



# Australian Meat and Live-stock Corporation Amendment Act 1984

No. 57 of 1984

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# Australian Meat and Live-stock Corporation Amendment Act 1984

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## An Act to amend the *Australian Meat and Live-stock Corporation Act 1977*

[Assented to 25 June 1984]

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

### Short title, &c.

1. (1) This Act may be cited as the *Australian Meat and Live-stock Corporation Amendment Act 1984*.

(2) The *Australian Meat and Live-stock Corporation Act 1977*<sup>1</sup> is in this Act referred to as the Principal Act.

### Commencement

2. (1) Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on a day to be fixed by Proclamation.

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**Interpretation**

**3. Section 5 of the Principal Act is amended—**

- (a) by inserting before the definition of “approved bank” the following definitions:
- “ ‘acting Managing Director’ means a person appointed to act as Managing Director in pursuance of section 30W;
  - ‘annual general meeting’ means a meeting convened in accordance with section 30B;
  - ‘annual operational plan’ means a plan developed by the Corporation and approved by the Minister in accordance with Division 2 of Part IIIB;”;
- (b) by inserting after the definition of “approved bank” the following definitions:
- “ ‘Australian Meat and Live-stock Industry Policy Council’ means the council of that name established by section 4 of the *Australian Meat and Live-stock Industry Policy Council Act 1984*;
  - ‘Australian Meat and Live-stock Industry Selection Committee’ means the committee of that name established by section 4 of the *Australian Meat and Live-stock Industry Selection Committee Act 1984*;”;
- (c) by omitting the definition of “consultative group” and substituting the following definition:
- “ ‘corporate plan’ means a plan developed by the Corporation and approved by the Minister in accordance with Division 1 of Part IIIB;”;
- (d) by omitting the definition of “Live-stock Exporters Consultative Group”;
- (e) by inserting after the definition of “live-stock producer” the following definition:
- “ ‘Managing Director’ means the Managing Director of the Corporation;”;
- (f) by omitting the definition of “Meat Exporter and Abattoir Consultative Group”;
- (g) by omitting the definition of “Producer Consultative Group” and substituting the following definition:
- “ ‘register’ means a register prepared and maintained by the Corporation in pursuance of sub-section 30J (1) or (2);”;
- (h) by adding at the end thereof the following sub-section:
- “(2) A reference in this Act to the day of closure of a register for the purposes of an annual general meeting, is a reference to the day specified in the notice of that meeting that is published in accordance with sub-section 30B (2) as the day by which applications from persons

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seeking to be entered on a register for the purpose of enabling them to vote at the meeting, being applications that are to be considered and dealt with before the meeting, must be received by the Corporation.”.

**Functions of Corporation**

4. Section 7 of the Principal Act is amended by omitting paragraph (d).

**Powers generally**

5. Section 8 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “sub-section (2)” and substituting “sub-sections (2) and (4)”;
- (b) by inserting after sub-section (1) the following sub-section:

“(1A) Without limiting the generality of sub-section (1), the Corporation may charge such fees as are fair and proper, and, where this Act so provides, as are fixed by the regulations, with respect to the provision of services or the performance of any other work by, or on behalf of, the Corporation.”; and

- (c) by inserting after sub-section (3) the following sub-section:

“(4) To the extent that it is practicable to do so, the Corporation shall endeavour to ensure that the exercise, at any time, of the powers conferred on it by this Act is consistent with, and designed to give effect to, the provisions of any corporate plan, and of any annual operational plan, in force at that time.”.

**Trading power**

6. (1) Section 9 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “owned by the Corporation” (wherever occurring); and
- (b) by omitting sub-sections (2), (3) and (4).

(2) Notwithstanding the amendment of section 9 of the Principal Act effected by paragraph 6 (1) (b) of this Act, that section shall continue in force, for the purposes of the Principal Act as amended by this Act, until the day on which the first corporate plan to be approved by the Minister under section 30P of the Principal Act as so amended comes into force, as if that amendment had not been made.

7. After section 9 of the Principal Act the following section is inserted:

**Corporation may consult industry representatives**

“10. (1) Without limiting the generality of section 8, the Corporation may, for the purpose of considering any matter relating to the performance of its functions, make arrangements for consulting persons and bodies representative of different sectors of the industry.

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“(2) Arrangements entered into by the Corporation under sub-section (1) in relation to the Corporation’s consulting with a person or body may include the Corporation’s agreeing to meet the costs and expenses reasonably incurred by that person or body in connection with that consultation.”.

**Application for licence**

**8. (1)** Section 16C of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) An applicant for a meat export licence or live-stock export licence shall, at the time of lodgement of his application under this section or at such later time (if any) as is permitted under the regulations, pay such fee in respect of the application as is prescribed.”.

(2) The amendment made by sub-section (1) does not apply in relation to an application made under section 16C of the Principal Act before the date of commencement of this section.

**Meat quotas**

**9. (1)** Section 16J of the Principal Act is amended—

- (a) by omitting from sub-section (1) “by a country outside Australia”; and
- (b) by omitting from sub-section (1) “to that country or to a place in that country,” and substituting “to a country or to a place in a country, whether the restrictions are, or will, in the opinion of the Corporation, be imposed by Australia or by that other country,”.

**Restriction of persons who may export to certain markets**

**10.** Section 16L of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, with the approval of the Minister,”; and
- (b) by inserting after sub-section (1) the following sub-section:

“(1A) Notwithstanding that the circumstances for the exercise of the powers of the Corporation referred to in sub-section (1) have not arisen, the Corporation may exercise the powers referred to in that sub-section where the Corporation is satisfied, having regard to the criteria from time to time included in the corporate plan in force in accordance with sub-section 30P (1), that the exercise of the powers—

- (a) would be beneficial for the development, or the further development, in a country or place outside Australia, of a market for meat or live-stock, or of a market for meat or live-stock of any quality, standard, grade or class; and
- (b) would be in the best commercial interests of the industry.”.

