriculture Management Act 2007

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Regulations Amendment (Industry Funding
Schemes) Regulations 2020**

SL 2020/255

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Biosecurity and Agriculture Management Regulations Amendment (Industry Funding Schemes) Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

***Biosecurity and Agriculture Management Regulations Amendment
(Industry Funding Schemes) Regulations 2020***

Part 2 Biosecurity and Agriculture Management Industry Funding
Scheme (Cattle) Regulations 2010 amended

r. 3

**Part 2 — *Biosecurity and Agriculture Management
Industry Funding Scheme (Cattle) Regulations 2010
amended***

3. Regulations amended

This Part amends the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010*.

4. Regulation 3 amended

- (1) In regulation 3 in the definition of ***appointments committee*** delete “regulation 4;” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129B(1);

- (2) In regulation 3 in the definition of ***chargeable sale***:

- (a) in paragraph (a) delete “which” and insert:

which —

- (b) in paragraph (a)(i) delete “operations; or” and insert:

operation; or

- (c) in paragraph (b) delete “operations” and insert:

operation

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Scheme (Cattle) Regulations 2010 amended

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r. 5

- (3) In regulation 3 in the definition of ***full participant***:
- (a) in paragraph (a) delete “regulation 17(1)” and insert:

regulation 16(1)
 - (b) in paragraphs (b) and (c) delete “regulation 17(1) — ”
and insert:

regulation 16(1) —

- (4) In regulation 3 in the definitions of ***non-participant*** and ***participant*** delete “regulation 17(1);” and insert:

regulation 16(1);

- (5) In regulation 3 in the definition of ***review panel*** delete
“regulation 23;” and insert:

the *Biosecurity and Agriculture Management Regulations 2013*
regulation 129D(1);

5. Regulations 4 and 5 deleted

Delete regulations 4 and 5.

6. Regulation 9 amended

After regulation 9(5)(c) insert:

- (ca) if the member was a participant at the time of
appointment — at the beginning of the financial
year for which the member opts out of the
Scheme under regulation 16(1); or

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Part 2 Biosecurity and Agriculture Management Industry Funding
Scheme (Cattle) Regulations 2010 amended

r. 7

7. Regulation 14 amended

In regulation 14(3)(c) delete “operations” and insert:

operation

8. Regulation 15 amended

(1) In regulation 15(6)(b) delete “he” and insert:

the officer

(2) In regulation 15(7)(a) delete “13; and” and insert:

14; and

9. Regulation 17 amended

(1) In regulation 17(1) delete “regulation 16 for specified” and insert:

regulation 16(1) for a specified

(2) In regulation 17(3)(b) delete “those”.

10. Regulation 20 amended

In regulation 20(1) delete “person” and insert:

a person

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Biosecurity and Agriculture Management Industry Funding
Scheme (Cattle) Regulations 2010 amended

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r. 11

11. Regulation 22 amended

After regulation 22(4) insert:

- (5) An applicant who is dissatisfied with the outcome of an application that the applicant has made for a payment under regulation 19, 20 or 21 may request a review of the application under the *Biosecurity and Agriculture Management Regulations 2013* regulation 129F(2).

12. Regulation 23 deleted

Delete regulation 23.

13. Regulation 25 amended

- (1) In regulation 25(1):

- (a) at the beginning of paragraph (d) insert:

subject to subregulation (3),

- (b) in paragraph (d)(i) delete “regulation 5; and” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129C(4) to the extent that the remuneration and allowances are costs and expenses of administering the Account; and

- (c) in paragraph (d)(iii) delete “regulation 23; and” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129E(5) to the extent that

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the remuneration and allowances are costs and expenses
of administering the Account;

and

(d) at the beginning of paragraph (e) insert:

subject to subregulation (3),

(e) in paragraph (f) delete “the costs” and insert:

any other costs

(2) In regulation 25(3) delete “subregulation (1)(f)” and insert:

subregulation (1)(d) to (f)

(3) In regulation 25(4) delete “subregulation (1)(b), (c) or (e) within
one month” and insert:

subregulation (1)(b) or (c) within 1 month

14. Regulation 27 amended

In regulation 27(2)(b)(ii) delete “who” and insert:

to

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Biosecurity and Agriculture Management Industry Funding
Scheme (Cattle) Regulations 2010 amended

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r. 15

15. Various penalties amended

In the provisions listed in the Table delete “Penalty:” and insert:

Penalty for this subregulation:

Table

r. 15(1)	r. 15(2)
r. 15(3)	

***Biosecurity and Agriculture Management Regulations Amendment
(Industry Funding Schemes) Regulations 2020***

Part 3 Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010 amended

r. 16

**Part 3 — *Biosecurity and Agriculture Management
Industry Funding Scheme (Grains) Regulations 2010
amended***

16. Regulations amended

This Part amends the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010*.

