



Wool Marketing Act 1987

No. 90 of 1987

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Wool Marketing Act 1987

No. 90 of 1987

An Act relating to the export marketing of wool and certain other matters concerning the wool industry

[Assented to 5 June 1987]

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 *Wool Marketing Act 1987*.

Commencement

2. This Act shall come into operation on 1 July 1987.

Interpretation

3. (1) In this Act, unless the contrary intention appears:

“Administration Act” means the *Wool Tax (Administration) Act 1964*;

“annual operational plan” means a plan in force for the time being under section 18;

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- “annual report”** means a report of the Corporation prepared under section 123;
- “annual research and development program”** means a program in force for the time being under section 101;
- “appoint”** includes re-appoint;
- “appointed director”** means a director other than the Managing Director;
- “approved research and development activity”** means a wool research and development activity that is approved by the Corporation under section 102 and that has not ceased to be such an activity under subsection (2) of this section;
- “assessment action”**, in relation to the equal employment opportunity program of the Corporation, means action by the Corporation to do all of the following things:
- (a) to collect and record statistics and related information concerning employment by the Corporation, including the number and types of jobs undertaken by, or job classifications of:
 - (i) employees of either sex; and
 - (ii) persons in designated groups;
 - (b) to monitor and evaluate the implementation of the program; and
 - (c) to assess:
 - (i) the achievement of the objectives of the program; and
 - (ii) the effectiveness of the program by comparing statistics and information referred to in paragraph (a) with the indicators set under the policy action of the program;
- “company auditor”** means a firm or person carrying on the business of auditing accounts;
- “consultation action”**, in relation to the equal employment opportunity program of the Corporation, means action by the Corporation to:
- (a) consult with its employees, particularly employees who are women or in designated groups; and
 - (b) consult with each trade union having members affected by the program;
- in relation to the development and implementation of the program;
- “controlled arrangements”** means arrangements referred to in paragraph 63 (1) (d), (e), (f) or (g);
- “corporate plan”** means a plan in force under section 13;
- “Corporation”** means the Australian Wool Corporation continued in existence by section 4;

“Corporation auditor” means:

- (a) if an appointment of a company auditor under subsection 60 (6) as the auditor of the Corporation is in effect—that company auditor; or
- (b) in any other case—the Auditor-General;

“Corporation Chairperson” means the Chairperson of the Corporation;

“Council Chairperson” means the Chairperson of the Research Council;

“Council member” means a member of the Research Council and includes the Council Chairperson;

“designated group” has the same meaning as in the *Public Service Act 1922*;

“director” means a director of the Corporation and includes the Corporation Chairperson;

“discrimination” means:

- (a) discrimination that is unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*; or
- (b) discrimination by which a person with a physical or mental disability is, because of the disability, treated less favourably than a person without the disability;

“employee” means a natural person appointed or engaged:

- (a) under a contract of service, whether on a full-time, part-time, permanent, casual or temporary basis; or
- (b) under a contract for services;

“employee information action”, in relation to the equal employment opportunity program of the Corporation, means action by the Corporation to inform its employees of the content of the program and of the results of any assessment action;

“employment matters” includes:

- (a) recruitment procedure, and selection criteria, for appointment or engagement of persons as employees;
- (b) promotion and transfer of employees;
- (c) training and staff development for employees; and
- (d) conditions of service of employees;

“equal employment opportunity program”, in relation to the Corporation, means a program of the Corporation that is designed to ensure:

- (a) that appropriate action is taken to eliminate any discrimination by the Corporation against women and persons in designated groups in relation to employment matters; and
- (b) that appropriate measures are taken by the Corporation to promote equal opportunity for women and persons in designated groups in relation to employment matters;

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being a program that includes provision for assessment action, consultation action, employee information action, and policy action, in relation to the program;

“export auction” means an auction at which any wool sold may be exported;

“government director” means the director referred to in paragraph 20 (1) (c);

“industry standards”, in relation to wool, means the standards of preparation of wool for submission for sale referred to in paragraph 63 (1) (b);

“industry terms”, in relation to wool, means the terms and conditions relating to the acceptance of wool for sale and the sale of wool referred to in paragraph 63 (1) (c);

“Managing Director” means the person appointed as the Managing Director of the Corporation under section 38;

