

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

**AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY POLICY
COUNCIL BILL 1984**

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1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 10 May 1984

(Minister for Primary Industry)

A BILL

FOR

**An Act to establish an Australian Meat and Live-stock Industry
Policy Council**

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Australian Meat and Live-stock Industry
Policy Council Act 1984*.

Commencement

- 10 2. This Act shall come into operation on the day fixed by Proclamation for
the purpose of sub-section 2 (2) of the *Australian Meat and Live-stock
Corporation Amendment Act 1984*.

Interpretation

3. In this Act, unless the contrary intention appears—

“acting Chairman” means a person appointed to act as Chairman in pursuance of section 10;

“appoint” includes re-appoint;

“body” includes any body of persons, whether incorporated or unincorporated;

“Chairman” means the Chairman of the Council;

“Council” means the Australian Meat and Live-stock Industry Policy Council referred to in section 4;

“Council report” means a report furnished to the Minister in the performance of a function referred to in paragraph 5 (1) (a) or (b);

“member” means a member of the Council;

“the industry” means the Australian meat and live-stock industry.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF COUNCIL

Establishment

4. There is established by this Act a council by the name of the Australian Meat and Live-stock Industry Policy Council.

Functions of Council

5. (1) The functions of the Council are—

(a) to inquire into, and to report to the Minister on, matters affecting the well-being of the industry that, in the opinion of the Council, require investigation or action by, or at the request of, the Commonwealth or an authority of the Commonwealth;

(b) to inquire into, and to report to the Minister on, matters referred to it by the Minister in relation to the industry;

(c) to develop recommendations, guidelines and plans for measures designed to safeguard or further the interests of the industry and to submit these to the Minister for consideration by him or for referral to the Australian Agricultural Council or to authorities established by or under a law of the Commonwealth, a State or a Territory; and

(d) such other functions as are conferred upon the Council by this Act or any other Act or by the regulations.

(2) The Council shall perform a function referred to in paragraph (1) (a) or (b) by considering such matters relevant to that function as it considers appropriate and preparing and furnishing written reports to the Minister on those matters.

(3) Where a report of a working group is submitted to the Council in compliance with sub-section 18 (7), the Council may adopt the report, with or

without amendments, as the report of the Council for the purposes of sub-section (2).

5 (4) Without limiting the generality of sub-section (1) the Council may, in the performance of the functions referred to in paragraph (1) (a) or (c), take into account any matter raised at an industry conference convened under section 6 or at an annual general meeting of the industry convened under section 30B of the *Australian Meat and Live-stock Corporation Act 1977*.

10 (5) In the performance of its functions in relation to any matter affecting persons who, or organizations or authorities that, are not represented on the Council, the Council shall use every endeavour to consult with such persons, organizations or authorities and shall have regard to any views expressed at such consultations.

Industry conferences

15 6. (1) The Chairman may, from time to time as he considers appropriate, convene conferences of persons concerned with the industry.

(2) The Chairman shall convene a conference under sub-section (1) whenever he is directed to do so by the Council.

(3) The Chairman shall, unless the Minister otherwise approves, ensure that—

- 20 (a) a conference is convened under sub-section (1) before the expiration of 2 years after the commencement of this Act; and
- (b) a conference is convened under sub-section (1) before the expiration of 2 years after the last preceding conference was convened under either sub-section (1) or (2).

25 (4) The purposes of a conference are—

- (a) to assist the Council in identifying matters of concern to the industry;
- (b) to promote a better understanding of problems within the industry; and
- 30 (c) to foster a consensus on the policies to be instituted to safeguard the interests of the industry.

(5) A conference shall be convened at a time and place determined by the Chairman.

(6) Persons entitled to attend a conference are—

- (a) the members of the Council; and
- 35 (b) such other persons having an interest in the industry as the Chairman invites.

(7) The Chairman or, in his absence, the acting Chairman, shall preside at all meetings of a conference.

Publication of Council reports

7. (1) Where a Council report is furnished to the Minister, he shall cause it to be made public in such a way or in such ways as he considers appropriate.

(2) Without limiting the generality of sub-section (1), the Minister, in his discretion, may cause a Council report to be made public by causing it to be laid before each House of the Parliament.

(3) Where the Minister is satisfied that the publication of a Council report under sub-section (1) would be contrary to the public interest, he shall, at his discretion—

- (a) refrain from publication of the report until he is satisfied that the publication would not be contrary to the public interest; or
- (b) where he is satisfied it is possible to do so without the report being misleading, publish the report with such deletions as he considers necessary to protect the public interest.