17. Regulation 3 amended

- (1) In regulation 3 in the definition of *appointments committee* delete “regulation 4;” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129B(1);

- (2) In regulation 3 in the definition of *hay* delete “includes” and insert:

does not include

- (3) In regulation 3 in the definition of *review panel* delete “regulation 24;” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129D(1);

18. Regulations 4 and 5 deleted

Delete regulations 4 and 5.

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Biosecurity and Agriculture Management Industry Funding
Scheme (Grains) Regulations 2010 amended

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r. 19

19. Regulation 9 amended

After regulation 9(5)(c) insert:

- (ca) if the member was a participant at the time of appointment — at the beginning of the financial year for which the member opts out of the Scheme under regulation 17(1); or

20. Regulation 16 amended

In regulation 16(5)(b) delete “he” and insert:

the officer

21. Regulation 18 amended

- (1) In regulation 18(1) delete “regulation 17 for specified” and insert:

regulation 17(1) for a specified

- (2) In regulation 18(3)(b) delete “those”.

22. Regulation 23 amended

After regulation 23(4) insert:

- (5) An applicant who is dissatisfied with the outcome of an application that the applicant has made for a payment under regulation 20, 21 or 22 may request a review of the application under the *Biosecurity and Agriculture Management Regulations 2013* regulation 129F(2).

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Part 3 Biosecurity and Agriculture Management Industry Funding
Scheme (Grains) Regulations 2010 amended

r. 23

23. Regulation 24 deleted

Delete regulation 24.

24. Regulation 26 amended

(1) In regulation 26(1):

(a) at the beginning of paragraph (d) insert:

subject to subregulation (3),

(b) in paragraph (d)(i) delete “regulation 5; and” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129C(4) to the extent that the remuneration and allowances are costs and expenses of administering the Account; and

(c) in paragraph (d)(iii) delete “regulation 24; and” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129E(5) to the extent that the remuneration and allowances are costs and expenses of administering the Account;
and

(d) at the beginning of paragraph (e) insert:

subject to subregulation (3),

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Scheme (Grains) Regulations 2010 amended

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(e) in paragraph (f) delete “the costs” and insert:

any other costs

(2) In regulation 26(3) delete “subregulation (1)(f)” and insert:

subregulation (1)(d) to (f)

(3) In regulation 26(4) delete “subregulation (1)(b), (c) or (e) within one month” and insert:

subregulation (1)(b) or (c) within 1 month

25. Various penalties amended

In the provisions listed in the Table delete “Penalty:” and insert:

Penalty for this subregulation:

Table

r. 14(1)	r. 14(3)
r. 16(1)	r. 16(2)

***Biosecurity and Agriculture Management Regulations Amendment
(Industry Funding Schemes) Regulations 2020***

Part 4 Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010 amended

r. 26

**Part 4 — *Biosecurity and Agriculture Management
Industry Funding Scheme (Sheep and Goats)
Regulations 2010* amended**

26. Regulations amended

This Part amends the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010*.

27. Regulation 3 amended

- (1) In regulation 3 in the definition of *appointments committee* delete “regulation 4;” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129B(1);

- (2) In regulation 3 in the definition of *review panel* delete “regulation 23;” and insert:

the *Biosecurity and Agriculture Management Regulations 2013* regulation 129D(1);

28. Regulations 4 and 5 deleted

Delete regulations 4 and 5.

29. Regulation 9 amended

After regulation 9(5)(c) insert:

- (ca) if the member was a participant at the time of appointment — at the beginning of the financial year for which the member opts out of the Scheme under regulation 16(1); or

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(Industry Funding Schemes) Regulations 2020***

Biosecurity and Agriculture Management Industry Funding
Scheme (Sheep and Goats) Regulations 2010 amended

Part 4

r. 30

30. Regulation 15 amended

In regulation 15(6)(b) delete “he” and insert:

the officer

31. Regulation 17 amended

- (1) In regulation 17(1) delete “regulation 16 for specified” and insert:

regulation 16(1) for a specified

- (2) In regulation 17(3)(b) delete “those”.

