



# **Australian Meat and Live-stock Corporation Amendment Act 1986**

**No. 77 of 1986**

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

*[Assented to 24 June 1986]*

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 1986*.

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

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**Interpretation**

3. Section 5 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “approved bank”;
- (b) by inserting after the definition of “commencing date” in sub-section (1) the following definition:
  - “‘company auditor’ means a firm carrying on the business of auditing accounts;”;
- (c) by inserting after the definition of “Corporation” in sub-section (1) the following definition:
  - “‘Corporation auditor’ means—
    - (a) where an appointment of a company auditor as the Corporation auditor is in effect under section 39A—  
the company auditor so appointed; or
    - (b) where paragraph (a) does not apply—the Auditor-General;”.

**Powers generally**

4. Section 8 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “sub-sections (2) and (4)” and substituting “sub-section (4)”;
- (b) by omitting sub-section (2).

**Other powers**

5. Section 15 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “and with the approval of the Minister”;
- (b) by omitting from paragraph (1) (d) “with the approval of the Minister”; and
- (c) by omitting from sub-section (2) “The Corporation may, with the consent of the Minister,” and substituting “Without limiting the generality of sections 8 and 9, the Corporation may”.

**Licence also subject to compliance with orders and directions under this section**

6. Section 16H of the Principal Act is amended by omitting sub-sections (6), (7) and (8).

**Meat quotas**

7. Section 16J of the Principal Act is amended by adding at the end the following sub-section:

“(12) Applications may be made to the Administrative Appeals Tribunal for a review of a decision of the Corporation to transfer or cancel,

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or require the surrender of, a quota or a part of a quota in accordance with an order made under sub-section 16J (2).”.

**Corporation to convene annual general meeting**

**8.** Section 30B of the Principal Act is amended—

(a) by inserting after paragraph (2) (a) the following paragraph:

“(ab) where it is proposed to request the appointment of a company auditor as the Corporation auditor—particulars of the proposal, including the list proposed to be approved under paragraph 39A (1) (b);”;

(b) by omitting from paragraph (4) (c) “and” (last occurring); and

(c) by inserting after paragraph (4) (c) the following sub-paragraph:

“(ca) to debate and vote upon a motion—

(i) moved on behalf of the Corporation to request the appointment of a company auditor as the Corporation auditor; or

(ii) where a company auditor is the Corporation auditor—to remove the Corporation auditor; and”.

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

**9.** Section 30C of the Principal Act is amended by inserting in sub-section (2) “30B (4) (ca) (ii) or” after “sub-paragraph”.

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

**10.** Section 30D of the Principal Act is amended—

(a) by inserting in sub-paragraph (1) (a) (i) “or requesting the appointment of a company auditor as the Corporation auditor,” after “paragraph 30B (2) (b)”;

(b) by omitting from paragraph (1) (c) “Minister” and substituting “Chairman”.

**Proxies**

**11.** Section 30E of the Principal Act is amended by omitting from sub-section (3) “Minister” and substituting “Chairman”.

**12.** After section 30U of the Principal Act the following Division is inserted in Part IIIB:

**“Division 3—Directions by Minister**

**Directions by Minister**

“30UA. (1) The Minister may, after consultation with the Chairman, by notice in writing to the Corporation, give general directions to the Corporation with respect to the performance of its functions or the exercise of its powers.

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“(2) The Minister shall cause a copy of any direction given to the Corporation under sub-section (1)—

- (a) to be published in the *Gazette* as soon as practicable after the direction is given; and
- (b) to be laid before each House of the Parliament within 15 sitting days of that House after the direction is given.

“(3) The Corporation shall comply with any direction given under sub-section (1).

“(4) Where the Minister gives a direction to the Corporation under sub-section (1), the particulars of the direction, and a statement of the effect of the direction on the operations of the Corporation, shall be included in the annual report of the Corporation.”.

### **Officers and employees**

13. Section 31 of the Principal Act is amended by omitting from sub-section (2) “, subject to the approval of the Minister,”.

### **Raising of moneys by Corporation**

14. Section 35 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, with the approval of the Minister”;
- (b) by omitting sub-section (2) and substituting the following sub-section:

“(2) The Corporation may not borrow or otherwise raise money under sub-section (1) exceeding a total amount of \$5,000,000 in a financial year except with the approval of the Treasurer and on such terms and conditions (if any) as are specified in the approval.”;

- (c) by omitting from sub-sections (3) and (4) “sub-section (1)” and substituting “sub-section (2)”;
- (d) by omitting sub-section (5).

### **Bank account**

15. Section 36 of the Principal Act is amended by omitting from sub-section (1) “an approved bank or approved banks” and substituting “a bank or banks”.

