



# Automotive Industry Authority Act 1984

No. 106 of 1984

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# Automotive Industry Authority Act 1984

No. 106 of 1984

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## An Act to establish an Automotive Industry Authority

[Assented to 16 October 1984]

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 *Automotive Industry Authority Act 1984*.

#### Commencement

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

#### Operation of *Industries Assistance Commission Act 1973*

3. This Act has effect subject to the *Industries Assistance Commission Act 1973*.

#### Interpretation

4. (1) In this Act, unless the contrary intention appears—  
“appoint” includes re-appoint;

**“associate member”** means an associate member of the Authority;

**“Authority”** means the Automotive Industry Authority established by section 5;

**“automotive industry”** means industry in Australia that is concerned with the production, distribution and sale of motor vehicles and components of motor vehicles;

**“automotive industry matters”** means matters relating to the automotive industry and, in particular, the following matters:

- (a) investment, and the level of Australian equity and managerial participation, in the automotive industry;
- (b) the number and prices of motor vehicles, of particular kinds of motor vehicles, and of components of motor vehicles, produced in Australia and the volume of sales, including sales for export from Australia, of those vehicles and components;
- (c) the number and prices of motor vehicles, of particular kinds of motor vehicles, and of components of motor vehicles, produced in foreign countries and imported into Australia and the volume of sales of those vehicles and components;
- (d) the relativity of the prices referred to in paragraph (b) with the prices referred to in paragraph (c);
- (e) the cost structure of, and production costs in, the automotive industry;
- (f) changes in employment levels in the automotive industry and the manner in which those changes are effected;
- (g) the productivity of labour in the automotive industry and the influence on productivity of work practices in that industry;
- (h) compliance with agreed procedures for resolution of industrial disputes in the automotive industry;
- (j) the research, design and production capabilities within the automotive industry;
- (k) the standard of product quality set or attained by the automotive industry;
- (m) the standard of service provided by the automotive industry to the purchasers of motor vehicles;
- (n) the level of taxes and charges levied by the Commonwealth, the States, the Territories and local governing bodies on the automotive industry and its products;
- (p) the impact of Commonwealth, State and Territory legislation on the automotive industry;
- (q) any other matter or matters relating to the automotive industry considered by the Minister or the Authority to be relevant;

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

“member” means a member of the Authority and includes the senior member;

“senior member” means the senior member of the Authority and includes a member acting as senior member.

(2) For the purposes of this Act—

- (a) where the senior member is a man, he may be referred to as the Chairman; and
- (b) where the senior member is a woman, she may be referred to as the Chairwoman.

## **PART II—ESTABLISHMENT, OBJECTS, FUNCTIONS AND POWERS OF AUTHORITY**

### **Establishment**

5. There is established by this Act an authority by the name of the Automotive Industry Authority.

### **Objects**

6. The objects of the establishment of the Authority are—

- (a) to provide for the monitoring of the performance of, and the outlook for, the automotive industry;
- (b) to encourage the development of the automotive industry in a way that is consistent with the policies of the Commonwealth Government; and
- (c) to promote changes in the automotive industry that will improve the efficiency of that industry and, in particular, reduce the dependence of that industry on assistance by the Commonwealth.

### **Functions**

7. (1) The functions of the Authority are—

- (a) to conduct investigations into automotive industry matters;
- (b) to monitor and analyse automotive industry matters;
- (c) to prepare and give to the Minister reports in accordance with section 8;
- (d) to consider, and prepare and give to the Minister reports on, automotive industry matters in accordance with section 9;
- (e) to prepare and give to the Minister reports, and make recommendations to the Minister, in accordance with section 10;
- (f) to provide, or to support by way of financial or other assistance, services that could contribute to the improvement in management efficiency in the automotive industry;
- (g) to seek and receive information on automotive industry matters from persons involved in the automotive industry and other persons;
- (h) to consult with State Governments on automotive industry matters;

- (j) to—
- (i) monitor developments outside Australia in the industries concerned with the production, distribution and sale of motor vehicles and components of motor vehicles;
  - (ii) monitor the policies followed by the governments of foreign countries in respect of those industries; and
  - (iii) provide advice to the Minister on the relevance and possible application in Australia of such policies; and
- (k) such other functions as are conferred on it by an Act.

