

AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION ACT 1977

No. 67 of 1977

An Act to establish an Australian Meat and Live-stock Corporation, and for other purposes.

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

PART I—PRELIMINARY

- Short title. 1. This Act may be cited as the *Australian Meat and Live-stock Corporation Act 1977*.¹
- Commence-
ment. 2. (1) Sections 1, 2, 4, 5, 6, 17, 18, 19, 20, 21, 22, 41, 42, 43 and 52 shall come into operation on the day on which this Act receives the Royal Assent.¹
- (2) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.
- Repeal and
savings. 3. (1) The following Acts are repealed:—
Meat Industry Act 1964;
Meat Industry Act 1965;
Meat Industry Act 1969.
- (2) Upon the commencing date—
- (a) any rights, property or assets that immediately before that date were vested in the Board are, by force of this sub-section, vested in the Corporation; and
- (b) the Corporation becomes, by force of this sub-section, liable to pay and discharge any debts, liabilities or obligations of the Board that existed immediately before that date.
- (3) An arrangement or contract entered into by or on behalf of the Board as a party and in force immediately before the commencing date continues in force, notwithstanding the repeal of the Acts specified in sub-section (1), but that arrangement or contract has effect, on and after the commencing date, as if—
- (a) the Corporation were substituted for the Board as a party to the arrangement or contract; and
- (b) any reference in the arrangement or contract to the Board were (except in relation to matters that occurred before that date) a reference to the Corporation.

(4) An instrument or document that the Secretary to the Department of Primary Industry or an officer of that Department authorized by him in writing for the purpose of this sub-section certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this section is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

(5) Where, immediately before the commencing date, proceedings to which the Board was a party were pending in any court, the Corporation is, by force of this sub-section, substituted for the Board as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

(6) The Corporation shall, as soon as practicable after the commencing date, prepare and furnish to the Minister a report of the operations of the Board during the period that commenced on 1 July 1977 and ended immediately before the commencing date (in sub-section (7) referred to as the "final period"), together with financial statements in respect of that period in such form as the Treasurer approves.

(7) Before furnishing the financial statements to the Minister, the Corporation shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and state of affairs of the Board;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Board during the final period have been in accordance with the repealed Acts; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(8) The Minister shall cause copies of the report and financial statements referred to in sub-section (6), together with a copy of the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(9) If the Board does not prepare and furnish to the Minister before the commencing date a report of the operations of the Board during the year that commenced on 1 July 1976, together with financial statements in respect of that year in such form as the Treasurer approves, the Corporation shall, as soon as practicable after the commencing date, prepare and furnish such a report to the Minister, together with financial statements in respect of that period, and sub-sections (7) and (8) apply to and in relation to that report and those financial statements in like manner as they apply to and in relation to the report and financial statements referred to in sub-section (6).

(10) The persons who, immediately before the commencing date, were members of the Board shall furnish to the Corporation such information as is necessary to enable the Corporation to prepare the report and financial statements referred to in sub-section (6) and the report and financial statements (if any) required by sub-section (9).

Objects.

4. (1) The objects of this Act are—

- (a) to promote and control the export of meat and live-stock from Australia;
- (b) to promote and control the sale and distribution, after export, of Australian meat and live-stock;
- (c) to promote trade and commerce in meat and live-stock among the States, between States and Territories and within the Territories; and
- (d) to improve the production of meat and live-stock, and encourage the consumption of meat, in the Territories,

and this Act shall be construed and administered accordingly.

(2) The Corporation shall perform its functions or exercise its powers only for the purpose of achieving an object specified in sub-section (1).

Interpretation.

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

- “approved bank” means a trading bank as defined by sub-section 5 (1) of the *Banking Act* 1959 or another bank approved by the Treasurer;
- “Board” means the Australian Meat Board referred to in section 7 of the *Meat Industry Act* 1964;
- “cattle” means bovine animals other than buffaloes;
- “Chairman” means the Chairman of the Corporation;
- “commencing date” means the date fixed under sub-section 2 (2);
- “Corporation” means the Australian Meat and Live-stock Corporation established by section 6;
- “Deputy Chairman” means the Deputy Chairman of the Corporation;
- “edible offal” means any edible portion, other than the flesh, of cattle, buffaloes, sheep, lambs, goats or other prescribed animals;
- “exporter” means a person engaged in the business of exporting meat or live-stock or meat and live-stock;
- “Exporter and Abattoir Consultative Group” means the Meat and Live-stock Exporters and Abattoir Operators Consultative Group established by section 41;
- “licensee” means the holder of a licence granted under, or continued in force by, section 10, being a licence that is in force;

