



Economic Planning Advisory Council Act 1983

No. 26 of 1983

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Economic Planning Advisory Council Act 1983

No. 26 of 1983

An Act to establish an Economic Planning Advisory Council

[Assented to 19 June 1983]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Economic Planning Advisory Council Act 1983*.

Commencement

2. This Act shall come into operation on a date to be fixed by Proclamation.

Interpretation

3. (1) In this Act, unless the contrary intention appears—

“appoint” includes re-appoint;

“body” includes any body of persons, whether incorporated or unincorporated;

- “Chairman” means the Chairman of the Council;
- “Council” means the Economic Planning Advisory Council referred to in section 4;
- “Council report” means a report referred to in sub-section 6 (2);
- “Deputy Chairman” means the Deputy Chairman of the Council;
- “member” means a member of the Council;
- “Ministerial member” means the Chairman, the Deputy Chairman or the member referred to in paragraph 9 (1) (c);
- “Parliament”, in relation to the Northern Territory, means the Legislative Assembly of that Territory;
- “policy report” means a Council report that gives advice to the Commonwealth Government, or expresses the views of the Council, on a matter of policy;
- “State member” means a member referred to in paragraph 9 (1) (d).

(2) Where a Minister or member of the Executive Council is acting for or on behalf of the Prime Minister, a reference in this Act to the Prime Minister shall be read as a reference to the Minister or member so acting.

(3) Where a Minister or member of the Executive Council is acting for or on behalf of the Treasurer, a reference in this Act to the Treasurer shall be read as a reference to the Minister so acting.

(4) Where a Minister or a member of the Executive Council is acting for or on behalf of the Minister who is the member referred to in paragraph 9 (1) (c), a reference in this Act, other than sub-section 9 (4), to the member referred to in paragraph 9 (1) (c) shall be read as a reference to the Minister or member of the Executive Council so acting.

- (5) In this Act—
- (a) a reference to a State shall be read as including a reference to the Northern Territory;
 - (b) a reference to the Premier of a State shall, in relation to the Northern Territory, be read as a reference to the Chief Minister of that Territory; and
 - (c) a reference to the appropriate Minister of a State shall, in relation to the Northern Territory, be read as a reference to the appropriate person holding an office referred to in section 34 of the *Northern Territory (Self-Government) Act 1978*.

PART II—ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE ECONOMIC PLANNING ADVISORY COUNCIL

Establishment

4. There is established by this Act a council by the name of the Economic Planning Advisory Council.

Objects

5. (1) The objects of the establishment of the Council are—

- (a) to provide a broadly based source and channel of information on economic matters to assist the Commonwealth Government in making decisions relating to economic policy and to assist State Governments, local government bodies, other bodies and individuals in making decisions that are related to the economic policy of the Commonwealth Government;
- (b) to provide a forum for the participation of the community in the development and formulation of the economic policy of the Commonwealth Government; and
- (c) to facilitate the development and consideration by the Commonwealth Government of medium and longer term economic assessments and policy requirements.

(2) The reference in paragraph (1) (a) to information on economic matters includes a reference to information relating to the opinions and goals of groups in the community in respect of economic matters.

Functions of Council

6. (1) The functions of the Council are—

- (a) to act as a major forum for discussions between the Commonwealth Government, State Governments, local government bodies and representatives of the community on prospective economic conditions and the economic policies that are appropriate to be adopted by the Commonwealth Government;
- (b) to advise the Commonwealth Government on feasible and desirable goals and targets for the Australian economy;
- (c) to develop assessments for the Commonwealth Government on the medium and longer term economic outlook;
- (d) to advise the Commonwealth Government on policies that would help to achieve the optimum growth of the Australian economy; and
- (e) to advise the Commonwealth Government on policies that might assist the achievement of sustained economic growth.

(2) The Council shall perform its functions by considering such matters relevant to its functions as it considers appropriate and by preparing and furnishing reports to the Minister on those matters.

(3) The Council, in deciding the matters that it should consider in the performance of its functions, shall consult with, but is not bound by the views of, the Commonwealth Government.