(2) In the performance of its functions in relation to any automotive industry matter, the Authority may, so far as it considers it appropriate having regard to the nature of that matter, consult with government, commercial, industrial, consumer and other relevant bodies, including, without limiting the generality of the foregoing, trade unions and associations of road users.

(3) Financial assistance referred to in paragraph (1) (f) shall be provided out of money appropriated by the Parliament for the purpose.

#### **Reports on state of automotive industry**

8. (1) The Authority shall, not later than 1 March in each year after 1985, prepare and give to the Minister a report on the state of the automotive industry during the period of 12 months that ended on the preceding 31 December and on the prospects for the automotive industry during the year in which the report is furnished and during future years.

- (2) A report prepared under sub-section (1) shall—
- (a) include an assessment by the Authority of the extent to which the automotive industry has, during the period to which the report relates, made progress towards the achievement of the objectives of the policies of the Commonwealth Government in respect of that industry;
  - (b) identify the basis for that assessment; and
  - (c) where the Authority considers that there are instances, during that period, of failure by persons involved in the automotive industry to co-operate with the Authority in the performance of its functions or the exercise of its powers, identify those instances.

(3) The Minister shall cause a copy of the report given under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister received the report.

#### **Reports on automotive industry matters**

9. (1) The Minister may, by notice in writing delivered to the senior member, request the Authority to consider, and prepare and give to the Minister a report on, an automotive industry matter specified in the notice and, where the Minister does so, the Authority shall comply with the request as soon as it is practicable to do so.

(2) The Authority may, where it considers it appropriate to do so, consider, and prepare and give to the Minister a report on, any automotive industry matter.

(3) Without limiting the generality of sub-section (2), the Authority may—

- (a) prepare and give to the Minister a report on any instance that it considers is an instance of failure by a person involved in the automotive industry to act consistently with the policies of the Commonwealth Government in respect of that industry; and
- (b) where it considers it appropriate to do so, recommend to the Minister that the whole or part of a report referred to in paragraph (a) be published.

(4) Where, under this section, the Authority is required to, or may, consider, and prepare and give to the Minister a report on, an automotive industry matter, the Authority may, if it considers it appropriate to do so, arrange for members of the staff referred to in sub-section 24 (1) or other persons, to carry out research in respect of that matter and to prepare a report on that research, and, where the Authority does so, and that report is prepared, the Authority, for the purposes of this Act, shall be taken to have considered that matter and may adopt that report as the report of the Authority on that matter.

### **Reports on effect of regulatory policies**

10. (1) Without limiting the generality of section 9, the Minister may, by notice in writing delivered to the senior member, request the Authority to consider, prepare and give to the Minister a report on, and make recommendations to the Minister on, the effect, on the achievement of the objects of the Authority, of a regulatory policy specified in the notice and, where the Minister does so, the Authority shall comply with the request as soon as it is practicable to do so.

(2) Without limiting the generality of section 9, the Authority may, where it considers it appropriate to do so, consider, prepare and give to the Minister a report on, and make recommendations to the Minister on, the effect on the achievement of the objects of the Authority of a regulatory policy.

(3) Where, under this section, the Authority is required to, or may, consider, prepare and give to the Minister a report on, and make recommendations to the Minister on, the effect on the achievement of the objects of the Authority of a regulatory policy, the Authority may, if it considers it appropriate to do so, arrange for members of the staff referred to in sub-section 24 (1), or other persons, to carry out research in respect of that effect and to prepare a report on that research containing recommendations in relation to that effect, and, where the Authority does so, and that report is prepared, the Authority, for the purposes of this Act, shall be taken to have considered that effect and may adopt that report as the report of the Authority on that effect.

(4) In this section, “regulatory policy” means a regulatory policy of the Commonwealth in relation to—

- (a) trade practices;
- (b) consumer protection;
- (c) environmental protection;
- (d) prices surveillance;
- (e) foreign investment in Australia; or
- (f) any other matter.