- “live-stock” means cattle, buffaloes, sheep, lambs, goats or other prescribed animals;
- “live-stock producer” means a person engaged in the raising or fattening of cattle, buffaloes, sheep, lambs, goats or other prescribed animals;
- “meat” means the flesh, whether fresh or preserved, of cattle, buffaloes, sheep, lambs, goats or other prescribed animals, and includes meat products and edible offal;
- “meat product” means food prepared from or containing meat, and includes canned meat;
- “member” means a member of the Corporation;
- “Producer Consultative Group” means the Live-stock Producers Consultative Group established by section 41;
- “Territory” means an internal Territory.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION

6. There is established by this section a Corporation by the name of the Australian Meat and Live-stock Corporation.

Australian
Meat and
Live-stock
Corporation.

7. The functions of the Corporation are—

Functions of
Corporation.

- (a) to improve the production of meat and live-stock in Australia;
- (b) to encourage and promote the consumption and sale of Australian meat, and the sale of Australian live-stock, both in Australia and overseas;
- (c) to encourage, assist, promote and control the export of meat and live-stock from Australia;
- (d) to make reports and suggestions to, and to formulate plans for the consideration of, the Minister with respect to—
 - (i) the quality, standards and grading of any particular class or kind of meat or live-stock to be exported from Australia; and
 - (ii) any other matter affecting the meat industry, including any other matter relating to the export of meat or live-stock from Australia or the sale and distribution, after export, of Australian meat or live-stock;
- (e) to make recommendations to the Minister—
 - (i) with respect to the making of regulations for the purposes of section 11; and
 - (ii) with respect to the making, under any other Act, of regulations prescribing a rate of levy on the slaughter of live-stock or a rate of charge on the export of live-stock; and

- (f) such other functions, in connexion with meat and live-stock, as are conferred on the Corporation by this Act or the regulations.

Powers generally.

8. (1) Subject to sub-section (2), the Corporation 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) Except with the approval of the Minister, the Corporation shall not enter into a contract or agreement in connexion with the purchase of real or personal property, not being meat or live-stock, for an amount exceeding \$100,000 or, if a higher amount is prescribed, that higher amount.

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

- (a) the quality of Australian meat and live-stock;
- (b) the methods of production, storage, transport and marketing of Australian meat; and
- (c) the methods of production, transport and marketing of Australian live-stock.

Trading power.

9. (1) Without limiting the generality of section 8, the Corporation may—

- (a) purchase meat or live-stock; or
- (b) export, or sell for export, meat or live-stock owned by the Corporation.

(2) The Corporation may adopt such policy as it determines with respect to the exercise by it of the powers conferred on it by sub-section (1), and shall not exercise those powers otherwise than in accordance with the policy adopted, or last adopted, by it.

(3) Where the Corporation adopts a policy, including an altered policy, with respect to the exercise of the powers conferred on it by sub-section (1), the Corporation shall inform the Minister of the policy it has adopted and of its reasons for adopting that policy.

(4) Except with the approval of the Minister, the Corporation shall not engage in trade otherwise than in a manner that accords with commercial practice.

Controls over the export of meat and live-stock.

10. (1) For the purpose of enabling the Corporation effectively to control the export, and the sale and distribution, after export, of meat and live-stock, the export of meat and live-stock from Australia by a person (including a State and an authority of a State) other than the Corporation is prohibited—

- (a) unless the person holds a licence granted under this section; and

(b) unless the person complies with the conditions and restrictions to which the licence is from time to time subject.

(2) The Corporation may grant a licence under this section to a person to export meat or live-stock from Australia.

(3) The Corporation shall cause notice of the granting of every licence under this section to be published in the *Gazette* within 1 month after the date on which the licence is granted.

(4) Where the Corporation refuses an application for a licence under this section, the Corporation shall forthwith inform the applicant in writing of the refusal.

(5) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Corporation refusing applications for licences under this section.

(6) Where an application for a licence under this section has not been determined within 1 month after the date on which the application was made, the Corporation shall, for the purposes of sub-section (5), be deemed to have refused the application for the licence.

(7) A licence granted by the Board under section 29 of the *Meat Industry Act* 1964, being a licence that was in force immediately before the commencing date, continues in force, notwithstanding the repeal of the Acts specified in sub-section 3 (1), and has effect, in relation to meat that is proposed to be exported, or is exported, by the licensee on or after the commencing date, as if it had been granted by the Corporation under this section and were subject to the conditions applicable to it by virtue of sub-section 11 (8).