(4) Where, in accordance with paragraph (3) (b), the Minister publishes a Council report with deletions, he shall make it publicly known that the report was published with deletions.

(5) Where, in accordance with paragraph (3) (b), the Minister has published a Council report with deletions, he shall publish the report without those deletions by causing it to be made public in such a way, or in such ways, as he considers appropriate, if and when he becomes satisfied that the publication of the report without deletions would not be contrary to the public interest.

(6) The Council shall not—

- (a) make public a Council report that has not been published by the Minister under sub-section (1), paragraph (3) (b) or sub-section (5);
- (b) make public a draft of a Council report that has not been so published or that was last so published with deletions; or
- (c) if a Council report was last published by the Minister with deletions—make a report public without those deletions.

(7) Where a member disagrees with a finding or recommendation to be included in a Council report, the report shall include a statement of the views of that member in respect of that finding or recommendation and shall identify the member holding those views.

(8) Under sub-section (6), “report” includes part of a report.

Powers of Council

8. The Council has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

PART III—CONSTITUTION AND MEETINGS OF COUNCIL

Membership of Council

9. (1) The Council shall consist of—

- (a) the Chairman;
- (b) 2 members appointed to represent the Cattle Council of Australia one of whom shall, subject to sub-section (8), be the President of that Council;
- (c) 2 members appointed to represent the Sheepmeat Council of Australia one of whom shall, subject to sub-section (8), be the President of that Council;
- (d) 2 members appointed to represent the Australian Meat Exporters' Federal Council one of whom shall, subject to sub-section (8), be the President of that Council;
- (e) a member appointed to represent the Meat and Allied Trades Federation of Australia who shall, subject to sub-section (8), be the National President of that body;
- (f) a member appointed to represent the Australian Meatworks' Federal Council who shall, subject to sub-section (8), be the Chairman of that Council;
- (g) the Chairman of the Australian Meat and Live-stock Corporation;
- (h) the Chairman of the Australian Meat Research Committee;
- (j) the Chairman of the Interim Inspection Policy Council that was established by the Minister on 3 November 1983;
- (k) a member appointed to represent the Australian Council of Trade Unions;
- (m) a member appointed to represent all the bodies, whether or not established by or under a law of a State or the Northern Territory, that perform marketing, regulatory or advisory functions with respect to the production of, or trade in, meat, and that are declared by the Minister to be relevant bodies for the purposes of this paragraph; and
- (n) if the Minister, by notice published in the *Gazette*, declares that a particular body, being a body connected with the industry, is to be represented on the Council, then in the case of each such declaration—one member, or such higher number of members as is specified in that declaration, appointed to represent that body.

(2) A declaration referred to in paragraph (1) (n) that a particular body is to be represented on the Council—

- (a) shall not be made unless the Council has recommended to the Minister that that body should be represented; and
- (b) may state that the member to be appointed, or one of the members to be appointed, as the case may be, to represent that body shall be the holder of a specified office in that body.

(3) All members shall be part-time members.

(4) The Chairman shall be appointed by the Minister and, subject to this Act, holds office for a period of 3 years but is eligible for re-appointment.

(5) A member described in a paragraph of sub-section (1), other than paragraph (1) (m), as a person appointed to represent a particular body shall be appointed by the Minister on the nomination of that body. 5

(6) The member referred to in paragraph (1) (m) shall be appointed by the Minister on the nomination of the Australian Agricultural Council.

(7) If the Minister is not satisfied as to the suitability of a person nominated for appointment to the Council by a particular body in accordance with sub-section (5) or (6), he may request that body to make a further nomination. 10

(8) Where a member to be appointed, or one of the members to be appointed, as the case may be, to represent a particular body is required, subject to this sub-section, to be the holder of a specified office in that body, and that body has nominated the holder of that office in accordance with sub-section (5), the Minister may, if he is not satisfied as to the suitability of the holder of that office for appointment to the Council, appoint another person in lieu of the holder of that office in accordance with a nomination made under sub-section (7) notwithstanding that that other person does not hold that specified office. 15

(9) If a body on the nomination of which a member was appointed requests the Minister to terminate the appointment of the member, the Minister shall terminate the appointment accordingly. 20

(10) A member described in sub-section (1) as being the holder of a specified office in a particular body shall cease to be a member upon ceasing to hold that office. 25

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

(12) The members hold office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Minister by instrument in writing. 30

(13) The exercise of a power or the performance of a function by the Council is not invalidated by reason of there being a vacancy or vacancies in the membership of the Council.

