

1992

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PRIMARY INDUSTRIES LEGISLATION
AMENDMENT BILL 1992

EXPLANATORY MEMORANDUM

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



PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 1992

OUTLINE

1. This Bill proposes to:
 - (a) substitute the Pork Council of Australia for the Australian Pork Producers' Federation in the Pig Industry Act 1986 as the eligible industry body for the purpose of consultation with the Australian Pork Corporation and for nomination of members to the Australian Pork Corporation Selection Committee,
 - (b) provide for representation of the Chairman of the Food Committee of the Grocery Manufacturers of Australia on the Grains Industry Council established under the Primary Industry Councils Act 1991 to replace the present representative, the Chairman of the Grocery Manufacturers of Australia, and
 - (c) terminate the Australian Pig Industry Policy Council (APIPC) through the repeal of Part III of the Pig Industry Act 1986 and to create the Australian Pig Industry Council (APIC) under the Primary Industry Councils Act 1991 with enhanced functions and Commonwealth funding.
2. The Bill provides for transitional arrangements between the APIPC and APIC. It ensures that all assets, rights, obligations and liabilities of the APIPC accrue to the Australian Pork Corporation, which currently funds the APIPC, thus allowing the APIC to commence without encumbrance.
3. The Bill provides for the APIPC to continue beyond the date of commencement of the APIC for the sole purpose of preparing and submitting a final annual report to Parliament.
4. The Bill proposes to amend the Australian Meat and Live-stock Corporation Act 1977 and the Meat Research Corporation Act 1985 to bring the proportion of votes required to pass levy and no confidence motions at annual general meetings of the Corporations into line with those applying to other Primary Industry statutory marketing authorities. Levy motions would be passed on a simple majority and no confidence motions on a two thirds majority.

FINANCIAL IMPACT STATEMENT

5. The APIC will be funded by the Commonwealth and annual operating costs are estimated at \$205,000, subject to cost efficiencies arising from rationalisation of support services for all industry councils. Funding will be provided from existing Departmental running costs.

NOTES ON CLAUSES

PART 1 – PRELIMINARY

Clause 1 – Short title

6. Provides for the Bill to be called the Primary Industries Legislation Amendment Act 1992.

Clause 2 – Commencement

7. Subclause (1) provides, subject to subclause (2), for the Bill to come into effect on the day it receives Royal Assent.
8. Subclause (2) provides that if this Bill receives the Royal Assent before 1 January 1993 then the termination of the APIPC and establishment of the APIC will only have effect from 1 January 1993.

PART 2 – AMENDMENTS OF THE PIG INDUSTRY ACT 1986

Clause 3 – Principal Act

9. Provides that where "Principal Act" is referred to in this Part it means the Pig Industry Act 1986 as amended.

Clause 4 – Interpretation

10. Subclause (1) substitutes the Pork Council of Australia (PCA) for the Australian Pork Producers' Federation (APPF) as the body defined as the "eligible industry body".
11. Subclause (2) deletes the definition of "Council" as being the Australian Pig Industry Policy Council.

Clause 5 – Corporate plans

12. Amends the corporate planning provisions of the Australian Pork Corporation (APC) by deleting the requirement for the APC to outline arrangements that would apply to the APIPC during the APC's planning period.

Clause 6 – Annual operational plans

13. Amends the annual operational planning requirement of the APC by deleting the need to outline arrangements that it proposes to implement in relation to the APIPC.

Clause 7 – Application of money of Corporation etc.

14. Removes the liability of the APC to pay the expenses and discharge the liabilities of the APIPC.

15. Removes the requirement for the APIPC to pay to the APC any moneys received by it.
16. Removes the requirement for the Chairman of the APIPC to consult with the Chairperson of the APC regarding expenses and liabilities in the forthcoming financial year.

Clause 8 – Membership of Committee

17. Substitutes the PCA for the APPF as the body that may nominate 2 members for appointment to the Australian Pork Corporation Selection Committee (APCSC).

Clause 9 – Termination of appointments

18. Substitutes the PCA for the APPF as the body that may request the Minister to terminate the appointment of the PCA nominated members of the APCSC.

Clause 10 – Repeal of Part III

19. Repeals Part III of the Pig Industry Act 1986 thereby dissolving the Australian Pig Industry Policy Council.

PART 3 – AMENDMENTS OF THE PRIMARY INDUSTRY COUNCILS ACT 1991

Clause 11 – Principal Act

20. Provides that where "Principal Act" is referred to in this Part it means the Primary Industry Councils Act 1991 as amended.