**Renewal of licence**

**11. (1)** Section 16Q of the Principal Act is amended by inserting after sub-section (3) the following sub-section:

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“(3A) An applicant for renewal of a meat export licence or live-stock export licence shall, at the time of lodgement of his application under this section or at such later time (if any) as is permitted under the regulations, pay such fee in respect of the application as is prescribed.”.

(2) The amendment made by sub-section (1) does not apply in relation to an application made under section 16Q of the Principal Act before the date of commencement of this section.

### **Membership of Corporation**

**12.** Section 18 of the Principal Act is amended by omitting sub-sections (1), (2), (3), (4) and (5) and substituting the following sub-sections:

“(1) The Corporation shall consist of 11 members, namely—

- (a) the Chairman;
- (b) 1 member to represent the Commonwealth;
- (c) the Managing Director; and
- (d) 8 other members.

“(2) The members, other than the Managing Director, shall be appointed by the Minister.

“(3) Members appointed by the Minister shall be part-time members.

“(4) The members referred to in paragraph (1) (d) shall be appointed from persons nominated by the Australian Meat and Live-stock Industry Selection Committee in accordance with section 9 of the *Australian Meat and Live-stock Industry Selection Committee Act 1984*.

“(5) Persons who held office as members of the Corporation immediately before the commencement of this section shall, upon the commencement of this section, cease to hold office, but are eligible for re-appointment.”.

### **Repeal of sections 19, 20 and 21**

**13.** Sections 19, 20 and 21 of the Principal Act are repealed.

### **Term of office of members**

**14.** Section 22 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, (3) and (4), a member” and substituting “and (4), a member, other than the Managing Director,”; and
- (b) by omitting sub-sections (2) and (3) and substituting the following sub-section:

“(2) Of the 8 persons first appointed to be members referred to in paragraph 18 (1) (d), 4 of those persons, being persons who were, at the time of their nomination for appointment to the Corporation, identified for the purpose of this sub-section by the Australian Meat

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and Live-stock Industry Selection Committee, shall be appointed only for a period of 2 years but are eligible for re-appointment.”.

**Deputy Chairman**

**15.** Section 23 of the Principal Act is amended—

- (a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) The Minister may appoint one of the members referred to in paragraph 18 (1) (d) to be the Deputy Chairman of the Corporation.

“(1A) The Minister shall not appoint a person to be the Deputy Chairman unless he has consulted with the Chairman concerning the suitability of the person for appointment under this section.

“(2) The Minister may, at any time, remove a Deputy Chairman from office as Deputy Chairman.”; and

- (b) by omitting from sub-section (5) “delivered to the Chairman or, if he resigns at a time when he is acting as Chairman,”.

**Deputies of other members**

**16.** Section 25 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) The Minister may, if requested by a member referred to in paragraph 18 (1) (d) so to do, appoint a person recommended by that member to be the deputy of that member.”.

**Remuneration and allowances of members, &c.**

**17.** Section 26 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “or a deputy of” and substituting “(other than the Managing Director) or a deputy of such”; and
- (b) by omitting from sub-sections (2) and (4) “referred to in sub-section (1)” (wherever occurring) and substituting “to whom sub-section (1) applies”.

**Leave of absence of certain members**

**18.** Section 27 of the Principal Act is amended by inserting “, other than the Managing Director or the acting Managing Director (if any),” after “a member”.

**Resignation of certain members**

**19.** Section 28 of the Principal Act is amended by inserting “, other than the Managing Director or the acting Managing Director (if any),” after “a member”.



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**Termination of appointment of certain members**

**20.** Section 29 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “, other than the Managing Director or the acting Managing Director (if any),” after “a member”;
- (b) by inserting in sub-section (2) “, other than the Managing Director or the acting Managing Director (if any)” after “a member”;
- (c) by omitting paragraphs (2) (c) and (d) and substituting the following word and paragraph:

“or (c) is absent, except on leave of absence granted by the Corporation, from 3 consecutive meetings of the Corporation,”; and
- (d) by omitting from sub-section (3) “paragraph (2) (d)” and substituting “paragraph (2) (c)”.

**Meetings of Corporation**

**21.** Section 30 of the Principal Act is amended—

- (a) by omitting from sub-section (4) “(including a member representing Australian live-stock producers)”;
- (b) by omitting from sub-section (10) “as Deputy Chairman or”.

**22.** After Part III of the Principal Act the following Parts are inserted:

**“PART IIIA—ANNUAL GENERAL MEETING OF THE INDUSTRY**

**Interpretation**

“30A. (1) In this Part, unless the contrary intention appears, a reference to a person includes a reference to a partnership and to the trustee or trustees, from time to time, of a trust estate.

“(2) Where a partnership which is entered on a register is reconstituted, the partnership as so reconstituted shall be taken, for the purposes of this Part, including this sub-section, to be, and to have at all times been, the same person as the partnership as originally entered on the register.

“(3) For the purposes of sub-section (2), a partnership shall be taken to be reconstituted in any circumstance where—

- (a) the membership of the partnership is changed; or
- (b) the partnership is dissolved and a new partnership is set up in place of the partnership so dissolved to conduct the business previously conducted by the partnership so dissolved if at least one of the members of the partnership that is so set up was also a member of the partnership that was so dissolved.

