INDUSTRIES ASSISTANCE COMMISSION AMENDMENT BILL (NO.2) 1983

Date Introduced: 21 September 1983
House: House of Representatives
Presented by: Hon. J.J. Brown, Minister assisting the Minister for Industry and Commerce

Short Digest of Bill

Purpose

To relax the requirement for report by the Industries Assistance Commission (IAC) on an industry to which temporary assistance has been granted from a limit of two years, following the granting of assistance, to a maximum period of three years.

Background

The Bill amends the Industries Commission Act 1973 in three respects: provision for substitute members of the IAC, disclosure of interests of IAC members, and the time limits applicable to a grant of assistance before a detailed study of the industry's circumstances is required. That limit, previously two years, is to be extended to three years in respect of temporary assistance measures in force at 1 July 1983 or granted during the ensuing twelve months.

Part II of the Report of the Joint Committee on Pecuniary Interests of Members of Parliament[1] considered the issue of disclosure in respect of employment by a statutory authority. The Committee recommended consolidation of existing provisions relating to public servants, and flexible provisions to handle the diversity of positions to which they would be applied. The Report of the Committee of Inquiry on Public Duty and Private Interest, (the "Bowen Committee")[2] included a recommended Code of Conduct to apply to all "officeholders", including public servants and statutory officeholders. The code required disclosure of interest where the officeholder had an interest which conflicted or might reasonably have been thought to conflict with his public duty. For officeholders other than Members of Parliament, eventual divestment was recommended as the alternative to obtaining official approval for performance of duties notwithstanding the conflicting or potentially conflicting interest.
The recommended action in respect of conflicts of duty and interest, namely disclosure, is supplemented by the Bill in that IAC members are further required to disclose such interests in the report eventually produced following the IAC inquiry.

Disclosure in IAC reports of pecuniary interests, such as shareholdings in public companies which may be affected by protection policies, whether held directly or indirectly through family members, is presently required by section 20.

Other provisions in the Bill extend from 2 years to 3 years the maximum period during which temporary assistance may be granted before an IAC inquiry is required. At present, a report from the Temporary Assistance Authority (TAA) is required for extension beyond the first year. Under the new provisions a further TAA report will be required for extension beyond two years.

Main Provisions

The extension of time limits for TAA report, to apply in respect of any assistance being granted on 1 July 1983 or newly granted during the ensuing twelve months, is provided for in new section 30JA inserted by clause 13 and deemed to have commenced on 1 July 1983 (clause 2).

Other provisions of the Bill commence on the 28th day after Royal Assent.

Amendments in clauses 4 and 5 provide for retirement of Commissioners on grounds of invalidity, and suspension or removal from office at the instance of the Governor-General for noncompliance with obligations under section 20 for disclosure of interests.

 Provision for acting appointments and amended provision for disclosure of interest are made by clauses 6 and 7 respectively in the case of the IAC, and clauses 11 and 12 in relation to the TAA.

New provisions for acting appointments permit the Minister to prescribe remuneration and allowances and specify limited circumstances in which the appointment is to have effect.

Existing TAA provisions for disclosure of interest require disclosure to a full-time member in the case of associate members, and disclosure in the ensuing report in the case of full-time members. The new provisions require, in the former case, consent of the full-time member and
disclosure in the report. Analogous provisions apply to the IAC, where the consent of the Chairman is required in relation to pecuniary interest of the Commissioners.

For further information, if required, contact:

4 October 1983

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References

