



# **Australian Meat and Live-stock Industry Selection Committee Act 1984**

**No. 59 of 1984**

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# **Australian Meat and Live-stock Industry Selection Committee Act 1984**

**No. 59 of 1984**

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## **An Act to establish a committee to nominate persons for appointment as members of the Australian Meat and Live-stock Corporation**

*[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:

### **PART I—PRELIMINARY**

#### **Short title**

**1.** This Act may be cited as the *Australian Meat and Live-stock Industry Selection Committee Act 1984*.

#### **Commencement**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

### **Interpretation**

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

“acting Chairman” means a person appointed to act as Chairman in pursuance of section 12;

“Chairman” means the Chairman of the Committee;

“Committee” means the Australian Meat and Live-stock Industry Selection Committee established by section 4;

“Corporation” means the Australian Meat and Live-stock Corporation established by the *Australian Meat and Live-stock Corporation Act 1977*;

“member” means a member of the Committee;

“the industry” means the Australian meat and live-stock industry.

## **PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF COMMITTEE**

### **Establishment**

4. There is established by this Act a Committee by the name of the Australian Meat and Live-stock Industry Selection Committee.

### **Functions of Committee**

5. The functions of the Committee are—

- (a) to select persons to be nominated for appointment as members of the Corporation as constituted under section 18 of the *Australian Meat and Live-stock Corporation Act 1977* as amended and in force on and after the day fixed by Proclamation for the purposes of sub-section 2 (2) of the *Australian Meat and Live-stock Corporation Amendment Act 1984*, being members who are referred to in paragraph (1) (d) of that section;
- (b) to select persons to be nominated for appointment as members of the Corporation as constituted, under sub-section 30H (5) of the *Australian Meat and Live-stock Corporation Act 1977*, as so amended and in force, being members who are referred to in paragraph (c) of that sub-section; and
- (c) to nominate persons so selected to the Minister for appointment as such members.

### **Powers of Committee**

6. The Committee has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

**PART III—SELECTION AND NOMINATION OF CANDIDATES  
FOR APPOINTMENT TO CORPORATION**

**Minister may request nominations**

7. The Minister shall—

- (a) for the purpose of appointing the members referred to in paragraph 5 (a) or (b); and
- (b) for the purpose of filling a vacancy caused by the resignation of, or termination of the appointment of, any of the members so referred to,

by notice in writing furnished to the Committee, request the Committee to furnish to him, within such period as is specified in the notice, the names of persons, or the name of a person, as the case requires, considered by the Committee to be suitable for appointment as such members or as such a member.

**Selection of persons for nomination**

8. (1) A person is not entitled to be nominated by the Committee for appointment as a member of the Corporation, being a member referred to in paragraph 5 (a), unless he possesses qualifications relevant to, or has experience in, one or more of the following fields of activity:

- (a) cattle production;
- (b) sheep production;
- (c) live-stock exporting;
- (d) meatworks operation;
- (e) meat exporting;
- (f) product promotion;
- (g) finance;
- (h) international commodity marketing;
- (j) business management;
- (k) industrial relations.

(2) In selecting, in pursuance of sub-section (1), persons for nomination for appointment as members of the Corporation, the Committee shall choose from the available candidates such persons as will best ensure that the members of the Corporation collectively possess qualifications and experience in all the fields of activity referred to in paragraphs (1) (a) to (k) (inclusive).

(3) A person who is or has been a member of the Committee is not eligible for nomination for appointment to the Corporation (whether constituted under section 18 or sub-section 30H (5) of the *Australian Meat and Live-stock Corporation Act 1977* as amended and in force on and after the day fixed by Proclamation for the purposes of sub-section 2 (2) of the *Australian Meat and Live-stock Corporation Amendment Act 1984*) until a period of 3 years has elapsed after he ceased or last ceased to be a member.

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(4) A person is eligible for nomination for appointment to the Corporation notwithstanding that a proposal for his nomination has been rejected at a previous meeting of the Committee or that a nomination for his appointment to the Corporation has previously been rejected by the Minister.

### **Nominations**

9. (1) The Committee shall, by the date specified by the Minister in a notice requesting the nomination of a person or persons for appointment to the Corporation, inform the Minister, by notice in writing, of the name or names of the person or persons whom it considers suitable for such appointment.

(2) Subject to sub-section 10 (1), the Committee shall make only one nomination in respect of each appointment to be made by the Minister.