“(4) Where, under this Part, rights are conferred upon a partnership to participate at an annual general meeting, those rights shall be exercised on behalf of the partnership by one only of the members of the partnership or by

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such other person as the partnership appoints as its proxy in accordance with section 30E.

“(5) Where, under this Part, rights are conferred on the trustee or trustees, from time to time, of a trust estate to participate at an annual general meeting, those rights shall be exercised—

- (a) by the trustee, or, in the case where there is more than one trustee, by one only of the trustees; or
- (b) by such other person as the trustee appoints as his proxy, or the trustees appoint as their proxy, in accordance with section 30E.

“(6) A person who has rights in the nature of an equity of redemption in respect of live-stock the subject of a mortgage or other security shall be deemed to be the owner of that live-stock.

“(7) Where a person owns property, being a part or the whole of a trust estate, that person shall not, for any purpose of this Act and of any regulations made under this Act, be regarded as the owner of that property in any capacity other than as the trustee of that trust estate.

**Corporation to convene annual general meeting**

“30B. (1) The Corporation shall, within 3 months after the tabling of each annual report in the House of Representatives or within such longer period as is approved by the Minister, cause an annual general meeting of the industry to be convened at a time and a place determined by the Corporation.

“(2) The Corporation shall, within 7 days after the tabling of each annual report of the Corporation in the House of Representatives, cause a notice to be published in the *Gazette* specifying—

- (a) the day upon which the annual general meeting of the industry next following the tabling of that annual report is intended to be held, and the time and place at which that meeting is intended to be held;
- (b) particulars of any recommendation that the Corporation proposes to make to the Minister with respect to the making of regulations prescribing the rate of levy under the *Live-stock Slaughter Levy Act 1964* for the purposes of a paragraph referred to in sub-section 8 (3) of that Act or the rate of charge under the *Live-stock Export Charge Act 1977* for the purposes of a paragraph referred to in sub-section 13 (3) of that Act; and
- (c) the day by which applications from persons seeking to be entered on a register for the purpose of enabling them to vote at the annual general meeting, being applications that are to be considered and dealt with before the annual general meeting, must be received by the Corporation.

“(3) The Corporation may, in addition to the publication, in accordance with sub-section (2), of a notice in the *Gazette* setting out particulars in respect of an annual general meeting, cause those particulars to be made public, in its

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discretion, at any time or from time to time, during the period commencing on the publication of that notice and ending on the day of closure of the registers for the purposes of that meeting, in such other manner or manners as the Corporation determines to be appropriate.

“(4) The purpose of an annual general meeting is to provide an opportunity to persons concerned with the industry—

- (a) to consider the most recent annual report of the Corporation;
- (b) to receive an address by the Chairman with respect to the performance of the Corporation in the year to which the annual report relates and with respect to the outlook for the industry, and the intended performance of the Corporation, in the year next following that year;
- (c) to question the members of the Corporation concerning any aspect of the Corporation’s activities during the year to which the annual report relates and any aspect of the intended activities of the Corporation; and
- (d) to debate, and vote upon—
  - (i) any motion relating to a matter within the responsibilities of the Corporation other than a matter relating to the making of regulations prescribing the rate of levy under the *Live-stock Slaughter Levy Act 1964* or the rate of charge under the *Live-Stock Export Charge Act 1977*;
  - (ii) any motion moved by the Corporation to endorse a recommendation that the Corporation proposes to make to the Minister in relation to the making of such regulations, being a recommendation particulars of which are specified in the notice of the meeting published in accordance with sub-section 30B (2); or
  - (iii) any motion of no confidence in the Chairman or in the Corporation.

**Persons proposing to move certain motions to inform the Corporation**

“30C. (1) A person who proposes to move, at an annual general meeting, a motion of the kind referred to in sub-paragraph 30B (4) (d) (i) may furnish to the Corporation a notice setting out the terms of the motion that the person proposes to move.

“(2) A person who proposes to move, at an annual general meeting, a motion of the kind referred to in sub-paragraph 30B (4) (d) (iii) shall furnish to the Corporation, not less than 49 days before the intended date of the annual general meeting, a notice in writing setting out the terms of the motion that the person proposes to move.

“(3) Where a person furnishes to the Corporation a notice of a motion that the person proposes to move at an annual general meeting, the person may include in that notice a statement, not exceeding 1,000 words in length, in support of that motion.

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**Corporation to give notice of meeting and motions**

“30D. (1) The Corporation shall, not less than 42 days before the intended date of an annual general meeting, forward to each person who was, on the day of closure of the registers for the purposes of that meeting, entered on either or both of those registers, at the address of that person last known to the Corporation—

- (a) a notice advising that person of the day, time and place of the meeting and setting out—
  - (i) if any motion was specified in the notice published by the Corporation in the *Gazette* in accordance with sub-section 30B (2)—the terms of that motion and any statement in support of that motion that the Corporation thinks appropriate to circulate;
  - (ii) if the Corporation has received notice under sub-section 30C (1) of any motion intended to be moved at that meeting and that notice was received not less than 49 days before the intended date of the meeting—the terms of that motion and of any statement given to the Corporation in support of that motion in accordance with sub-section 30C (3); and
  - (iii) if the Corporation has received notice under sub-section 30C (2) of any motion—the terms of that motion and of any statement given to the Corporation in support of that motion in accordance with sub-section 30C (3);
- (b) a copy of the last annual report of the Corporation; and
- (c) a proxy form, being a document the form of which is approved by the Minister for the purposes of sub-section 30E (3).

“(2) The Corporation shall not include in a notice published under sub-section (1) particulars of a motion of which it has received notice under sub-section 30C (1) or (2) unless the Corporation is satisfied, in relation to the motion—

- (a) that the person proposing to move the motion is, on the day of closure of the registers for the purposes of the annual general meeting, entered on either or both of the registers; and
- (b) that the motion has the support of not less than 100 persons who are, on the day of closure of the registers for the purposes of the annual general meeting, entered on either or both of the registers.

