



Pig Industry Act 1986

No. 157 of 1986

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Pig Industry Act 1986

No. 157 of 1986

An Act relating to the pig industry

[Assented to 18 December 1986]

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 *Pig Industry Act 1986*.

Commencement

2. (1) This Part, Divisions 1 and 9 of Part II, and Part IV shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on a day to be fixed by Proclamation.

Interpretation

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

“appoint” includes re-appoint;

“Committee” means the Australian Pork Corporation Selection Committee established by this Act;

“Corporation” means the Australian Pork Corporation referred to in section 5;

“Council” means the Australian Pig Industry Policy Council established by this Act;

“eligible industry body” means—

(a) the Australian Pork Producers’ Federation;

(b) the National Meat Processors’ Association; or

(c) a body prescribed by regulations for the purposes of the provision in which the expression is used;

“pork” means pig meat;

“the industry” means the Australian pork and pig industry.

PART II—THE AUSTRALIAN PORK CORPORATION

Division 1—Preliminary

Interpretation

4. In this Part, unless the contrary intention appears—

“annual operational plan” means an annual operational plan formulated by the Corporation under sub-section 19 (1);

“Chairperson” means the Chairperson of the Corporation;

“company auditor” means a firm carrying on the business of auditing accounts;

“corporate plan” means a corporate plan formulated by the Corporation under sub-section 18 (1);

“Corporation auditor” means—

(a) where an appointment of a company auditor under sub-section 30 (6) as the auditor of the Corporation is in effect—that company auditor; and

(b) where paragraph (a) does not apply—the Auditor-General;

“Deputy Chairperson” means the Deputy Chairperson of the Corporation;

“member” means a member of the Corporation and includes the Chairperson and Deputy Chairperson;

“Presiding Member” means the Presiding Member of the Committee.

Division 2—Establishment, Functions and Powers of the Australian Pork Corporation

Australian Pork Corporation

5. (1) The body corporate that was, immediately before the commencement of this section, in existence by virtue of section 8 of the *Pork Promotion Act 1975* under the name Pork Promotion Committee continues in existence by force of this sub-section as a body corporate, under and subject to the provisions of this Act, under the name Australian Pork Corporation.

(2) The Corporation—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the common seal of the Corporation affixed to a document and shall presume that it was duly affixed.

Objective

6. The Corporation shall, in the performance of its functions, pursue the objective of enhancing the commercial returns to all sectors of the industry.

Functions of Corporation

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

- (a) to improve the production of pork and pigs in Australia;
- (b) to encourage and promote the consumption and sale of Australian pork, and the sale of Australian pigs, both in Australia and overseas;
- (c) to encourage, assist and promote the export of pork and pigs from Australia;
- (d) to make recommendations to the Minister with respect to the making of regulations prescribing an amount for the purposes of paragraph 6 (1) (b) of the *Pig Slaughter Levy Act 1971*;
- (e) to consult and co-operate with other persons and organisations in connection with the industry; and
- (f) to do anything incidental to or conducive to the performance of any of the preceding functions.

(2) Before making a recommendation to the Minister for the purposes of paragraph (1) (d), the Corporation shall consult the eligible industry bodies, and a recommendation to the Minister for the purposes of that paragraph shall—

- (a) specify the eligible industry bodies that have been consulted; and
- (b) contain a summary of the views expressed by each of those bodies.

Powers

8. (1) Subject to this Act, the Corporation has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) The powers of the Corporation in relation to the functions of the Corporation referred to in paragraphs 7 (1) (b) and (c) extend to the doing of such things as the Corporation determines in order to improve—

- (a) the quality of Australian pork and pigs;
- (b) the methods of production, storage, transport and marketing of Australian pork; and
- (c) the methods of production, transport and marketing of Australian pigs.

Corporation may consult industry representatives

9. (1) Without limiting the generality of section 8, the Corporation may, for the purpose of considering any matter relating to the performance of its functions, make arrangements for consulting persons and bodies representative of different sectors of the industry.

(2) Arrangements entered into by the Corporation under sub-section (1) in relation to a consultation may include—

- (a) the Corporation's agreeing to meet travel expenses reasonably incurred by a person in connection with the consultation; and
- (b) subject to guidelines given to the Corporation by the Minister, the Corporation's agreeing to meet expenses, other than travel expenses, reasonably incurred in connection with the consultation by an eligible industry body or a member of an eligible industry body.

Division 3—Constitution and Meetings of Corporation

Constitution of Corporation

10. (1) The Corporation shall consist of 7 members, namely—

- (a) the Chairperson;
- (b) a government member; and
- (c) 5 other members.

(2) A member (other than the government member) shall be appointed by the Minister and holds office on a part-time basis for such period, not exceeding 3 years, as is specified in the instrument of appointment.

(3) The government member shall be appointed by the Minister and holds office on a part-time basis during the Minister's pleasure.

(4) The members referred to in paragraph (1) (c) shall be appointed from persons nominated by the Committee in accordance with section 40.

(5) The Minister shall not appoint a person to be a member referred to in paragraph (1) (c) unless the Minister is satisfied that the person has knowledge of, or experience in—

- (a) the production of pigs;
- (b) the production or processing of pork;
- (c) product promotion; or
- (d) marketing, business management or finance.

(6) A person who is a member of the executive of an eligible industry body shall not be appointed as a member of the Corporation, and a member of the Corporation who becomes a member of the executive of an eligible industry body shall cease to hold office as a member of the Corporation.

(7) The performance of the functions, or the exercise of the powers, of the Corporation is not affected by reason only of—

- (a) the number of members falling below 7 for a period of not more than 6 months; or
- (b) there being a vacancy in the office of Chairperson.

(8) 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.

(9) The appointment of a member is not invalid on the ground of a defect or irregularity in connection with the member's selection or appointment.