11. (1) A licence granted by the Corporation under section 10—

(a) is subject to—

- (i) such conditions (if any), imposing requirements to be complied with by licensees either before or after the exportation of meat or live-stock, as the case may be, as are from time to time prescribed;
- (ii) the condition that the licensee shall not export any meat or live-stock, as the case may be, except in accordance with the directions (if any) from time to time given in writing to the licensee by the Corporation; and
- (iii) the condition that the licensee shall comply with such requirements (if any), in relation to meat or live-stock, as the case may be, that the licensee proposes to export, or has exported, as are contained in the directions (if any) from time to time given in writing to the licensee by the Corporation; and

Licences
subject to
conditions.

- (b) in the case of a licence to export meat—the condition that, if the owner of live-stock so requests, the licensee shall slaughter and treat the live-stock, or cause the live-stock to be slaughtered and treated, on account of the owner on a weight and grade basis for submission for export at the rates and on the conditions specified from time to time by the Corporation by notice in writing to that person.

(2) The directions that may be given to a licensee by the Corporation in pursuance of the condition of the licence referred to in subparagraph (1) (a) (ii) or (iii) include directions as to—

- (a) the quantities, classes and grades of meat or live-stock, as the case may be, that may be exported by the licensee;
- (b) the terms and conditions of the export of meat or live-stock, as the case may be, by the licensee, including conditions relating to the price of meat or live-stock exported;
- (c) the country or place to which meat, or live-stock, as the case may be, may be exported by the licensee;
- (d) the persons or bodies to whom meat or live-stock, as the case may be, may be exported by the licensee;
- (e) the carriage and handling, within Australia, of meat or live-stock, as the case may be, intended for export, the carriage of meat or live-stock, as the case may be, to places beyond Australia and the handling of meat or live-stock, as the case may be, in the course of carriage to a place beyond Australia or upon arrival at the place to which it is being exported;
- (f) the sale and distribution of exports of meat or live-stock, as the case may be, after export from Australia;
- (g) the furnishing to the Corporation of particulars relating to sales of meat or live-stock, as the case may be, exported from Australia; and
- (h) the quality, standard and grading of meat or live-stock, as the case may be, for export.

(3) The Corporation shall, in exercising the powers conferred on it in relation to licensees by sub-section (1), comply with any directions given to it by the Minister.

(4) The Minister shall not give directions to the Corporation concerning the directions that may be given by the Corporation under sub-section (1) to an individual licensee.

(5) The Minister shall cause a copy of any directions given to the Corporation under sub-section (3) to be published in the *Gazette*.

(6) The Corporation shall exercise the powers conferred on it by sub-section (1) in such a manner as will, in its opinion, further the interests of Australian live-stock producers and Australian industries concerned with the preparation of meat for export or the export of meat or live-stock.

(7) For the purposes of sub-section (1)—

- (a) a direction given to a licensee by the Corporation by telegram or telex shall be deemed to be a direction in writing given to the licensee; and
- (b) a direction may be addressed to all licensees, or to a specified class of licensees, and, when a direction so addressed is given to a licensee, or to a licensee included in that class of licensees, as the case may be, the direction applies to and in relation to the licensee as if it had been addressed directly to the licensee.

(8) A licence that is continued in force by sub-section 10 (7) is, in relation to meat that is proposed to be exported, or is exported, by the licensee on or after the commencing date, subject to the conditions specified in sub-section (1) of this section, but is not subject to any other conditions.

(9) A direction given by the Board to the holder of a licence continued in force by sub-section 10 (7)—

- (a) has effect on and after the commencing date in relation to anything done or required to be done on or after that date for the purposes of a condition of the licence as if it were a direction given to the licensee by the Corporation under this section and as if references in the direction to the Board were references to the Corporation; and
- (b) may be varied or revoked by a direction given to the licensee by the Corporation under this section.

(10) In this section, “owner”, in relation to live-stock, means an owner who caused the live-stock to be bred or fattened on land owned or occupied by him.

12. (1) Where the Corporation is satisfied that a licensee has contravened or failed to comply with a condition to which the licence is subject, the Corporation may cancel the licence on and from such date as it thinks fit or may suspend the licence on and from such date, and for such period, as it thinks fit.

Cancellation
and
suspension
of licences.

(2) Where the Corporation is satisfied that, before, on or after the commencing date, a licensee, being the holder of a licence continued in force by sub-section 10 (7), has, in relation to meat exported by the licensee before the commencing date, contravened or failed to comply with a condition to which the licence was expressed to be subject, the Corporation may cancel the licence on and from such date as it thinks fit or may suspend the licence on and from such date, and for such period, as it thinks fit.

(3) Where the Corporation has cancelled or suspended a licence, the Corporation shall forthwith inform the licensee, in writing, of the cancellation or suspension.