**Proxies**

“30E. (1) A person entitled to attend and vote at an annual general meeting may appoint the Chairman or some other person, being a natural person, to be his proxy to attend the meeting and to vote on all matters arising at the meeting or on such particular matters as are specified in the instrument of appointment.

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“(2) Where a person has received, from the Corporation, notice of a motion to be put at an annual general meeting, the person may, in the instrument appointing a person to be his proxy, specify that the proxy is to exercise that person’s vote on that motion in a particular way in which case the proxy shall not exercise his vote on that motion otherwise than in that way.

“(3) An instrument appointing a proxy shall be in a form approved by the Minister for the purposes of this sub-section and shall be signed by the person making the appointment.

“(4) A person claiming to be a proxy of another person is not entitled to act as proxy of that other person at an annual general meeting unless he has lodged the instrument by which he is appointed with the Corporation not less than 14 days before the intended date of the meeting.

**Conduct of meetings**

“30F. (1) An annual general meeting may be attended by—

- (a) the members of the Corporation;
- (b) persons who are entered on either or both of the registers at the date of closure of the registers for the purposes of the meeting and who have not ceased, since that date, to be entitled to be entered on either register;
- (c) persons, other than persons referred to in paragraph (a), (b) or (d), to whom proxies have been granted; and
- (d) such members of the staff of the Corporation as the Chairman determines to be appropriate, having regard to the necessity for a person other than a member of the Corporation to preside at the meeting during consideration by the meeting of a motion of no confidence in the Chairman or in the Corporation and to the effective performance of the other functions of the Corporation associated with the conduct of the meeting.

“(2) The Chairman shall preside at an annual general meeting.

“(3) In the event of the absence of the Chairman from an annual general meeting, the Deputy Chairman shall preside at the meeting.

“(4) In the event of the absence of the Chairman and of the Deputy Chairman from an annual general meeting, the member (if any) acting as Chairman by virtue of sub-section 24 (2) shall preside at the meeting.

“(5) The Corporation shall cause a record to be kept of the proceedings conducted at the annual general meeting.

**Voting at annual general meetings**

“30G. (1) Subject to sub-section (3), where a person is entered on the register referred to in sub-section 30J (1) on the day of closure of that register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person shall be

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entitled to vote, either in person or by proxy, in his capacity as a person entered on that register, upon any matter to be determined at the meeting and, for the purpose of so voting, to cast such a number of votes as is calculated in accordance with a method determined by the regulations, being a method that has regard to particulars entered on the register with respect to the live-stock that are owned by the person.

“(2) Where a person is entered on the register referred to in sub-section 30J (2) on the day of closure of that register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person shall be entitled to vote, either in person or by proxy, in his capacity as a person entered on that register, upon any matter to be determined at the meeting and for that purpose to exercise one vote.

“(3) Where a person is entered on both registers, the person is entitled, in relation to any motion, to vote in his capacity as a person who is entered on one of those registers and also to vote in his capacity as a person who is entered on the other of those registers.

“(4) Subject to sub-section (7), where a motion of the kind referred to in sub-paragraph 30B (4) (d) (i) is moved at an annual general meeting, whether notice of that motion has been given to the Corporation in accordance with section 30C or not, that motion shall be taken to be passed if, and only if, it is supported by—

- (a) a majority of the votes cast at the meeting, either in person or by proxy, by persons entered on one of the registers; and
- (b) a majority of the votes cast at the meeting, either in person or by proxy, by persons entered on the other register.

“(5) Where a motion of the kind referred to in sub-paragraph 30B (4) (d) (ii) is moved at an annual general meeting the motion shall not be taken to have been defeated unless—

- (a) the number of votes actually cast against the motion, either in person or by proxy, by persons entered on one register and entitled to vote exceeds 75% of the number of votes that would have been cast if all persons entered on that register on the day of closure of that register for the purposes of the meeting and entitled to vote had in fact voted on the motion; and
- (b) the number of votes actually cast against the motion, either in person or by proxy, by persons entered on the other register and entitled to vote exceeds 75% of the number of votes that would have been cast if all persons entered on that other register on the day of closure of that other register for the purposes of the meeting and entitled to vote had in fact voted on the motion.

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“(6) Where a motion of the kind referred to in sub-paragraph 30B (4) (d) (iii) is moved at an annual general meeting, the motion shall be taken to be passed if, and only if—

- (a) the number of votes actually cast in support of the motion, either in person or by proxy, by persons entered on one register and entitled to vote exceeds 75% of the number of votes that would have been cast if all persons entered on that register on the day of closure of that register for the purposes of the meeting and entitled to vote had in fact voted on the motion; and
- (b) the number of votes actually cast in support of the motion, either in person or by proxy, by persons entered on the other register and entitled to vote exceeds 75% of the number of votes that would have been cast if all persons entered on that other register on the day of closure of that other register for the purposes of the meeting and entitled to vote had in fact voted on the motion.

“(7) The person presiding at an annual general meeting may, unless a person present at the meeting and having a right to vote, either on his own behalf or as a proxy for another person, indicates that he requires a vote to be taken in accordance with sub-section (4), permit a vote on a motion of a kind referred to in that sub-section, other than a motion of which notice was given by the Corporation under section 30D, to be resolved by a show of hands.

“(8) Where a vote on a motion is permitted by a show of hands in accordance with sub-section (7), a person attending the meeting who is entitled to vote on the motion, including a person who is the proxy of another person or of other persons, is entitled to cast one vote only on that motion and the motion shall be taken to be passed if it is supported by a majority of the votes so cast.