(10) The Chairperson may be referred to as the Chairman or Chairwoman, as the case requires.

Deputy Chairperson

11. (1) The Minister shall appoint one of the members referred to in paragraph 10 (1) (c) to be the Deputy Chairperson of the Corporation.

(2) The Minister shall, before appointing a person to be the Deputy Chairperson, consult with the Chairperson.

(3) The Minister may, at any time, terminate an appointment under sub-section (1).

(4) A member appointed as Deputy Chairperson ceases to hold the office of Deputy Chairperson if the member ceases to be a member.

(5) A person appointed to an office under sub-section (1) may resign the office by writing signed by the person and delivered to the Minister.

(6) During any period when the Chairperson is absent from Australia or is not available to perform the duties of his or her office, or the office of Chairperson is vacant, the Deputy Chairperson shall act as Chairperson.

(7) The Deputy Chairperson has, when acting as Chairperson, all the functions and powers of the Chairperson under this Act and the regulations.

(8) Anything done by or in relation to a person purporting to act under sub-section (6) is not invalid on the ground that the occasion for the person to act had not arisen or had ceased.

(9) The Deputy Chairperson may be referred to as the Deputy Chairman or Deputy Chairwoman, as the case requires.

Remuneration and allowances

12. (1) 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, the member shall be paid such remuneration as is prescribed.

(2) A member shall be paid such allowances as are prescribed.

(3) If—

(a) a person who is a member of the Corporation is also a member of, or a candidate for election to, the Parliament of a State; and

(b) under the law of that State, the person would not be eligible to remain, or to be elected, as a member of that Parliament if he or she were entitled to remuneration under this Act,

the person shall not be paid remuneration or allowances under this Act but shall be reimbursed such expenses as the person reasonably incurs by reason of the person's performing the functions of a member.

(4) If a person who is a member of the Corporation is also—

(a) a member of the Parliament of a State (other than a State to the laws of which paragraph (3) (b) refers); or

(b) in the service or employment of a State or an authority of a State or a person who holds or performs the duties of an office or position established by or under a law of a State, on a full-time basis,

it is a condition of the person's holding the office of member that the person pay to the State, within one month of receiving an amount of remuneration under this Act, an amount equal to that first-mentioned amount, and the person—

(c) shall not be paid allowances under this Act; and

(d) shall be reimbursed such expenses as the person reasonably incurs by reason of the person's performing the functions of a member.

(5) An amount payable to a State by a person under sub-section (4) is a debt due to the State, and the State may recover that amount by action against the person in a court of competent jurisdiction.

(6) In this section—

“Parliament”, in relation to the Northern Territory, means the Legislative Assembly of the Northern Territory;

“State” includes the Northern Territory.

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

Resignation of members

13. A member may resign the office of member by writing signed by the member and delivered to the Minister.

Termination of appointment of members

14. (1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

(2) 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 their benefit;
- (b) fails, without reasonable excuse, to comply with section 15; or
- (c) is absent, except on leave of absence granted by the Corporation, from 3 consecutive meetings of the Corporation,

the Minister shall terminate the appointment of the member.

(3) In this section, “member” does not include the government member.

Disclosure of interests of members

15. (1) A member of the Corporation who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation shall, as soon as practicable after the relevant facts have come to the knowledge of the member, disclose the nature of the member’s interest at a meeting of the Corporation.

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

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

(3) For the purpose of the making of a determination by the Corporation 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 shall not—

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

(4) This section does not apply to a pecuniary interest of a member who is a principal in the industry, being an interest that the member has by reason of being a principal in the industry and in common with other principals in the industry.

(5) In this section, “principal in the industry” means a pig producer, pig exporter, pork processor, pork producer or pork exporter.

Meetings of Corporation

16. (1) Subject to this section, meetings of the Corporation shall be held at such times and places as the Corporation from time to time determines.

(2) The Chairperson may at any time convene a meeting of the Corporation.

(3) At a meeting of the Corporation, 4 members constitute a quorum.

(4) The Chairperson shall preside at all meetings of the Corporation at which he or she is present.

(5) In the event of the absence of the Chairperson from a meeting of the Corporation, the Deputy Chairperson shall preside at the meeting.

(6) In the event of the absence of the Chairperson and of the Deputy Chairperson from a meeting of the Corporation, the members present shall appoint one of their number to preside at the meeting.

(7) A question arising at a meeting of the Corporation shall be decided by a majority of the votes of the members present and voting.

(8) The member presiding at a meeting of the Corporation has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(9) The Corporation shall keep minutes of its proceedings.

(10) The Corporation may invite a person to attend a meeting of the Corporation for the purposes of advising or informing the Corporation on any matter.

Division 4—Corporate Plans and Annual Operational Plans

Planning periods

17. (1) In this Division, “planning period” means a period of 3, 4 or 5 financial years that the Corporation declares to be a planning period for the purposes of this Division.

(2) Where—

(a) the Corporation declares a period (in this sub-section referred to as the “first period”) to be a planning period for the purposes of this Division; and

(b) the Corporation subsequently declares a period (in this sub-section referred to as the “second period”) commencing during the first period and ending after the end of the first period to be a planning period for the purposes of this Division,

the following plans cease to have effect on the commencement of the second period:

- (c) the corporate plan relating to the first period;
- (d) an annual operational plan relating to the corporate plan referred to in paragraph (c).

Corporate plans

18. (1) The Corporation shall—

- (a) not later than 3 months before the commencement of each planning period, formulate a corporate plan, for the planning period concerned, setting out—
 - (i) the broad objectives of the Corporation in performing its functions during the planning period;
 - (ii) a broad outline of the policies and strategies to be pursued by the Corporation to achieve those objectives;
 - (iii) the Corporation's assessment, for the planning period, of the market outlook and the economic outlook for the industry; and
 - (iv) an outline of the arrangements that will apply in relation to the Council during the planning period; and
- (b) from time to time and, in any event, at least once in each financial year, review and revise the corporate plan.

