

PIG MEAT PROMOTION ACT 1975

No. 48 of 1975

An Act to establish a Pig Meat Promotion Trust Account and for purposes connected therewith.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. This Act may be cited as the *Pig Meat Promotion Act 1975*.¹ Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
 - “Committee” means the Pig Meat Promotion Advisory Committee;
 - “levy” has the same meaning as in the Levy Act;
 - “Levy Act” means the *Pig Slaughter Levy Act 1971-1975*;
 - “Levy Collection Act” means the *Pig Slaughter Levy Collection Act 1971-1975*;
 - “member” means a member of the Committee;
 - “nominated member” means a member referred to in paragraph 9 (1) (a);
 - “promotion” means the taking of any action, whether in Australia or overseas, that, in the opinion of the Committee, is likely to promote the sale or consumption of Australian pig meat, and includes the study of, and the dissemination of information or advice on, markets, or potential markets, for pig meat;
 - “Promotion Account” means the Pig Meat Promotion Trust Account.
4. (1) An account is hereby established to be known as the Pig Meat Promotion Trust Account. Pig Meat Promotion Trust Account.

(2) The Promotion Account is a Trust Account for the purposes of section 62A of the *Audit Act 1901-1973*.
5. (1) There shall be paid into the Promotion Account, out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the prescribed proportion of the amounts from time to time received by Australia as levy, discharge of the liability of a person under sub-section 6 (1) of the Levy Collection Act or as penalties under section 7 of the Levy Collection Act, being amounts received in respect of pigs slaughtered on or after 1 July 1975. Moneys to be paid into Promotion Account.

(2) For the purposes of sub-section (1), the prescribed proportion, in relation to amounts from time to time received by Australia, being amounts in respect of pigs slaughtered during a period, is the proportion that the amount prescribed for the purposes of paragraph 6 (1) (b) of the Levy Act in respect of that period bears to the aggregate of that amount and the amount prescribed for the purposes of paragraph 6 (1) (a) of that Act in respect of that period.

(3) There shall be paid into the Promotion Account—

- (a) moneys paid by any person to Australia for the purposes of the Promotion Account;
- (b) moneys received by Australia from the sale of any land or goods bought, or in respect of any work paid for, out of moneys paid out of the Promotion Account; and
- (c) interest from the investment of moneys standing to the credit of the Promotion Account.

Application
of the
Promotion
Account.

6. (1) Subject to sub-section (2), moneys standing to the credit of the Promotion Account may be expended—

- (a) with the approval of the Minister, for the purpose of promotion;
- (b) in payment of the expenses incurred by the Committee in the performance of its functions;
- (c) in payment of remuneration and allowances payable to a member, or the deputy of a member, under section 14; and
- (d) in payment of remuneration and allowances payable to a person appointed as an adviser to the Committee under section 15.

(2) Sub-section (1), in so far as it relates to the payment of remuneration and allowances payable to a member or the deputy of a member, operates notwithstanding the *Remuneration Tribunals Act 1973-1974*.

(3) The Minister shall not exercise his power to approve the expenditure of moneys from the Promotion Account for the purposes referred to in paragraph (1) (a) except in accordance with recommendations of the Committee.

Agreements
for
promotion.

7. (1) The Minister, or an officer of the Australian Public Service authorized by the Minister to act under this section, may, on behalf of Australia, enter into agreements for the purposes of, or for purposes in connexion with, any promotion or other matter or thing to be done or performed with moneys provided in whole or in part out of the Promotion Account.