32. Regulation 22 amended

After regulation 22(4) insert:

- (5) An applicant who is dissatisfied with the outcome of an application that the applicant has made for a payment under regulation 19, 20 or 21 may request a review of the application under the *Biosecurity and Agriculture Management Regulations 2013* regulation 129F(2).

33. Regulation 23 deleted

Delete regulation 23.

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Part 4 Biosecurity and Agriculture Management Industry Funding
Scheme (Sheep and Goats) Regulations 2010 amended

r. 34

34. Regulation 25 amended

(1) In regulation 25(1):

(a) at the beginning of paragraph (d) insert:

subject to subregulation (3),

(b) in paragraph (d)(i) delete “regulation 5; and” and insert:

the *Biosecurity and Agriculture Management
Regulations 2013* regulation 129C(4) to the extent that
the remuneration and allowances are costs and expenses
of administering the Account; and

(c) in paragraph (d)(iii) delete “regulation 23; and” and
insert:

the *Biosecurity and Agriculture Management
Regulations 2013* regulation 129E(5) to the extent that
the remuneration and allowances are costs and expenses
of administering the Account;
and

(d) at the beginning of paragraph (e) insert:

subject to subregulation (3),

(e) in paragraph (f) delete “the costs” and insert:

any other costs

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(Industry Funding Schemes) Regulations 2020***

Biosecurity and Agriculture Management Industry Funding
Scheme (Sheep and Goats) Regulations 2010 amended

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r. 35

(2) In regulation 25(3) delete “subregulation (1)(f)” and insert:

subregulation (1)(d) to (f)

(3) In regulation 25(4) delete “subregulation (1)(b), (c) or (e) within one month” and insert:

subregulation (1)(b) or (c) within 1 month

35. Various penalties amended

In the provisions listed in the Table delete “Penalty:” and insert:

Penalty for this subregulation:

Table

r. 15(1)	r. 15(2)
r. 15(3)	

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(Industry Funding Schemes) Regulations 2020***

Part 5 Biosecurity and Agriculture Management Regulations 2013
amended

r. 36

**Part 5 — *Biosecurity and Agriculture Management
Regulations 2013* amended**

36. Regulations amended

This Part amends the *Biosecurity and Agriculture Management Regulations 2013*.

37. Part 10A inserted

After regulation 129 insert:

Part 10A — Industry funding schemes

**Division 1 — Appointments committee and review
panel**

129A. Terms used

In this Division —

appointments committee means the appointments committee established by regulation 129B(1);

full participant means —

- (a) a full participant as defined in the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 3; or
- (b) a full participant as defined in the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 3; or
- (c) a full participant as defined in the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 3;

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grower has the meaning given in the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 3;

GSH industry has the meaning given in the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 3;

Industry Management Committee means —

- (a) the Cattle Industry Funding Scheme Management Committee established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 8; or
- (b) the Grains, Seeds and Hay Industry Funding Scheme Management Committee established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 8; or
- (c) the Sheep and Goat Industry Funding Scheme Management Committee established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 8;

participant means —

- (a) a participant as defined in the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 3;
or
- (b) a participant as defined in the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 3; or
- (c) a participant as defined in the *Biosecurity and Agriculture Management Industry Funding*

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Scheme (Sheep and Goats) Regulations 2010
regulation 3;

review panel means the review panel established by
regulation 129D(1);

Scheme means —

- (a) the scheme constituted by the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* Part 4; or
- (b) the scheme constituted by the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* Part 4; or
- (c) the scheme constituted by the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* Part 4.

129B. Appointments committee established

- (1) An appointments committee is established to advise on the appointment of members of —
 - (a) the Industry Management Committees; and
 - (b) the review panel.
- (2) The appointments committee must consist of at least 2 persons appointed by the Minister.
- (3) The Minister must appoint —
 - (a) at least 1 member of the appointments committee with the agreement of the Western Australian Farmers Federation (Inc); and
 - (b) at least 1 member of the appointments committee with the agreement of the Pastoralists and Graziers Association of Western Australia (Inc).

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Biosecurity and Agriculture Management Regulations 2013
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- (4) Every person who is appointed to the appointments committee other than under subregulation (3) must be a person who, in the opinion of the Minister —
- (a) is familiar with the interests of farmers, or has knowledge and experience enabling that person to understand those interests; or
 - (b) has a financial interest in the agricultural sector of the economy of the State; or
 - (c) has extensive or special experience in the agricultural sector of the economy of the State.