“(9) For the purposes of sub-sections (5) and (6), all persons who were entered on a register on the day of closure of the register for the purposes of an annual general meeting but who do not actually attend that meeting shall be presumed to be entitled to vote at the meeting unless the Corporation is satisfied to the contrary.

**Motions of no confidence**

“30H. (1) If a motion of no confidence in the Chairman or in the Corporation is moved at an annual general meeting, the person presiding at the meeting shall cease to preside until the motion has been voted on and, during the period that he does not so preside, a member of the staff of the Corporation shall preside in his stead.

“(2) If a motion of no confidence in the Chairman is passed at an annual general meeting, the Minister shall terminate the appointment of the Chairman as soon as possible after the end of the meeting, and within a period of 1 month after the date of the meeting, appoint another person to be Chairman.

“(3) If a motion of no confidence in the Corporation is passed at an annual general meeting, the Minister shall, within a period of 1 month after the date of

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the meeting, by notice published in the *Gazette*, terminate the appointment of each of the members of the Corporation (other than the Managing Director) with effect from a date specified in the notice and, in accordance with section 18, appoint a person in the place of each of the members whose appointment has been so terminated.

“(4) Where the Minister is satisfied that it is not practicable, within a period of one month after the date of an annual general meeting at which a motion of no confidence in the Corporation has been passed, to appoint new members in the place of each of the members whose appointment is required to be terminated in accordance with sub-section (3), the Minister may, by instrument in writing, declare that this sub-section applies to the Corporation and, upon his so doing, the Corporation may, until he revokes the declaration or the period of 6 months after the date of the meeting expires, whichever first occurs, be constituted in accordance with sub-section (5).

“(5) For the purposes of sub-section (4), the Corporation shall consist of 4 members, namely—

- (a) a Chairman;
- (b) a member to represent the Commonwealth; and
- (c) 2 other members,

and, until the declaration under sub-section (4) is revoked or expires, the Corporation as so constituted may, subject to sub-section (8), exercise all the powers, and perform all the functions of the Corporation as constituted in Part III except the power under sub-section 30V (1) to appoint a Managing Director.

“(6) All members appointed to the Corporation as constituted for the purposes of sub-section (4) shall be appointed by the Minister as part-time members.

“(7) The members referred to in paragraph (5) (c) shall be persons appointed by the Minister from persons nominated to him, at his request, by the Australian Meat and Live-stock Industry Selection Committee, for the purposes of this section.

“(8) Decisions made by the Corporation as constituted for the purposes of sub-section (4) shall not be valid unless—

- (a) they are made at meetings at which all members of the Corporation as so constituted are present; and
- (b) they are approved by the Minister.

“(9) The fact that a person’s appointment as a member of the Corporation has been terminated under this section shall not be taken to imply that the person may not be appointed, under and in accordance with this section, to the Corporation as constituted for the purposes of sub-section (4) or, under and in accordance with section 18, to the Corporation as constituted for the purposes of that section.



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“(10) The fact that a person has been appointed as a member of the Corporation constituted for the purposes of sub-section (4) shall not be taken to imply that the person may not be appointed, under and in accordance with section 18, to the Corporation as constituted for the purposes of that section.

**Corporation to establish and maintain certain registers**

“30J. (1) The Corporation shall establish and maintain, in a manner specified in the regulations, a register of producers of live-stock.

“(2) The Corporation shall establish and maintain, in a manner specified in the regulations, a register of exporters of meat or live-stock and processors of meat.

“(3) The regulations may specify the classes of persons involved in the production of live-stock who are entitled to be entered on the register of producers of live-stock referred to in sub-section (1) and the circumstances in which persons who are entered on that register cease to be entitled to be so entered.

“(4) The regulations may specify the classes of persons involved in the export of meat or live-stock or in the processing of meat who are entitled to be entered on the register referred to in sub-section (2) and the circumstances in which persons who are entered on that register cease to be entitled to be so entered.

“(5) A person may, by application in writing in the prescribed form, request the Corporation to enter that person on a register.

“(6) An application by a person under sub-section (5) to be entered on a register shall be accompanied by such documentary evidence of the entitlement of the person to be entered on that register as is prescribed for the purposes of this sub-section.

“(7) The Corporation shall, after considering an application by a person to be entered on a register and any accompanying documentary evidence—

(a) if it is satisfied that the person is entitled to be entered on that register—enter that person and such particulars of that person as are prescribed on that register; and

(b) in any other case—refuse to enter that person on that register,

and, in either case, the Corporation shall inform the person, by notice in writing, of its decision in relation to the matter.

“(8) The fact that a person is entered on one register does not prevent the entry of that person on the other register.

“(9) The Corporation may, at such times as are specified in regulations made for the purposes of this sub-section, by notice in writing forwarded to a person who is entered on a register referred to in sub-section (1) or (2), at the address of that person last known to the Corporation, require that person to

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furnish to the Corporation, a return, in accordance with a form prescribed by those regulations, setting out—

- (a) such information relevant to establishing that the person has not ceased to be entitled to be entered on that register as is specified in those regulations; and
- (b) in the case of a person who is entered on the register referred to in sub-section (1)—such information or further information in respect of live-stock owned by that person on the date or dates to which the return relates as is specified in those regulations.

“(10) A notice issued under sub-section (9) shall require a return to which it relates to be furnished to the Corporation within such period as is specified in the notice, and, in the event that the return is not furnished to the Corporation within that period, or, if furnished within that period, does not contain such information as is required by the regulations in accordance with paragraph (9) (a), the Corporation may proceed in accordance with section 30K to forward to the person to whom the first-mentioned notice was issued a notice of the kind referred to in sub-section (1) of that section.

