Stevedoring Industry Finance Committee
Act 1977

Act No. 123 of 1977 as amended

[Note: This Act was repealed by Act No. 123 of 2005 on 26 October 2005]

This compilation was prepared on 7 March 2005
taking into account amendments up to Act No. 8 of 2005

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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Notes
An Act to establish a Stevedoring Industry Finance Committee and for related purposes

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the Stevedoring Industry Finance Committee Act 1977.

2 Commencement [see Note 1]

This Act shall come into operation on the date of commencement of the Stevedoring Industry Acts (Termination) Act 1977.

3 Interpretation

In this Act, unless the contrary intention appears:

Association means the Association of Employers of Waterside Labour.

Chairperson means the Chairperson of the Committee.

Committee means the Stevedoring Industry Finance Committee established by section 4.

employer means a person who employs stevedoring employees and includes the Crown in right of a State and an authority constituted by or under the law of a State where the State or the authority, as the case may be, employs stevedoring employees.


member of the Committee includes the Chairperson.

stevedoring employee has the same meaning as in the Stevedoring Industry Levy Collection Act 1977.
Part II—Establishment and functions of Committee

4 Establishment of Committee

(1) There is established by this section a body by the name of the Stevedoring Industry Finance Committee.

(2) The Committee:
   (a) is a body corporate;
   (b) shall have an official seal;
   (c) may acquire, hold and dispose of real and personal property; and
   (d) may sue and be sued in its corporate name.

Note: The Commonwealth Authorities and Companies Act 1997 applies to the Committee. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

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

5 Constitution of Committee

(1) The Committee consists of:
   (a) a Chairperson; and
   (b) an officer of the Department; and
   (c) a person representing employers; and
   (d) a person representing stevedoring employees.

(2) The members of the Committee shall be appointed by the Minister and shall hold office on a part-time basis.

(3) The performance of the functions, or the exercise of the powers, of the Committee is not affected by reason of there being a vacancy or vacancies in the membership of the Committee.

6 Functions of Committee

The functions of the Committee are:
(a) to make payments in accordance with this Act;
(b) to make recommendations to the Minister as to any change that the Committee considers should be made to the rate of a levy;
(c) to make recommendations to the Minister as to when a levy should cease to apply.

7 Powers of Committee

(1) The Committee has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions.

(2) Without limiting by implication the generality of subsection (1), the Committee may:
   (a) enter into arrangements with the Association with respect to the provision of services of an administrative nature to assist the Committee in the performance of its functions; and
   (b) make payments to the Association in respect of the provision of those services; and
   (c) engage people to advise or assist the Committee in the performance of its functions.
Part V—Finances of Committee

16 Money payable to Committee

(1) There are payable to the Committee out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the sum of the amounts raised under the *Stevedoring Industry Levy Act 1977*.

(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, amounts referred to in subsection (1) are to be paid to the Committee.

18 Application of money of Committee

(1) The money of the Committee shall be applied only:

(a) in the payment or discharge of the costs, expenses and other obligations of the Committee under this Act, including costs and expenses incurred by the Committee in, or in connection with, the making of payments under paragraphs (aa) and (b); and

(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

(i) the collection or recovery of levy; and

(ii) the payment, of amounts equal to the amounts of levy collected or recovered, to the Committee; and

(b) in the payment of remuneration and allowances payable to any person under this Act.

(2) Subsection (1) does not prevent investment of surplus money of the Committee under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

19 Contracts

The Committee shall not, except with the approval of the Minister, enter into a contract involving the payment or receipt by the Committee of an amount exceeding $100,000 or, if a higher amount is prescribed, that higher amount.
Borrowings by Committee

(1) The Committee may, with the approval of the Finance Minister, borrow moneys for the purpose of the performance of its functions.

(2) The Committee may give security over the whole or any part of its assets for the repayment of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(3) The Finance Minister may, on behalf of the Commonwealth, guarantee the repayment by the Committee of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(4) The Committee shall not borrow otherwise than in accordance with this section.

(5) The Finance Minister may, by written instrument, delegate any of the Finance Minister's powers or functions under this section to an official (within the meaning of the Financial Management and Accountability Act 1997). In exercising powers or functions under a delegation, the official must comply with any directions of the Finance Minister.

(6) In this section:

Part VI—Administrative provisions relating to Committee

23 Deputies

(1) The Minister may appoint a person to be a deputy of a member of the Committee.

(2) If a member of the Committee is absent from a meeting of the Committee, the deputy of the member is entitled to attend the meeting and, while so attending, is taken to be a member of the Committee.

24 Tenure of office

(1) Subject to this section:
   (a) the Chairperson holds office during the pleasure of the Minister; and
   (b) a member of the Committee other than the Chairperson holds office for such period, not exceeding 3 years, as is specified in the instrument of his or her appointment, but is eligible for re-appointment.

(3) A member of the Committee may resign his or her office by writing under his or her hand delivered to the Minister.

(4) In this section:
   (a) a reference to the Chairperson shall be read as including a reference to the deputy of the Chairperson; and
   (b) a reference to a member of the Committee other than the Chairperson shall be read as including a reference to a deputy of such a member of the Committee.

25 Remuneration and allowances

(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.
Administrative provisions relating to Committee  Part VI

Section 26

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

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

(4) In this section, member of the Committee includes a deputy of a member of the Committee.

26 Meetings of the Committee

(1) The Committee shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairperson or the deputy of the Chairperson may at any time convene a meeting of the Committee.