(3) The notice specifying the name of a person or the names of persons nominated for appointment to the Corporation shall be accompanied by—

(a) a statement in respect of the person, or of each of the persons, so nominated—

(i) containing details of the person's qualifications or experience in any one or more of the fields of activity referred to in paragraphs 8 (1) (a) to (k) (inclusive); and

(ii) containing such other information relating to the person as the Committee thinks appropriate to include so as to assist the Minister in considering whether to appoint the person; and

(b) except in the case of an appointment or appointments to the Corporation as constituted under sub-section 30H (5) of the *Australian Meat and Live-stock Corporation Act 1977* as amended and in force on and after the day fixed by Proclamation for the purposes of sub-section 2 (2) of the *Australian Meat and Live-stock Corporation Amendment Act 1984*—a statement specifying how, in the opinion of the Committee, the nomination or nominations in question will best ensure that the members of the Corporation collectively possess qualifications and experience in all of those fields of activity.

(4) If the Minister considers the information contained in a statement required to be furnished under sub-section (3) to be inadequate for him to consider the suitability of a person nominated for appointment, the Minister may, by notice in writing, require the Committee, by such date as he specifies in the notice, to provide him with such further information of the kind referred to in the paragraph of sub-section (3) that relates to that statement as he specifies.

### **Minister may reject nomination**

10. (1) If the Minister is not satisfied as to the suitability of a person nominated for appointment he may inform the Committee, by notice in writing, that he rejects the nomination and may include in that notice a further request for a nomination.

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(2) For the purposes of this Act, that further request shall be considered as a request made under and in accordance with section 7.

## **PART IV—CONSTITUTION AND MEETINGS OF COMMITTEE**

### **Membership of Committee**

**11. (1)** The Committee shall consist of 7 members, namely—

- (a) the Chairman;
- (b) 2 members appointed to represent cattle producers;
- (c) 1 member appointed to represent sheep producers; and
- (d) 3 members appointed to represent meat processors and exporters.

(2) All members shall be part-time members.

(3) All members shall be appointed by the Minister and, subject to this Act, hold office for 3 years but are eligible for re-appointment.

(4) Each of the members referred to in paragraph (1) (b) shall be appointed on the nomination of the Cattle Council of Australia.

(5) The member referred to in paragraph (1) (c) shall be appointed on the nomination of the Sheepmeat Council of Australia.

(6) Each of the members referred to in paragraph (1) (d) shall be appointed on the nomination of the Australian Meat Exporters' Federal Council.

(7) If the Minister is not satisfied as to the suitability of a person nominated for appointment to the Committee by a particular body pursuant to the provisions of sub-section (4), (5) or (6), he may request that body to make a further nomination.

(8) If a body on whose nomination a member was appointed requests the Minister to terminate the appointment, the Minister shall terminate the appointment accordingly.

(9) The appointment of a member is not invalidated and shall not be called in question, by reason of a defect or irregularity in or in connection with his nomination or his appointment.

(10) The exercise of a power or the performance of a function by the Committee is not invalidated by reason of there being a vacancy or vacancies in the membership of the Committee.

(11) A member who has resigned or whose appointment has been terminated in pursuance of sub-section (8) is eligible for re-appointment.

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**Acting Chairman**

**12. (1)** The Minister may appoint a person to act as Chairman—

- (a) during a vacancy in the office of Chairman whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairman is absent from duty or from Australia, or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) A person who is a member or a deputy of a member is not eligible to be appointed to act as Chairman.

(4) The Minister may, at any time, terminate the appointment of any person acting as Chairman.

(5) A person acting as Chairman is entitled, while he is acting as Chairman, to receive remuneration and allowances at the same rates as the rates applicable to the Chairman.

(6) Where a person is acting as Chairman in accordance with paragraph (1) (b) and the office of Chairman becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(7) While a person is acting as Chairman, he has and may exercise all the powers, and shall perform all the functions of the Chairman under this Act.

(8) The validity of anything done by, or in relation to, a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.

**Deputies**

**13. (1)** The Minister may, upon the nomination of a body referred to in sub-section 11 (4), (5) or (6), appoint a person to be the deputy of a member appointed pursuant to that sub-section.

(2) The Minister shall, at the request of the body that nominated a person to be the deputy of a member in accordance with sub-section (1), terminate the appointment of that person.



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(3) The deputy of a member is entitled to attend a meeting of the Committee that is not attended by the member of whom he is the deputy, and, while so doing, shall be deemed to be a member.

(4) 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 of his appointment had not arisen or had ceased.

**Casual vacancies**

14. (1) If a member referred to in paragraph 11 (1) (b), (c) or (d) ceases to hold office before the expiration of the period for which he was appointed, the Minister may appoint as a member for the remainder of that period a person nominated in accordance with whichever of sub-sections 11 (4), (5) and (6) applied to the nomination of the member who has ceased to hold office.

(2) If the Chairman ceases to hold office before the expiration of the period for which he was appointed, the Minister may appoint a person to be Chairman for the remainder of that period.

**Remuneration and allowances**

15. (1) The Chairman 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, other than the Chairman, or the deputy of such a member, is not entitled to remuneration.