(2) A corporate plan, or a revision of a corporate plan—

- (a) shall be submitted to the Minister as soon as practicable after it is formulated; and
- (b) has no effect until it is approved by the Minister.

(3) Before formulating or revising a corporate plan, the Corporation shall consult the eligible industry bodies.

Annual operational plans

19. (1) The Corporation shall—

- (a) not later than 2 months before the commencement of each financial year that is included in a planning period, formulate an annual operational plan, for the financial year concerned, setting out an estimate of the amounts that the Corporation expects to receive during the financial year under section 23 and the details of—
 - (i) the strategies the Corporation proposes to pursue;
 - (ii) the programs the Corporation proposes to carry out;
 - (iii) the resources the Corporation proposes to allocate to each such program; and
 - (iv) the arrangements that the Corporation proposes to implement in relation to the Council,during the financial year in giving effect to the corporate plan that relates, or the intended corporate plan that will relate, to the financial year; and
- (b) from time to time, review and revise the annual operational plan.

(2) An annual operational plan, or a revision of an annual operational plan—

- (a) shall be submitted to the Minister as soon as practicable after it is formulated; and
- (b) has no effect until approved by the Minister.

(3) Before formulating or revising an annual operational plan, the Corporation shall consult eligible industry bodies.

Compliance with plans

20. To the extent that it is practicable to do so, the Corporation shall ensure that the performance of its functions, and the exercise of its powers, is consistent with, and designed to give effect to, the provisions of any corporate plan and of any annual operational plan.

Division 5—Directions by Minister

Directions by Minister

21. (1) Where the Minister is satisfied that, because of the existence of exceptional circumstances, it is necessary to give a direction to the Corporation in order to ensure that the performance of the functions, or the exercise of the powers, of the Corporation does not conflict with major Government policies, the Minister may, after consultation with the Chairperson, by notice in writing to the Corporation, give directions to the Corporation with respect to the performance of its functions or the exercise of its powers.

(2) The Minister shall cause a copy of any direction given to the Corporation under sub-section (1)—

- (a) to be published in the *Gazette* as soon as practicable after the direction is given; and
- (b) to be laid before each House of the Parliament within 15 sitting days of that House after the direction is given.

(3) The Corporation shall comply with any direction given under sub-section (1).

(4) Where the Minister gives a direction to the Corporation under sub-section (1), the particulars of the direction, and a statement of the effect of the direction on the operations of the Corporation, shall be included in the annual report of the Corporation.

(5) The power to give a direction under sub-section (1) with respect to an act or thing may be exercised notwithstanding that the doing of the act or thing is subject to the approval of the Minister or of another person.

Division 6—Staff

Employees and consultants

22. (1) The Corporation may engage such employees as it determines are necessary for the performance of its functions and the exercise of its powers.

(2) The Corporation may engage as advisers or consultants to the Corporation persons having suitable qualifications and experience.

(3) The terms and conditions of employment (including remuneration) of the person holding the position of principal employee (however described) of the Corporation are such as are determined by the Corporation with the approval of the Minister.

(4) The terms and conditions of employment or engagement of persons employed or engaged under this section, other than the employee referred to in sub-section (3), are such as are determined by the Corporation.

Division 7—Finance

Payments to Corporation

23. (1) There shall be paid to the Corporation out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts of levy received by the Commonwealth by virtue of paragraph 6 (1) (b) of the *Pig Slaughter Levy Act 1971*.

(2) A reference in sub-section (1) to amounts of levy received by the Commonwealth includes a reference to amounts received from the proprietor of an abattoir in accordance with section 6 of the *Pig Slaughter Levy Collection Act 1971*, and amounts payable by way of penalty in accordance with section 7 of that Act, in relation to amounts of levy referred to in that sub-section.

Raising of money by Corporation

24. (1) Subject to sub-section (2), the Corporation may, for the purpose of the performance of its functions—

- (a)** borrow money otherwise than by dealing with securities; or
- (b)** borrow money, or otherwise raise money, by dealing with securities.

(2) The Corporation shall not borrow or otherwise raise money exceeding a total amount of \$2,000,000 in a financial year except with the approval of the Minister and on such terms and conditions (if any) as are specified in the approval.

(3) A reference in this section to dealing with securities includes a reference to—

- (a)** creating, executing, entering into, drawing, making, accepting, indorsing, issuing, discounting, selling, purchasing or reselling securities;

- (b) creating, selling, purchasing or reselling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

(4) In this section, "securities" includes stock, debentures, debenture stock, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

Application of money of Corporation, &c.

25. (1) The money of the Corporation may be applied only—

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Corporation in or in connection with the performance of its functions, or the exercise of its powers, under this Act;
- (b) in payment of any remuneration, allowances, fees or expenses payable under this Act; and
- (c) in making any other payments that the Corporation is authorised or required to make under this Act.

(2) The Corporation is liable to pay the expenses, and discharge the liabilities, incurred or undertaken by the Committee or the Council.

(3) The Committee or the Council shall pay to the Corporation any money received by it.

(4) The Chairperson of the Council shall, before the commencement of each financial year, consult with the Chairperson of the Corporation with respect to the expenditure or liabilities proposed to be incurred or undertaken by the Council during that year.

Proper accounts to be kept

26. The Corporation shall—

- (a) cause to be kept proper accounts and records of the transactions and affairs of the Corporation in accordance with the accounting principles generally applied in commercial practice; and
- (b) do all things necessary to ensure that—
 - (i) all payments by the Corporation are correctly made and properly authorised; and
 - (ii) adequate control is maintained over the assets of, or in the custody of, the Corporation and over the incurring of liabilities by the Corporation.