(4) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Corporation cancelling or suspending licences under this section.

Meat quotas.

13. (1) Subject to this section, where restrictions are imposed by a country outside Australia on the quantity of meat, or the quantity of any class or grade of meat, that may be exported from Australia to that country or to a place in that country, during a period, the Corporation may, for the purpose of exercising its powers to give directions to licensees concerning the export of meat, or the export of that class or grade of meat, to that country or place, prepare and operate a scheme for allocating among licensees quotas of the total quantity of meat, or quotas of the total quantity of that class or grade of meat, that may be exported to that country or place during that period.

(2) A scheme referred to in sub-section (1) may make provision—

(a) for and in relation to—

(i) the method of allocating the quotas; and

(ii) the transfer of a quota, or of part of a quota, from the licensee to whom the quota is allocated to another licensee; and

(b) for the surrender or cancellation of a quota, or of a part of a quota.

(3) A copy of every proposed scheme of a kind referred to in sub-section (1) shall be furnished by the Corporation to each licensee, and a licensee may, within such reasonable time as the Corporation allows, make representations, in writing, to the Corporation in relation to the proposed scheme.

(4) Where representations are received from a licensee in relation to a proposed scheme within the time allowed by the Corporation, the Corporation shall consider the representations and determine what amendment (if any) of the proposed scheme should be made in respect of the representations.

(5) A determination under sub-section (4) is subject to the approval of the Minister.

(6) When the Corporation has made a determination or determinations under sub-section (4) in respect of all the representations received in relation to a proposed scheme—

- (a) if the determination provides, or the determinations provide, for the amendment of the proposed scheme—the Corporation shall make such amendments, being amendments approved by the Minister, to the proposed scheme as are necessary to give effect to the determination or determinations, and may then operate the amended scheme; or
- (b) if the determination does not provide, or the determinations do not provide, for the amendment of the proposed scheme—the Corporation may, with the approval of the Minister, operate the scheme.

(7) Where no representations are received in relation to a proposed scheme within the time allowed by the Corporation, the Corporation may operate the scheme.

(8) Nothing in sub-section (1) shall be taken to require a scheme referred to in that sub-section to provide for the allocation of a quota to each licensee.

14. (1) A contract for—

- (a) the carriage of meat or live-stock, by sea, to a place beyond Australia; or
- (b) the insurance, against loss or deterioration, of meat or live-stock the subject of such a contract whilst awaiting transport or in transit or until disposed of,

Contracts for shipment of meat and live-stock.

shall not be made except—

- (c) by the Corporation or by the Corporation acting as the agent of the owner of the meat or live-stock or of another person having authority to export the meat or live-stock; or
- (d) with such persons, and in conformity with such conditions (if any), as are, from time to time, approved in writing by the Minister upon the recommendation of the Corporation.

(2) The conditions approved by the Board and in force for the purposes of section 30 of the *Meat Industry Act* 1964 immediately before the commencement of this Act shall be deemed to have been approved by the Minister under this section, but may be varied or revoked by the Minister under this section.

(3) A contract referred to in sub-section (1) that is made otherwise than in accordance with this section is void.

15. (1) Without limiting the generality of sections 8 and 9, the Corporation may—

Other powers.

- (a) for the purposes of, or for purposes incidental to, international undertakings to which the Commonwealth is a party and with the approval of the Minister, purchase meat and live-stock and export, or sell for export, meat and live-stock owned by the Corporation;

- (b) appoint agents, either in Australia or elsewhere;
- (c) authorize the use of any patent vested in the Corporation;
- (d) engage consultants on terms and conditions determined by it with the approval of the Minister; and
- (e) enter into arrangements or agreements with persons, authorities or organizations in Australia or elsewhere, or, with the consent of the Minister, with a State, for the purposes of the Corporation.

(2) The Corporation may, with the consent of the Minister, operate, either on its own behalf or in conjunction with another person, authority or organization, an undertaking providing services or facilities for use in connexion with the export of Australian meat or live-stock, and may, for that purpose, do all things that are necessary or convenient to be done for the purpose of acquiring, constructing, establishing or operating such an undertaking.

Committees. **16.** (1) The Corporation may appoint a committee to assist the Corporation in relation to a matter.

(2) A committee appointed under this section shall consist of such persons, whether members of the Corporation or not, as the Corporation thinks fit.

PART III—CONSTITUTION AND MEETINGS OF THE CORPORATION

Nature of Corporation.

17. (1) 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.

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

Membership of Corporation.

