

1984

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY
POLICY COUNCIL BILL 1984

EXPLANATORY MEMORANDUM

(Circulated by Authority of the Minister for
Primary Industry, the Hon John Kerin, MP)

OUTLINE

The purpose of the Bill is to provide an effective mechanism for policy development in the meat and live-stock industries through the establishment of a body to be known as the Australian Meat and Live-stock Industry Policy Council.

The object of the Council will be to facilitate the development, consideration and formulation of the meat and live-stock policy of the Commonwealth Government through the provision of a forum for consultation and negotiation by representatives of the key sectors of the meat and live-stock industry, and by the establishment of a proper basis of information and analysis for that process. The Council will be required to report to the Minister.

The Bill provides for the membership of the Council to comprise the heads of key industry bodies to represent the persons, bodies and authorities which make up the meat and live-stock industry.

To encourage a two-way flow of views between the Council and the industry, the Council will be required to hold a broadly based industry conference at least once every two years unless the Minister otherwise approves.

The Council would also have the authority to establish small terminating working groups of experts to report to Council on particular issues. Such working groups will provide a mechanism for including the views of industry groups not represented on the Council. Working groups will terminate after 6 months unless the period is extended by a further 6 months by the Council.

The Government will meet the costs of remuneration of the part-time Chairman, the allowances payable to all members and working group members and will provide a small Secretariat to be located in the Department of Primary Industry.

The Council would be required to provide an annual report which would be tabled in Parliament.

NOTES ON CLAUSES

Clauses 1,2 and 3

1. The first three clauses of the Bill provide for the short title, commencement and interpretation of the legislation.

Clause 4: Establishment

2. Establishes a Council by the name of the Australian Meat and Live-stock Industry Policy Council.

Clause 5: Functions of Council

3. Clause 5 specifies the functions of the Council which will enable it to effectively provide advice to Government on approaches which should be taken by States or the Commonwealth to industry problems.

Sub-clause 5(5)

4. Requires the Council to consult with, and have regard to the views of those industry persons, bodies and authorities that are not represented on the Council, but are affected by the operation of the Council's functions. The purpose of this sub-clause is to guarantee that the views of those bodies not directly represented on the Council will be taken into account. Further provision for a formal regular broad industry input to the Council's functions is provided under clause 6.

Clause 6: Industry Conferences

5. The purpose of clause 6 is to encourage a two-way flow of views between the Council and the industry. The clause provides for the Council to hold a broadly based industry conference at least once every two years, unless the Minister otherwise approves.

Sub-clause 6(6)

6. Provides that Council members be entitled to attend the conference and that other representation at the conference be at the invitation of the Chairman. The purpose of this sub-clause is to ensure appropriate representation at the conference.

Clause 7: Publication of Council reports

7. Clause 7 provides for the Minister to publish Council reports submitted to him unless he is satisfied that publication would be contrary to the public interest.

Clause 8: Powers of the Council

8. The purpose of this clause is to provide the Council with the power to do all things that are necessary or convenient to be done in the performance of its functions. It is envisaged that the package of administrative arrangements will ensure that there is an integral relationship between Council and the other meat and live-stock statutory bodies.

Clause 9: Membership of Council

9. Clause 9 provides for the appointment by the Minister of leaders of the peak industry organisations, a member of state meat marketing or regulatory bodies, a representative of the ACTU and Chairmen of the AMLC, the Australian Meat Research Committee and the Interim Inspection Policy Council. The composition of Council will ensure that it can analyse and consider policy issues and develop industry consensus on matters that might subsequently be actioned by other bodies such as the AMLC.

Paragraph 9(1)(n) and sub-clause 9(2)

10. Provides for the expansion of the Council's membership. The purpose is to provide sufficient flexibility to adjust Council membership to adapt to changes within the industry which warrant additional bodies being represented on the Council.

Clause 10: Acting Chairman

11. This clause provides for the appointment, terms and conditions of appointment, and the termination of appointment, of an acting Chairman.

Sub-clause 10(3)

12. Provides that Council members, or their deputies, may not act as Chairman. The purpose is to safeguard the neutrality of the Chairman.

Clause 11: Deputies of members

13. Provides for the appointment, and termination of appointment, of deputy members.

Clause 12: Remuneration and allowance

14. Remuneration is to be paid only to the Chairman, who is not appointed on the basis of any industry affiliation. Other members will not receive remuneration because they are representing their organisations. Allowances, as prescribed, are to be paid to all members, deputy members, and other persons, in the performance of duties as a Council member or working group member.

Clause 13: Leave of absence

16. This clause provides for the Minister to grant leave of absence to the Chairman, and for the Chairman to grant leave of absence to other members.

Clause 14: Resignation

17. Provides that a Council member may resign by writing signed by him and delivered to the Minister.

Clause 15: Termination of appointments of members

18. Provides discretion for the Minister to terminate the appointment of a member for misbehaviour or physical or mental incapacity, and provides that the Minister shall terminate the appointment of a member if the member becomes bankrupt, is absent without leave from three consecutive meetings, or fails to comply with his obligations concerning disclosure of pecuniary interests.

Clause 16: Disclosure of interests of members

19. To protect the proper performance of the Council, clause 16 provides that a member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered, is to disclose the nature of his interest. The clause also provides for the member to abstain from Council consideration of the matter, subject to the discretion of the Minister or the Council to determine otherwise.

Clause 17: Meetings

20. This clause provides for the convening of Council meetings, and the working arrangements to apply at such meetings.

Sub-clause 17(7)

21. Provides for a quorum to be constituted by nine members, of whom at least one represents the Cattle Council of Australia, one represents the Sheepmeat Council of Australia and one represents the Australian Meat Exporters' Federal Council. The requirement that these representatives be present reflects the importance of these industry sectors within the industry. Quorum requirements may be increased to take account of any change to membership under 9 (1) (n).

Clause 18: Working Groups of Council

22. This clause provides authority for the Council to establish small terminating working groups of experts to develop propositions and to advise Council. Such working groups will provide Council with a mechanism for including the views of industry groups not represented on it. Unless dissolved by Council, working groups will terminate after 6 months provided this period is not extended by Council.

Clause 19: Disclosure of interests of members of working groups

23. Provides for the declaration by a member of a working group of any pecuniary interest which may conflict with the proper performance of his duties, and provides for a member not to participate in consideration of the issue in respect of which he has made a declaration, unless a contrary determination is made by the Minister or working group.

Clause 20: Staff

24. This clause provides that the staff required by the Council to assist in carrying out its functions are to be drawn from the Commonwealth Public Service. The staff are to carry out their duties at the direction of the Council, the Chairman or a nominated person.

Clause 21: Arrangements relating to staff

25. This clause provides for Department of Primary Industry officers to be made available as staff of Council. Such officers are to carry out their duties in accordance with the directions of the Council.

Clause 22: Annual report

26. Provides for the Council to submit an annual report, to be tabled in Parliament by the Minister.

Clause 23: Regulations

27. Provides that the Governor-General may make regulations, consistent with the provisions of the Bill.

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