Bank account

27. (1) The Corporation may open and maintain an account or accounts with a bank or banks and shall maintain at all times at least one such account.

(2) The Corporation shall pay all money of the Corporation into an account referred to in this section.

Investment of money

28. Money of the Corporation not immediately required for the purposes of the Corporation may be invested—

- (a) on deposit with a bank;
- (b) in Commonwealth securities; or
- (c) in any other form of investment that is consistent with sound commercial practice.

Audit

29. (1) The Corporation auditor shall inspect and audit the accounts and records of financial transactions of the Corporation and the records relating to assets of, or in the custody of, the Corporation, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Corporation auditor, is of sufficient importance to justify so doing.

(2) The Corporation auditor may dispense with all or a part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Corporation auditor shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Corporation auditor or a person authorised by the Corporation auditor is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Corporation relating directly or indirectly to the receipt or payment of money, or to the acquisition, receipt, custody or disposal of assets, by the Corporation.

(5) The Corporation auditor or a person authorised by the Corporation auditor may make copies of, or take extracts from, such accounts, records, documents or papers.

(6) The Corporation auditor or a person authorised by the Corporation auditor may require a person to furnish such information in the possession of the person, or to which the person has access, as the Corporation auditor or authorised person considers necessary for the purposes of the functions of the Corporation auditor under this Act.

(7) A person who contravenes a requirement under sub-section (6) is guilty of an offence punishable on conviction—

- (a) in the case of a natural person—by a fine not exceeding \$1,000; or
- (b) in the case of a body corporate—by a fine not exceeding \$5,000.

Appointment of commercial auditors

30. (1) The Corporation, after consulting the eligible industry bodies, may in writing request the Minister to appoint a company auditor specified in the request to be the auditor of the Corporation.

(2) Where the Minister receives a request under sub-section (1), the Minister shall cause particulars of the request to be given to the Auditor-General.

(3) Where particulars of a request under sub-section (1) are given to the Auditor-General under sub-section (2), the Auditor-General shall decide whether or not the company auditor referred to in the request is suitable to be the auditor of the Corporation and shall inform the Minister in writing of the Auditor-General's decision and of the reasons for that decision.

(4) Where the Auditor-General has informed the Minister of the Auditor-General's decision that a company auditor is suitable to be the auditor of the Corporation, the Minister shall cause to be given to the Chairman of the Joint Committee of Public Accounts particulars of the request and of the Auditor-General's decision.

(5) The Joint Committee of Public Accounts shall consider the Auditor-General's decision and shall inform the Minister in writing whether or not the Committee agrees to the appointment of the company auditor as the auditor of the Corporation.

(6) If the Joint Committee of Public Accounts informs the Minister that it agrees to the appointment of the company auditor as the auditor of the Corporation, the Minister may, in writing, appoint that auditor accordingly.

(7) Where an appointment has been made under sub-section (6), the Minister may, by writing, revoke that appointment.

(8) Where—

(a) the Auditor-General decides that a particular company auditor is not suitable to be the auditor of the Corporation;

(b) the Minister makes, refuses to make, an appointment under sub-section (6); or

(c) the Minister revokes an appointment made under sub-section (6), the Minister shall inform the Corporation, in writing, of the decision and of the reasons for the decision.

(9) Where the Joint Committee of Public Accounts informs the Minister that that Committee does not agree to the appointment of a particular company auditor as the auditor of the Corporation, the Minister shall inform the Corporation, in writing, of the decision.

Liability to taxation

31. (1) The Corporation is subject to taxation (other than income tax) under the laws of the Commonwealth.

(2) Subject to sub-section (3), the Corporation is not subject to taxation under a law of a State or Territory.

(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law.

Division 8—Miscellaneous

Delegation

32. (1) The Corporation may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to a person all or any of its powers under this Act or the regulations, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act or the regulations, as the case requires, be deemed to have been exercised by the Corporation.

(3) A delegate under sub-section (1) is, in the exercise of a power so delegated, subject to the directions of the Corporation.

(4) A delegation under this section does not prevent the exercise of a power by the Corporation.

Chairperson to attend certain meetings

33. If a majority of the members of the executive of an eligible industry body request the Chairperson, in writing, to attend a general meeting of the eligible industry body to present the latest annual report of the Corporation that has been laid before each House of the Parliament in accordance with section 34, the Chairperson shall—

- (a)** attend the meeting and present the annual report;
- (b)** report to the meeting on the activities of the Corporation during the period to which the annual report relates; and
- (c)** make himself or herself available to answer questions asked at the meeting relating to the annual report and the report referred to in paragraph (b).

Annual reports

34. (1) The Corporation shall, as soon as practicable after 30 June in each year, prepare and give to the Minister a report of its operations during the year that ended on that 30 June, together with financial statements in respect of that year in such form as the Minister for Finance approves.