“manufacture”, in relation to wool, means to subject the wool to a process other than scouring, carbonising, combing or fellmongering;

“Market Fund” means the Market Support Fund continued in existence under section 48;

“member of Parliament” means a member of:

- (a) the Parliament of the Commonwealth;
- (b) the Parliament of a State; or
- (c) the Legislative Assembly of the Northern Territory;

“participating wool”, in relation to a refund period, means:

- (a) wool sold in Australia during that refund period by or on behalf of its producer;
- (b) wool subjected to a process of manufacture during that refund period by or on behalf of its producer; or
- (c) wool exported from Australia by or on behalf of its producer, being wool entered for export under the *Customs Act 1901* during that refund period;

“policy action”, in relation to the equal opportunity program of the Corporation, means action by the Corporation to do all of the following things:

- (a) confer responsibility for the development and implementation of the program (including a continuous review of the program) on a person having sufficient authority and status within the management of the Corporation to enable the person properly to develop and implement the program;
- (b) examine policies and practices of the Corporation in relation to employment matters to identify:
 - (i) any policies or practices that constitute discrimination against women or persons in designated groups; and

- (ii) any patterns (whether ascertained statistically or otherwise) of lack of equality of opportunity for women or persons in designated groups; and

(c) set:

- (i) the objectives to be achieved by the program; and
- (ii) the quantitative and other indicators against which the effectiveness of the program is to be assessed;

“Presiding Member” means the person appointed as Presiding Member of the Australian Wool Industry Selection Committees under section 27;

“process”, in relation to wool, means to subject the wool to a process of scouring, carbonising, combing or fellmongering;

“producer”, in relation to wool, means:

- (a) where an agreement to sell the wool separately from the sheep was made before the wool was shorn—the person who owned the sheep immediately before the sale;
- (b) where a gift of the wool is made before any sale of the wool has taken place—the person to whom the wool is given; or
- (c) in any other case—the person who owns the wool immediately after it is shorn;

and, for the purposes of this definition, a person who has rights in the nature of an equity of redemption in respect of wool or sheep the subject of a mortgage or other security shall be deemed to be the owner of the wool or sheep;

“refund period” means a period to which a declaration under section 50 applies;

“Register” means the Register of Woolclassers kept in accordance with section 75;

“registered woolclasser” means a woolclasser whose name is on the woolclassers register;

“repealed Act” means the *Wool Industry Act 1972* as in force immediately before 1 July 1987;

“research and development plan” means a plan in force for the time being under section 96, and includes the plan continued in operation under subsection 95 (4);

“Research Council” means the Wool Research and Development Council continued in existence by section 90;

“Research Councils Selection Committee” means the Research Councils Selection Committee established by the *Rural Industries Research Act 1985*;

“Research Fund” means the Wool Research and Development Fund continued in existence by section 92;

“reserve price scheme”, in relation to the Corporation, means the scheme operated by the Corporation under Division 2 of Part IV;

“securities” includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents;

“Selection Committee” means an Australian Wool Industry Selection Committee established under section 29;

“shorn wool” means wool that:

- (a) has been obtained by shearing; and
- (b) has not been subjected to any process other than scouring or carbonising;

“trade union” means:

- (a) an organisation of employees registered under the *Conciliation and Arbitration Act 1904*; or
- (b) a trade union within the meaning of a State Act or law of a Territory;

“woman” means a member of the female sex irrespective of age;

“wool” means sheep’s wool, and includes lambs’ wool;

“woolclassers register” means the register referred to in paragraph 63 (1) (n);

“Wool Council” means the organisation known as the Wool Council of Australia that was formed on 19 July 1979;

“wool premises” means premises to be used by a number of persons as a centre for all or any of the following purposes:

- (a) trading in wool;
- (b) handling and storing wool;
- (c) packing and dumping wool;
- (d) purposes related to a purpose referred to in paragraph (a), (b) or (c);

and includes equipment for use in relation to the use of any such premises;

“wool products” includes goods made wholly or partly from wool or from materials produced by processing wool;

“wool research and development” means systematic experimentation or analysis in any field of science, technology or economics carried out with the object of:

