

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

AUSTRALIAN WOOL INDUSTRY COUNCIL BILL 1991

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary
Industries and Energy, the Hon Simon Crean)

AUSTRALIAN WOOL INDUSTRY COUNCIL BILL 1991OUTLINE

This Bill is to provide for the establishment of an industry council for the wool industry. The Council is designed to assist in the development of consistent and comprehensive policies for the wool industry and will do this by:

- . reviewing the strategic direction of the industry on an ongoing basis and as requested by the Minister
- . examining issues affecting the industry and reporting on them to the Minister
- . developing recommendations, guidelines and plans for measures designed to safeguard, or further the interests of, the industry
- . convening industry review conferences.

The membership of the Council includes representatives of key industry organisations, and chairpersons of wool statutory authorities. The Council may establish committees and working groups and engage consultants, if appropriate.

FINANCIAL IMPACT STATEMENT

Funds allocated for the Interim Wool Industry Policy Council (\$250,000 in 1990/91 and \$300,000 in the two subsequent years) will be carried over to the new Council. Funding will be reviewed in 1992/93.

NOTES ON CLAUSES

PART 1 - PRELIMINARY

Clause 1 - Short title

1. Provides for the Bill to be cited as the Australian Wool Industry Council Act 1991.

Clause 2 - Commencement

2. Provides for the Act to commence on 1 July 1991.

Clause 3 - Object of Act

3. This clause specifies that the object of the Act is to provide for the establishment of an industry council for the wool industry to facilitate the development by the Government of sound, consistent and comprehensive policies in respect of the wool industry.

Clause 4 - Interpretation

4. Formal.

PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS OF COUNCIL

Clause 5 - Establishment of Council

5. Provides for the establishment of the Australian Wool Industry Council.

Clause 6 - Functions

6. This section specifies that the functions of the Council are to review and report on the strategic direction of the wool industry, to inquire and report on matters affecting the industry, to convene review conferences, and to consult and co-operate with relevant persons and bodies on matters affecting the industry.

Clause 7 - Powers

7. Provides the Council with the powers necessary to perform its functions.

Clause 8 - Performance of functions etc not affected by vacancy in membership of Council

8. Provides that the performance of the functions or exercise of the powers of the Council is not affected because of a vacancy in its membership.

Clause 9- Reports on strategic direction

9. Requires the Council to report to the Minister on the strategic direction of the industry whenever it thinks it necessary to do so and when requested to do so by the Minister.

Clause 10 - Industry review conferences

10. Provides for the Council to hold review conferences. The conferences will bring together a wide range of participants in the industry to discuss and make recommendations on the industry's strategic direction. The regulations may require the Council to hold conferences and, where there is such a requirement, the frequency will be determined by the regulations.

Clause 11 - Conferences of chairpersons of wool industry statutory bodies

11. Provides for the Chairperson of the Council to convene such conferences and as required by the regulations.

Clause 12 - Publication of reports etc

12. This clause provides for reports to be made public as the Minister thinks fit and prohibits members of the Council or their deputies making reports public which the Minister has not made public.

Clause 13 - Disagreement as to contents of a report

13. Where a member disagrees with a finding or recommendation in a report, this clause requires the Council to include in the report a summary of that member's views and to identify the member concerned.

PART 3 - CONSTITUTION AND MEETINGS OF COUNCILClause 14 - Constitution of Council

14. This clause specifies the constitution of the Council.

Clause 15 - Appointments to councils

15. Provides for the Chairperson, one person nominated by Wool Council, a representative of the Commonwealth, a woolgrower, and any person nominated by a prescribed organisation to be appointed by the Minister. The appointment is not ineffective because of a defect or irregularity relating to their nomination or appointment. Appointed members hold office on such terms as the Minister may determine in writing.

Clause 16 - Deputy Chairperson

16. Provides for the appointment of a member as Deputy Chairperson. It provides for the terms and conditions of appointment, the termination of appointment and for the powers to be exercised and functions to be performed by the Deputy Chairperson. It also specifies that anything done by a person purporting to be Chairperson is not invalid on grounds of administrative error with regard to the appointment of the person to act as deputy.

Clause 17 - Term of office

17. Specifies that an appointed member's tenure is specified in the instrument of appointment and is not to exceed three years. This provision does not apply to ex-officio appointments.