129C. Appointments committee member term of office and remuneration

- (1) On the appointment of a member of the appointments committee, the Minister must —
- (a) specify that the member is appointed for the purpose of advising on a particular appointment under —
 - (i) the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 9; or
 - (ii) the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 9; or
 - (iii) the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 9; or
 - (iv) regulation 129D;
- or

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- (b) set a term of office, not exceeding 3 years, for that member.
- (2) A member of the appointments committee ceases to hold office —
 - (a) in the case of a member appointed for the purpose of advising on a particular appointment — when that appointment has been made; and
 - (b) in the case of a member for whom a term of office has been set — on the expiry of that term of office; and
 - (c) in any case —
 - (i) upon retiring from office by written notice to the Minister; or
 - (ii) upon being removed from office by the Minister by written notice; or
 - (iii) upon death.
- (3) A member of the appointments committee whose term of office expires may, if qualified for appointment under regulation 129B(3) or (4), be immediately reappointed.
- (4) Each member of the appointments committee must be paid such remuneration and allowances as the Minister, on the recommendation of the Public Sector Commissioner, determines in the case of that member.

129D. Review panel established

- (1) A review panel is established for the Schemes.
- (2) The review panel must consist of at least 3 persons appointed by the Minister after consulting, and taking account of, the views of the appointments committee.

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- (3) Subject to subregulation (4), each person appointed by the Minister to be a member of the review panel must be a full participant.
- (4) The Minister may appoint a person who is not a full participant to be a member of the review panel if —
- (a) in the opinion of the Minister, the person appointed —
 - (i) is familiar with the interests of owners as defined in the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 3, or has knowledge or experience enabling that person to understand those interests; or
 - (ii) is familiar with the interests of owners as defined in the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 3, or has knowledge or experience enabling that person to understand those interests; or
 - (iii) is familiar with the interests of growers, or has knowledge or experience enabling that person to understand those interests; or
 - (iv) has a financial interest in the cattle industry or the GSH industry or the sheep and goat industry; or
 - (v) has extensive or special experience in the cattle industry or the GSH industry or the sheep and goat industry;

and

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- (b) immediately after the appointment, there will not be more than 1 member of the review panel who is not a full participant.
- (5) A member of an Industry Management Committee must not be appointed to be a member of the review panel.

129E. Review panel member term of office and remuneration

- (1) On the appointment of a member of the review panel, the Minister must set a term of office, not exceeding 3 years, for that member.
- (2) A member of the review panel ceases to hold office —
 - (a) on the expiry of the member's term of office; or
 - (b) upon being appointed to be a member of an Industry Management Committee; or
 - (c) upon retiring from office by written notice to the Minister; or
 - (d) upon being removed from office by the Minister by written notice; or
 - (e) if the member was a participant at the time of appointment — upon the member ceasing to be a participant; or
 - (f) upon death.
- (3) Subject to subregulation (4), a member of the review panel whose term of office expires may be immediately reappointed if qualified for appointment under —
 - (a) regulation 129D(3) or (4); and
 - (b) regulation 129D(5).

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- (4) A member of the review panel who is reappointed in accordance with subregulation (3), and whose term of office set on reappointment expires, may not be reappointed until at least 1 year has passed.
- (5) Each member of the review panel must be paid such remuneration and allowances as the Minister, on the recommendation of the Public Sector Commissioner, determines in the case of that member.

129F. Review of applications for compensation and reimbursement

- (1) This regulation applies if an applicant receives a notification under —
 - (a) the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 22(4); or
 - (b) the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 23(4); or
 - (c) the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 22(4).
- (2) Within 1 month after receiving the notification, the applicant may by notice to the Director General request a review of the application the subject of the notification.
- (3) Upon receipt of a request for a review under subregulation (2), the Director General must refer the application to the review panel.

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- (4) The review panel must review the application and its outcome and must, within 3 months after the referral of the application, either —
 - (a) confirm the outcome as notified to the applicant; or
 - (b) vary the outcome as notified to the applicant, in which event, subject to the other provisions of the Scheme, the Director General must make payment in accordance with the outcome of the application as varied by the review panel.
- (5) The decision of the review panel under subregulation (4) is final and without appeal.

Division 2 — Transitional provisions for *Biosecurity and Agriculture Management Regulations Amendment (Industry Funding Schemes) Regulations 2020*

Subdivision 1 — Preliminary

129G. Terms used

In this Division —

amendment regulations means the *Biosecurity and Agriculture Management Regulations Amendment (Industry Funding Schemes) Regulations 2020*;

commencement day means the day on which the *Biosecurity and Agriculture Management Regulations Amendment (Industry Funding Schemes) Regulations 2020* regulation 37 comes into operation.