(3) The Chairperson or the deputy of the Chairperson shall, on request in writing by another member of the Committee, convene a meeting of the Committee before the expiration of the period of 14 days after the receipt of the request or, if a longer period is specified in the request, before the expiration of that longer period.

(4) A meeting of the Committee is not validly held unless every member of the Committee or his or her deputy is present.

(5) The Chairperson shall preside at all meetings of the Committee at which he is present.

(6) If the Chairperson is absent from a meeting of the Committee but the deputy of the Chairperson is present at the meeting, the deputy of the Chairperson shall preside at that meeting.

(7) If neither the Chairperson nor the deputy of the Chairperson is present at a meeting of the Committee, the members present shall elect one of their number to preside at the meeting and the member of the Committee so elected shall preside accordingly.

(8) Subject to section 29, questions arising at a meeting of the Committee shall be determined by a majority of the votes of the members of the Committee present and voting.

(9) 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.

Stevedoring Industry Finance Committee Act 1977  7
Part VI  Administrative provisions relating to Committee

Section 26

(10) The Committee may regulate the conduct of proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.
Part VII—Miscellaneous

27 Taxation

(1) Subject to subsection (2), the Committee shall pay all rates, taxes and charges under any law of the Commonwealth, a State or a Territory.

(2) The Committee is not subject to income tax under any law of the Commonwealth, of a State or of a Territory.

29 Delegation

(1) The Committee may, by resolution agreed to by at least 3 members, delegate to:
   (a) a member of the Committee; or
   (b) a deputy of a member of the Committee; or
   (c) a person engaged by the Committee to assist it; or
   (d) a person who is employed by, or holds office within, the Association;

   all or any of its powers under this Act.

(2) A delegation of a power under this section:
   (a) may be revoked by resolution of the Committee agreed to by at least 3 members (whether or not at the time of the resolution the Committee was constituted by the people who constituted the Committee when the power was delegated); and
   (b) continues in force even if the membership of the Committee changes.

(5) A certificate signed by the Chairperson stating any matter with respect to a delegation of a power under this section is prima facie evidence of that matter.

(6) A document purporting to be a certificate mentioned in subsection (5) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.
Section 31

31 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

32 Expiry of Act

(1) If the Committee is satisfied that all its obligations and liabilities have been discharged:
   (a) it must tell the Minister in writing that it is so satisfied; and
   (b) if it holds any surplus funds, it must:
       (i) prepare a scheme for distributing the funds in an equitable manner to such persons as it thinks appropriate; and
       (ii) give details of the scheme to the Minister.

(2) If the Minister approves a scheme prepared under paragraph (1)(b), the Committee must, as soon as practicable, distribute the surplus funds in accordance with the scheme.

(3) If:
   (a) the Minister, by signed writing, certifies that:
       (i) all the obligations and liabilities of the Committee have been discharged; and
       (ii) the Committee does not hold any surplus funds or that all surplus funds held by the Committee have been distributed in a manner approved by the Minister; and
   (b) a copy of the certificate is published in the Gazette;
this Act thereupon ceases to have effect.
Notes to the Stevedoring Industry Finance Committee Act 1977

Note 1

The Stevedoring Industry Finance Committee Act 1977 as shown in this compilation comprises Act No. 123, 1977 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 22 February 2005 is not included in this compilation. For subsequent information see Table A.

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12 Stevedoring Industry Finance Committee Act 1977
(a) The \textit{Stevedoring Industry Finance Committee Act 1977} was amended by section 11 only of the \textit{ANL (Conversion into Public Company) Act 1988}, subsection 2(3) of which provides as follows:

3 Section 6, subsection 7(2) and sections 9 and 11 commence on a day to be fixed by Proclamation.

(b) The \textit{Stevedoring Industry Finance Committee Act 1977} was amended by Schedule 2 (item 103) and Schedule 4 (item 143) only of the \textit{Statute Law Revision Act 1996}, subsections 2(1) and 2(2) of which provide as follows:

1 Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

2 Each item in Schedule 2 commences or is taken to have commenced (as the case requires) at the time specified in the note at the end of the item.

Item 103 is taken to have commenced immediately after the commencement of paragraph 15(b) of the \textit{Industrial Relations Legislation Amendment Act 1994}.


(c) The \textit{Stevedoring Industry Finance Committee Act 1977} was amended by Schedule 2 (items 1223–1226) only of the \textit{Audit (Transitional and Miscellaneous) Amendment Act 1997}, subsection 2(2) of which provides as follows:

2 Schedules 1, 2 and 4 commence on the same day as the \textit{Financial Management and Accountability Act 1997}.
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Table A

Application, saving or transitional provisions

*Financial Framework Legislation Amendment Act 2005* (No. 8, 2005)

**Schedule 2**

174 Saving provision—provisions that formerly referred to the Treasurer

(1) Any thing that:

   (a) was done by the Treasurer, or by a delegate of the Treasurer, before the commencing time under an affected provision; and

   (b) was in effect immediately before the commencing time; continues to have effect after the commencing time as if it had been done by the Finance Minister under the affected provision.

(2) In this item:

   *affected provision* means a provision that is amended by an item in this Schedule so as to replace references to the Treasurer with references to the Finance Minister.

   *commencing time* means the day this Act receives the Royal Assent.

   *Finance Minister* means the Minister who administers the *Financial Management and Accountability Act 1997.*