Clause 18 - Part-time appointment only

18. Specifies that members hold office on a part-time basis only.

Clause 19 - Remuneration and allowances

19. Provides for the Remuneration Tribunal to determine remuneration and allowances for the Chairperson, travel allowance for other members and travel allowance for members of committees and working parties. Members who are also members of, or a candidate for election to, State Parliament, or employed full-time by a State will not be entitled to allowances but shall be reimbursed expenses incurred on Council business.

Clause 20 - Leave of absence

20. Provides that the Minister may grant leave of absence to the Chairperson and the Chairperson may grant leave of absence to another member. Terms and conditions of such leave are to be determined by the Minister or the Chairperson as appropriate.

Clause 21 - Resignation

21. An appointed member may resign by giving written notice of resignation to the Minister.

Clause 22 - Disclosure of interests

22. Requires that, if a Council member has a pecuniary interest in a matter being considered by the Council other than as a result of that member's general interest in the industry, the member must disclose the nature of such interests and must not participate in any further discussion of the issue unless the Council has agreed that it is appropriate.

Clause 23 - Termination of appointment

23. Provides the Minister with discretion to terminate the appointment of an appointed member for misbehaviour or for physical or mental incapacity and where the member becomes bankrupt, is absent without leave from three consecutive meetings, or fails to comply with the obligations concerning the disclosure of pecuniary interests. The Minister must terminate the appointment of a nominated member if requested to do so by the nominating body.

Clause 24 - Deputies of members

24. Provides for the appointment by the Minister of deputies of members if requested to do so by nominating bodies. When acting as a member, the deputy has the same powers as a member and has the same duties as a member in respect of term of office, leave of absence, resignation, disclosure of interests and termination of appointment. The clause also specifies that anything done by a person purporting to be a member is not invalid on grounds of administrative error with regard to the nomination or appointment of the person to act as deputy.

Clause 25 - Meetings

25. Provides for the Council to hold meetings as it thinks fit, if called by the Chairperson, if called by a prescribed minimum number of members, and as may be required by the regulations. It also provides for the working arrangements to apply at such meetings. The quorum for a meeting will be eight members.

PART 4 - COMMITTEES AND WORKING PARTIESClause 26 - Committees and working parties

26. Gives the Council the power to establish such committees and working parties as it thinks fit. Where the Council establishes a working party, it must specify a day by which the working party must report. The Council may vary at any time the due date by which a working party must report.

Clause 27 - Constitution of committees and working parties

27. Specifies that committees and working parties may be made up wholly of members of the Council or partly of members of the Council and partly by other members. In addition, a working party may be constituted wholly by persons who are not members of the Council.

Clause 28 - Chairpersons of committees

28. Requires the Council to appoint a member of the committee as chairperson.

Clause 29 - Meetings of committees

29. Provides for the Council to determine the procedure to be followed at committee meetings and that, except in relation to matters determined by the Council, a committee may determine the procedure to be followed in relation to its meetings.

Clause 30 - Reports of committees

30. Where a member of a committee disagrees with a finding or recommendation in a report, this clause requires the committee to include in the report a summary of that member's views and to identify the member concerned.

Clause 31 - Disclosure of interests by members of committees

31. Specifies that section 22 (disclosure of interests) applies to committee members as if they were members of the Council.

Clause 32 - Application of Part to working parties

32. States that except for sections 26 and 27 outlining the constitution of committees and working parties, a reference in the Part to a working party applies as if it were a committee.

Clause 33 - Allowances of members of committees and working parties

33. Provides for members of committees and working parties to be paid travel allowances as are prescribed.

PART 5 - MISCELLANEOUSClause 34 - Staff

34. Provides for the Secretary to the Department to arrange for services of Departmental staff to be made available to assist the Council and that such persons are subject to the direction of the Council and are to be taken to be employees of the Council. The Council has no power to employ persons, or except for Departmental staff, to obtain the services of persons as Council staff.

Clause 35 - Consultants

35. Provides for the Council to engage consultants and to determine the terms and conditions of such engagement.

Clause 36 - Delegation by Council

36. Provides for the Council to delegate any or all of its powers to a committee, a member or an employee of the Council. It also provides for a delegation of a power to be revoked by Council resolution.

Clause 37 - Annual report

37. Provides that the Council must prepare an annual report after 30 June in each year detailing its operations in the previous financial year. Annual reports are to be submitted to the Minister for tabling in each House of the Parliament within 15 sitting days of receipt.

Clause 38 - Orders

38. Provides for the Minister to make orders consistent with this Act.

Clause 39 - Regulations

39. Provides for the Governor-General to make regulations under this Act.



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