### **Powers**

11. In addition to any other power conferred on it by this Act, the Authority 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 AUTHORITY**

### **Membership**

12. (1) The Authority shall consist of—

- (a) a senior member; and
- (b) another member or, where the regulations declare that the Authority is to consist of a prescribed number of members in addition to the senior member, that number of other members.

(2) The members shall be appointed by the Governor-General.

(3) A member may be appointed as a full-time member or as a part-time member.

(4) A member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act, as are determined by the Minister.

(5) The appointment of a person under sub-section (2) is not invalidated and shall not be called into question by reason of a defect or irregularity in, or in connection with, the appointment of that person.

(6) The Authority may commence to perform its functions and exercise its powers when the senior member or another member has been appointed and the performance of the functions or the exercise of the powers of the Authority is not affected by reason only of a vacancy or vacancies in the membership of the Authority.

### **Tenure of office**

13. Subject to this Act, a member holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment of the member, but is eligible for re-appointment.



### **Outside employment**

**14. (1)** A member appointed as a full-time member shall not engage in paid employment outside the duties of the office of the member.

**(2)** A member appointed as a part-time member shall not engage in any paid employment that, in the opinion of the Minister, conflicts with the proper performance of the functions of the member.

### **Associate members**

**15. (1)** The Minister may, by writing signed by the Minister—

- (a)** appoint one person to be an associate member of the Authority; or
- (b)** where the regulations declare that there may be a prescribed number of associate members of the Authority, appoint a number of persons, not being a number exceeding that prescribed number, to be associate members of the Authority.

**(2)** An associate member shall be appointed for—

- (a)** such period, not exceeding 5 years, as is specified in the instrument of appointment of the associate member; or
- (b)** a period commencing on a day specified in that instrument and ending on the day on which the Authority gives to the Minister a report specified in that instrument,

but is eligible for re-appointment.

**(3)** An associate member—

- (a)** may attend, and participate in discussions at—
  - (i)** such meetings of the Authority as are specified in the instrument of appointment of the associate member; or
  - (ii)** meetings of the Authority while a matter or matters specified in that instrument is or are being considered; and
- (b)** has a deliberate vote—
  - (i)** at such meetings (if any) of the Authority as are specified in that instrument and at which the associate member is present; or
  - (ii)** on a matter or matters (if any) specified in that instrument when a vote is taken on that matter or any of those matters, as the case may be, at a meeting of the Authority at which the associate member is present.

**(4)** The meetings specified in the instrument of appointment of an associate member for the purposes of sub-paragraph (3) (a) (i) or (b) (i) may be all meetings of the Authority held while the associate member is an associate member.

**(5)** An associate member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Minister.

**Remuneration and allowances**

16. (1) The senior member, the other member or members and the associate member or associate members shall be paid—

- (a) such remuneration as is determined by the Remuneration Tribunal; and
- (b) such allowances as are prescribed.

(2) This section has effect subject to the *Remuneration Tribunals Act 1973*.

**Disclosure of interests**

17. (1) The senior member shall give written notice to the Minister of all direct and indirect pecuniary interests that the senior member has, or acquires, in any business carried on in Australia or in any body corporate carrying on any such business.

(2) Where the senior member has or acquires an interest, pecuniary or otherwise, that could conflict with the proper performance of the senior member's functions during a meeting, the interest shall be disclosed in the report resulting from the meeting.

(3) Where a member (other than the senior member) has or acquires an interest, pecuniary or otherwise, that could conflict with the proper performance of the member's functions during a meeting—

- (a) that interest shall be disclosed to the senior member;
- (b) except with the consent of the senior member, the member shall not take part, or continue to take part, in the meeting; and
- (c) if the member takes part, or continues to take part, in the meeting, the interest shall be disclosed in the report resulting from the meeting.

(4) Where the senior member becomes aware that a member (other than the senior member) has, in relation to a matter that is, or is to be, considered at a meeting, an interest of the kind referred to in sub-section (3)—

- (a) if the senior member considers that the member should not take part, or should not continue to take part, in the meeting—the senior member shall give a direction to the member accordingly; or
- (b) in any other case—the interest of the member shall be disclosed in the report resulting from the meeting.