### **Application of moneys**

16. Section 37 of the Principal Act is amended—

- (a) by inserting after paragraph (1) (bb) the following paragraph:
  - “(bc) in making, whether in Australia or elsewhere, a loan of moneys, where the Corporation is satisfied that such a loan is consistent with the objects of this Act;”;
- (b) by omitting from paragraph (2) (b) “an approved” and substituting “a”; and

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(c) by omitting paragraph (2) (c) and substituting the following paragraph:

“(c) in any other form of investment that is consistent with sound commercial practice.”.

**Audit by Corporation auditor**

17. Section 39 of the Principal Act is amended by omitting “Auditor-General” (wherever occurring) and substituting “Corporation auditor”.

18. After section 39 of the Principal Act the following sections are inserted:

**Appointment of company auditor**

“39A. (1) Where, at an annual general meeting of the Corporation—

- (a) it is resolved that a company auditor should be appointed as the Corporation auditor; and
- (b) a list of names of company auditors, arranged in order of preference, is approved,

the Corporation shall send to the Minister a copy of the list together with a request in writing to appoint a company auditor as the Corporation auditor.

“(2) Where the Minister receives a request under sub-section (1), the Minister shall request the Auditor-General in writing to consider the suitability for appointment as the Corporation auditor of a company auditor specified by the Minister (in this section referred to as the ‘proposed company auditor’).

“(3) In a request under sub-section (2), the Minister shall specify the company auditor whose name is the highest name on the list, or is the only name on the list, as the case may be, that has not been the subject of a previous request made under sub-section (2).

“(4) Where a request is made to the Auditor-General under sub-section (2), the Auditor-General shall consider whether or not the proposed company auditor is suitable to be the Corporation auditor and shall inform the Minister in writing of the Auditor-General’s decision and of the reasons for that decision.

“(5) Where the Auditor-General informs the Minister that the Auditor-General is satisfied that the proposed company auditor is suitable to be the Corporation auditor, the Minister shall cause to be given to the Chairman of the Joint Committee of Public Accounts particulars of the request and of the Auditor-General’s advice.

“(6) The Joint Committee of Public Accounts shall consider the advice given by the Auditor-General and shall inform the Minister in writing whether or not it agrees to the appointment of the proposed company auditor as the Corporation auditor.

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“(7) If the Joint Committee of Public Accounts informs the Minister that it agrees to the appointment of the proposed company auditor as the Corporation auditor, the Minister shall, in writing, appoint the auditor accordingly.

“(8) Where the Minister makes an appointment under sub-section (7), the Minister shall inform the Corporation in writing of the making of the appointment.

“(9) Where—

- (a) the Auditor-General decides that the proposed company auditor is not suitable to be the Corporation auditor; or
- (b) the Joint Committee of Public Accounts does not agree to the appointment of the proposed company auditor, as the Corporation auditor,

the Minister shall inform the Corporation, in writing, of the Auditor-General's decision and of the reasons for that decision, or of the decision of the Committee, as the case may be.

“(10) Where the Minister informs the Corporation under sub-section (9) that—

- (a) the Auditor-General has decided that the proposed company auditor is not suitable to be the Corporation auditor; or
- (b) the Joint Committee of Public Accounts does not agree to the appointment of the proposed company auditor as the Corporation auditor,

this section (other than sub-section (1)) applies again until—

- (c) the Minister informs the Corporation, in writing, that the Minister has made an appointment under sub-section (7);
- (d) all the names on the list have been the subject of previous requests under this section; or
- (e) the Minister informs the Corporation, by notice in writing, that the Minister does not intend to request the Auditor-General to consider the suitability, for appointment as the Corporation auditor, of the name or names remaining on the list,

whichever first happens.

### **Removal of company auditor**

“39B. (1) Where a company auditor is the Corporation auditor and, at an annual general meeting of the Corporation, it is resolved that the Corporation auditor should be removed, the Corporation shall request the Minister, in writing, to remove the Corporation auditor.

“(2) Where the Minister receives a request under sub-section (1), the Minister shall, in writing, remove the Corporation auditor at such time as the Minister thinks fit.

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**Resignation of company auditor**

“39C. (1) Subject to sub-section (2), where a company auditor is the Corporation auditor, the Corporation auditor may resign from office by writing signed by the Corporation auditor and delivered to the Chairman.

“(2) A Corporation auditor may not resign under sub-section (1) without the prior written approval of the Minister.”.

**Annual report and financial statements**

**19.** Section 49 of the Principal Act is amended by omitting from sub-sections (3) and (4) “Auditor-General” (wherever occurring) and substituting “Corporation auditor”.

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**NOTE**

1. No. 67, 1977, as amended. For previous amendments, see No. 36, 1978; No. 76, 1979; No. 167, 1980; Nos. 61 and 150, 1981; Nos. 46 and 48, 1982; No. 57, 1984; and No. 13, 1985.

*{Minister's second reading speech made in—  
House of Representatives on 16 April 1986  
Senate on 6 May 1986*