

1989

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

EXOTIC ANIMAL DISEASE CONTROL BILL 1989

EXPLANATORY MEMORANDUM

(Circulated by Authority of the Minister
for Primary Industries and Energy, the Hon John Kerin MP)

THIS MEMORANDUM TAKES ACCOUNT OF AMENDMENTS MADE BY THE HOUSE
OF REPRESENTATIVES TO THE BILL AS INTRODUCED

EXOTIC ANIMAL DISEASE CONTROL BILL 1989**OUTLINE**

1. The purpose of this Bill is to establish an Exotic Animal Diseases Preparedness Consultation Council (EADPCC).
2. The functions of EADPCC are to assess the adequacy of existing exotic disease control procedures and the human and capital resources associated with those control procedures, to inquire into the social and economic implications of exotic disease and principles to govern compensation payments in the event of an outbreak, and to advise on means for monitoring the efficiency of veterinary emergency plans. The Bill also gives EADPCC power to make recommendations to the Minister on the expenditure of funds from the Exotic Animal Disease Preparedness Trust Account.
3. EADPCC will consist of 8 part-time members comprising a chairperson, two representatives of the National Farmers' Federation, a representative of the Australian Agricultural Council, an officer of the Department of Primary Industries and Energy and three persons with special qualifications relevant to EADPCC's functions. Cessation provisions of the Bill provide for EADPCC to be terminated on 30 June 1995 and for payments from the Account to cease at the end of 31 December 1995.
4. The Bill gives effect to a commitment announced in the Government Policy Statement - "Primary Industries and Resources, Policies for Growth" - announced in May 1988 by the Minister to raise Australia's emergency preparedness to an even higher level of readiness, and to improve the range and timeliness of advice to the Government on exotic animal disease issues.

FINANCIAL IMPACT STATEMENT

5. The Account will fund annual expenditure programs of up to \$1.5 million. The Commonwealth will match, on a dollar for dollar basis, contributions to the account from livestock based industries (wool, meat and livestock, dairy, pig, egg and chicken meat).

NOTES ON CLAUSES

PART 1: PRELIMINARYClause 1: Short title

6. Provides mode of citation of Act.

Clause 2: Commencement

7. Provides for commencement of the legislation on the day on which it receives the Royal Assent.

Clause 3: Interpretation

8. Provides for the interpretation of the legislation.

Clause 4: First financial year

9. Provides for arrangements to apply if the legislation does not commence at the beginning of a financial year.

PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS OF COUNCILClause 5: Establishment

10. Establishes the Exotic Animal Disease Preparedness Consultative Council.

Clause 6: Object

11. Provides that the object of the Council is to make available to the Minister a reliable source of information and advice on matters relating to the preparedness of the nation to take combative and rehabilitative action with respect to outbreaks in Australia of exotic animal diseases.

Clause 7: Functions

12. Clause 7 specifies the functions the Council will perform in pursuing the object of its establishment.
13. Subclause 7 (2) requires that in the performance of its function, the Council will comply with any written direction of the Minister, but that the Council may also act on its own motion.
14. Subclause 7 (3) of the Bill requires the Minister to table, in both Houses of Parliament, as soon as practicable, a copy of any written direction given under subclause 7 (2).

Clause 8: Expenditure programs

15. Requires the Council to prepare prior to each financial year a program of expenditure to be met from the Exotic Animal Disease Preparedness Trust Account for submission to the Minister. A payment to fund any requirement of an approved veterinary emergency plan will need to be specifically identified and a general explanation provided to the extent to which the payment will help to pursue the strategies of the veterinary emergency plan.
16. Sub-clause (6) provides that the Council may vary an expenditure program at any time during the financial year.

Clause 9: Approval of expenditure programs

17. Provides for the Minister to approve an expenditure program or variation of a program submitted by the Council. The Minister may request the Council to revise any details of an expenditure program or variation to an expenditure program, and is to provide a statement of reasons to support such a request.

Clause 10: Powers

18. The purpose of this clause is to provide the Council with the power to do all things necessary or convenient to be done in the performance of its functions.

PART 3 - CONSTITUTION AND MEETINGS OF THE COUNCILClause 11: Membership of the Council

19. Specifies the membership and appointment arrangements.

Clause 12: Terms and conditions not provided for by this Act.