“(11) Where a notice is issued under sub-section (9) to a person entered on the register referred to in sub-section (1) and the return of that person is not furnished to the Corporation within the period specified in the notice, or, if furnished within that period, does not contain such information as is required by the regulations in accordance with paragraph (9) (b), the Corporation may record in the register that no live-stock were owned by that person on the date or dates to which the return relates.

“(12) The fact that the Corporation takes action under sub-section (10) or (11) in respect of the failure of a person entered on the register referred to in sub-section (1) to furnish a return, or in respect of the failure of such a person to furnish a return containing such information as is required by the regulations, shall not be taken to imply that the Corporation may not take action under the other of those sub-sections in respect of the same failure.

**Alteration of registers**

“30K. (1) The Corporation shall, if, at any time, it has reason to believe that a person has ceased to be entitled to be entered on a register, by notice in writing forwarded to that person at the address of that person last known to the Corporation, inform the person that it proposes to remove the entry of the person from the register unless there is submitted to the Corporation, within such time as is specified in the notice, adequate reason why that entry should not be so removed.

“(2) Where the Corporation has, under sub-section (1), forwarded a notice to a person who is entered on a register—

- (a) if reasons why the entry of the person should not be removed from the register are not submitted to the Corporation within the period specified in the notice; or

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(b) if reasons are so submitted but the Corporation remains of the view that the person has ceased to be entitled to be entered on the register, the Corporation shall remove the entry of the person from the register and, by notice in writing sent to the person at the address of the person last known to the Corporation, inform the person that that entry has been so removed.

**No entries to be made upon registers during certain periods**

“30L. The Corporation shall not consider any application by a person for entry upon a register, being an application that it has received after the day of closure of the register in respect of a particular annual general meeting, until after that meeting has taken place.

**Policy Council to receive copy of resolutions**

“30M. The Corporation shall, within 1 month after the holding of an annual general meeting, provide the Australian Meat and Live-stock Industry Policy Council with a copy of the text of all motions (other than motions of a kind referred to in sub-paragraph 30B (4) (d) (ii) or (iii)) passed at the meeting.

**“PART IIIB—DEVELOPMENT OF CORPORATE PLANS**

**“Division 1—Corporate Plans**

**Corporation to develop Corporate plans**

“30N. (1) The Corporation shall develop, for each successive period of 5 years, for the purposes of the more effective performance by the Corporation of its functions, a plan defining the principal objectives of the Corporation and giving a broad outline of the strategies to be pursued by the Corporation in achieving those objectives.

“(2) A plan prepared in accordance with this Division shall be prepared in written form and, in addition to the matters referred to in sub-section (1), shall contain a statement assessing, for the period to which the plan relates, the market outlook and the economic outlook for the industry.

“(3) A plan prepared in accordance with this Division shall also contain a statement of the criteria to be applied by the Corporation in determining, from time to time, whether the exercise of the powers of the Corporation referred to in sub-section 16L (1) would, in circumstances other than the circumstances referred to in that sub-section—

- (a) be beneficial to the development, or the further development, in a country or place outside Australia, of a market for meat or live-stock, or of a market for meat or live-stock of any quality, standard, grade or class; and
- (b) be in the best commercial interests of the industry.

“(4) The first plan prepared in accordance with this Division shall be expressed to relate to the period of 5 years commencing on 1 July 1985 or on such later date as the Minister approves and each subsequent plan shall be

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expressed to relate to the period of 5 years commencing on the expiration of the period to which the immediately preceding plan relates.

**Approval of corporate plans**

“30P. (1) A plan prepared in accordance with this Division shall be submitted to the Minister for approval at least 3 months prior to the intended date of commencement of the period to which the plan relates and shall not come into force until—

- (a) the date of its approval by the Minister; or
- (b) the date of commencement of the period to which it relates,

whichever is the later.

“(2) Where a plan is submitted to the Minister in accordance with sub-section (1) and the Minister is of the opinion that, in the interests of the industry, or of a particular sector of the industry, the plan should be revised in some regard, the Minister may request the Corporation to revise the plan appropriately and shall include in such request a statement setting out his reasons for making the request.

“(3) Upon the Corporation receiving a request under sub-section (2), it shall consider the request and statement of reasons and shall make such revision of the plan as it considers to be appropriate and shall then resubmit the plan, as so revised, to the Minister for approval.

**Variation of corporate plans by Corporation**

“30Q. (1) A corporate plan, whether or not it has come into force, may be varied by the Corporation with the approval of the Minister.

“(2) When requesting the Minister’s approval for a variation of a corporate plan, the Corporation shall provide the Minister with a statement of its reasons for making the request and shall provide the Minister with such other information as the Minister requests.

“(3) The Minister may, after considering the request and statement of reasons and such other information (if any) as has been provided at his request, approve or reject the requested variation or may approve such lesser variation as he thinks fit.

**Variation of corporate plans at request of Minister**

“30R. (1) A corporate plan, whether or not it has come into force, may be varied by the Corporation at the request, and with the approval, of the Minister.

“(2) When requesting the Corporation to vary a corporate plan, the Minister shall include in such request a statement setting out his reasons for making the request.

“(3) Upon the Corporation receiving a request under sub-section (2) to vary a corporate plan, it shall consider the request and statement of reasons and

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shall make, and submit to the Minister for his approval, such variation of the plan as it considers to be appropriate.

**Date of commencement of corporate plans as varied**

“30S. Where a variation of a corporate plan is approved by the Minister in accordance with section 30Q or 30R, after the plan has come into force, the plan as so varied shall continue in force on and after the date the variation is so approved, as if the plan had originally been approved by the Minister as so varied.

