



Wheat Marketing Amendment Act (No. 2) 1987

No. 172 of 1987

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Wheat Marketing Amendment Act (No. 2) 1987

No. 172 of 1987

An Act to amend the *Wheat Marketing Act 1984*, and for related purposes

[Assented to 26 December 1987]

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

Short title etc.

1. (1) This Act may be cited as the *Wheat Marketing Amendment Act (No. 2) 1987*.

(2) The *Wheat Marketing Act 1984*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

3. Section 3 of the Principal Act is amended:

(a) by inserting in subsection (1) the following definitions in their respective appropriate alphabetical positions (determined on a letter-by-letter basis):

“‘assessment action’, in relation to the equal employment opportunity program of the Board, means action by the Board to do all of the following things:

- (a) to collect and record statistics and related information concerning employment by the Board, including the number and types of jobs undertaken by, or job classifications of:
 - (i) employees of either sex; and
 - (ii) persons in designated groups;
- (b) to monitor and evaluate the implementation of the program; and
- (c) to assess:
 - (i) the achievement of the objectives of the program; and
 - (ii) the effectiveness of the program by comparing statistics and information referred to in paragraph (a) with the indicators set under the policy action of the program;

‘consultation action’, in relation to the equal employment opportunity program of the Board, means action by the Board to:

- (a) consult with its employees, particularly employees who are women or in designated groups; and
- (b) consult with each trade union having members affected by the program;

in relation to the development and implementation of the program;

‘designated group’ has the same meaning as in the *Public Service Act 1922*;

‘discrimination’ means:

- (a) discrimination that is unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*; or
- (b) discrimination by which a person with a physical or mental disability is, because of the disability, treated less favourably than a person without the disability;

‘employee’ means a natural person appointed or engaged:

- (a) under a contract of service, whether on a full-time, part-time, permanent, casual or temporary basis; or

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(b) under a contract for services;

being a contract that is made in Australia, whether or not the person is to, or might, perform duties outside Australia under the contract;

'employee information action', in relation to the equal employment opportunity program of the Board, means action by the Board to inform its employees of the content of the program and of the results of any assessment action;

'employment matters' includes:

- (a) recruitment procedure, and selection criteria, for appointment or engagement of persons as employees;
- (b) promotion and transfer of employees;
- (c) training and staff development for employees; and
- (d) conditions of service of employees;

'equal employment opportunity program', in relation to the Board, means a program of the Board that is designed to ensure:

- (a) that appropriate action is taken to eliminate any discrimination by the Board against women and persons in designated groups in relation to employment matters; and
- (b) that appropriate measures are taken by the Board to promote equal opportunity for women and persons in designated groups in relation to employment matters;

being a program that includes provision for assessment action, consultation action, employee information action, and policy action, in relation to the program;

'Grains Council' means the body that is known as the Grains Council of Australia and that was, prior to 9 October 1986, known as the Australian Wheatgrowers' Federation;

'policy action', in relation to the equal opportunity program of the Board, means action by the Board to do all of the following things:

- (a) confer responsibility for the development and implementation of the program (including a continuous review of the program) on a person having sufficient authority and status within the management of the Board to enable the person properly to develop and implement the program;
- (b) examine policies and practices of the Board, in relation to employment matters, to identify:
 - (i) any policies or practices that constitute discrimination against women or persons in designated groups; and

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- (ii) any patterns (whether ascertained statistically or otherwise) of lack of equality of opportunity for women or persons in designated groups; and
 - (c) set:
 - (i) the objectives to be achieved by the program; and
 - (ii) the quantitative and other indicators against which the effectiveness of the program is to be assessed;
- 'trade union' means:
- (a) an organisation of employees registered under the *Conciliation and Arbitration Act 1904*; or
 - (b) a trade union within the meaning of a State Act or law of a Territory;
- 'woman' means a member of the female sex irrespective of age."; and
- (b) by omitting subsection (7) and substituting the following subsection:
 - "(7) A reference in this Act to discrimination in relation to employment matters does not include a reference to discrimination that:
 - (a) is essential for the effective performance of the duties to which the employment matters relate; and
 - (b) is not unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*."

4. After section 11 of the Principal Act the following section is inserted:

Consultation

"11A. (1) The Board may, for the purpose of considering any matter relating to the performance of its functions, make arrangements for consulting persons and bodies.

"(2) Arrangements entered into by the Board in relation to a consultation may include the Board's agreeing to meet travel expenses reasonably incurred by a person in relation to the consultation."