(5) In this section, "member" includes an associate member.

**Leave of absence**

18. The Minister may grant to a member leave of absence on such terms and conditions as to remuneration and otherwise as the Minister determines.

**Resignation of office**

19. (1) The senior member may resign the office of senior member by writing signed by the senior member and delivered to the Governor-General.

(2) A member may resign the office of member by writing signed by the member and delivered to the Governor-General.

### **Retirement from office**

20. The Governor-General may, with the consent of the member, retire a member from office on the ground of invalidity.

### **Suspension and removal from office**

21. (1) A member shall not be removed from office except as provided by this section.

(2) The Governor-General may suspend a member from office on the ground of misbehaviour or physical or mental incapacity.

(3) Where the Governor-General suspends a member from office, the Minister shall cause a statement of the ground of the suspension to be laid before each House of the Parliament within 7 sitting days of the House after the suspension.

(4) Where such a statement has been laid before a House of the Parliament, that House may, within 15 sitting days of that House after the day on which the statement has been laid before it, by resolution, declare that the member should be restored to office and, if each House so passes a resolution, the Governor-General shall terminate the suspension.

(5) If, at the expiration of 15 sitting days of a House of the Parliament after the day on which the statement has been laid before that House, that House has not passed such a resolution, the Governor-General may remove the member from office.

(6) If a member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for the benefit of those creditors;
- (b) fails, without reasonable excuse, to comply with the member's obligations under section 17;
- (c) being a full-time member, engages in any paid employment outside the duties of the office of the member; or
- (d) being a member appointed as a part-time member, engages in any paid employment that, in the opinion of the Minister, conflicts with the proper performance of the functions of the member,

the Governor-General shall remove the member from office.

(7) Where a member who is an eligible employee for the purposes of the *Superannuation Act 1976* is removed from office under sub-section (5) on the ground of physical or mental incapacity, the member shall be deemed, for the purposes of that Act, to have been retired on the ground of invalidity on the day on which the suspension from office took effect.

(8) A member who is suspended from office under this section is not entitled to be paid any remuneration or allowances in respect of the period of that suspension unless the member is restored to office.

**Acting appointments**

**22. (1)** The Minister may appoint a member to act as the senior member—

- (a) during a vacancy in the office of senior member, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the senior member is absent from duty or from Australia or is, for any other reason (including the reason that the senior member is suspended from office), unable to perform the duties of the office of senior member,

but a member appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) The Minister may appoint a person to act as a member other than the senior member—

- (a) during a vacancy in the office of that member, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when that member is absent from duty or from Australia or is, for any other reason (including the reason that the member is acting as senior member or is suspended from office), unable to perform the duties of the office of member,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(3) While a person is acting as the senior member or as a member other than the senior member, the person has and may exercise all the powers, and shall perform all the functions, of the senior member or of that member, as the case may be.

(4) An appointment of a person under sub-section (1) or (2) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(5) The Minister may—

- (a) determine the terms and conditions of appointment including remuneration and allowances, of a person acting as the senior member or as a member other than the senior member; and
- (b) terminate such an appointment at any time.

(6) Where—

- (a) a person is acting as the senior member in accordance with paragraph (1) (b); or
- (b) a person is acting as a member other than the senior member in accordance with paragraph (2) (b),

and that office becomes vacant while that person is so acting, then, subject to sub-section (4), that person may continue so to act until the Minister otherwise

directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(7) The appointment of a person to act as the senior member or as a member other than the senior member ceases to have effect if the person resigns that appointment by writing signed by the person and delivered to the Minister.

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

### **Meetings**

**23. (1)** The senior member shall convene such meetings of the Authority as the senior member considers necessary for the efficient performance of the Authority's functions.

(2) Meetings of the Authority shall be held at such places as the senior member determines.

(3) The senior member shall preside at all meetings of the Authority.

(4) The Authority shall keep records of its meetings.