**“Division 2—Annual Operational Plans**

**Corporation to develop annual operational plans**

“30T. (1) The Corporation shall develop, and prepare in written form, for each successive period of 1 year, a further plan setting out particulars of the strategies to be pursued by the Corporation, for the duration of each such period, in giving effect to the corporate plan that relates, or the intended corporate plan that will relate, to a period including that year.

“(2) The first plan prepared in accordance with this Division shall be expressed to relate to the period of 1 year commencing on the date of commencement of the relevant corporate plan and each subsequent plan shall be expressed to relate to the period of 1 year commencing on the expiration of the period to which the immediately preceding annual operational plan relates.

**Approval of annual operational plans**

“30U. (1) A plan prepared in accordance with this Division shall be submitted to the Minister for approval at least 2 months prior to the intended date of commencement of the period to which the plan relates and shall not come into force until—

- (a) the date of its approval by the Minister; or
- (b) the date of commencement of the period to which it relates,

whichever is the later.

“(2) Where a plan is submitted to the Minister in accordance with sub-section (1) and the Minister is of the opinion that the plan is inconsistent with the provisions of the corporate plan that relates, or the intended corporate plan that will relate, to a period that includes or will include, the period to which the first-mentioned plan will relate, the Minister may request the Corporation to revise the first-mentioned plan appropriately and shall include in such request a statement setting out his reasons for making the request.

“(3) Upon the Corporation receiving a request under sub-section (2), it shall consider the request and statement of reasons and shall make such revision of the plan as it considers to be appropriate and shall then resubmit the plan, as so revised, to the Minister for approval.

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“(4) Where, if a proposed variation of a corporate plan were to be approved by the Minister, an annual operational plan, being an annual operational plan that relates to a period that is included in the period to which the corporate plan relates, would not be consistent with the provisions of the corporate plan, the Corporation shall, at the time of submitting to the Minister for his approval the variation of the corporate plan, also submit to the Minister for his approval such a variation of the annual operational plan as it considers to be appropriate.

“(5) The Minister shall approve an annual operational plan submitted to him under sub-section (1) or re-submitted to him under sub-section (3), or a variation of such a plan submitted to him under sub-section (4), unless he is of the opinion that it is inconsistent with the provisions of the corporate plan that relates, or the intended corporate plan that will relate, to a period that includes or will include the period to which the annual operational plan, or the annual operational plan as so varied, relates.

“(6) Where a variation of an annual operational plan is approved by the Minister in accordance with sub-section (4) after the plan has come into force, the plan as so varied shall continue in force on and after the date the variation is so approved as if the plan had originally been approved by the Minister as so varied.”

23. The Principal Act is amended by inserting in Part IV the following Division and Division heading:

***“Division 1—The Managing Director***

**Managing Director**

“30v. (1) There shall be a Managing Director of the Corporation who shall be appointed by the Corporation.

“(2) The Corporation may—

- (a) determine, subject to the approval of the Minister, the terms and conditions of service in respect of matters not provided for by this Act, including terms and conditions relating to remuneration and allowances, of a person appointed under this section; and
- (b) at any time terminate such an appointment.

“(3) A person who has attained the age of 65 years shall not be appointed as Managing Director and a person shall not be appointed as Managing Director for a period that extends beyond the date on which he will attain the age of 65 years.

“(4) The Managing Director may resign his office by writing under his hand delivered to the Chairman of the Corporation.

“(5) The Corporation may terminate the appointment of the Managing Director by reason of the misbehaviour, or physical or mental incapacity, of the Managing Director.

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“(6) If the Managing Director—

- (a) engages in paid employment outside the duties of his office without the approval of the Corporation;
- (b) 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 from 3 consecutive meetings of the Corporation;
- (c) fails, without reasonable excuse, to comply with his obligations under section 29A; or
- (d) 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,

the Corporation shall terminate his appointment.

“(7) The Corporation may grant leave of absence to the Managing Director upon such terms and conditions as to remuneration or otherwise as the Corporation determines.

“(8) The Corporation shall not exercise the power to terminate the appointment of the Managing Director under sub-section (2) otherwise than upon a resolution that is supported by not less than 7 of the members of the Corporation other than the Managing Director.

“(9) The office of Managing Director is not a public office within the meaning of the *Remuneration Tribunals Act 1973*.

### **Acting Managing Director**

“30W. (1) Where the Managing Director is, or is expected to be, absent from duty or from Australia, or there is, or is expected to be, a vacancy in the office of the Managing Director, the Corporation may appoint a person to act as the Managing Director during the absence or until the filling of the vacancy, as the case may be.

“(2) A person appointed to act as the Managing Director in the event of a vacancy shall not continue in office after the expiration of 12 months after the occurrence of the vacancy.

“(3) The Corporation may—

- (a) determine the terms and conditions of appointment of a person appointed under this section; and
- (b) at any time terminate such an appointment.

“(4) Sub-sections 30V (4) and (7) apply in relation to a person appointed to act as the Managing Director in like manner as they apply in relation to the Managing Director.

“(5) While the appointment of a person to act as the Managing Director is in force, he has, and may exercise and perform, all the powers and functions of the Managing Director.

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“(6) A person appointed to act as the Managing Director is, while he acts as Managing Director, entitled to receive remuneration and allowances at the same rates as the Managing Director.

“(7) The validity of anything done by a person appointed to act as the Managing Director shall not be called in question on the ground that the occasion for his appointment had not arisen or that the appointment had ceased to have effect.

**Duties of Managing Director**

“30X. (1) The affairs of the Corporation, to the extent determined by the Corporation, shall be managed by the Managing Director.