(2) The Minister shall cause copies of the report and financial statements, together with a copy of the report of the Corporation auditor, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(3) Before submitting financial statements to the Minister under sub-section (1), the Corporation shall submit them to the Corporation auditor, who shall report to the Minister—

- (a)** whether, in the auditor's opinion, the statements are based on proper accounts and records;

- (b) whether the statements are in agreement with the accounts and records and, in the auditor's opinion, show fairly the financial transactions and the state of the affairs of the Corporation;
 - (c) whether, in the auditor's opinion, the receipt, expenditure and investment of money, and the acquisition and disposal of assets, by the Corporation during the year have been in accordance with this Act and any other Act relating to the functions of the Corporation; and
 - (d) as to such other matters arising out of the statements as the auditor considers should be reported to the Minister.
- (4) Without limiting the generality of sub-section (1), the Corporation shall include in each annual report referred to in that sub-section—
- (a) a statement of the principal goals of the Corporation in the period since the last such report was given and of the strategies pursued by the Corporation to achieve those goals in that period;
 - (b) an assessment of the extent to which the Corporation has achieved the goals referred to in paragraph (a); and
 - (c) particulars of—
 - (i) significant capital works undertaken by the Corporation;
 - (ii) significant property purchases made by the Corporation;
 - (iii) significant overseas travel paid for by the Corporation;
 - (iv) the formation of companies, and the acquisition and disposal of interests in companies, by the Corporation; and
 - (v) the formulation of, and revisions to, corporate plans or annual operational plans,during the period to which the report relates.
- (5) For the purposes of sub-section (1), if this section does not come into operation on 1 July in any year, that sub-section shall have effect in relation to the period commencing on the day on which this section comes into operation and ending on the 30 June next following that day as if that period were a period of one year ending on that 30 June.

Division 9—The Australian Pork Corporation Selection Committee

Australian Pork Corporation Selection Committee

35. (1) There is established a Committee by the name of the Australian Pork Corporation Selection Committee.

- (2) The Committee—
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal;
 - (c) may acquire, hold and dispose of personal property; and
 - (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

Functions of Committee

36. The functions of the Committee are—

- (a) to select persons to be nominated for appointment as members of the Corporation referred to in paragraph 10 (1) (c); and
- (b) to nominate persons so selected to the Minister for appointment as members of the Corporation.

Powers of Committee

37. The Committee has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

Minister may request nominations

38. The Minister may, by notice in writing given to the Presiding Member, request the Committee to give to the Minister, within the period specified in the notice—

- (a) written nominations of persons for appointment as members of the Corporation referred to in paragraph 10 (1) (c); or
- (b) where a casual vacancy occurs in the office of a member of the Corporation referred to in paragraph 10 (1) (c)—a written nomination of a person for appointment to that office.

Selection of persons by Committee

39. (1) The Committee shall not nominate a person for appointment as a member of the Corporation unless the person possesses one or more of the qualifications referred to in sub-section 10 (5).

(2) The Committee shall not nominate a person for appointment as a member of the Corporation if—

- (a) the person is a member of the Committee;
- (b) the person has been a member of the Committee within 12 months of the day on which the nomination is given to the Minister; or
- (c) the person is a member of the executive of an eligible industry body.

Nomination

40. (1) Where the Minister gives a request to the Presiding Member under section 38—

- (a) the Committee shall, before the end of the period specified in the request, select a person or persons to be nominated for appointment to the office or offices concerned; and

- (b) the Presiding Member shall, on behalf of the Committee, before the end of that period, give to the Minister the written nomination or nominations concerned.

(2) The Committee shall give to the Minister only one nomination in respect of each appointment to be made by the Minister.

(3) Where the Committee proposes to nominate a person for appointment as a member of the Corporation, the Presiding Member shall cause to be prepared and attached to the nomination a statement setting out—

- (a) details of the person's qualifications and experience; and
- (b) such other information relating to the person as the Committee thinks will assist the Minister in considering whether to appoint the person.

(4) The Committee may nominate a person for appointment even though the Minister has previously rejected a nomination of that person or the Committee has previously decided not to nominate the person for appointment.

(5) In selecting persons for nomination for appointment as members of the Corporation, the Committee shall choose from the available candidates such persons as will best ensure that the members of the Corporation collectively possess qualifications and experience in all the fields of activity referred to in paragraphs 10 (5) (a) to (d) (inclusive).

Minister may reject nominations

41. Where the Minister is not satisfied that a person nominated by the Committee for appointment as a member of the Corporation should be appointed as such a member, the Minister may, by notice in writing given to the Presiding Member, reject the nomination and may include in that notice a further request under section 38 for a nomination of a person for appointment to the office concerned.

Membership of Committee

42. (1) The Committee shall consist of 4 members, namely—

- (a) the Presiding Member;
- (b) 2 members nominated by the Australian Pork Producers' Federation; and
- (c) 1 member nominated by the National Meat Processors' Association.

(2) A member of the Committee shall be appointed by the Minister and, subject to this Act, holds office on a part-time basis for such period, not exceeding 3 years, as is specified in the instrument of appointment.

(3) A person who is a member of the Corporation is not eligible to be appointed as a member of the Committee.

(4) The members of the Committee 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.

(5) The appointment of a member of the Committee is not invalid on the ground of a defect or irregularity in connection with the member's nomination or appointment.

(6) The exercise of a power or the performance of a function by the Committee is not invalidated by reason only of—

- (a) the number of members falling below 4 for a period of not more than 6 months; or
- (b) there being a vacancy in the office of Presiding Member.

Remuneration and allowances of members of Committee

43. (1) A member of the Committee 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, the member shall be paid such remuneration as is prescribed.

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

(3) This section has effect subject to the *Remuneration Tribunals Act 1973*, other than sub-sections 7 (9) and (13) of that Act.

Leave of absence

44. (1) The Minister may grant leave of absence to the Presiding Member from a meeting of the Committee.

(2) The Presiding Member may grant leave of absence to another member of the Committee from a meeting of the Committee.

Resignation

45. A member of the Committee may resign from office by writing signed by the member and delivered to the Minister.

Termination of appointments

46. (1) The Minister may terminate the appointment of the Presiding Member at any time.

(2) The Minister shall, at the request of the Australian Pork Producers' Federation, terminate the appointment of a member of the Committee referred to in paragraph 42 (1) (b).

(3) The Minister shall, at the request of the National Meat Processors' Association, terminate the appointment of the member of the Committee referred to in paragraph 42 (1) (c).

(4) The Minister may terminate the appointment of a member of the Committee for misbehaviour or physical or mental incapacity.