(4) Without limiting the generality of sub-section (2), where the Council decides that, in the performance of its functions, it should consider a particular matter, it may, if it considers it appropriate to do so, arrange for members of the staff referred to in sub-section 22 (1) or other persons, to carry out research in respect of that matter and to prepare a report on that research, and, where the

Council does so, and that report is prepared, the Council for the purposes of this Act, shall be taken to have considered that matter and may adopt that report as the report of the Council on that matter.

(5) In the performance of its functions in relation to any matter, the Council may, so far as it considers appropriate having regard to the nature of the matter, consult with government, commercial, industrial, welfare, consumer and other relevant bodies.

Publication of Council reports

7. (1) Subject to sub-section (3), where a Council report is furnished to the Minister, he shall publish that report by causing it to be made public in such way, or in such ways, as he considers appropriate.

(2) Without limiting the generality of sub-section (1) or (5), the way, or a way, in which the Minister may cause a Council report to be made public is by causing it to be laid before each House of the Parliament.

(3) Where the Minister is satisfied that the publication of a Council report under sub-section (1) would be contrary to the public interest, he shall, in his discretion—

- (a) refrain from the publication of the report until he is satisfied that the publication would not be contrary to the public interest; or
- (b) where he is satisfied that it is possible to do so without the report being misleading, publish the report with such deletions as he considers necessary to protect the public interest.

(4) Where, in accordance with paragraph (3) (b), the Minister publishes a Council report with deletions, he shall make it publicly known that the report was published with deletions.

(5) Where, in accordance with paragraph (3) (b), the Minister has published a report with deletions, he shall publish the report without those deletions, by causing it to be made public in such way, or in such ways, as he considers appropriate, if and when he becomes satisfied that the publication of the report without the deletions would not be contrary to the public interest.

(6) Subject to sub-section (7), where the Council furnishes to the Minister a Council report, it shall furnish a copy of that report to the appropriate Minister of each State of which a person nominated by the Premier, or a former Premier, is a member.

(7) The Council shall not furnish a Council report to a Minister of a State under sub-section (6) unless there is an agreement in force between the Government of the State and the Council under which that Government has agreed that it will not—

- (a) make the report public unless and until the Minister has published it under sub-section (1) or (5); or
- (b) make the report public without the deletions (if any) with which it was last published by the Minister.

(8) The Council shall not—

- (a) make public a Council report that has not been published by the Minister under sub-section (1) or (5);
- (b) make public a draft of a Council report that has not been so published or that was last so published with deletions; or
- (c) if a Council report was last published by the Minister with deletions—make the report public without those deletions.

(9) Where a member disagrees with a recommendation or finding in a Council report, other than a policy report, the report shall include a statement of the views of that member in respect of that recommendation or finding and shall identify the member holding those views.

(10) Where a member, other than a Ministerial member or a Minister present at a meeting by virtue of a nomination under section 15, disagrees with a recommendation or finding in a policy report, the report shall include a statement of the views of that member in respect of that recommendation or finding and shall identify the member holding those views.

(11) A Council report shall state whether it is a policy report or a report that is not a policy report.

(12) In sub-sections (7) and (8) “report” includes part of a report.

Powers

8. The Council has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

PART III—CONSTITUTION AND MEETINGS OF THE COUNCIL

Membership of Council

9. (1) The Council shall consist of—

- (a) the Prime Minister;
- (b) the Treasurer;
- (c) a Minister chosen by the Prime Minister;
- (d) 3 members to represent the State Governments;
- (e) 1 member selected after consultation between the Minister or his representative and the Council of Local Government Associations;
- (f) 3 members selected after consultation between the Minister or his representative and such organizations that are representative of business as the Minister considers appropriate;
- (g) 1 member selected after consultation between the Minister or his representative and such organizations that are representative of rural industry as the Minister considers appropriate;
- (h) 4 members selected after consultation between the Minister or his representative and the Australian Council of Trade Unions;