18. (1) The Corporation shall consist of 9 members, namely—

- (a) the Chairman;
- (b) 4 members to represent Australian live-stock producers;
- (c) 1 member to represent Australian meat exporters;
- (d) 1 member to represent the Commonwealth; and
- (e) 2 other members.

(2) The members shall be appointed by the Minister.

(3) The Chairman may be appointed as a full-time member or as a part-time member.

(4) A member other than the Chairman shall be appointed as a part-time member.

(5) Before appointing a person to be the Chairman or to be a member referred to in paragraph (1) (e), the Minister shall consult the Producer Consultative Group and the Exporter and Abattoir Consultative Group.

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

(7) The appointment of a member is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connexion with, his selection or appointment.

19. (1) Each member to represent Australian live-stock producers shall be appointed from amongst persons whose names are included in a list of names submitted to the Minister by the Producer Consultative Group. Members representing live-stock producers.

(2) Where the Producer Consultative Group has submitted to the Minister a list of names for the purposes of sub-section (1), the Minister may, if he thinks fit, request the Producer Consultative Group to submit to him the names of additional persons for inclusion in the list.

20. (1) The member to represent Australian meat exporters shall be appointed from amongst persons whose names are included in a list of names submitted to the Minister by the Exporter and Abattoir Consultative Group. Member representing exporters.

(2) Where the Exporter and Abattoir Consultative Group has submitted to the Minister a list of names for the purposes of sub-section (1), the Minister may, if he thinks fit, request the Exporter and Abattoir Consultative Group to submit to him the names of additional persons for inclusion in the list.

21. A member referred to in paragraph 18 (1) (e) shall be a person qualified for appointment— Other members.

- (a) by reason of experience in marketing, or in promoting the sale of, meat, live-stock or other products; or
- (b) by reason of other experience in commerce, finance, economics, science or industrial matters.

Term of
office of
members.

22. (1) Subject to sub-sections (2), (3) and (4), a member shall be appointed for a period of 3 years, but is eligible for re-appointment.

(2) Each of the 4 persons first appointed to be the members to represent Australian live-stock producers and each of the 2 persons first appointed to be the members referred to in paragraph 18 (1) (e), shall be appointed for such period, not exceeding 3 years, as is specified in his instrument of appointment, but is eligible for re-appointment.

(3) A person who has attained the age of 65 years shall not be appointed or re-appointed as a full-time member and a person shall not be appointed or re-appointed as a full-time member for a period that extends beyond the date on which he will attain the age of 65 years.

(4) If a member ceases to hold office before the expiration of the period of his appointment, another person may, in accordance with this Part, be appointed in his place until the expiration of the period.

Deputy
Chairman.

23. (1) The Corporation shall appoint a member, other than the Chairman, to be the Deputy Chairman of the Corporation.

(2) The Corporation may at any time remove a Deputy Chairman from office as Deputy Chairman.

(3) A member appointed as Deputy Chairman ceases to hold office as such if he ceases to be a member.

(4) Where a member appointed as Deputy Chairman is, upon ceasing to be Deputy Chairman by virtue of the expiration of the period of his appointment as a member, re-appointed as a member, he is eligible for re-appointment as Deputy Chairman.

(5) The Deputy Chairman may resign his office of Deputy Chairman by writing under his hand delivered to the Chairman or, if he resigns at a time when he is acting as Chairman, delivered to the Minister.

Acting
Chairman.

24. (1) At any time when the Chairman is absent from Australia or is not available to perform the duties of his office, or the office of Chairman is vacant, the Deputy Chairman shall, subject to sub-section (2), act as Chairman during that time.

(2) The Corporation may appoint a member, other than the Chairman or the Deputy Chairman, to act as Chairman during any period when—

(a) the Chairman is absent from Australia, or is not available to perform the duties of his office or the office of Chairman is vacant; and

(b) the Deputy Chairman is absent from Australia or is not available to perform the duties of his office, or the office of Deputy Chairman is vacant.

(3) The Deputy Chairman or the member appointed to act as Chairman under sub-section (2) has, when acting as Chairman, all the powers, functions and duties conferred by this Act on the Chairman.

(4) An appointment of a member as the Deputy Chairman, or the appointment of a member to act as Chairman under sub-section (2), and any act done by a member so appointed, shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

25. (1) Where a member, other than the Chairman or the member representing the Commonwealth, is absent from Australia or is not available to perform the duties of his office, the Minister may, if requested by the Corporation so to do, appoint a person recommended by the Corporation to be the deputy of the member. Deputies of members.

(2) Where the member representing the Commonwealth is absent from Australia or is not available, or is expected to be unavailable, to perform the duties of his office, the Minister may appoint a person to be the deputy of the member representing the Commonwealth.