Consultation with Grains Council

- 5. (1) Section 13 of the Principal Act is amended:
 - (a) by omitting from subsections (1), (2) and (3) "Australian Wheatgrowers' Federation" and substituting "Grains Council";
 - (b) by omitting from subsection (3) "Federation" (last occurring) and substituting "Council"; and
 - (c) by adding at the end the following subsection:
 - "(4) Subject to guidelines given to the Board by the Minister, the Board may reimburse the Grains Council such expenses as the

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Council reasonably incurs, or has, on or after 1 November 1986, reasonably incurred, in connection with consultation carried out for the purposes of this section.”.

(2) Where:

- (a) the Board has, on or after 1 November 1986 and before the commencement of this section, reimbursed the Grains Council expenses incurred by the Council; and
- (b) the Board would have been empowered, under subsection 13 (4) of the Principal Act as amended by this Act, to reimburse the Council those expenses if that subsection had been in force at the time the reimbursement was made;

that reimbursement shall, by force of this subsection, be deemed to have been made in accordance with the Principal Act.

Membership of Committee

6. (1) Section 33I of the Principal Act is amended:

- (a) by omitting paragraphs (1) (b), (c) and (d) and substituting the following paragraph:
“(b) 5 wheat growers nominated by the Grains Council.”;
- (b) by omitting from subsection (2) “(other than the Chairperson of the Board)”;
- (c) by omitting from subsection (3) “referred to in paragraph (1) (a), (c) or (d)”.

(2) A person who, immediately before the commencement of this section, held office under section 33I of the Principal Act as a person referred to in paragraph 33I (1) (a) or (d) of that Act continues to hold that office after that commencement on the same terms and conditions.

Casual vacancy

7. Section 33K of the Principal Act is amended:

- (a) by omitting “(other than the Chairperson of the Board)”;
- (b) by omitting from paragraph (b) “National Farmers’ Federation or the Australian Wheatgrowers’ Federation, as the case requires,” and substituting “Grains Council”.

Meetings of Committee

8. Section 33R of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

“(3) At a meeting of the Committee, 4 members of the Committee constitute a quorum.”.

Resolutions without meetings

9. Section 33S of the Principal Act is amended by omitting from paragraph (a) “7 members of the Committee, being members who, if they were present at a meeting of the Committee, would constitute a quorum” and substituting “4 members of the Committee”.

Membership of Board

10. Section 34 of the Principal Act is amended by omitting from subsections (5A) and (5B) "Australian Wheatgrowers' Federation" and substituting "Grains Council".

11. After section 45 of the Principal Act the following sections are inserted in Part IV:

Board to develop and implement equal employment opportunity program

"45AA. The Board shall develop and implement an equal employment opportunity program for the Board.

Regard to be had to equal employment opportunity program

"45AB. The Board shall take whatever action is necessary to give effect to the Board's equal employment opportunity program developed under section 45AA, and any person who exercises powers in relation to employment matters in the Board shall have regard to the program in exercising those powers.

Employment matters to be dealt with on basis of merit

"45AC. Nothing in this Act shall be taken to require action that is incompatible with the principle that employment matters should be dealt with on the basis of merit."

Board to develop corporate plans

12. Section 45A of the Principal Act is amended:

- (a) by omitting from paragraph (2) (b) "and"; and
- (b) by adding at the end of subsection (2) the following word and paragraph:

"; and (d) include the Board's equal employment opportunity program developed under section 45AA."

Board to develop annual operational plans

13. Section 45F of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

"(2) An annual operational plan shall:

- (a) set out particulars of the action that the Board intends to take in order to give effect to or further, during the financial year to which the plan relates, the objectives set out in the corporate plan that relates or will relate to a period that includes that financial year; and
- (b) propose action to implement the Board's equal employment opportunity program developed under section 45AA."

Appointment of commercial auditors

14. Section 55A of the Principal Act is amended by omitting from subsection (1) "Australian Wheatgrowers' Federation" and substituting "Grains Council".

Annual report

15. Section 63 of the Principal Act is amended:

(a) by adding at the end of subsection (3) the following word and paragraph:

“; and (d) a report on the development and implementation of the Board's equal employment opportunity program during that year.”; and

(b) by inserting after subsection (3) the following subsection:

“(3A) The report referred to in paragraph (3) (d) shall provide, in respect of the financial year to which it relates:

(a) a summary of the action taken by the Board to develop and implement its equal employment opportunity program; and

(b) the result of any monitoring, evaluation or assessment referred to in the definition of 'assessment action' in subsection 3 (1).”.

NOTE

1. No. 141, 1984, as amended. For previous amendments, see No. 91, 1985; Nos. 82 and 168, 1986; and No. 1, 1987.

*[Minister's second reading speech made in—
House of Representatives on 23 September 1987
Senate on 23 November 1987]*