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- (j) 1 member selected after consultation between the Minister or his representative and such welfare organizations as the Minister considers appropriate; and
- (k) 1 member selected after consultation between the Minister or his representative and such consumer organizations and community organizations as the Minister considers appropriate.
- (2) The Prime Minister shall be the Chairman of the Council.
- (3) The Treasurer shall be the Deputy Chairman of the Council.
- (4) The member referred to in paragraph (1) (c) shall be appointed by the Prime Minister.
- (5) The members, other than the Ministerial members, shall be appointed by the Governor-General.
- (6) Each of the State members shall be nominated by the Premier of a State, but so that each of those members who hold office at the same time was nominated by the Premier of a different State.
- (7) Appointments of members shall, as far as practicable, be such that the Council contains both men and women.
- (8) The performance of the functions and the exercise of the powers of the Council are not affected by reason only of the number of members falling below 17 for a period of not more than 6 months.
- (9) The appointment of a member is not invalidated, and shall not be called in question, by reason of a defect or irregularity in or in connection with his appointment.
- (10) The members hold office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Minister by instrument in writing.
- (11) A reference in a paragraph of sub-section (1) to a representative of the Minister shall be read as a reference to a person appointed by the Minister, by instrument in writing, to be his representative for the purposes of the paragraph in which it occurs.

Tenure of office

- 10. (1)** Subject to this Act, the member referred to in paragraph 9 (1) (c) holds office until the Prime Minister otherwise directs.
- (2) Subject to this Act, a State member holds office for such period, not exceeding 2 years, as is specified in the instrument of his appointment, but the Governor-General shall revoke his appointment if requested to do so by the Premier of the State of which the Premier, or a former Premier, nominated him.
- (3) Subject to this Act, a member, other than a Ministerial member or a State member, holds office for such period, not exceeding 4 years, as is specified in the instrument of his appointment.

Expenses of members of Council

11. (1) A member is not entitled to remuneration.

(2) The regulations may provide for the payment to all or any of the members (other than a member who is also a member of the Parliament of the Commonwealth or of the Parliament of a State) of allowances for expenses.

(3) A member who is also a member of the Parliament of the Commonwealth or of the Parliament of a State shall be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Council or of his engagement, with the approval of the Council, on the affairs of the Council.

(4) Where a person who is not a member and is not acting as a member attends a meeting of the Council in accordance with sub-section 18 (13), he is, if the Council, by resolution, so determines, entitled to the allowances or reimbursement of expenses to which he would have been entitled by reason of his attendance at that meeting if he had been a member.

(5) Payments for the purposes of this section shall be made out of moneys available under an appropriation made by the Parliament.

(6) In this section, "member" includes a Minister nominated under section 15 and a person nominated under section 16.

Resignation

12. A member, other than a Ministerial member, may resign his membership of the Council by writing signed by him and delivered to the Governor-General.

Disclosure of interests of members

13. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Council and the member shall not, unless the Governor-General or the Council otherwise determines—

- (a)** be present during any deliberation of the Council with respect to that matter; or
- (b)** take part in any decision of the Council with respect to that matter.

(3) For the purpose of the making of a determination by the Council under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates, being an interest that could conflict with

the proper performance of his functions in relation to the consideration of the matter, shall not—

- (a) be present during any deliberation of the Council for the purpose of making the determination; or
- (b) take part in the making by the Council of the determination.

(4) A reference in sub-section (1), (2) or (3) to a member includes a reference to—

- (a) a Minister present at a meeting by virtue of a nomination under section 15;
- (b) a person present at a meeting by virtue of a nomination under section 16; and
- (c) a person acting as a member.

Termination of appointment of members

14. (1) The Governor-General may terminate the appointment of a member, other than a Ministerial member or a State member, for misbehaviour or physical or mental incapacity.

(2) If a member, other than a Ministerial member or a State member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) fails, without reasonable excuse, to comply with his obligations under section 13; or
- (c) is absent, except with the leave of the Chairman or the Deputy Chairman, from 3 consecutive meetings of the Council,

the Governor-General shall terminate the appointment of the member concerned.

Substitute Ministerial members

15. (1) A Ministerial member may by writing signed by him nominate another Minister to attend a meeting of the Council in his place.

(2) Subject to sub-sections (3) and (4), a Minister nominated under sub-section (1) to attend a meeting of the Council in the place of a Ministerial member has, and may exercise, at that meeting, all the rights of that member.

(3) A Minister nominated under sub-section (1) in the place of the Prime Minister does not have the functions and powers of the Chairman under sub-section 18 (2), (3), (5) or (7).

