

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PRIMARY INDUSTRIES (INDUSTRY COUNCILS) BILL 1991

EXPLANATORY MEMORANDUM

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

PRIMARY INDUSTRIES (INDUSTRY COUNCILS) BILL 1991

OUTLINE

This Bill is to provide for the establishment, by regulation, of industry councils for primary industries. Initially industry councils will be established for the wool and grains industries. The Councils are 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 ongoing 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 each council will be determined by the Minister after consultation with industry. Typically membership would include representatives of key industry producer and processor organisations, and chairpersons of relevant statutory marketing authorities and research and development corporations. The councils may establish committees and working groups and engage consultants, if appropriate.

FINANCIAL IMPACT STATEMENT

Funds allocated for the Interim Wool Policy Council (\$250,000 in 1990/91 and \$300,000 in the two subsequent years) will be carried over to the new Wool Industry Council when it is established. Funding will be reviewed in 1992/93. The operating costs for the Grains Industry Council will be met by the Government and are estimated to be \$430,000 in 1991/92. Subsequent funding of the council will be reviewed during 1991/92. 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 Industries (Industry Councils) 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 industry councils to facilitate the development by the Government of sound, consistent and comprehensive policies in respect of those primary 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 or group of industries 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 the regulations to provide for the establishment and naming of an industry council.

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.

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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 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 COUNCIL

Clause 14 - Constitution of council

14. This section provides for the Minister to establish a council in respect of an industry or group of industries after consulting with representatives of that industry or industries. The regulations will provide for the membership of the council and the manner in which those members are appointed - by nomination of an industry association, as an ex officio appointment or by direct appointment by the Minister. If the Minister is not satisfied with a nomination, the Minister may reject the nomination. The chairperson will be appointed directly by the Minister.

Clause 15 - Appointments to councils

15. Requires the Minister to appoint the Chairperson as soon as practicable after the council is established and that the members, including the Chairperson, 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 a 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 are appointed 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. A 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 a 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 the Chairperson or a nominated member for misbehaviour or for physical or mental incapacity and where the Chairperson or a nominated 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 of deputies of members by the Minister 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 a 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 meeting. The requirements for a quorum will be determined by regulation to take account of the structure of any given council.

PART 4 - COMMITTEES AND WORKING PARTIES

Clause 26 - Committees and working parties

26. 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 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) and section 25 (termination of appointment) apply to committee members as if they were members of a 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 committee applies as if it were a working party.

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 a council and that such persons are subject to the direction of the council and are to be taken as employees 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 this Act.

Clause 39 - Regulations

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



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