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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION

AMENDMENT BILL 1980

EXPLANATORY MEMORANDUM

(Circulated by the Minister for Primary Industry,
the Hon. P.J. Nixon, M.P.)

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Introduction

The purpose of the Bill is to improve the effectiveness of the Australian Meat and Live-stock Corporation and to streamline its operations in the light of the experience obtained since the Corporation was established in December 1977.

The Bill provides for an increase in Corporation membership from 9 to 11, for establishment of a Live-stock Exporters Consultative Group and for repeal of the requirement for a Meat Industry Conference.

The Bill will make a range of other less substantive amendments to formalise certain procedures, to clarify some corporation powers and to vary the means of exercising certain controls over exports.

The effect and intent of the various clauses are explained more specifically in the following paragraphs.

Commencement

Clause 2 provides that those provisions in the Bill which are not dependent upon the making of regulations in order to take effect will come into operation on the date on which the Act receives the Royal Assent. Those provisions which are dependent upon the making of regulations before they can take effect will come into operation on a date to be fixed by Proclamation.

Interpretation

Clause 3 provides definitions of terms regularly used in the Bill and in the principal Act.

"Exporter and Abattoir Consultative Group" is the term used in the principal Act to denote the Meat and Live-stock Exporters Consultative Group established by section 41 of that Act. Clause 15 of the Bill amends that section to set up two separate consultative groups to replace the single composite group.

"Consultative Group" is a generic term to denote all groups established by section 41 of the principal Act. As that section stands at present it establishes the Live-stock Producers Consultative Group and the Meat and Live-stock Exporters and Abattoir Operators Consultative Group as well as the Australian Meat Industry Conference. Clause 15 of the Bill amends that section as previously described, and deletes the provision which establishes the Conference.

"Live-stock Exporters Consultative Group" denotes one of the two separate consultative groups proposed to be established by Clause 15.

"Meat Exporter and Abattoir Consultative Group" denotes the other of the two separate consultative groups proposed to be established by Clause 15.

Controls over the Export of Meat and Live-stock

Sub-Clause 4.(1)(a) corrects a typographical error contained in principal Act;

4.

(b) provides that licences to export issued by the Corporation shall have a definite rather than indefinite period of operation;

(c) provides that regulations may be made under the Act to prescribe all matters relating to applications for licences, the information to be provided to the Corporation by applicants, and the criteria to be applied by the Corporation when determining licence applications;

(d) provides that only the issue of new licences, not renewals, need be notified in the Gazette; and

(e) extends the period available to the Corporation to determine applications from 1 month to 2 months. This is necessary because the Corporation's meetings occur at approximately six-week intervals.

Sub-Clause 4.(2) provides that the date of effect of the amendments made by clauses 4(1) (a), (b) and (d)

shall be deemed to be the date on which the principal Act was proclaimed, viz: 1 December 1977.

Sub-Clause 4.(3) provides that the date of effect of the amendment made by clause 4(1)(e) shall be the date on which the Act receives the Royal Assent.

Licences Subject to Conditions

Clause 5 proposes that the following amendments be made to sub-section 11(2) of the principal Act:

Sub-Clause 5.(1)(a) corrects a drafting inadequacy and expressly links paragraph 11(1)(b) of the principal Act to sub-section 11(1) of the Act.

(b) provides that the list of matters contained in paragraphs (a) to (h) of sub-section 11(2) of the Act is not an exhaustive listing of the circumstances in which the Corporation may issue directions to licensees;

(c) is an expansion of paragraph 11(2) (b) to enable the Corporation to issue directions to licensees requiring them to obtain the Corporation's prior approval of particular export transactions. This is sometimes necessary where Australian exports are subject to a quota imposed by importing countries, and in some cases to ensure that technical specifications are met;

(d) deletes from paragraph 11(2) (e) the reference to directions to licensees regarding actions they shall take after meat or live-stock has reached its export destination because at that time they will have ceased to have control over the product exported; and

(e) for the same reason as in (d) above omits existing paragraph 11(2) (f) concerning sale and distribution of exports after export has occurred, and expands paragraph 11(2) (g) to enable the Corporation to obtain particulars of intended export transactions so that it may develop its quality assurance programme in the best interests of the Australian meat and live-stock industry.