Subdivision 2 — Appointments committee

129H. Membership of appointments committee

- (1) The persons who, immediately before commencement day, are members of the appointments committee

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established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 4(1) continue in office as members of the appointments committee established by regulation 129B(1) —

- (a) as if they had been appointed by the Minister under regulation 129B(2) on commencement day; and
 - (b) each with a term of office that is the balance of the person's term of office remaining immediately before commencement day.
- (2) The persons who, immediately before commencement day, are members of the appointments committee established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 4(1) continue in office as members of the appointments committee established by regulation 129B(1) —
- (a) as if they had been appointed by the Minister under regulation 129B(2) on commencement day; and
 - (b) each with a term of office that is the balance of the person's term of office remaining immediately before commencement day.
- (3) The persons who, immediately before commencement day, are members of the appointments committee established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 4(1) continue in office as members of the appointments committee established by regulation 129B(1) —
- (a) as if they had been appointed by the Minister under regulation 129B(2) on commencement day; and

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- (b) each with a term of office that is the balance of the person's term of office remaining immediately before commencement day.

129I. Saving of remuneration and allowances

- (1) In this regulation —

repealed provision means —

- (a) the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 5 repealed by the amendment regulations; or
 - (b) the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 5 repealed by the amendment regulations; or
 - (c) the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 5 repealed by the amendment regulations.
- (2) A determination made by the Minister in respect of remuneration and allowances under a repealed provision that is in effect immediately before commencement day continues to have effect, on and after that day, as if it were a determination made by the Minister in respect of remuneration and allowances under regulation 129C(4).

Subdivision 3 — Review panel

129J. Membership of review panel

- (1) The persons who, immediately before commencement day, are members of the review panel established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010*

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regulation 23(1) continue in office as members of the review panel established by regulation 129D(1) —

- (a) as if they had been appointed by the Minister under regulation 129D(2) on commencement day; and
 - (b) each with a term of office that is the balance of the person's term of office remaining immediately before commencement day.
- (2) The persons who, immediately before commencement day, are members of the review panel established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 24(1) continue in office as members of the review panel established by regulation 129D(1) —
- (a) as if they had been appointed by the Minister under regulation 129D(2) on commencement day; and
 - (b) each with a term of office that is the balance of the person's term of office remaining immediately before commencement day.
- (3) The persons who, immediately before commencement day, are members of the review panel established by the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 23(1) continue in office as members of the review panel established by regulation 129D(1) —
- (a) as if they had been appointed by the Minister under regulation 129D(2) on commencement day; and
 - (b) each with a term of office that is the balance of the person's term of office remaining immediately before commencement day.

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129K. Saving of remuneration and allowances

- (1) In this regulation —
repealed provision means —
- (a) the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 23(10) repealed by the amendment regulations; or
 - (b) the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 24(10) repealed by the amendment regulations; or
 - (c) the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 23(10) repealed by the amendment regulations.
- (2) A determination made by the Minister in respect of remuneration and allowances under a repealed provision that is in effect immediately before commencement day continues to have effect, on and after that day, as if it were a determination made by the Minister in respect of remuneration and allowances under regulation 129E(5).

129L. Pending reviews

- (1) In this regulation —
application means —
- (a) an application for a payment under the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 19, 20 or 21; or

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- (b) an application for a payment under the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 20, 21 or 22; or
- (c) an application for a payment under the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 19, 20 or 21;

repealed provision means —

- (a) the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* regulation 23 repealed by the amendment regulations; or
 - (b) the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* regulation 24 repealed by the amendment regulations; or
 - (c) the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* regulation 23 repealed by the amendment regulations.
- (2) Subregulation (3) applies if, before commencement day —
- (a) a request for a review of an application is made under a repealed provision; but
 - (b) the application is not referred to the review panel under the repealed provision.
- (3) Regulation 129F applies as if the request had been made under regulation 129F(2).

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- (4) Subregulation (5) applies if, before commencement day —
 - (a) an application is referred to a review panel under a repealed provision; and
 - (b) either —
 - (i) the review is not completed; or
 - (ii) the review is completed but the Director General does not make any required payment.
- (5) As the case requires —
 - (a) the review must be completed, and any required payment made, under regulation 129F as if the application had been referred under regulation 129F(3); or
 - (b) the required payment must be made under regulation 129F as if the review had been completed under regulation 129F.

N. HAGLEY, Clerk of the Executive Council.