(3) The Minister may, at any time, revoke an appointment made under sub-section (1) or (2).

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

(5) The appointment of a deputy of a member, and any act done by a deputy of a member, shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

26. (1) Subject to this section—

- (a) a member of the Corporation or a deputy of a member of the Corporation;
- (b) a member of a committee established by the Corporation under section 16; or
- (c) a member of the Producer Consultative Group or the Exporter and Abattoir Consultative Group,

Remuneration and allowances.

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, he shall be paid such remuneration as is prescribed.

(2) A member referred to in sub-section (1) shall be paid such allowances as are prescribed.

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

(4) If a member referred to in sub-section (1) is also a member of, or is a candidate for election to, the Parliament of the Commonwealth or of a State, he is not entitled to be paid any remuneration or allowances under sub-section (1) or (2), but shall be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Corporation, of a committee, or of the Group, as the case may be, of which he is a member or of his engagement (whether in Australia or overseas), with the approval of the Corporation, on business of the Corporation or of a committee established under section 16.

Leave of absence.

27. The Corporation may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Corporation determines.

Resignation of members.

28. A member may resign his office by writing under his hand delivered to the Minister.

Termination of appointments.

29. (1) The Minister may terminate the appointment of a member by reason of the misbehaviour, or the physical or mental incapacity, of the member.

(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 creditors or makes an assignment of his remuneration for their benefit;

(b) fails to comply with his obligations under sub-section (3) or (5);

(c) being a full-time member—

(i) engages in paid employment outside the duties of his office without the approval of the Minister; or

(ii) is absent from duty, except on leave of absence granted by the Corporation, for 14 consecutive days, or for 28 days in any 12 months; or

(d) being a part-time member—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) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation.

(4) A disclosure under sub-section (3) shall be recorded in the minutes of the Corporation.

(5) Where a matter in respect of which a disclosure has been made to the Corporation by a member under sub-section (3) is being considered, or is about to be considered, at a meeting of the Corporation, except by leave of the members present at the meeting who do not have any direct or indirect pecuniary interest in the matter, the member—

- (a) shall not take part in any deliberation or decision of the Corporation with respect to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Corporation for any such deliberation or decision.

(6) The provisions of sub-sections (2), (3), (4) and (5) (other than paragraph (2) (d)) apply to and in relation to a deputy of a member in like manner as they apply to and in relation to a member.

30. (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. Meetings
of the
Corporation.

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

(3) If—

- (a) the Chairman is absent from Australia or is not available to perform the duties of his office, or the office of Chairman is vacant; and
- (b) the Deputy Chairman is absent from Australia or is not available to perform the duties of his office or the office of Deputy Chairman is vacant,

another member may convene a meeting of the Corporation for the purpose of appointing a member under sub-section 24 (2) to act as Chairman.

(4) At a meeting of the Corporation, 5 members (including a member representing Australian live-stock producers) constitute a quorum.

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

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

(7) In the event of the absence of the Chairman and of the Deputy Chairman from a meeting of the Corporation, the member (if any) acting as Chairman by virtue of sub-section 24 (2) shall preside at the meeting or, if there is no member so acting, the members present shall appoint one of their number to preside at the meeting.

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

(9) 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.

(10) Where, at a meeting of the Corporation at which a person is to be appointed as Deputy Chairman or to act as Chairman, there is more than one candidate for appointment, the Corporation shall hold an election for the purpose of determining which of the candidates is to be appointed, and voting at the election shall be by secret ballot.

(11) The Corporation shall keep a record of its proceedings.

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

PART IV—STAFF

Officers and employees.

31. (1) The Corporation may appoint such officers or engage such employees as it thinks necessary for the purposes of this Act.

(2) The terms and conditions of service or employment (in respect of matters not provided for by this Act) of persons appointed or engaged under this section are such as are, subject to the approval of the Minister, determined by the Corporation.

Officers and employees of Board.

32. (1) A person who, immediately before the commencing date, was employed by the Board shall, from and including that date, be, by force of this section, in the employment of the Corporation on the same terms and conditions as were applicable to him immediately before that date until he is appointed as an officer, or engaged as an employee, of the Corporation or his employment under this sub-section ceases in accordance with those terms and conditions, whether by his resignation or otherwise.

(2) The Corporation shall, as soon as practicable after the commencing date, appoint as an officer, or engage as an employee, of the Corporation, under section 31, each person referred to in sub-section (1) whose employment under that sub-section has not ceased, and the terms and conditions of employment determined by the Corporation in relation to a person so appointed or engaged shall be not less favourable than the terms and conditions of employment applicable to him immediately before he is appointed or engaged.