20. Gives discretion to the Minister to stipulate terms and conditions for a Council member additional to those specified in the Act.

Clause 13: Age qualification

21. Precludes membership on the Council by any person who has attained the age of 65 years.

Clause 14: Defective appointment not invalid

22. Provides that a defect or irregularity in connection with an appointment does not invalidate the appointment.

Clause 15: Remuneration and allowances

23. Remuneration for members may be prescribed for the initial period of Council operation, but will normally be subject to determination by the Remuneration Tribunal.

Clause 16: Leave of absence

24. Allows the Minister to grant leave of absence to Council members.

Clause 17: Disclosure of interests

25. Provides for members to disclose a direct or indirect pecuniary interest in a matter being considered by the Council, for disclosure to be recorded in Council minutes, and for disqualification from Council consideration of that matter.

Clause 18: Resignation

26. A member may resign in writing signed and delivered to the Minister.

Clause 19: Termination of Appointment

27. Provides discretion for the Minister to terminate the appointment of a member for misbehavior or physical or mental incapacity. Should a member become bankrupt, or absent without leave from three consequent meetings, or fail without reasonable excuse to comply with the disclosure of interest requirements, the Minister is obliged to terminate the appointment.
28. Sub-clause 19 (3) requires that the Minister terminate the appointment of a member appointed on the nomination of the National Farmers' Federation or Australian Agricultural Council, at the request of the nominating body.

Clause 20: Meetings

29. Provides for the convening of Council meetings and working arrangements to apply at meetings.

PART 4 - EXOTIC ANIMAL DISEASE PREPAREDNESS TRUST ACCOUNT

Clause 21: Establishment of Account

30. Establishes the Exotic Animal Disease Preparedness Trust Account as a Trust Account pursuant to the Audit Act 1901.

Clause 22: Payments into Account

31. Provides for payment of Commonwealth and industry contributions to the Account together with accrued interest. Industry contributions will be provided by means of statutory levy in all cases except the wool industry, whose contribution will be drawn from the General Reserves of the Australian Wool Corporation.

Clause 23: Payments out of Account

32. Authorises payment from the Account on annual expenditure programs approved by the Minister.
33. Paragraph 23 (b) provides for recovery of costs incurred in collecting and administering industry contributions to the Account.

Clause 24: Closing of Account

34. Provides for closing of account on 30 December 1995 and payment of any money standing to the credit of the Account at that time to research organisations associated with the contributor industries, except the wool industry. The wool industry's share of unspent account funds will be paid to the Australian Wool Corporation.

PART 5 - MISCELLANEOUS

Clause 25: Publication of Council reports

35. Provides the Minister with discretion to make public any report finalised by the Council pursuant to clause 7. Where a member disagrees with a finding or recommendation, the report must identify the member and include a statement of the views of the member in relation to the disagreement.

Clause 26: Annual Report

36. Requires the Council to provide to the Minister a report as soon as practicable after the end of each financial year, and requires the Minister to table the reports in the Parliament.

Clause 27: Final Report

37. Outlines provisions for submission and tabling of the final report of the Council.

Clause 28: Appropriation

38. Authorises appropriation from the Consolidated Revenue Fund to meet the Commonwealth's contribution to the Account.

Clause 29: Regulations

39. Provides for the Governor-General to make regulations in respect of this Act.

Clause 30: Cessation of operation of Act

40. Specifies that the Council will be dissolved on 30 June 1995 and that payments from the Account will be finalised on 31 December 1995.

PART 6 - CONSEQUENTIAL AMENDMENTS OF OTHER ACTSClause 31: Amendments of Dairy Produce Act 1985.

41. Makes consequential amendments in relation to the dairy industry's contribution to the Account.

Clause 32: Amendment of Rural Industries Research Act 1985

42. Makes consequential amendments in relation to the chicken meat industry's contribution to the Account.

Clause 33: Amendments of Wool Marketing Act 1987

43. Makes consequential amendments in relation to the wool industry's contribution to the Account.

SCHEDULE

44. Sets out Acts under which the egg, meat and livestock, chicken meat and pig industries will contribute to the Account.

Printed by Authority by the Commonwealth Government Printer