

1978

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES
INDUSTRIES ASSISTANCE COMMISSION AMENDMENT BILL 1978

Notes On Clauses

(Circulated by the Hon. Wal. Fife, Minister for Business and Consumer Affairs)

- Clause 1 Gives the short title of the Act and determines the Industries Assistance Commission Act 1973 as the Principal Act
- Clause 2 Provides for the Act to come into operation on the day it receives the Royal Assent
- Clause 3 Amends the title of the Principal Act
- Clause 4 - Provides definitions in relation to the Temporary Assistance Authority and the full-time member of the Authority
- Replaces definition of "duties"
- Clause 5 Omits sub-section 6(2) of the Principal Act consequent upon the Superannuation Act 1976 which makes provision for persons appointed on a full-time basis
- Clause 6 Provides for the Chairman, Commissioners and Associate Commissioners of the Industries Assistance Commission (IAC) to be paid remuneration as determined by the Remuneration Tribunal
- Clause 7 Amends sub-section 16(7) of the Principal Act consequent upon the Superannuation Act 1976

Clause 8

- Provides in new paragraph (a) of sub-section 22(1) for the IAC to have regard to the desire of the Government to achieve sustained growth in the economy through balanced development of industries with a view to providing increased opportunities for employment and investment
- Renumbers existing paragraph (a) of sub-section 22(1) as paragraph (aa) and provides for the IAC, in having regard to the desire of the Government to improve the efficiency with which the community's productive measures are used, to ensure that any measures to achieve changes in the structure of industry are taken only after due regard is had to the capacity of the economy to sustain those changes and to absorb any members of the workforce displaced by those changes
- Omits existing sub-section 22(2) and provides in new sub-section 22(2) that if the Minister at any time considers that there are additional matters to which the Commission should have regard in the performance of its functions, he may, by notice in writing, inform the IAC and the IAC shall have regard to those matters
- Provides in new sub-section 22(3) for the Minister to give directions to the IAC in writing as to the priorities to be observed by the IAC in having regard to the policy guide-lines in sub-section 22(1) or contained in any notice under sub-section 22(2) and for the IAC to comply with any such directions

- Requires in new sub-section 22(4) for the Minister to cause a copy of any notice to the IAC under sub-sections 22(2) or 22(3) to be published in the Gazette as soon as practicable after the notice is given
- Provides in new sub-section 22(5) for the policy guidelines in sub-section 22(1) to apply to the performance of functions by the Temporary Assistance Authority in like manner as they apply in relation to the performance of functions by the IAC

Clause 9

- Substitutes the Customs Tariff (Anti-Dumping) Act 1975 in sub-section 23(5)(a) of the Principal Act
- Allows for a reference to the Commission to be withdrawn or amended

Clause 10

- Provides in paragraph (a) of new section 23A for the IAC in its report on a reference to report on the level of assistance required to ensure that the level of activity and employment in an industry or group or groups of industries to which its report relates is not less than that which existed at the time the reference was made
- Requires in paragraph (b) of section 23A that if the IAC recommends the giving of assistance to an industry or group or groups of industries that would result in a level of assistance less than the level referred to in paragraph (a) of section 23A, it shall state its reasons for recommending such assistance

- Requires in paragraph (c) of section 23A for the IAC to report whether, in its opinion, the structure of an industry or group or groups of industries can be improved and, if so, the manner in which, and the measures by which, the improvement can be achieved and the consequences of such improvement
- Requires in paragraph (d) of section 23A that if the IAC recommends the giving, continuance or withdrawal of assistance to an industry or group or groups of industries it shall report on the probable consequences of action taken to give effect to its recommendations, including economic and social consequences and employment consequences in particular regions
- Provides in paragraph (e) of section 23A for the IAC to report on any other matter requested by the Minister in a reference relating to the giving, continuance or withdrawal of assistance to an industry or group of industries

Clause 11 Substitutes the Customs Tariff (Anti-Dumping) Act 1975 in sub-section 24(3)(a) of the Principal Act

Clauses 12-13 Amend section 25 of the Act to provide for a Temporary Assistance Authority to be constituted by a full-time person appointed by the Governor-General, with remuneration to be determined by the Remuneration Tribunal and subject to the same provisions as a Commissioner of the IAC in respect of outside employment, period of appointment, leave of absence, resignation, retirement and suspension and removal from office