(5) If a member of the Committee—

- (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 of their benefit;
- (b) fails, without reasonable excuse, to comply with section 47; or
- (c) is absent, without leave of absence under section 44, from 3 consecutive meetings of the Committee,

the Minister shall terminate the appointment of the member of the Committee.

Disclosure of interests by members of Committee

47. (1) A member of the Committee who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to the knowledge of the member, disclose the nature of that 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 shall not, unless the Committee otherwise determines—

- (a) be present during any deliberation 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 the Committee 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 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.

(4) A member of the Committee who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee in accordance with section 49 shall, as soon as practicable after the relevant facts have come to the knowledge of the member, disclose the nature of that interest to the Minister.

(5) A member of the Committee who is required to make a disclosure under sub-section (4) with respect to a matter shall not, unless the Minister otherwise determines, sign a document with respect to that matter in accordance with section 49.

(6) This section does not apply to a pecuniary interest of a member of the Committee who is a principal in the industry, being an interest that the member of the Committee has by reason of being a principal in the industry and in common with other principals in the industry.

(7) In this section, "principal in the industry" means a pig producer, pig exporter, pork processor, pork producer or pork exporter.

Meetings of Committee

48. (1) Meetings of the Committee shall be held at such times and places as the Committee from time to time determines.

(2) A meeting of the Committee may be convened by the Presiding Member.

(3) At a meeting of the Committee, 3 members of the Committee constitute a quorum.

(4) The Presiding Member shall preside at all meetings of the Committee at which the Presiding Member is present.

(5) If the Presiding Member is not present at a meeting of the Committee, the members of the Committee present shall appoint one of their number to preside at the meeting.

(6) A question arising at a meeting of the Committee shall be decided by a majority of the votes of the members of the Committee present and voting.

(7) The member of the Committee presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8) The Committee shall keep minutes of its proceedings.

Resolutions without meetings

49. Where—

(a) a copy of a document setting out a proposed resolution of the Committee comes into the possession of 3 members of the Committee; and

(b) all of those members sign a copy of the document,

a resolution of the Committee in the terms set out in the document shall be deemed to have been passed at a meeting of the Committee on the day on which the copies of the document were signed or, if the members of the Committee who signed the copies of the document did not sign on the same day, on the latest day on which a copy of the document was signed by such a member.

Staff and consultants

50. (1) The Presiding Member may, on behalf of the Committee, engage persons to perform administrative and clerical services in connection with the performance of its functions.

(2) The Presiding Member may, on behalf of the Committee, engage persons having suitable qualifications and experience as consultants to the Committee to assist the Committee in identifying persons suitable for nomination to the Minister.

(3) The terms and conditions of engagement of persons engaged under sub-section (1) or (2) shall be such as are determined by the Committee.

Liability to taxation

51. (1) The Committee is subject to taxation (other than income tax) under the laws of the Commonwealth.

(2) Subject to sub-section (3), the Committee is not subject to taxation under a law of a State or Territory.

(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law.

PART III—THE AUSTRALIAN PIG INDUSTRY POLICY COUNCIL

Division 1—Preliminary

Interpretation

52. In this Part, unless the contrary intention appears—

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

“Chairperson” means the Chairperson of the Council;

“Council report” means a report given to the Minister in the performance of a function referred to in paragraph 55 (1) (a) or (b);

“member” means a member of the Council and includes the Chairperson and a deputy of a member of the Council;

“working group” means a working group of the Council established under section 67.

Division 2—Establishment, Functions and Powers of the Australian Pig Industry Policy Council

Establishment of Council

53. (1) There is established a council by the name of the Australian Pig Industry Policy Council.

(2) The Council—

(a) is a body corporate with perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of personal property; and

(d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the common seal of the Council affixed to a document and shall presume that it was duly affixed.

Objectives

54. The Council shall, in the performance of its functions, pursue the objectives of facilitating an exchange of views on matters affecting the industry and of developing a unified approach to matters affecting the industry.

Functions of Council

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

- (a) to inquire into, and to report to the Minister on, matters affecting the well-being of the industry that, in the opinion of the Council, require investigation or action by, or at the request of, the Commonwealth or an authority of the Commonwealth;
- (b) to inquire into, and to report to the Minister on, matters referred to it by the Minister in relation to the industry;
- (c) to develop recommendations, guidelines and plans for measures designed to safeguard or further the interests of the industry and to submit these to the Minister for consideration by the Minister or for referral to the Australian Agricultural Council or to authorities established by or under a law of the Commonwealth, a State or a Territory;
- (d) to consult and co-operate with other persons and organisations in matters affecting the industry; and
- (e) such other functions as are conferred upon the Council by the regulations.

(2) Where a report of a working group is submitted to the Council in compliance with sub-section 67 (8), the Council may adopt the report, with or without amendments, as the report of the Council for the purposes of paragraph (1) (a) or (b).

(3) Without limiting the generality of sub-section (1), the Council may, in the performance of its functions, take into account any matter raised at an industry conference convened under section 57.

Powers of Council

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

Industry conferences

57. (1) The Chairperson may, from time to time as he or she considers appropriate, convene conferences of persons concerned with the industry.

(2) The Chairperson shall convene a conference under sub-section (1) whenever he or she is directed to do so by the Council.

(3) The purposes of a conference are—

- (a) to assist the Council in identifying matters of concern to the industry;

- (b) to promote a better understanding of problems within the industry; and
 - (c) to foster a consensus on the policies to be instituted to safeguard the interests of the industry.
- (4) A conference shall be convened at a time and place determined by the Chairperson.
- (5) Persons entitled to attend a conference are—
- (a) the members of the Council; and
 - (b) such other persons having an interest in the industry as the Chairperson invites.
- (6) The Chairperson shall preside at all meetings of a conference.