Rights of public servants appointed or employed under this Act.

33. (1) Where an officer or employee of the Corporation was, immediately before his appointment or engagement by the Corporation under section 31, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928* applied—

(a) he retains his existing and accruing rights;

- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) that Act applies as if this Act and this section had been specified in the Schedule to that Act.

(2) Where the *Officers' Rights Declaration Act 1928* applied to a person referred to in sub-section 32 (1) immediately before the commencing date, that Act continues, by force of this sub-section, to apply to that person after the commencing date until he is appointed as an officer, or engaged as an employee, of the Corporation under sub-section 31 (1) or his employment under sub-section 32 (1) ceases in accordance with the terms and conditions of that employment, whether by his resignation or otherwise.

PART V—FINANCE

34. (1) There shall be paid to the Corporation out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to— Payments to
the
Corporation.

- (a) the amounts of levy received by the Commonwealth by virtue of paragraphs 6 (1) (a), 6A (1) (a), 6B (1) (a), 6C (1) (a) and 6D (1) (a) of the *Live-stock Slaughter Levy Act 1964*; and
- (b) the amounts of charge received by the Commonwealth by virtue of paragraphs 7 (1) (a), 8 (1) (a), 9 (1) (a), 10 (1) (a) and 11 (1) (a) of the *Live-stock Export Charge Act 1977*.

(2) A reference in paragraph (1) (a) to amounts of levy received by the Commonwealth shall be read as including a reference to amounts received from the proprietor of an abattoir in accordance with section 7 of the *Live-stock Slaughter Levy Collection Act 1964* and amounts payable by way of penalty in accordance with section 9 of that Act in relation to amounts of levy referred to in that paragraph.

(3) A reference in paragraph (1) (b) to amounts of charge received by the Commonwealth shall be read as including a reference to amounts payable by way of penalty in accordance with section 6 of the *Live-stock Export Charge Collection Act 1977* in relation to amounts of charge referred to in that paragraph.

35. (1) The Corporation may, with the approval of the Treasurer— Borrowing.
- (a) borrow moneys that are from time to time necessary for the performance of its functions under this Act; and
 - (b) 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.

(2) The Treasurer may, on behalf of the Commonwealth, guarantee the repayment of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(3) The Corporation shall not borrow moneys except in accordance with this section.

Bank
account.

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

(2) The Corporation shall pay all moneys received by it into an account referred to in sub-section (1).

Application
of moneys of
Corporation.

37. (1) Subject to sub-section (2), the moneys 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 connexion with the performance of its functions, or the exercise of its powers, under this Act;
- (b) in payment of any remuneration or allowances, or reimbursement of expenses, payable under this Act;
- (c) in satisfaction or payment of any liabilities, costs, charges or expenses incurred by the Board under the Acts repealed by sub-section 3 (1) before the commencing date but not satisfied or paid before that date; and
- (d) in making any other payments that the Corporation is authorized or required to make under this Act.

(2) Moneys of the Corporation not immediately required for the purposes of the Corporation may be invested—

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

Proper
accounts to
be kept.

38. The Corporation shall cause to be kept proper accounts and records of the transactions and affairs of the Corporation in accordance with accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Corporation and over the incurring of liabilities by the Corporation.

39. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Corporation and 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 is, in the opinion of the Auditor-General, of sufficient importance to justify his doing so. Audit.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

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

(4) The Auditor-General or a person authorized by him 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 moneys by the Corporation or to the acquisition, receipt, custody or disposal of assets by the Corporation.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(6) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person, or to which the person has access, as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence, punishable, upon conviction, by a fine not exceeding \$200.

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

(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.

PART VI—CONSULTATIVE GROUPS

41. For the purposes of this Act, there are hereby established—

- (a) a body, representative of live-stock producers, by the name of the Live-stock Producers Consultative Group;

Establishment of Consultative Groups and Australian Meat Industry Conference.

- (b) a body, representative of persons engaged in the slaughtering, processing, packing and exporting of meat and of persons engaged in exporting live-stock, by the name of the Meat and Live-stock Exporters and Abattoir Operators Consultative Group; and
- (c) a body, representative of such organizations as are prescribed, by the name of the Australian Meat Industry Conference.

Functions.

- 42.** (1) The functions of the Producer Consultative Group are—
- (a) to furnish advice to the Corporation on matters of importance to live-stock producers;
 - (b) to disseminate information to live-stock producers concerning the policies and decisions of the Corporation; and
 - (c) such other functions, in connexion with meat and live-stock, as are conferred on it by this Act or by the regulations.
- (2) The functions of the Exporter and Abattoir Consultative Group are—
- (a) to furnish advice to the Corporation on matters concerning trading in, and the marketing of, meat and live-stock;
 - (b) to disseminate information to the persons whom the members of the group represent concerning the policies and decisions of the Corporation; and
 - (c) such other functions, in connexion with meat and live-stock, as are conferred on it by this Act or by the regulations.
- (3) The Australian Meat Industry Conference has such functions as are conferred on it by this Act or by the regulations.