Clause 12 – Schedule

21. Subclause (1) provides for representation by the Chairman of the Food Committee of the Grocery Manufacturers of Australia on the Grains Industry Council and replacing the present representative, the Chairman of the Grocery Manufacturers of Australia.
22. Subclause (2) adds a Schedule to the Principal Act which:
 - (a) establishes a council for the pig industry,
 - (b) names the Council as the Australian Pig Industry Council (APIC),
 - (c) provides the constitution of the Council to be comprised of a Chairperson, 3 members appointed on the nomination of the PCA, a member appointed on the nomination of the National Meat Processors Association, a member appointed on the nomination of the Meat and Allied Trades Federation of Australia, the Chairperson of the APC and the Chairperson of the Pig Research and Development Corporation,
 - (d) provides that a council meeting must be convened if it is requested in writing by at least 4 members of the Council,

- (c) specifies the quorum at a meeting of the Council to be 5 members.

PART 4 – TRANSITIONAL ARRANGEMENTS

Clause 13 – Definitions

23. Defines APIC as the Australian Pig Industry Council; APIPC as the Australian Pig Industry Policy Council; commencement day as the day this Part commences; and the Corporation as the Australian Pork Corporation.

Clause 14 – Transfer of assets and liabilities etc

24. Subclause (1) provides for the assets, rights, obligations and liabilities of the APIPC to be transferred to the APC on and after the commencement day, except as specified in subclause 14 (2).
25. Subclause (2) provides for the above section not to apply to documents transferred to the APIC under clause 15.

Clause 15 – Transfer of documents to the APIPC

26. Allows the Minister to cause any documents held by the APIPC to be transferred to the APIC upon its creation.

Clause 16 – Transferred agreements etc

27. Provides for the APC to replace the APIPC in respect of any agreement and instrument in force on and following the day this Bill comes into effect.

Clause 17 – Final report of APIPC

28. Subclause (1) states that in spite of the repeal of the APIPC it should continue in existence for the specific purpose of giving the Minister a report of its operation from 1 July 1992 to the day immediately before the commencement of this Bill.
29. Subclause (2) provides for certain clauses relating to the termination of the APIPC not to take effect to the extent that it is necessary for the report to be prepared; and requires that the APIPC prepare and give the Minister a report as soon as practicable after the day this Bill commences.
30. Subclause (3) provides for any costs associated with the preparation of the final report of the APIPC to be borne by the APC.

PART 5 – AMENDMENTS OF OTHER ACTS

Clause 18 – Amendments of other Acts

31. Provides that the Australian Meat and Live-stock Corporation Act 1977 and the Meat Research Corporation Act 1985 are to be amended as set out in the Schedule.

SCHEDULE – AMENDMENTS OF OTHER ACTS

Australian Meat and Live-stock Corporation Act 1977

Subsection 30G(5)

32. Amends the Act to provide that a levy motion put to an annual general meeting of the Corporation shall be passed if a majority of votes cast by persons registered on the appropriate producers' register, and a majority of votes cast by persons registered on the register of processors and exporters are in favour of the motion.

Subsection 30G(6)

33. Amends the Act to provide that a motion of no confidence in the Chairman or the Corporation put to an annual general meeting of the Corporation shall be passed if two thirds of the total votes cast are in favour of the motion. Additionally, at least 50 per cent of the votes cast by persons registered on the two producer registers and at least 50 per cent of the votes cast by persons registered on the register of processors and exporters must be in favour of the motion.

Meat Research Corporation Act 1985

Subsection 27(5)

34. Amends the Act to provide that a levy motion put to an annual general meeting of the Corporation shall be passed if a majority of votes cast by persons registered on the appropriate producers' register, and a majority of votes cast by persons registered on the register of processors and exporters are in favour of the motion.

Subsection 27(6)

35. Amends the Act to provide that a motion of no confidence in the Chairman or the Corporation put to an annual general meeting of the Corporation shall be passed if two thirds of the total votes cast are in favour of the motion. Additionally, at least 50 per cent of the votes cast by persons registered on the two producer registers and at least 50 per cent of the votes cast by persons registered on the register of processors and exporters must be in favour of the motion.