(5) Subject to this Act, the senior member may give directions regarding the procedure to be followed at or in connection with a meeting of the Authority.

(6) At a meeting of the Authority—

(a) the senior member and one other member form a quorum;

(b) all questions shall be decided by a majority of votes of the members present and voting; and

(c) the senior member has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(7) Where a majority of the members sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a duly constituted meeting of the Authority held on the day on which the document was signed, or, if the members sign the document on different days, on the day on which the document was last signed by a member.

(8) For the purposes of sub-section (7), 2 or more separate documents containing statements in identical terms each of which is signed by one or more members shall together be deemed to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.

## **PART IV—STAFF AND CONSULTANTS**

### **Staff**

**24. (1)** Subject to sections 25 and 26, the staff required to assist the Authority in the performance of its functions shall be persons appointed or employed under the *Public Service Act 1922*.

**(2)** The senior member has all the powers of, or exercisable by, a Secretary of a Department of the Australian Public Service under the *Public Service Act 1922*, so far as those powers relate to the branch of the Australian Public Service comprising the staff referred to in sub-section (1), as if that branch were a separate Department of the Australian Public Service.

### **Arrangements relating to staff**

**25. (1)** The Authority may arrange with the Secretary of a Department of the Australian Public Service for the services of officers or employees in the Department to be made available to the Authority.

**(2)** The Authority 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 a State (including a local governing body), to be made available to the Authority.

**(3)** The Authority, 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 Authority.

**(4)** While a person is performing services for the Authority in pursuance of an arrangement under this section, that person shall perform his or her functions and duties in accordance with the directions of the Authority or of a person (if any) referred to in sub-section 24 (2) and not otherwise.

**(5)** In this section, “State” includes the Northern Territory.

### **Engagement of consultants**

**26. (1)** The Authority may engage as consultants to the Authority persons having suitable qualifications and experience.

**(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 Authority.

## **PART V—MISCELLANEOUS**

### **Annual Report**

**27. (1)** The Authority shall, not later than 31 December in each year, prepare and give to the Minister a report on the activities of the Authority during the period of 12 months that ended on the preceding 30 June.

**(2)** The Minister shall cause a copy of the report given under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister received the report.

### **Authority may supply information**

**28.** Subject to section 29, the Authority may, in its discretion, supply to a person information received by it under this Act.

### **Confidentiality**

**29. (1)** The Authority or a member of the staff of the Authority shall not, unless required or permitted by law to do so, supply information to a person if the supplying of the information would constitute a breach of confidence.

**(2)** In sub-section (1), “member of the staff of the Authority” means—

- (a)** a member of the staff referred to in sub-section 24 (1);
- (b)** a person engaged as a consultant under section 26; or
- (c)** a person whose services are being made available to the Authority in accordance with arrangements under sub-section 25 (1), (2) or (3).

### **Department may supply information or documents**

**30. (1)** The Department may, in its discretion, supply to the Authority information, or a document, that has been supplied to the Department in the course of its administration of a relevant program.

**(2)** The supply of information or a document by the Department in accordance with sub-section (1) shall not be taken to constitute an authorization or approval, for the purposes of the law relating to defamation or breach of confidence, of the publication by the Authority of the information, or of the document or its contents, as the case may be.

**(3)** The supply of a document by the Department in accordance with sub-section (1) shall not be taken to constitute an authorization or approval, for the purposes of the law of copyright, of the doing by the Authority of any act comprised within the copyright in—

- (a)** any literary, dramatic, musical or artistic work;
- (b)** any sound recording, cinematograph film, television broadcast or sound broadcast; or
- (c)** a published edition of a literary, dramatic, musical or artistic work, contained in the document.

**(4)** Expressions used in paragraph (3) (a), (b) or (c) have the same meanings as in the *Copyright Act 1968*.

(5) In this section, “relevant program” means a program administered by the Department that is declared by the Minister, by instrument signed by him, to be a relevant program for the purposes of this section.

**Regulations**

31. 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.

**Termination of Act**

32. On the expiration of 31 December 1992, this Act shall cease to have effect.