“(2) The Managing Director shall, in managing any of the affairs of the Corporation, act in accordance with the policy of, and in accordance with any directions given by, the Corporation.

**Effect of motion of no confidence on Managing Director**

“30Y. (1) Upon the date on which the appointments of the members other than the Managing Director are terminated under sub-section 30H (3), the person holding the office of Managing Director shall cease to be a member of the Corporation but, subject to sub-sections 30V (2), (5) and (6), he is entitled to continue as Managing Director.

“(2) Where—

(a) the Corporation is reconstituted in accordance with section 18 following the passage of a motion of no confidence in the Corporation; and

(b) there is, at the time the Corporation is so reconstituted, a person holding the office of Managing Director, being a person who was appointed before the passage of that motion of no confidence,

the Corporation shall, as soon as practicable after it is so reconstituted, by writing under its seal, either endorse the appointment of that person as Managing Director or terminate the appointment.

“(3) If the Corporation, as reconstituted in accordance with section 18, endorses the appointment of a person as Managing Director that person thereupon becomes, by virtue of that endorsement, a member of the Corporation.

“(4) If a motion of no confidence in the Corporation is passed at an annual general meeting, any delegation from the Corporation to the Managing Director that is in force on the day on which the appointment of each of the members of the Corporation was terminated shall be deemed to have been revoked on that day.

“(5) Where the Corporation, as constituted for the purposes of sub-section 30H (4), delegates a power to the Managing Director, that delegation shall be



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deemed to have been revoked on the day on which the membership of the Corporation is reconstituted in accordance with section 18.

***“Division 2—Other Staff of the Corporation”.***

**24. (1)** Section 35 of the Principal Act is repealed and the following section is substituted:

**Raising of moneys by Corporation**

“35. (1) The Corporation may, with the approval of the Minister—

- (a) borrow money otherwise than by dealing with securities; or
- (b) borrow money, or otherwise raise money, by dealing with securities,

being money that is from time to time necessary for the performance of its functions.

“(2) A borrowing of money in pursuance of paragraph (1) (a) may be subject to such terms and conditions as the Minister approves.

“(3) An approval under sub-section (1) in relation to borrowing money in pursuance of paragraph (1) (a) may be given in relation to particular borrowings or in relation to a specified class, or specified classes, of borrowings.

“(4) An approval under sub-section (1) in relation to dealing with securities in pursuance of paragraph (1) (b) may be given in relation to dealing with a specified class, or specified classes, of securities.

“(5) The Treasurer may, on behalf of the Commonwealth, guarantee—

- (a) the repayment by the Corporation of money borrowed in accordance with this section and the payment of interest on money so borrowed; or
- (b) the payment of any money (including interest, if any) that the Corporation is liable to pay in respect of dealing with securities in accordance with this section.

“(6) Where the Corporation borrows money, or otherwise raises money, by dealing with securities, the Treasurer may determine that the repayment by the Corporation of the money so borrowed and the payment by the Corporation of interest on that money is, or the payment by the Corporation of any money (including interest, if any) that the Corporation is liable to pay in respect of dealing with securities is, by force of this sub-section, guaranteed by the Commonwealth.

“(7) The power of the Treasurer to make a determination for the purposes of sub-section (6) extends to the making of a determination in respect of—

- (a) a specified class, or specified classes, of securities; and
- (b) a specified class, or specified classes, of transactions.

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“(8) The Corporation may give security over the whole or any part of its assets—

- (a) for the repayment of money borrowed in accordance with this section and the payment of money (including interest) that the Corporation is otherwise liable to pay in respect of that borrowing; and
- (b) for the payment of any money (including interest, if any) that the Corporation is liable to pay in respect of dealing with securities in accordance with this section.

“(9) The Corporation shall not borrow or otherwise raise money except in accordance with this section.

“(10) In this section, ‘securities’ includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

“(11) A reference in this section to dealing with securities includes a reference to—

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
- (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.”.

**Application of moneys**

**25.** Section 37 of the Principal Act is amended by inserting in sub-section (1) after paragraph (b) the following paragraphs:

- “(ba) in payment of all costs and expenses of the Australian Meat and Live-stock Industry Policy Council in relation to the convening, under section 6 of the *Australian Meat and Live-stock Industry Policy Council Act 1984*, of industry conferences;
- (bb) in payment of all costs and expenses of the Australian Meat and Live-stock Industry Selection Committee, including remuneration and allowances payable to the Chairman and the acting Chairman of that Committee, allowances payable to members of that Committee other than the Chairman and to deputies of such members and remuneration and allowances payable to staff of, and consultants to, that Committee.”.

**Repeal of Part VI**

**26.** Part VI of the Principal Act is repealed.

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27. The Principal Act is amended by inserting in Part VII before section 47 the following section:

**Review of certain decisions concerning registers**

“46A. (1) Application may be made to the Administrative Appeals Tribunal for review of—

- (a) decisions of the Corporation, under sub-section 30J (7), to refuse to enter the particulars of a person upon a register; and
- (b) decisions of the Corporation, under sub-section 30K (2), to remove the particulars of any person from the register.”.

“(2) In this section, ‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.”.

**Regulations**

28. Section 52 of the Principal Act is amended by inserting before paragraph (b) the following paragraph:

- “(a) fees payable in respect of applications for meat export licences or live-stock export licences made under section 16C or in respect of applications for renewal of such licences made under section 16Q;”.

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**NOTE**

1. No. 67, 1967, as amended. For previous amendments, see No. 36, 1978; No. 76, 1979, No. 167, 1980; Nos. 61 and 150, 1981; and Nos. 46 and 48, 1982.