

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

PIG MEAT LEGISLATION AMENDMENT BILL 1984

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1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 28 March 1984

(Minister for Primary Industry)

A BILL

FOR

An Act relating to the promotion of pork

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

Short title, &c.

5 **1.** (1) This Act may be cited as the *Pig Meat Legislation Amendment Act 1984*.

(2) The *Pig Meat Promotion Act 1975*¹ is in this Act referred to as the Principal Act.

Commencement

2 This Act shall come into operation on 1 July 1984.

10 **Long title**

3. The title of the Principal Act is repealed and the following title is substituted:

“An Act relating to the promotion of pork”.

Short title

4. Section 1 of the Principal Act is amended by omitting “*Pig Meat*” and substituting “*Pork*”.

Interpretation

5. Section 3 of the Principal Act is amended—

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(a) by omitting the definition of “Committee” and substituting the following definitions:

“ ‘Chairman’ means the Chairman of the Committee;

‘Committee’ means the Pork Promotion Committee;

‘Deputy Chairman’ means the Deputy Chairman of the Committee;”

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(b) by omitting the definition of “promotion” and substituting the following definitions:

“ ‘pork’ means pig meat;

‘promotion’ means the taking of any action, whether in Australia or overseas, that, in the opinion of the Committee, is likely to promote the sale or consumption of Australian pork, and includes the study of, and the dissemination of information or advice on, markets, or potential markets, for pork;” and

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(c) by adding “established by section 4 of the *Pig Meat Promotion Act 1975* and closed by section 6 of the *Pig Meat Legislation Amendment Act 1984*” at the end of the definition of “Promotion Account”.

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Repeal of section 4

6. (1) Section 4 of the Principal Act is repealed.

(2) The Pig Meat Promotion Trust Account established by section 4 of the Principal Act shall be closed and any amount standing to the credit of that account shall be paid to the Pork Promotion Committee referred to in the Principal Act as amended by this Act.

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(3) The Trust Fund is appropriated for the purpose of making the payment referred to in sub-section (2).

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Moneys to be paid to Committee

7. Section 5 of the Principal Act is amended—

(a) by omitting from sub-section (1) “into the Promotion Account” and substituting “to the Committee”;

(b) by inserting in sub-section (1) “on or after 1 July 1984” after “amounts received”; and

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(c) by omitting sub-section (3) and substituting the following sub-section:

“(3) There shall be paid to the Committee—

(a) moneys paid by any person to the Commonwealth for the purposes of the Committee; and

5 (b) moneys received by the Commonwealth from the sale of any land or goods bought, or in respect of any work paid for, out of moneys paid out of the Promotion Account.”.

Application of moneys

10 **8.** Section 6 of the Principal Act is amended by omitting “Promotion Account” and substituting “Committee”.

Estimates

9. Section 6A of the Principal Act is amended by omitting “Promotion Account” and substituting “Committee”.

Agreements for promotion

15 **10.** Section 7 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

20 “(1) Agreements may be entered into by the Committee for the purposes of, or for purposes in connection with, any promotion or other matter or thing to be done or performed with moneys provided in whole or in part by the Committee.”;

(b) by omitting from sub-section (2) “on behalf of the Commonwealth or by the Committee, as the case may be, (in this sub-section referred to as ‘the contracting party’) in relation to moneys provided out of the Promotion Account” and substituting “in relation to moneys provided by the Committee”;

(c) by omitting from paragraphs (2) (a), (b) and (c) “the contracting party for the purposes of the Promotion Account” (wherever occurring) and substituting “the Committee”;

30 (d) by omitting from paragraphs (2) (a), (b) and (c) “Minister or the Committee, as the case may be,” (wherever occurring) and substituting “Committee”; and

(e) by omitting from paragraphs (2) (b) and (c) “the contracting party of any property” (wherever occurring) and substituting “the Committee of any property”.

Pork Promotion Committee

11. Section 8 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

40 “(1) The Committee by the name of the Pig Meat Promotion Committee established by sub-section 8 (1) of this Act, as in force immediately after the commencement of the *Pig Meat Promotion Amendment Act 1980*, continues

in existence, by force of this sub-section, under and subject to the provisions of this Act, under the name 'Pork Promotion Committee'.”.