(4) A Minister nominated under sub-section (1) in the place of the Treasurer does not have the functions and powers of the Deputy Chairman under sub-section 18 (4) or (6).

Substitute State members

16. (1) A State member may by writing signed by him nominate a person to attend a meeting of the Council in his place.

(2) A person nominated under sub-section (1) to attend a meeting of the Council in the place of a State member has, and may exercise, at that meeting, all the rights of that member.

Acting members

17. (1) If a member, other than a Ministerial member or a State member, is, or is expected to be, absent from duty or from Australia or, for any other reason, is unable to perform the functions of his office, the Minister may appoint a person to act as a member during the period of the absence or inability.

(2) Subject to sub-section (3), the Minister may—

- (a)** determine the terms and conditions of appointment of a person acting as a member; and
- (b)** terminate such an appointment at any time.

(3) A person acting as a member shall be paid the allowances or reimbursement of expenses that would have been payable to him if he were a member but he shall not be entitled to any other remuneration, allowances or expenses by reason of his so acting.

(4) The appointment of a person to act as a member ceases to have effect if he resigns his appointment by writing signed by him delivered to the Minister.

(5) While a person is acting as a member, he has and may exercise all the powers, and shall perform all the functions and duties, of a member under this Act.

(6) The validity of anything done by or in relation to a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there was a defect or irregularity in connection with his appointment or that the appointment had ceased to have effect.

Meetings

18. (1) The Council shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairman—

- (a)** may convene such meetings of the Council as he considers necessary for the efficient performance of its functions; and
- (b)** shall convene a meeting of the Council on receipt of a written request signed by a number of members equal to a majority of the members for the time being holding office.

(3) The meetings of the Council shall be held at such places as the Chairman determines.

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(4) Without limiting the functions and powers of the Chairman under sub-section (2) and (3), the Deputy Chairman may perform those functions and exercise those powers, and, if he does so, the functions shall be taken to have been performed or the powers to have been exercised, as the case may be, by the Chairman.

(5) The Chairman shall preside at all meetings of the Council at which he is present.

(6) In the absence of the Chairman at a meeting of the Council, the Deputy Chairman shall preside at the meeting.

(7) In the absence of both the Chairman and the Deputy Chairman from a meeting of the Council, a member nominated, in writing, by the Chairman to do so shall preside at the meeting.

(8) The member of the Council presiding at a meeting of the Council may give directions regarding the procedure to be followed at, or in connection with, the meeting.

(9) Subject to sub-section (10), at a meeting of the Council—

- (a) a quorum is constituted by a number of members equal to a majority of the members for the time being holding office;
- (b) all questions shall be decided by a majority of the votes of the members present; and
- (c) the member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(10) Where a question at a meeting relates to advice to be given to the Commonwealth Government in a policy report—

- (a) the Ministerial members, including a Ministerial member presiding at the meeting, shall not vote on that question; and
- (b) where a Ministerial member is presiding, in the event of an equality of votes that question shall pass in the negative.

(11) A reference in sub-section (10) to a Ministerial member includes a reference to a Minister present at a meeting by virtue of a nomination under section 15.

(12) Sub-section (10) shall not be read as preventing any member from abstaining from voting on any question at a meeting.

(13) A person who is not a member may be present at a meeting of the Council with the permission of the Council but not otherwise.

(14) A reference in sub-section (2), (7), (8), (9), (12) or (13) to a member includes a reference to—

- (a) a Minister present at a meeting by virtue of a nomination under section 15;
- (b) a person present at a meeting by virtue of a nomination under section 16; and

- (c) a person acting as a member.

Committees of Council

19. (1) Subject to this section, the Council may establish such committees as it thinks necessary for the purpose of the performance of its functions.

(2) A committee shall consist of such persons, whether members or not, as the Council thinks fit.

Disclosure of interests of members of committees

20. (1) A member of a committee established under section 19 who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the committee, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the committee.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the committee and the member of the committee shall not, unless the Governor-General or the committee otherwise determines—

- (a) be present during any deliberations of the committee with respect to that matter; or
- (b) take part in any decision of the committee with respect to that matter.

(3) For the purpose of the making of a determination by a committee under sub-section (2) in relation to a member of the committee who has made a disclosure under sub-section (1), a member of the committee who has a direct or indirect pecuniary interest in the matter to which the disclosure relates, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall not—

- (a) be present during any deliberation of the committee for the purpose of making the determination; or
- (b) take part in the making by the committee of the determination.