(3) A member or the deputy of a member shall be paid such allowances as are prescribed.

(4) This section has effect subject to the provisions of the *Remuneration Tribunals Act 1973* other than sub-sections 7 (9) and (13) of that Act.

**Leave of absence**

16. (1) The Minister may grant leave of absence to the Chairman upon such terms and conditions as the Minister thinks fit.

(2) The Chairman may grant leave of absence to another member upon such terms and conditions as he thinks fit.

**Resignation**

17. A member may resign his membership of the Committee by writing signed by him and delivered to the Minister.

**Termination of appointments of members**

18. (1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

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(2) If—

- (a) a member 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) a member fails, without reasonable excuse, to comply with his obligations under section 19;
- (c) the Chairman is absent, except with the leave of the Minister, from 3 consecutive meetings of the Committee; or
- (d) a member other than the Chairman is absent, except with the leave of the Chairman or Acting Chairman, from 3 consecutive meetings of the Committee,

the Minister shall terminate the appointment of the member concerned.

**Disclosure of interests of members**

19. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Committee and the member shall not, unless the Minister or the Committee otherwise determines—

- (a) be present during any deliberation of the Committee with respect to that matter; or
- (b) take part in any decision of the Committee with respect to that matter.

(3) For the purpose of the making of a determination by the Committee under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter, shall not—

- (a) be present during any deliberation of the Committee for the purpose of making the determination; or
- (b) take part in the making by the Committee of the determination.

(4) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee in accordance with section 21 otherwise than at a meeting of the Committee, being an interest that could conflict with the proper performance of his functions in relation to the consideration of the matter shall, as soon as is practicable after the relevant facts have come to his knowledge, disclose the nature of his interest to the Minister.

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(5) A member who makes, or is required to make, a disclosure to the Minister under sub-section (4) with respect to a matter shall not, unless the Minister otherwise determines, sign a document in accordance with section 21 containing a statement that he is in favour of a resolution with respect to that matter.

### **Meetings**

**20. (1)** The Chairman may convene such meetings of the Committee as he considers necessary for the efficient performance of its functions.

(2) Meetings of the Committee shall be held at such places and at such times as the Chairman determines.

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

(4) If, at a meeting of the Committee, the Chairman is not present, the members present shall elect one of their number to preside at the meeting.

(5) A quorum at a meeting of the Committee is constituted by 5 members of whom at least 2 must be members appointed under paragraph 11 (1) (b) or (c) and at least 2 must be members appointed under paragraph 11 (1) (d).

(6) At a meeting of the Committee—

(a) subject to sub-section (7), a question to be determined shall be decided by a majority of the votes of the members present;

(b) in the case of a meeting that is presided over by the Chairman—the Chairman has a deliberative vote and, in the event of an equality of votes, also has a casting vote; and

(c) in the case of a meeting held in the absence of the Chairman—

(i) the member elected to preside shall have a deliberative vote but not a casting vote; and

(ii) in the event of an equality of votes upon a question to be determined—the question shall be decided in the negative.

(7) At a meeting held in the absence of the Chairman a person may not be nominated for appointment to the Corporation if his proposed nomination is voted against by more than one of the members present.

(8) The Committee shall keep a record of its proceedings.

(9) In this section, a reference to the Chairman shall be read as including a reference to a person who is the acting Chairman.

### **Resolutions without formal meetings**

**21. (1)** If a majority of the members (being members who, if they were present at a meeting would constitute a quorum) sign a document containing a statement that they are in favour of a resolution of the Committee in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a duly constituted meeting of the Committee on the day on which the

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document was signed, or, if the members signed the document on different days, on the day on which the document was last signed by a member.

(2) For the purposes of sub-section (1), 2 or more separate documents containing statements in identical terms each of which is signed by one or more members shall together be deemed to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.

## **PART V—STAFF AND CONSULTANTS**

### **Committee may engage staff and consultants**

**22. (1)** The Committee may engage persons to perform, from time to time, clerical and administrative services in connection with the performance of its functions.

(2) The Committee may engage persons having suitable qualifications and experience as consultants to the Committee to assist the Committee in identifying persons suitable for nomination to the Minister.

(3) The terms and conditions of engagement of persons engaged under sub-section (1) or (2) shall be such as are determined by the Committee.

## **PART VI—MISCELLANEOUS**

### **Annual report**

**23. (1)** The Committee shall, as soon as is practicable after 30 June in each year, prepare and furnish to the Minister a report of its operations during the year that ended on that 30 June.

(2) The Minister shall cause a copy of the report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.

(3) For the purposes of sub-section (1), if this Act does not come into operation on 1 July in any year, that sub-section shall have effect in relation to the period commencing on the day on which this Act comes into operation and ending on the 30 June next following that day as if that period were a period of one year ending on that 30 June.

### **Regulations**

**24.** The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.