Publication of Council reports

58. (1) Where a Council report is given to the Minister, the Minister shall cause it to be made public in such a way or in such ways as he or she considers appropriate.

(2) Without limiting the generality of sub-section (1), the Minister, in his or her discretion, may cause a Council report to be made public by causing it to be laid before each House of 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, the Minister may, in his or her discretion—

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

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

- (6) The Council shall not—
- (a) make public a Council report that has not been published by the Minister under sub-section (1), paragraph (3) (b) or sub-section (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 a report public without those deletions.

(7) Where a member disagrees with a finding or recommendation to be included in a Council report, the report shall include a statement of the views of that member in respect of that finding or recommendation and shall identify the member holding those views.

- (8) In sub-section (6), “report” includes part of a report.

Division 3—Constitution and Meetings of Council

Constitution of Council

59. (1) The Council shall consist of the following members:

- (a) the Chairperson;
- (b) the Chairperson of the Corporation;
- (c) the President of the Australian Pork Producers’ Federation;
- (d) the Senior Vice-President of the Australian Pork Producers’ Federation;
- (e) the Chairman of the National Smallgoods Council;
- (f) the Chairperson of the Pig Research Council;
- (g) the President of the Stockfeed Manufacturers’ Association of Australia;
- (h) the President of the National Meat Processors’ Association;
- (j) if the Minister, by notice in writing published in the *Gazette*, declares that a particular body, being a body connected with the industry, is to be represented on the Council—
 - (i) if the declaration provides that that body is to be represented on the Council by the holder of a specified office, or by the holders of specified offices, in that body—the holder of that office or the holders of those offices, as the case requires; or
 - (ii) if the declaration provides that that body is to be represented on the Council by a person, or by a specified number of persons, nominated by that body (whether or not the declaration also makes provision for the representation of that body on the Council as mentioned in sub-paragraph (i))—a member, or members, as the case requires, nominated by that body.

(2) Where a declaration is in force under paragraph (1) (j) with respect to a particular body, nothing in this Act prevents the making of a declaration or declarations under that paragraph with respect to another body or bodies.

(3) Before making a declaration under paragraph (1) (j), the Minister shall consult with the Council.

(4) The members hold office on a part-time basis.

(5) The Chairperson and each member referred to in sub-paragraph (1) (j) (ii) shall be appointed by the Minister and holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment.

(6) The Chairperson may be referred to as the Chairman or the Chairwoman, as the case requires.

(7) 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.

(8) The appointment of a member is not invalid on the ground of a defect or irregularity in connection with the member's nomination or appointment.

(9) The exercise of a power or the performance of a function by the Council is not affected by reason only of—

- (a) there being a vacancy in the office of Chairperson or of a member referred to in sub-paragraph (1) (j) (ii);
- (b) there being a vacancy in an office referred to in paragraph (1) (b), (c), (d), (e), (f), (g), (h) or in a declaration under paragraph (1) (j); or
- (c) an office or body referred to in paragraph (1) (c), (d), (e), (f), (g) or (h), or in a declaration under paragraph (1) (j), ceasing to exist.

Acting Chairperson

60. (1) The Minister may appoint a person to act in the office of Chairperson—

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

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

(3) A person appointed under sub-section (1) to act during a vacancy shall not continue so to act for more than 12 months.

(4) Where a person is acting in the office of Chairperson in accordance with paragraph (1) (b) and the office becomes vacant while the person is so acting, then, subject to sub-section (2), the 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 occurs expires, whichever first happens.

(5) While a person is acting in the office of Chairperson, the person has and may exercise all the powers, and shall perform all the functions, of the Chairperson under this Act or the regulations.

(6) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting in the office of Chairperson; and
- (b) terminate such an appointment at any time.

(7) A person appointed under sub-section (1) may resign the appointment by writing signed by the person and delivered to the Minister.

(8) Anything done by or in relation to a person purporting to act under sub-section (1) is not invalid on the ground that—

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Deputies of members

61. (1) The Minister may, if requested by a body referred to in paragraph 59 (1) (b), (c), (d), (e), (f), (g) or (h), or in a notice published under paragraph 59 (1) (j), so to do, appoint a person to be the deputy of a member referred to in that paragraph.

(2) The Minister shall, if requested by the body that nominated a person to be the deputy of a member in accordance with sub-section (1), terminate the appointment of that person.

(3) A deputy of a member may resign the office of deputy by writing signed by the deputy and delivered to the Minister.

(4) The deputy of a member is entitled to attend a meeting of the Council that is not attended by the member of whom he or she is the deputy and, while so attending, shall be deemed to be a member.

(5) The appointment of a deputy of a member, and anything done by or in relation to a deputy of a member, is not invalid on the ground that—

- (a) there is a defect or irregularity in connection with the deputy's appointment; or
- (b) the occasion for the person to act under sub-section (4) had not arisen or had ceased.

Remuneration and allowances

62. (1) The Chairperson 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, the Chairperson shall be paid such remuneration as is prescribed.

(2) A member of the Council (other than the Chairperson), the deputy of such a member of the Council or a member of a working group is not entitled to remuneration.

(3) A member of the Council or the deputy of a member of the Council shall be paid such allowances as are prescribed in respect of the performance of his or her functions as a member of the Council or as a member of a working group, or as a deputy of a member of the Council.

(4) A member of a working group other than a member of the Council shall be paid such allowances as are prescribed in respect of the performance of his or her functions as a member of a working group.

(5) This section has effect subject to the *Remuneration Tribunals Act 1973*, other than sub-sections 7 (9) and (13) of that Act.

Resignation of members

63. A member may resign the office of member by writing signed by the member and delivered to the Minister.

Termination of appointments, &c.

