

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

HORTICULTURAL POLICY COUNCIL BILL 1987

EXPLANATORY MEMORANDUM

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

OUTLINE

HORTICULTURAL POLICY COUNCIL BILL 1987

This Bill is to establish the Horticultural Policy Council, which is designed to assist in the development of consistent and comprehensive policies for Australia's horticultural industries and to co-ordinate the participation of horticultural industries in the policy formulation process. It will do this by:

- . examining issues affecting the horticultural industries on its own initiative and reporting on these to the Minister;
- . examining matters relevant to horticulture referred to it by the Minister; and
- . developing recommendations, guidelines and plans for measures designed to safeguard, or further the interests of, the horticultural industries.

The Council will consist of 15 members comprising the Chairperson, 5 members representing horticultural growers and producers, 2 members representing processors, 1 member representing persons engaged in horticultural marketing, 2 members representing employees, 2 members nominated by the Australian Agricultural Council and the 2 Chairpersons of the Australian Horticultural Corporation and the Horticultural Research and Development Corporation. All members will be appointed by the Minister and members (other than the Council Chairperson and the Chairpersons of the Corporations) will be nominated for appointment by relevant bodies. The Council may establish committees and working groups and engage consultants, if appropriate. The Council's secretariat is to be provided by the Department administering this Act.

FINANCIAL IMPACT STATEMENT

The Government is to contribute \$1.9 million to cover operating costs over the next five years. Continuation and subsequent funding of the Council will be reviewed in the fifth year of its operation.

HORTICULTURAL POLICY COUNCIL BILL 1987

NOTES ON CLAUSES

No of
Clause

Explanation

PART I PRELIMINARY

1 Short title

2 Commencement

Provides for the Bill to come into effect on the day it receives Royal Assent.

3 Interpretation

PART II ESTABLISHMENT, FUNCTIONS AND POWERS OF COUNCIL

4 Establishment

5 Object

This clause specifies the object of the Act is to facilitate development of horticultural industry policy through co-ordinated participation of the horticultural industries in the policy formulation process.

6 Functions

Specifies the main functions of the Council which include: monitoring, investigating and reporting to the Minister on matters affecting the well-being of Australian horticultural industries; developing policies and plans to protect or promote the interests of Australian horticultural industries; and liaising with relevant persons, bodies and authorities on matters affecting the Australian horticultural industries.

7 Powers

Provides the Council with powers necessary to perform its functions.

No of
Clause

Explanation

8 Publication of Council reports etc.

Provides that the Minister may make public Council reports and prohibits the Council from making public Council reports or parts thereof which the Minister has not made public.

PART III CONSTITUTION AND MEETINGS OF COUNCIL

9 Constitution of Council

This clause provides for Council membership of 15 comprising the Chairperson, 5 members representing horticultural growers and producers, 2 members representing processors, 1 member representing persons engaged in horticultural marketing, 2 members representing employees, 2 members nominated by the Australian Agricultural Council and the 2 Chairpersons of the Australian Horticultural Corporation and the Horticultural Research and Development Corporation. The clause also provides for variation by the Minister in the Council's composition and provides that its performance is not affected by vacancies in the membership of the Council.

10 Chairperson

11 Deputy Chairperson

Provides for the appointment of a nominated 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.

12 Appointment of members

Provides for all members to be appointed by the Minister. It also provides for the Minister to reject a nomination for appointment and to request a further nomination.

13 Term of office

Specifies that all members, including the Chairperson, are to be appointed for terms of up to 3 years, but are eligible for reappointment. It also provides for the appointment of a replacement member until the end of a term, should a vacancy occur.

No of
Clause

Explanation

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| 14 | <u>Members hold office on part time basis</u> |
| 15 | <u>Remuneration and allowances</u>

Provides for payment to the Chairperson of remuneration at a level determined by the Remuneration Tribunal and of such allowances as are prescribed. It specifies that offices other than that of Chairperson are not public offices under the Remuneration Tribunals Act 1973. It provides for the payment of allowances as are prescribed to members (other than the Chairperson) and to committee and working group members. Members who are also members of, or a candidate for election to, a State Parliament, or employed full time by a State will not be entitled to allowances but shall be reimbursed expenses incurred on Council business. |
| 16 | <u>Leave of absence</u>

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. |
| 17 | <u>Resignation</u>

Nominated members and the Chairperson may resign by writing to the Minister. |
| 18 | <u>Disclosure of interests</u>

Requires that a Council member in a potential or actual conflict situation, through having a direct or indirect pecuniary interest in a matter being or about to be considered by the Council, must disclose the nature of such interests. |
| 19 | <u>Termination of appointment</u>

Provides the Minister with discretion to terminate the appointment of the Chairperson or a nominated member for misbehaviour or for physical or mental incapacity. Where the Chairperson or a nominated member becomes bankrupt, is absent without leave from three consecutive meetings, or fails to comply with obligations concerning the disclosure of pecuniary interests, the Minister must terminate the appointment. The Minister must also terminate the appointment of a member if requested by that member's nominating body and the appointment of an ex officio member for absence without leave from three consecutive meetings or non-disclosure of interests. |

No of
Clause

Explanation

- 20 Deputies of nominated members
- Provides for the appointment and the termination of appointment of deputy members by the Minister and for the terms and conditions of appointment. These include the right of a nominated member to nominate his or her deputy. They also provide for the member's powers to be exercised by the deputy and specify 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.
- 21 Terms and conditions of appointment not provided for by Act
- Provides for the Minister to determine terms and conditions not provided for by this Act under which members of the Council may hold office.
- 22 Meetings
- Provides for the holding of Council meetings, the working arrangements to apply at such meetings and establishes a quorum of eight members of whom two members must be horticultural growers or producers and two others being representatives of processors or marketers or the Australian Horticultural Corporation Chairperson. Questions are to be decided by a majority of votes with the person presiding having both a deliberative vote and, if required, a casting vote. It requires the Council to keep minutes and enables it to invite persons to attend meetings for the purpose of providing it with advice.

PART IV COMMITTEES AND WORKING GROUPS

- 23 Executive committee and other committees
- Provides for the establishment, membership and working arrangements of an executive committee and other committees by and for the assistance of the Council. It also specifies disclosure of interest requirements of committee members.

No of
Clause

Explanation

24 Working groups of Council

Provides for the establishment, duration, membership, and working arrangements of working groups of Council. It also specifies disclosure of interest requirements of working group members.

PART V MISCELLANEOUS

25 Staff

Provides for the Department administering this Act to arrange for services of Departmental staff to be made available to assist the Council and for such persons to perform their duties as directed by the Council.

26 Consultants

Provides for the Council, on behalf of the Commonwealth, to engage consultants and to determine the terms and conditions of such engagement.

27 Delegation by Council

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 a Council resolution.

28 Annual report

Provides that the Council 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.

29 Regulations

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

30 Orders

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