(14) A member who has resigned, who has ceased to be a member by virtue of the operation of sub-section (10) or whose appointment has been terminated under sub-section (9) is eligible for re-appointment. 35

Acting Chairman

10. (1) The Minister may appoint a person to act as Chairman—

(a) during a vacancy in the office of Chairman, whether or not an appointment has previously been made to the office; or

5 (b) during any period, or during all periods, when the Chairman is absent from duty or from Australia, or is, for any other reason, unable to perform the duties of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

10 (2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) A person who is a member or a deputy of a member is not eligible to be appointed to act as Chairman.

15 (4) The Minister may, at any time, terminate the appointment of any person appointed to act as Chairman.

(5) A person acting as Chairman is entitled, while he is acting as Chairman, to receive remuneration and allowances at the same rates as the rates applicable to the Chairman.

20 (6) Where a person is acting as Chairman in accordance with paragraph (1) (b) and the office of Chairman becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

25 (7) While a person is acting as Chairman he has and may exercise all the powers and shall perform all the functions of the Chairman under this Act.

30 (8) The validity of anything done by, or in relation to, a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.

Deputies of members

35 11. (1) The Minister may, upon the nomination of the body referred to in paragraph 9 (1) (b), (c), (d), (e), (f), (g), (h), (j) or (k), or in a notice published in pursuance of paragraph 9 (1) (n), appoint a person to be the deputy of a member referred to in that paragraph.

40 (2) The Minister may, upon the nomination of the Australian Agricultural Council, appoint a person to be the deputy of the member referred to in paragraph 9 (1) (m).

(3) The Minister shall, at the request of the body that nominated a person to be the deputy of a member in accordance with sub-section (1) or (2), terminate the appointment of that person.

(4) The deputy of a member is entitled to attend a meeting of the Council that is not attended by the member of whom he is the deputy, and, while so doing, shall be deemed to be a member. 5

(5) The appointment of a deputy of a member, and any act done by a deputy of a member, shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

Remuneration and allowances 10

12. (1) The Chairman shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(2) A member of the Council (other than the Chairman), the deputy of such a member of the Council or a member of a working group is not entitled to remuneration. 15

(3) A member of the Council or the deputy of a member of the Council shall be paid such allowances as are prescribed in respect of the performance of his functions as a member of the Council or as a member of a working group, or as a deputy of a member of the Council. 20

(4) A member of a working group other than a member of the Council shall be paid such allowances as are prescribed in respect of the performance of his functions as a member of a working group.

(5) This section has effect subject to the provisions of the *Remuneration Tribunals Act 1973* other than sub-sections 7 (9) and (13) of that Act. 25

Leave of absence

13. (1) The Minister may grant leave of absence to the Chairman upon such terms and conditions as the Minister thinks fit.

(2) The Chairman may grant leave of absence to another member upon such terms and conditions as he thinks fit. 30

Resignation

14. A member may resign his membership of the Council by writing signed by him and delivered to the Minister.

Termination of appointments of members

15. (1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity. 35

(2) If—

- (a) a member 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;
- 5 (b) a member fails, without reasonable excuse to comply with his obligation under section 16;
- (c) the Chairman is absent, except with the leave of the Minister, from 3 consecutive meetings of the Council; or
- 10 (d) a member other than the Chairman is absent, except with the leave of the Chairman, from 3 consecutive meetings of the Council,

the Minister shall terminate the appointment of the member concerned.

Disclosure of interests of members

15 **16. (1)** A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come into his knowledge, disclose the nature of his interest at a meeting of the Council.

20 **(2)** A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Council and the member shall not, unless the Minister or the Council otherwise determines—

- (a) be present during any deliberation of the Council with respect to that matter; or
- (b) take part in any decision of the Council with respect to that matter.

25 **(3)** For the purpose of the making of a determination by the Council under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall not—

- 30 (a) be present during any deliberation of the Council for the purpose of making the determination; or
- (b) take part in the making by the Council of the determination.

Meetings

35 **17. (1)** The Chairman—

- (a) may convene such meetings of the Council as he considers necessary for the efficient performance of its functions; and
- (b) shall convene a meeting of the Council on receipt of a written request signed by 6 members, or such greater number of members as is from
40 time to time prescribed.

(2) Meetings of the Council shall be held at such places and at such times as the Chairman determines.

(3) If the Chairman is absent from duty or from Australia and 6 members, or such greater number of members as is from time to time prescribed, are of the opinion that it is desirable to convene a meeting of the Council during that absence, they may, by notice in writing delivered to the Minister, request that a meeting be convened.