Sub-Clause 5.(2) provides that the amendments to section 11 of the Principal Act shall have effect in relation to existing licences as well as to licences issued subsequent to the amendments.

Clause 6 remakes section 14 of the principal Act

- . more clearly to authorize conditions which are currently imposed on sea carriage of meat in certain trades, including setting of maximum freight rates and designation of shipping lines to service particular destinations.
- . so that the making of a contract in contravention of approved conditions becomes grounds for cancelling or suspending an exporter's licence rather than the present provision which voids such contracts. Voiding of contracts may affect parties other than the licensee and is considered inappropriate.
- . to delete the existing references to contracts of insurance which serve no useful purpose and which are a potential source of difficulty

Membership of Corporation

Clause 7 amends section 18 of the principal Act as follows:

Sub-Clause 7.(1) (a) increases the number of members of the Corporation from 9 to 11 by adding one additional member to represent live-stock producers and one additional member to represent meat exporters and processors.

(b) provides that the Minister shall consult with each of the consultative groups before appointing the Chairman of the Corporation.

Sub-Clause 7.(2) provides for the continuance in office of members of the Corporation previously appointed.

Sub-Clause 7(3) enables one of the new members to be appointed for less than three years so that terms of members may be staggered.

Members Representing Live-stock Producers

Clause 8 is a procedural amendment to link Sub-section 19(1) directly with paragraph 18(1)(b) of the Principal Act which specifies the number of members of the Corporation appointed to represent live-stock producers.

Members Representing Meat Exporters, etc

Clause 9 provides that persons appointed as members of the Corporation to represent meat exporters and processors shall be nominated to the Minister by the Meat Exporter and Abattoir Consultative Group.

Term of Office of Members

Clause 10.(1) removes redundant sub-section 22(2) of the principal Act and replaces it with a provision that the Chairman of the Corporation shall be appointed for a period not exceeding 5 years, rather than 3 years as at present.

(2) the variation in term for the Chairman shall only have effect in regard to an appointment, or reappointment, subsequent to the Act receiving the Royal Assent.

Deputies of Members

Clause 11 provides for the Minister to make standing appointments of deputies of members of the Corporation. The present provision seems to require fresh appointments each time a deputy is required.

Remuneration and Allowances

Clause 12 provides that members of the consultative groups shall be paid such remuneration as is determined by the Remuneration Tribunal.

Termination of Appointments and Disclosure of Interests by Members, etc

Clause 13 remakes section 29 of the principal Act to deal only with the grounds upon which the Minister may terminate the appointment of a member or deputy of a member. Existing section 29 provisions regarding disclosure of interests by members are revised to accord with current practice and included in a new section 29A.

Meetings of Corporation

Clause 14 provides for 6 rather than 5 members to constitute a quorum at Corporation meetings. This amendment is consequential upon increasing the Corporation's membership from 9 to 11.

Establishment of Consultative Groups

Clause 15 establishes the Live-stock Exporters Consultative Group, amends the membership of the Meat Exporter and Abattoir Operators Consultative Group and repeals the requirement for a Meat Industry Conference.

Functions of Live-stock Exporters Consultative Group and Meat Exporter and Abattoir Consultative Group

Clause 16 states the functions of these two new groups.

Constitution and Meetings of Consultative Groups

Clause 17 remakes sections 43, 44 and 45 of the

principal Act:

- . by amending section 43 to provide that regulations may be made to govern the operations of the consultative groups established by section 41 of the principal Act;
- . by amending section 44 to enable the Corporation to hold meetings with each of the consultative groups, and for the groups to meet with each other; and
- . by amending section 45 to provide general authority for the Corporation to disseminate information as it sees fit rather than through a Meat Industry Conference. It is considered that the Corporation's communication with interested parties can be conducted more effectively through regional and special meetings and conferences in response to perceived needs.

Corporation May Provide Clerical Assistance

Clause 18 amends section 46 of the principal Act to provide that the Corporation may provide the consultative groups with clerical assistance.