64. (1) The Minister shall, at the request of the body concerned, terminate the appointment of a member referred to in sub-paragraph 59 (1) (j) (ii) nominated to represent the body.

(2) The Minister may—

- (a) terminate the appointment of an appointed member for misbehaviour or physical or mental incapacity; or
- (b) on the ground of misbehaviour or physical or mental incapacity, give a direction in writing that a member other than an appointed member is not entitled to attend meetings of the Council or receive allowances under section 62.

(3) If—

- (a) a member 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 their benefit;
- (b) a member fails, without reasonable excuse, to comply with section 65;
- (c) the Chairperson is absent, except with the leave of the Minister, from 3 consecutive meetings of the Council; or
- (d) a member other than the Chairperson is absent, except with the leave of the Chairperson, from 3 consecutive meetings of the Council,

the Minister shall—

- (e) in the case of an appointed member—terminate the appointment of the member concerned; or

- (f) in the case of a member other than an appointed member—give a direction in writing that the member is not entitled to attend meetings of the Council or receive allowances under section 62.
- (4) In this section, “appointed member” means—
 - (a) the Chairperson; or
 - (b) a member referred to in sub-paragraph 59 (1) (j) (ii).

Disclosure of interests of members

65. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as practicable after the relevant facts have come to the knowledge of the member, disclose the nature of the member’s 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 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 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) This section does not apply to a pecuniary interest of a member who is a principal in the industry, being an interest that the member has by reason of being a principal in the industry and in common with other principals in the industry.

(5) In this section, “principal in the industry” means a pig producer, pig exporter, pork processor, pork producer or pork exporter.

Meetings

66. (1) The Chairperson—

- (a) may convene such meetings of the Council as he or she 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 4 members.

(2) Meetings of the Council shall be held at such places and at such times as the Chairperson determines.

(3) The Chairperson shall preside at all meetings of the Council at which he or she is present.

(4) If the Chairperson is not present at a meeting of the Council, the members present shall appoint one of their number to preside at the meeting.

(5) At a meeting of the Council, a quorum is constituted by 5 members.

(6) A question arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting.

(7) At a meeting of the Council, the member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8) The Council shall keep minutes of its proceedings.

(9) The Council may invite a person to attend a meeting of the Council for the purposes of advising or informing the Council on any matter.

Division 4—Working Groups of Council

Working groups of Council

67. (1) Subject to this section, the Council may establish such working groups as it thinks necessary for the performance of its functions to provide advice to it upon such respective matters as are specified by the Council.

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

(3) The Chairperson of the Council shall appoint one of the persons on each working group established by the Council to be the Chairperson of that working group.

(4) Members of a working group other than members of the Council shall, subject to this section, be engaged upon such terms and conditions (other than terms and conditions relating to remuneration and allowances) as the Council determines.

(5) The Council may determine—

(a) the manner in which a working group is to perform its functions; and

(b) the procedure to be followed at or in relation to meetings of a working group, including matters with respect to—

(i) the convening of meetings of the working group;

(ii) the number of members of the working group who are to constitute a quorum;

(iii) the selection of a member of the working group to preside at meetings of the working group at which the Chairperson of the working group is not present; and

(iv) the manner in which questions arising at a meeting of the working group are to be decided.

(6) A working group shall continue in existence, if it is not earlier dissolved by the Council, for the period of 6 months after its establishment or for that period as extended in accordance with sub-section (7).

(7) Where the Council considers it desirable to do so, the Council may, by resolution, determine that the period of 6 months referred to in sub-section (6), or that period as previously extended by virtue of the operation of this sub-section, shall be extended or further extended by a period of 6 months immediately following the period so referred to or that period as previously so extended.

(8) Where the Council establishes a working group to provide advice to it on a matter, the working group shall prepare a written report and, as soon as practicable, submit that report to the Council for consideration by it.

(9) Where a member of a working group disagrees with a finding or recommendation of the majority of the working group, the report of the working group referred to in sub-section (8) shall include a statement of the views of that member.

Disclosure of interests of members of working groups

68. (1) A member of a working group who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the working group shall, as soon as practicable after the relevant facts have come to the knowledge of the member, disclose the nature of the member's interest at a meeting of the working group.

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

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

(3) For the purpose of the making of a determination by a working group under sub-section (2) in relation to a member of the working group who has made a disclosure under sub-section (1), a member of the working group who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

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

(4) This section does not apply to a pecuniary interest of a member who is a principal in the industry, being an interest that the member has by reason of being a principal in the industry and in common with other principals in the industry.

(5) In this section, "principal in the industry" means a pig producer, pig exporter, pork processor, pork producer or pork exporter.

Division 5—Miscellaneous

Arrangements relating to staff, &c.

69. (1) The Chairperson of the Council shall arrange with the Chairperson of the Corporation for the services of employees of the Corporation, and for facilities of the Corporation, to be made available to the Council.

(2) While a person is performing services for the Council pursuant to an arrangement under this section, that person shall perform his or her functions and duties in accordance with the directions of the Council and not otherwise.

Liability to taxation

70. (1) The Council is subject to taxation (other than income tax) under the laws of the Commonwealth.

(2) Subject to sub-section (3), the Council is not subject to taxation under a law of a State or Territory.

(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law.

Annual report

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

(2) The Minister shall cause a copy of the report given to the Minister 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 receives the report.

(3) For the purposes of sub-section (1), if this section does not come into operation on 1 July in any year, that sub-section shall have effect in relation to the period commencing on the day on which this section comes into operation and ending on the 30 June next following that day as if that period were a period of one year ending on that 30 June.

PART IV— MISCELLANEOUS

Regulations

72. 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.

Pig Industry No. 157, 1986

*[Minister's second reading speech made in—
House of Representatives on 23 October 1986
Senate on 25 November 1986]*