(4) Upon receipt of such a notice the Minister shall, as soon as practicable, cause a meeting of the Council to be convened at a place and time determined by the Minister.

(5) The Chairman shall preside at all meetings of the Council at which he is present.

(6) If, at a meeting of the Council, the Chairman is not present, the members present shall appoint one of their number to preside at the meeting.

(7) A quorum at a meeting of the Council is constituted by 9 members, or such greater number of members as is from time to time prescribed, of whom at least one must be a member referred to in paragraph 9 (1) (b), at least one must be a member referred to in paragraph 9 (1) (c) and at least one must be a member referred to in paragraph 9 (1) (d).

(8) At a meeting of the Council—

(a) a question to be decided shall be decided by a majority of the votes of the members present;

(b) the member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(9) Where, at a meeting of the Council at which a person is to be appointed to preside, there is more than one candidate for appointment, the Council shall hold an election for the purpose of determining which candidate is to be appointed and voting at the election shall be by secret ballot.

(10) The Council shall keep a record of its proceedings.

(11) The Council may invite a person to attend a meeting of the Council for the purposes of advising or informing the Council on any matter.

(12) In this section, "Chairman" includes acting Chairman.

Working Groups of Council

18. (1) Subject to this section, the Council will establish such working groups as it thinks necessary for the performance of its functions to provide advice to it upon such respective matters as are specified by the Council.

(2) A working group shall consist of such persons, whether members or not, as the Council sees fit.

(3) The Chairman of the Council shall appoint one of the persons on each working group established by the Council to be the Chairman of that working group.

(4) Members of a working group other than members of the Council shall, subject to this section, be engaged upon such terms and conditions (other than terms and conditions relating to remuneration and allowances) as the Council determines.

(5) A working group shall continue in existence, if it is not earlier dissolved by the Council, for the period of 6 months after its establishment or for that period as extended in accordance with sub-section (6).

(6) Where the Council considers it desirable to do so, the Council may, by resolution, determine that the period of 6 months referred to in sub-section (5), or that period as previously extended by virtue of the operation of this sub-section, shall be extended or further extended by a period of 6 months immediately following the period so referred to or that period as previously so extended.

(7) Where the Council establishes a working group to provide advice to it on a matter, the working group shall prepare a written report and, as soon as is practicable, submit that report to the Council for consideration by it.

(8) Where a member of a working group disagrees with a finding or recommendation of the majority of the working group, the report of the working group referred to in sub-section (7) shall include a statement of the views of that member.

Disclosure of interests of members of working groups

19. (1) A member of a working group established under section 18 who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the working group, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the working group.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the working group and the member of the working group shall not, unless the Minister or the working group otherwise determines—

- (a) be present during any deliberations of the working group with respect to the matter; or
- (b) take part in any decision of the working group with respect to that matter.

(3) For the purpose of the making of a determination by a working group under sub-section (2) in relation to a member of the working group who has made a disclosure under sub-section (1), a member of the working group who has a direct or indirect pecuniary interest in the matter to which the disclosure

relates, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall not—

- (a) be present during any deliberation of the working group for the purpose of making the determination; or
- (b) take part in the making by the working group of the determination.

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PART IV—STAFF

Staff

20. (1) Subject to section 21, the staff required to assist the Council in the performance of its functions shall be persons appointed or employed under the *Public Service Act 1922*.

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(2) The members of the staff referred to in sub-section (1) shall perform their functions and duties in accordance with the directions of the Council, the Chairman or a person (if any) appointed by the Council, by resolution, to be its representative for the purposes of this sub-section.

(3) The Council may, by resolution, revoke an appointment under sub-section (2).

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Arrangements relating to staff

21. (1) The Council shall arrange with the Permanent Head of the Department of Primary Industry for the services of officers or employees in the Department to be made available to the Council.

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(2) While a person is performing services for the Council in pursuance of an arrangement under this section, that person shall perform his functions and duties in accordance with the directions of the Council and not otherwise.

PART V—MISCELLANEOUS

Annual report

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22. (1) The Council shall, as soon as is practicable after 30 June in each year, prepare and furnish to the Minister a report of its operations during the year that ended on that 30 June.

(2) The Minister shall cause a copy of the report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.

30

(3) For the purposes of sub-section (1), if this Act does not come into operation on 1 July in any year, that sub-section shall have effect in relation to the period commencing on the day on which this Act comes into operation and ending on the 30 June next following that day as if that period were a period of one year ending on that 30 June.

35

Regulations

23. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- 5 (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