- (a) acquiring knowledge that may be of use for the purposes of improving any aspect of the production, processing, storage, transport or marketing of wool or wool products; or
- (b) applying knowledge for the purposes referred to in paragraph (a);

“wool research and development activity” means:

- (a) a project for wool research and development;
- (b) the training of persons to carry out wool research and development;

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- (c) the dissemination of information, or the provision of advice and assistance, to persons engaged in any aspect of the production, processing, storage, transport or marketing of wool or wool products for the purpose of encouraging those persons to follow practices, or to adopt technological developments, designed or adapted to improve the operation or efficiency of the wool industry;
- (d) the publication of reports, periodicals, books or papers containing information related to any aspect of the production, processing, storage, transport or marketing of wool or wool products; or
- (e) any activity incidental to an activity referred to in paragraph (a), (b), (c) or (d);

“wool stores annual operational plan” means a wool stores annual operational plan developed by the Wool Stores Board under section 118;

“Wool Stores Board” means the Australian Wool Stores Board of Management referred to in section 115;

“wool stores strategic plan” means a wool stores strategic plan developed by the Wool Stores Board under section 117;

“wool stores properties” means:

- (a) the land and buildings referred to in section 114; and
- (b) any land or buildings acquired by, or constructed for, the Corporation after the commencement of this Act and used for the purpose of storing wool for the benefit of the wool industry;

“Wool Tax Act” means the *Wool Tax Act (No. 1) 1964*, the *Wool Tax Act (No. 2) 1964*, the *Wool Tax Act (No. 3) 1964*, the *Wool Tax Act (No. 4) 1964* or the *Wool Tax Act (No. 5) 1964*;

“wool use promotion” means the promotion of the use of wool and of wool products.

(2) A wool research and development activity that is an approved research and development activity ceases to be an approved research and development activity at the end of the period of the annual research and development program in respect of which the activity was approved.

(3) For the purposes of this Act:

- (a) the Corporation Chairperson may be referred to as the Corporation Chairman or the Corporation Chairwoman, as the case requires; and
- (b) the Council Chairperson may be referred to as the Council Chairman or the Council Chairwoman, as the case requires.

(4) A reference in this Act to discrimination in relation to employment matters does not include a reference to discrimination that:

- (a) is essential for the effective performance of the duties to which the employment matters relate; and

- (b) is not unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*.

PART II—AUSTRALIAN WOOL CORPORATION

Division 1—Establishment, functions and powers of Corporation

Australian Wool Corporation

4. (1) The body corporate that was, immediately before 1 July 1987, in existence under section 7 of the repealed Act, with the name Australian Wool Corporation, continues in existence by force of this subsection as a body corporate with the same name.

(2) The Corporation:

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Corporation appearing on a document and shall presume that the document was duly sealed.

Object of Corporation

5. The object of the Corporation is to increase the commercial returns to Australian woolgrowers by:

- (a) facilitating wool marketing;
- (b) wool use promotion;
- (c) funding and administering wool research and development; and
- (d) owning and managing wool stores.

Functions of Corporation

6. (1) The functions of the Corporation are:

- (a) the functions relating to finance specified in section 45;
- (b) the functions relating to wool marketing specified in section 63;
- (c) the functions relating to wool use promotion specified in section 82;
- (d) the functions relating to wool research and development specified in section 86;
- (e) the functions relating to wool stores specified in section 113; and
- (f) such other functions as are conferred on the Corporation by any other provision of this Act.

(2) The Corporation shall not perform its functions:

- (a) otherwise than for a purpose in respect of which the Parliament has power to make laws; or

(b) so as to give preference to one State or any part thereof over another State or any part thereof or otherwise inconsistently with the Constitution.

(3) Notwithstanding paragraph (2) (a), it is the intention of the Parliament that, where a law of a State confers on the Corporation a function of a kind conferred on the Corporation by this Act, the Corporation may perform the function conferred by that law.

(4) The Corporation may perform any of its functions outside Australia.

