

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

PRIMARY INDUSTRY COUNCILS BILL 1991

EXPLANATORY MEMORANDUM

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

PRIMARY INDUSTRY COUNCILS BILL 1991OUTLINE

This Bill provides for the establishment of industry councils for primary industries. Initially an industry council will be established only for the grains industry. Councils established under the Bill will be designed to assist in the development of consistent and comprehensive policies for those primary industries for which they are established. Industry councils will do this by:

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

The membership of the Grains Industry Council is set out in the Schedule. As the need to bring existing industry councils or new industry councils under the Act is established this will be done by the addition of new parts to the schedule by amending the Act.

The councils may establish committees and working groups and engage consultants, if appropriate.

FINANCIAL IMPACT STATEMENT

The operating costs for the Grains Industry Council, estimated to be \$100,000 in the remainder of 1991/92, will be met by the Government. It is estimated that the subsequent annual running costs of the Council will be about \$350,000.

Funding arrangements for any other councils established under this Act will be considered at that time.

NOTES ON CLAUSES

PART 1 - PRELIMINARY

Clause 1 - Short title

1. Provides for the Bill to be cited as the Primary Industry Councils Act 1991.

Clause 2 - Commencement

2. Provides for the Act to commence on Royal Assent.

Clause 3 - Object of Act

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

Clause 4 - Interpretation: general

4. Formal.

Clause 5 - Relevant primary industry

5. Specifies that the expression "relevant primary industry" refers to the industry for which a particular industry council is established.

PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS OF INDUSTRY COUNCILS

Clause 6 - Establishment of industry councils

6. Provides for industry councils to be established in relation to primary industries set out in the Schedule.

Clause 7 - Functions

7. This section specifies that the functions of an industry council are to review and report on the strategic direction of the relevant primary 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 8 - Powers

8. Provides a council with the powers necessary to perform its functions.

Clause 9- Reports on strategic direction

9. Requires a 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 a council to hold review conferences. The conferences will bring together a wide range of participants in the relevant industry to discuss and make recommendations on the industry's strategic direction. The regulations may require a 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 industry statutory bodies

11. Provides for a council to convene such conferences as it thinks fit and as may be 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 a 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 section provides for the membership of a council to be a chairperson and such other members as are provided for in the Schedule.

Clause 15 - Appointment of members of councils

15. This section provides that where members are appointed (ie other than ex officio members), such appointments are made by the Minister. It also provides for the Minister to reject nominations and request the nominating body or organisation to nominate another person if the Minister is not satisfied that it is appropriate for a person nominated to be appointed.

Clause 16 - Deputy chairperson

16. This section 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 act as chairperson is not ineffective on grounds of administrative error with regard to the appointment of the person to act as deputy.

Clause 17 - Deputies of members

17. Provides for the appointment of deputies of members by the Minister if requested to do so. When attending meetings in place of 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 attending a meeting in place of a member is not invalid on grounds of administrative error with regard to the nomination or appointment of the person as deputy.

Clause 18 - Meetings

18. Provides for a council to hold meetings as it thinks fit, if called by the chairperson, if called by a minimum number of members as provided for in the Schedule, and as may be required by the regulations. It also provides for the working arrangements to apply at such meeting. The requirements for a quorum are set out in the Schedule.

PART 4 - COMMITTEES AND WORKING PARTIESClause 19 - Committees and working parties

19. This clause gives a council the power to establish such committees and working parties as it thinks fit. Where a 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 20 - Constitution of committees and working parties

20. 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 21 - Chairpersons of committees

21. Requires the council to appoint a member of a committee as its chairperson.

Clause 22 - Meetings of committees

22. 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 23 - Reports of committees

23. 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 24 - Disclosure of interests by members of committees

24. Specifies that section 32 (disclosure of interests) applies to committee members as if they were members of a council.

Clause 25 - Application of Part to working parties

25. States that except for sections 19 and 20 outlining the constitution of committees and working parties, a reference in the Part to a committee applies as if it were a working party.

Clause 26 - Allowances of members of committees and working parties

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

PART 5 - TERMS AND CONDITIONS APPLYING TO ALL MEMBERS OF COUNCILS

Clause 27 - Term of office

27. 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 members.

Clause 28 - Terms and conditions of office

28. Specifies that members hold office on such terms and conditions in relation to matters not provided for in

this Act as may be determined by the Minister in writing and that members hold office on a part-time basis only.

Clause 29 - Remuneration and allowances

29. Provides for the Remuneration Tribunal to determine remuneration for the chairperson and travel allowance to be prescribed for all members of the council. 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 30 - Leave of absence

30. 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 31 - Resignation

31. A member may resign by giving written notice of resignation to the Minister, or in the case of committees and working groups, by giving written notice to the chairperson of the council which made the appointment.

Clause 32 - Disclosure of interests

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

Clause 33 - Termination of appointment

33. Provides the Minister with discretion to terminate the appointment of the chairperson or an appointed member for misbehaviour or for physical or mental incapacity and where the chairperson or appointed 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.

PART 6 - MISCELLANEOUS

Clause 34 - Staff

34. Provides for the Secretary to the Department to arrange for services of Departmental staff to be made

available to a council and that such persons are subject to the direction of the council.

Clause 35 - Consultants

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

Clause 36 - Delegation by council

36. Provides for a 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.

Clause 37 - Annual report

37. Provides that councils prepare an annual report after 30 June in each year detailing their 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 the Act.

Clause 39 - Regulations

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

SCHEDULE
ESTABLISHMENT OF INDUSTRY COUNCILS

PART 1
THE GRAINS INDUSTRY COUNCIL

40. This part establishes an industry council in relation to the grains industry which is to be known as the Grains Industry Council.

41. The part gives details of the 17 members who will make up the Grains Industry Council and determines that a quorum of 11 members (two of whom must be representatives of the Grains Council of Australia) will be required for meetings to be held and that a meeting must be held at the written request of at least 9 members of the Council.

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