Functions of Committee

12. Section 8A of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph: 5

“(b) to make recommendations to the Minister with respect to the amounts to be prescribed from time to time for the purposes of paragraph 6 (1) (b) of the Levy Act.”.

13. After section 8B of the Principal Act the following section is inserted:

Investment of moneys 10

“8BA. (1) Moneys of the Committee not immediately required for the purposes of the Committee may be invested—

- (a) on deposit with an approved bank;
- (b) in Commonwealth securities; or
- (c) in any other manner approved by the Treasurer. 15

“(2) In sub-section (1), ‘approved bank’ means a trading bank as defined in sub-section 5 (1) of the *Banking Act 1959* or another bank approved by the Treasurer or a person authorized by the Treasurer to give approvals under this section.”.

Chairman and Deputy Chairman 20

14. Section 10 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(2) The Minister shall appoint the member referred to in paragraph 9 (1) (a) who is not the Chairman to be the Deputy Chairman.”.

Deputies of members 25

15 Section 11 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “by notice in writing to” and substituting “with the approval of”; and
- (b) by omitting from sub-section (3) all the words from and including “and, if he is the deputy” and substituting “but, in the case of the deputy of the Chairman or Deputy Chairman, shall not be deemed to be the Chairman or Deputy Chairman, as the case may be.”. 30

16. Section 13 of the Principal Act is repealed and the following section is substituted:

Meetings of the Committee 35

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

“(2) The Chairman shall preside at all meetings of the Committee at which he is present.

“(3) In the event of the absence of the Chairman from a meeting of the Committee, the Deputy Chairman shall preside at the meeting.

5 “(4) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Committee, the members present shall appoint one of their number to preside at the meeting.

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

“(6) The person 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.”.

10 **Appointment of advisers**

17. Section 15 of the Principal Act is amended by omitting from sub-section (1) “from the Promotion Account” and substituting “by the Committee”.

15 18. (1) Section 16 of the Principal Act is repealed and the following sections are substituted:

Application of Division 3 of Part XI of Audit Act

“16. It is hereby declared that the Committee is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.

Exemption from taxation

20 “16A. (1) Subject to sub-section (2), the Committee is not subject to taxation under a law of Australia or of a State or Territory.

“(2) The regulations may provide that sub-section (1) does not apply in relation to taxation under a specified law.”.

25 (2) Notwithstanding the amendment made by sub-section (1), section 16 of the Principal Act applies, in lieu of section 16 of the Principal Act as amended, in relation to the financial year ending on 30 June 1984.

Transitional

30 19. (1) Anything done by the Pig Meat Promotion Committee before the date of commencement of this Act has effect on and after that date as if it had been done by the Pork Promotion Committee.

35 (2) Without limiting the generality of section 6 of the Principal Act, as amended by section 8 of this Act, moneys of the Pork Promotion Committee may be applied in payment of any amount that, but for the amendments made by this Act, could have been paid out of the Promotion Account in respect of a period before the commencement of this Act.

(3) Nothing in section 11 of this Act affects the continuation of any appointment that was in force under the Principal Act immediately before the commencement of this Act.

(4) In this section—

“Pig Meat Promotion Committee” means the committee of that name established under section 8 of the Principal Act;

“Pork Promotion Committee” means the Pig Meat Promotion Committee as continued in existence under the name “Pork Promotion Committee” under section 8 of the Principal Act as amended by this Act;

“Promotion Account” means the Pig Meat Promotion Trust Account established by section 4 of the Principal Act.

Amendment of Pig Slaughter Levy Act

20. Section 4 of the *Pig Slaughter Levy Act 1971*² is amended by omitting the definition of “Promotion Committee” and substituting the following definition:

“ ‘Promotion Committee’ means the Pork Promotion Committee constituted under the *Pork Promotion Act 1975*;”.

NOTES

1. No. 48, 1975, as amended. For previous amendments, see No. 91, 1976; No. 20, 1980; No. 80, 1982; and No. 91, 1983.
2. No. 28, 1971, as amended. For previous amendments, see No. 45, 1975; No. 37, 1976; No. 111, 1978; and Nos. 51 and 61, 1981.