Powers of Corporation

7. The Corporation has power to do all things necessary or convenient to be done in relation to the performance of its functions and, in particular, without limiting the generality of the foregoing, to:

- (a) carry out tests of wool and other fibres, whether natural or otherwise;
- (b) carry out tests of wool products and similar products made wholly or partly from other fibres;
- (c) make applications, including joint applications, for patents;
- (d) deal with patents vested in the Corporation;
- (e) acquire by agreement, and dispose of, property or rights in relation to land or buildings;
- (f) buy wool for use in the performance of its functions;
- (g) appoint agents, whether in Australia or elsewhere; and
- (h) make arrangements and agreements with persons, authorities or associations in Australia or elsewhere and, with the consent of the Minister, with a State.

Consultation

8. (1) Without limiting section 7, 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 wool industry.

(2) Arrangements entered into by the Corporation in relation to a consultation may include:

- (a) the Corporation's agreeing to meet travel expenses reasonably incurred by a person in relation to the consultation; and
- (b) subject to guidelines given to the Corporation by the Minister, the Corporation's agreeing to meet expenses, other than travel expenses, reasonably incurred in relation to the consultation by the Wool Council or a member of the Wool Council.

Committees

9. (1) The Corporation may establish such committees as it thinks fit to assist it in carrying out any of its functions, and may abolish any such committee.

(2) A committee shall consist of such persons (whether members of the Corporation or not) as the Corporation from time to time appoints.

(3) The Corporation may give to a committee such directions as it thinks fit, including:

- (a) directions as to the manner in which the committee is to carry out its functions; and
- (b) directions with respect to the procedure to be followed in relation to meetings of the committee, including directions with respect to:
 - (i) the convening of meetings of the committee;
 - (ii) the number of members of the committee to constitute a quorum;
 - (iii) the appointment of a member of the committee to preside at meetings of the committee; and
 - (iv) the manner in which questions arising at a meeting of the committee shall be decided.

(4) In its application in relation to the Wool Stores Board, this section has effect subject to Part VII.

Delegation

10. (1) The Corporation may, either generally or otherwise as provided by the instrument of delegation, by writing under its common seal, delegate to:

- (a) a person appointed under this Act;
- (b) a committee established under section 9;
- (c) a member of such a committee; or
- (d) an employee of the Corporation;

any of the powers of the Corporation under this Act, except this power of delegation.

(2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation and, when so exercised, shall, for the purposes of this Act, be deemed to have been exercised by the Corporation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Corporation.

Subsidiary companies etc.

11. (1) The Corporation may, with the approval, in writing, of the Minister:

- (a) form, or participate with other persons in the formation of, a company;
- (b) acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities of, a company; or
- (c) enter into a partnership, or arrange for the sharing of profits, with a company.

(2) The approval may be subject to such conditions as the Minister thinks fit.

(3) An agreement or arrangement between the Corporation and a company shall include a term empowering the Corporation to end the agreement or arrangement if the company:

- (a) no longer carries on a business that relates to a matter that is within the functions or duties of the Corporation or with respect to which the Corporation may exercise powers; or
- (b) commences to carry on a business that is not a business of the kind referred to in paragraph (a).

Division 2—Corporate plans and annual operational plans

Corporation to prepare corporate plans

12. (1) The Corporation shall, before 1 June 1988 and before 1 June in each subsequent calendar year, prepare and give to the Minister a corporate plan relating to the period of 5 years commencing on the following 1 July.

(2) The Corporation shall prepare corporate plans after consultation with the Wool Council.

(3) A corporate plan shall:

- (a) define what, in the opinion of the Corporation, should be the Corporation's principal goals;
- (b) give an outline of the strategies that are, in the opinion of the Corporation, to be pursued in achieving those goals;
- (c) set out the Corporation's assessment, for the period to which the plan relates, of the market outlook and the economic outlook for the wool industry;
- (d) give a broad outline of the strategies to be pursued by the Corporation and the Research Council in relation to wool research and development;
- (e) include provision for management of the Corporation's wool stores, taking account of the relevant wool stores strategic plans;
- (f) propose significant activities for the Corporation and its subsidiaries; and
- (g) include the Corporation's equal opportunity employment program developed under section 41.

Agreement to corporate plans

13. (1) Where a copy of a corporate plan is given or re-submitted to the Minister, the Minister may, by notice in writing given to the Corporation:

- (a) agree to the plan; or
- (b) if the Minister is of the opinion that, in the interests of the wool industry, the plan should be revised in some respect—request the Corporation to revise the plan appropriately.

