

1984

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY
SELECTION COMMITTEE BILL 1984

EXPLANATORY MEMORANDUM

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

OUTLINE

The purpose of this Bill is to provide an effective mechanism for selecting members of the Australian Meat and Live-stock Corporation through the establishment of an Australian Meat and Live-stock Industry Selection Committee comprised of an independent Chairman and representatives of livestock producers and meat processors and exporters.

The Committee will select, and nominate to the Minister, appropriate persons for appointment to the Corporation. Those members are to be appointed on the basis of specified qualifications and experience, relevant to the functions of the Australian Meat and Live-stock Corporation. Membership will no longer be based on representation of various industry sectors.

The Committee will have the authority to engage consultants to assist it in the selection of suitable nominees for appointment by the Minister and will also be required to provide the Minister with 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 the Australian Meat and Live-stock Industry Selection Committee.

Clause 5: Functions of the Committee

3. Specifies that the functions of the Committee are to select and nominate to the Minister, persons to be appointed to the Australian Meat and Live-stock Corporation (other than the Chairman, Managing Director and Government representative).

Clause 6: Powers of the Committee

4. Authorises the Committee to do what it considers necessary or convenient in the exercise of its functions. This includes the power to engage consultants to assist it in identifying persons for nomination to the Minister. Provision for the Committee to exercise this power is in clause 22.

Clause 7: Minister may request nominations

5. Authorises the Minister to request the Committee in writing to provide him with a suitable name or names of persons within a specified period, for the purpose of appointing certain members to the Corporation or to fill vacancies caused by resignations or terminations of appointments.

Clause 8: Selection of persons for nomination

6. The purpose of clause 8 is to ensure that members of the Corporation selected by the Committee possess qualifications, or have experience in those fields of activity specified which are considered relevant to the functions of the Corporation.

Sub-clause 8(3)

7. Provides that a person who is or has been a member of the Committee cannot be nominated for appointment to the Corporation (whether or not constituted on an interim basis) until a period of three years after he has ceased to be such a member.

Clause 9: Nominations

8. Specifies the requirements to be met by the Committee in providing nominations to the Minister including a statement specifying how each nomination will best ensure that the members of the Corporation collectively possess qualifications and experience in all of the specified fields of activity.

Clause 10: Minister may reject nomination

9. Authorises the Minister to reject a nomination/nominations if he is not satisfied as to suitability and require the Committee to submit for appointment a new nomination/nominations in accordance with the Act.

Clause 11: Membership of Committee

10. Specifies the membership of the Committee. Provides for the appointment, and termination of appointment, of members.

Sub-clause 11(1)

11. Specifies the composition of the Committee which is to consist of 7 members, namely, a Chairman, 2 members to represent cattle producers, 1 member to represent sheep producers and 3 members to represent meat processors and exporters. The composition of the Committee reflects the importance of cattle and sheep producers and meat processors and exporters in the industry.

Clause 12: Acting Chairman

12. Specifies the procedure for the appointment, and termination of appointment of an acting Chairman and establishes his powers and entitlements.

Sub-clause 12(3)

13. Establishes the ineligibility of a member or deputy member to act as Chairman. The purpose is to protect the neutrality of the Chairmanship.

Sub-clause 12(6)

14. Establishes a procedure whereby an acting Chairman appointed under paragraph 12(1)(a) may, subject to the terms of his appointment, continue to act if the position of Chairman becomes vacant until the Minister directs otherwise, until the vacancy is filled, or until the expiry of 12 months from the date on which the vacancy occurred.

Clause 13: Deputies

15. Provides for the appointment and termination of appointment by the Minister of deputy members.

Clause 14: Casual vacancies

16. Provides for the procedure whereby the Minister may appoint persons to complete any unexpired period of appointment of a member who ceases to be a member.

Clause 15: Remuneration and allowances

17. Provides for remuneration to be paid to the Chairman only, and for allowances, as prescribed, to be paid to all members and deputy members.

Clause 16: Leave of Absence

18. Authorises the Minister to grant the Chairman leave of absence and the Chairman to grant leave of absence to another member.

Clause 17: Resignation

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

Clause 18: Termination of appointments of members

20. Provides that the Minister may terminate an appointment of a member for reasons of misbehaviour, physical or mental incapacity and is required to terminate an appointment for reasons of bankruptcy, failure to comply with obligations concerning disclosure of pecuniary interests and absence without leave from 3 consecutive meetings.

Clause 19: Disclosure of interests of members

21. To ensure the propriety of the Committee, clause 19 provides for a member who has a direct or indirect pecuniary interest in a matter being considered to disclose the nature of his interest. The clause also provides for the member to abstain from Committee consideration of the matter subject to the discretion of the Minister or the Committee to determine otherwise.

Sub-clause 19(4)

22. Provides that in the event of resolutions being taken without formal meetings, a member who has any pecuniary interest in a matter to be considered, is to disclose the nature of his interest to the Minister as soon as practicable after the relevant facts have come to his knowledge.

Sub-clause 19(5)

23. A member who makes a disclosure to the Minister under sub-clause (4) is not permitted to sign a document in favour of a resolution taken outside formal meetings on the matter, unless the Minister otherwise determines.

Clause 20: Meetings

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

Sub-clause 20(5)

25. Provides for a quorum to be constituted by 5 members of whom at least 2 members are to represent cattle and sheep producers and at least 2 are to represent meat processors and exporters. This requirement reflects the desirability of maintaining the balance of industry input into each Committee meeting.

Sub-clause 20(6)

26. Provides that, subject to sub-clause 20(7), questions are to be decided by a majority of votes of the members present, and where the Chairman presides over a meeting he has a deliberative vote and also a casting vote in the event of an equality of votes. Where in the absence of a Chairman, a member is elected to preside at a meeting, such a member is to have a deliberative vote but not a casting vote. In the event of an equality of votes, the matter is to be decided in the negative. This latter provision is included because in such a situation the presiding member would be affiliated to a particular industry sector, and the balance of the Committee may otherwise appear to be compromised.

Sub-clause 20(7)

27. Provides that in the absence of the Chairman a person may not be nominated for appointment to the Corporation if the proposed nomination is voted against by more than one of the members present. The purpose of the clause is to recognise, in the voting procedures, the importance of such a motion and the key role of the independent Chairman.

Clause 21: Resolutions without formal meetings

28. Provides a procedure for the consideration of issues outside formal meetings.

Clause 22: Committee may engage staff and consultants

29. Provides for the Committee to engage staff, including consultants. It should be noted that the Australian Meat and Live-stock Corporation Amendment Bill 1984 provides for the Australian Meat and Live-stock Corporation to meet the costs incurred by the Committee.

Clause 23: Annual report

30. Provides for the Committee to submit an annual report to the Minister to be tabled in Parliament within 15 sitting days from the date on which he receives the report.

Clause 24: Regulations

31. Provides that the Governor General may make regulations consistent with this Bill.