Constitution and meetings of bodies.

43. (1) In this section, “prescribed body” means the Producer Consultative Group, the Exporter and Abattoir Consultative Group or the Australian Meat Industry Conference.

(2) A prescribed body shall consist of such number of members as is prescribed.

- (3) The regulations may make provision for and in relation to—
- (a) the appointment, selection, election or nomination of the members of a prescribed body;
 - (b) the term of office, rights, powers and duties of a member of a prescribed body;
 - (c) the appointment of a Chairman of a prescribed body; and
 - (d) the conduct of the business of, and the convening and conduct of meetings of, a prescribed body.
- (4) A prescribed body has such powers and duties as are prescribed.

44. (1) The members of the Corporation shall, from time to time, consult with the members of the Producer Consultative Group, and with the members of the Exporter and Abattoir Consultative Group. Corporation to consult with bodies.

(2) The purpose of a consultation with the members of a Group referred to in sub-section (1) is to enable the members of the Corporation to discuss with the members of the Group matters within the functions of the Corporation that are of interest to the persons represented by the Group.

(3) Consultations with a Group referred to in sub-section (1) shall be held at times agreed to by the Chairman of the Corporation and the Chairman of the Group.

(4) The members of the Producer Consultative Group may meet with the members of the Exporter and Abattoir Consultative Group at times agreed to by the Chairmen of those Groups.

45. The Corporation shall, as soon as practicable after the report furnished to the Minister by the Corporation under section 49 has been laid before both Houses of the Parliament, and may at other times, afford the members of the Australian Meat Industry Conference opportunities to confer with the members of the Corporation for the purpose of discussing the activities of the Corporation. Corporation to hold annual discussions with Conference.

46. The Corporation may, for the purpose of providing the Producer Consultative Group, the Exporter and Abattoir Consultative Group and the Australian Meat Industry Conference with clerical assistance, make members of the staff of the Corporation available to those bodies at such times as the Corporation determines. Corporation may provide clerical assistance.

PART VII—MISCELLANEOUS

47. (1) The Corporation may, by notice in writing served on a person, require the person to furnish, within such time as is specified in the notice, any information or reports in relation to the meat industry or to meat or live-stock owned by him or under his control that is or are, in the opinion of the Corporation, required to enable it to perform its functions or exercise its powers under this Act. Corporation may require information.

(2) A person shall not, without reasonable excuse, refuse or fail to comply with the requirements of a notice served on him under sub-section (1).

Penalty: \$500.

48. (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 or to a committee established under section 16, any of its powers under this Act, other than this power of delegation. Delegation.

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

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

Annual
report and
financial
statements.

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

(2) The report shall set out all directions given by the Minister to the Corporation under sub-section 11 (3) during the year to which the report relates.

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

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether, in his opinion, the statements are in agreement with the accounts and records and show fairly the financial transactions and the state of the affairs of the authority;
- (c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

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

(5) The first report to be furnished to the Minister under this section shall be a report of the operations of the Corporation during the period commencing on the commencing date and ending on the next following 30 June.

Offences.

50. (1) A licensee shall not export meat or live-stock from Australia in contravention of a condition of his licence.

Penalty: \$2,000.

(2) A person shall not give to the Corporation, for the purposes of a condition of a licence, information that is false in a material particular.

Penalty: \$500.

51. Nothing in this Act or the regulations restricts the operation of the *Customs Act* 1901 or the *Commerce (Trade Descriptions) Act* 1905 or of any regulations made under either or both of those Acts.

Operation of other Acts not affected.

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

Regulations.

- (a) making provision for the Corporation, or a person authorized by it, to be empowered—
 - (i) to enter premises and inspect premises or documents; and
 - (ii) to take samples for analysis, for the purpose of ascertaining whether any meat or live-stock intended for export is of a particular class, grade or quality;
- (b) prescribing procedures in accordance with which disputes relating to the class, grade or quality of meat or live-stock exported from Australia may be settled;
- (c) making provision for and in relation to the conduct of the business of, and the convening and conduct of meetings of, a committee appointed under section 16; and
- (d) prescribing penalties, not exceeding a fine of \$500, for offences against the regulations.

NOTE

1. Act No. 67, 1977; assented to 16 June 1977.