Expenses of members of committees

21. (1) A member of a committee is not entitled to remuneration.

(2) The regulations may provide for the payment to members of committees established under section 19 (other than a member of a committee who is a member of the Parliament of the Commonwealth or of the Parliament of a State) of allowances for expenses.

(3) A member of a committee established under section 19 who is also a member of the Parliament of the Commonwealth or of the Parliament of a State shall be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the committee or of his engagement, with the approval of the Council, on affairs of the committee.

(4) Payments for the purposes of this section shall be made out of moneys available under an appropriation made by the Parliament.

PART IV—STAFF AND CONSULTANTS

Staff

22. (1) Subject to sections 23 and 24, the staff required to assist the Council in the performance of its functions shall be persons appointed or employed under the *Public Service Act 1922*.

(2) The members of the staff referred to in sub-section (1) shall perform their functions and duties in accordance with the directions of the Council or of a person (if any) appointed by the Council, by resolution, to be its representative for the purposes of this sub-section.

(3) The Council may, by resolution, revoke an appointment under sub-section (2).

Arrangements relating to staff

23. (1) The Council may arrange with the Permanent Head of a Department of the Australian Public Service for the services of officers or employees in the Department to be made available to the Council.

(2) The Council may enter into an arrangement with the appropriate authority of a State for the services of officers or employees of the Public Service of the State, or of a body established for a public purpose by or under a law of the State (including a local government body), to be made available to the Council.

(3) The Council, with the approval of the Public Service Board, may arrange with a body (other than a body referred to in sub-section (2)) for the services of officers or employees of the body to be made available to the Council.

(4) While a person is performing services for the Council in pursuance of an arrangement under this section, that person shall perform his functions and duties in accordance with the directions of the Council or of a person (if any) referred to in sub-section 22 (2) and not otherwise.

Engagements of consultants, &c.

24. (1) The Council may engage persons having suitable qualifications and experience as consultants to the Council.

(2) The terms and conditions of engagement of the persons engaged under sub-section (1) are such as are, with the approval of the Public Service Board, determined by the Council.

PART V—MISCELLANEOUS

Office of Council

25. The principal office of the Council shall be at Canberra.

Secrecy

26. (1) This section applies to a person who is or has been—

- (a) a member of the Council;
- (b) a Minister present at a meeting of the Council by virtue of a nomination under section 15;
- (c) a person present at a meeting of the Council by virtue of a nomination under section 16;
- (d) a person acting as a member;
- (e) a person present at a meeting of the Council in accordance with sub-section 18 (13);
- (f) a member of a committee appointed under section 19;
- (g) a member of the staff of the Council;
- (h) a person performing services for the Council by virtue of an arrangement under section 23; or
- (j) a consultant to the Council.

(2) Where the Council is satisfied that it would be contrary to the public interest for the contents of a document, other than a Council report, created by, or on behalf of, the Council for the purposes of this Act to be made public, the Council may, by resolution, direct that that document is to be treated as confidential but, if and when the Council ceases to be so satisfied, it shall, by resolution, revoke that decision.

(3) A person to whom this section applies shall not, either directly or indirectly, except for the purposes of this Act—

- (a) produce to any person a document in respect of which a direction under sub-section (2) is in force or a document that, by virtue of paragraph 7 (8) (a) or (c), the Council is prohibited from making public; or
- (b) make a record of, or divulge or communicate to any person, the contents of a document referred to in paragraph (a).

Penalty for contravention of this sub-section: \$5,000 or imprisonment for 2 years.

Annual report

27. (1) The Council shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report of its operations during the year that ended on that 30 June.

(2) A report by the Council under this section in relation to a year shall state the number of Council reports that were furnished to the Minister during that year and the number (if any) of those reports that have not been published by the Minister under sub-section 7 (1) or (5) but shall not reveal the nature or contents of any such report that has not been published by the Minister or

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particulars of any matter deleted from a Council report as last published by the Minister.

(3) The Minister shall cause a copy of every report furnished to him by the Council under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the report is received by him.

Regulations

28. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.