Clause 14

- Repeals sections 26-30 of the Act
- New section 26 provides for the appointment of an acting full-time member
- New section 27 provides for the appointment of an associate member after consultation with the full-time member of the Authority and for the powers of the Authority to be exercised by a division of the Authority constituted by the associate member or associate members, or the full-time member and the associate member or associate members
- New section 28 provides for the disclosure of financial interests by the full-time member or an associate member
- New section 29 provides for action to be taken to provide assistance to an industry by virtue of an inquiry and report by the Authority
- New section 29A states the principal purpose of an inquiry by the Authority as being to inform the Minister of the level of assistance to an industry that is necessary to maintain the existing level or a previously existing level of activity and employment in the industry, and for the Authority to perform its functions accordingly
- New sub-section 30(1) provides for the Minister to request the Authority to undertake an inquiry in relation to an industry which is experiencing difficulty by reason of the importation of goods and for the Authority to

report on whether urgent action to provide assistance to that industry should be taken and, if so, the nature and extent of assistance recommended

- New sub-section 30(2) allows the Minister to withdraw or amend a reference to the Authority
- New sub-section 30(3) provides that where a reference to the Authority is amended, the Authority shall give notice of the amended reference and complete the inquiry within 45 days after receiving the amended reference
- New sub-section 30A(1) requires the Authority to give reasonable notice of an inquiry in the Gazette and the press, to report within 45 days on a reference and to recommend whether the industry concerned should be referred to the Commission under section 23 for inquiry and report
- New sub-section 30A(2) applies the inquiry procedure of Part V of the Act to inquiries conducted by the Authority
- New sub-section 30A(3) requires the Authority to inquire into the question whether goods are being imported in such increased quantities as to cause or threaten serious injury in relation to like or directly competitive goods
- New section 30B provides for action to be taken to provide assistance following a report of the Authority, for the report to be tabled in Parliament as soon as practicable after the assistance is provided and for a notice of the action taken to be gazetted, after which

no further action may be taken to provide assistance in respect of the Authority's report

- New section 30C requires that an industry which obtains temporary assistance and which has received temporary assistance for a period of two years or for a cumulative period of two years during the previous four years be referred to the IAC under Section 23 for inquiry and report on the matter of continuance or withdrawal of assistance to the industry
- New section 30D provides that where it appears that temporary assistance provided to an industry may need to be continued beyond 12 months, the Minister may request the IAC or the Authority to inquire and report on whether the assistance should continue to be provided beyond 12 months, but that the assistance shall not continue beyond 12 months unless the Minister receives a report of the IAC or the Authority
- New section 30E provides that where it appears that temporary assistance may need to continue to be provided to an industry beyond 2 years, the Minister may request the IAC to inquire and report on the industry, but that the assistance shall not continue beyond 2 years unless the Minister receives a report of the IAC
- New section 30F provides for the Authority and the IAC, in conducting inquiries in relation to the continuation of temporary assistance beyond 12 months or 2 years, to give appropriate notice of such inquiries and to apply the inquiry procedures of Part V of the Act

- New section 30G provides that temporary assistance by way of import restraints or temporary duties will, in certain cases, not continue beyond 3 months after the receipt of an IAC report
- New section 30H requires the Minister to terminate temporary assistance where by reason of sections 30D or 30E the assistance is not to continue beyond 12 months or 2 years
- New sub-section 30J(1) provides that the termination of temporary assistance to an industry by reason of section 30D, 30E or 30G does not prevent the taking of further action to provide assistance to that industry
- New sub-section 30J(2) provides that sub-section 23(3) does not prevent the taking of action to terminate, or reduce, temporary assistance that is being provided to an industry
- New section 30K requires the Authority to furnish an annual report and requires the Minister to table the report within 15 sitting days of receiving that report

- Clause 15 Provides for the Chairman of the Commission to provide staff assistance to the Authority as required
- Clause 16 Applies the Officers' Rights Declaration Act to the full-time member of the Authority
- Clause 17 Amends the annual report requirement of the IAC consequent upon new section 30K

- Clause 18 Is a transitional provision relating to references before the Authority and reports of the Authority at the time this Act commences
- Clause 19 Provides for formal amendments to various sections, sub-sections and paragraphs of the Principal Act by omitting "Australian" and substituting "Commonwealth"