(2) Without limiting the generality of sub-section (1), an agreement made with a person under that sub-section in relation to moneys provided out of the Promotion Account may—

- (a) provide for the moneys to which the agreement relates and any property acquired with those moneys or with moneys that

include those moneys to be used only for purposes specified in the agreement and for the payment by the person to Australia for the purposes of the Promotion Account, in the event of any of those moneys or any of that property being used for a purpose not specified in the agreement, of an amount equal to the whole, or such part as the Minister determines, of those moneys;

- (b) provide for the payment by the person to Australia for the purposes of the Promotion Account of an amount equal to the whole, or such part as the Minister determines, of any net income derived by the person from property acquired with moneys to which the agreement relates or with moneys that include those moneys or for the assignment by the person to Australia of any property so acquired; and
- (c) provide for the payment by the person to Australia for the purposes of the Promotion Account, in the event of the disposal otherwise than to Australia of any property of a kind referred to in paragraph (b), of an amount equal to the whole, or such part as the Minister determines—
 - (i) in the case of a disposal by way of sale or assignment for value—of the net proceeds of the sale or assignment; and
 - (ii) in any other case—of the value of the property as determined by the Minister.

8. (1) For the purposes of this Act, there shall be a Pig Meat Promotion Advisory Committee. Pig Meat
Promotion
Advisory
Committee.

(2) The functions of the Committee are to make recommendations to the Minister with respect to—

- (a) the amounts to be prescribed from time to time for the purposes of paragraph 6 (1) (b) of the Levy Act; and
- (b) the expenditure of moneys standing to the credit of the Promotion Account.

9. (1) The Committee shall consist of—

- (a) 2 members to represent the organization known as the Australian Commercial Pig Producers Federation; Consti-
tution of
Committee.
- (b) a member to represent the Department of Agriculture; and
- (c) a member specially qualified for appointment by reason of experience in marketing.

(2) The members of the Committee—

- (a) shall be appointed by the Minister;
- (b) hold office, subject to this Act, for a period of 3 years; and
- (c) are eligible for re-appointment.

(3) A nominated member shall be appointed on the nomination of the Australian Commercial Pig Producers Federation.

(4) If the place of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Minister may appoint a person nominated in accordance with sub-section (3) to hold the vacant place for the remainder of that term.

(5) The appointment of a nominated member is not invalidated and shall not be called in question by reason of a defect or irregularity in connexion with his nomination.

Chairman of Committee. 10. The member representing the Department of Agriculture is the Chairman of the Committee.

Deputies of members. 11. (1) A member may, by notice in writing to the Minister, appoint a person to be his deputy.

(2) A member may, by notice in writing to the Minister, revoke the appointment of a person as his deputy.

(3) The deputy of a member is entitled, in the event of the absence of the member from a meeting of the Committee, to attend that meeting, and, when so attending, shall be deemed to be a member and, if he is the deputy of the Chairman of the Committee, shall be deemed to be the Chairman.

Removal and resignation of members and deputies. 12. (1) The Minister may remove a member or the deputy of a member from office for incapacity, incompetence or misbehaviour.

(2) The Minister may, at the request of the Australian Commercial Pig Producers Federation, terminate the appointment of a nominated member.

(3) A member or the deputy of a member may resign his office by writing under his hand delivered to the Minister.

Voting at meetings. 13. At a meeting of the Committee—

- (a) the Chairman of the Committee shall preside;
- (b) all questions shall be decided by a majority of votes of the members present and voting; and
- (c) the Chairman has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Remuneration, &c. 14. (1) A member or the deputy of a member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(2) A member or the deputy of a member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act 1973-1974*.

(4) If a member or the deputy of a member is also a member of the Parliament of Australia or of a State, he shall not be paid remuneration or allowances under sub-section (1) or (2) but shall, subject to the approval of the Minister, be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Committee or, in the case of a member, of his engagement (whether in Australia or overseas), with the approval of the Committee, on business of the Committee.

15. (1) The Minister may, upon the recommendation of the Committee, appoint persons to advise the Committee in relation to any purpose in respect of which moneys may be expended from the Promotion Account. Appointment of advisers.

(2) A person appointed under sub-section (1) shall be paid such fees, expenses and allowances (if any) as are prescribed.

16. The Committee shall, as soon as practicable after the end of each financial year, make a report to the Minister on the operation of this Act during that year and the Minister shall cause the report to be laid before each House of the Parliament. Annual report.

17. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

NOTE

1. Act No. 48, 1975; assented to 4 June 1975.