(2) The Minister shall include in a notice of request a statement setting out the Minister's reasons for making the request.

(3) Where the Corporation receives a request, the Corporation shall consider the request and statement of reasons, make such revision of the corporate plan as it considers appropriate and re-submit the revised plan to the Minister for the Minister's agreement.

(4) A corporate plan comes into force:

(a) at the commencement of the period to which the plan relates; or

(b) on the day on which the Corporation receives notice of the Minister's agreement;

whichever is the later.

(5) Upon the coming into force of a corporate plan, any corporate plan that is already in force ceases to be in force.

Variation of corporate plans by Corporation

14. (1) Subject to subsection (4), the Corporation shall not vary a corporate plan except with the agreement of the Minister.

(2) Where the Corporation wishes to vary a corporate plan, the Corporation shall prepare written proposals for the variations and give a copy of the proposals to the Minister together with a statement setting out the Corporation's reasons for making the proposals.

(3) The Minister may, after considering proposals for the variations of a corporate plan and the reasons for making those proposals, by notice in writing given to the Corporation, agree to or reject the proposals.

(4) Nothing in this section prevents the Corporation making variations of a minor nature to a corporate plan without the agreement of the Minister but the Corporation shall, as soon as practicable after making such a variation, inform the Minister of the variation.

Variation of corporate plans at request of Minister

15. (1) The Minister may, by notice in writing given to the Corporation, request it to vary a corporate plan in the manner set out in the notice of request.

(2) Where the Minister makes a request, the Minister shall include in the notice of request a statement setting out the Minister's reasons for making the request.

(3) Where the Corporation receives a request, it shall consider the request and statement of reasons, prepare written proposals for such variations of the plan as it considers appropriate and submit those proposals to the Minister for the Minister's agreement.

(4) The Minister may, after considering proposals for the variations of a corporate plan, by notice in writing given to the Corporation, agree to or reject the proposals.

Date of effect of variations

16. Where:

- (a) a corporate plan has come into force; and
- (b) a variation to the plan is agreed to by the Minister under section 14 or 15 or the Corporation makes a variation of a minor nature to the plan;

the plan shall continue in force as so varied on and after the day on which the Corporation receives notice of the Minister's agreement or the day on which the Corporation makes the variation of a minor nature, as the case may be.

Corporation to prepare annual operational plans

17. (1) The Corporation shall, in relation to the first financial year of each corporate plan or intended corporate plan, prepare, in writing, an annual operational plan setting out particulars of the action that the Corporation intends to take in order to give effect to or further, during that year, the matters set out in the corporate plan.

(2) An annual operational plan shall:

- (a) specify the factors likely to affect the reserve price scheme, including the need for market intervention above minimum reserve prices;
- (b) include particulars of proposed wool research and development activities;
- (c) in making provision for management of the wool stores properties, take account of the relevant wool stores annual operational plan; and
- (d) propose action to implement the Corporation's equal employment opportunity program.

Agreement to annual operational plans

18. (1) The Corporation shall cause a copy of an annual operational plan to be given to the Minister at least one month before the commencement of the period to which the plan relates.

(2) Where a copy of an annual operational plan is given or re-submitted to the Minister, the Minister may, by notice in writing given to the Corporation:

- (a) agree to the plan; or
- (b) if the Minister is of the opinion that the plan is inconsistent with the provisions of the corporate plan, or the intended corporate plan, the first financial year of which is, or will be, the period to which the first-mentioned plan will relate—request the Corporation to revise the first-mentioned plan appropriately.

(3) The Minister shall include in a request a statement setting out the Minister's reasons for making the request.

(4) Where the Corporation receives a request, it shall consider the request and statement of reasons, make such revision of the annual operational plan as it considers appropriate and re-submit the revised plan to the Minister for the Minister's agreement.

(5) An annual operational plan comes into force:

- (a) at the commencement of the period to which the plan relates; or
- (b) on the day on which the Corporation receives notice of the Minister's agreement;

whichever is the later.

Variation of annual operational plans

19. (1) Sections 14, 15 and 16 apply to annual operational plans in the same manner as those sections apply to corporate plans.

(2) Where, if a proposed variation of a corporate plan were to be agreed to by the Minister, a relevant annual operational plan would not be consistent with the provisions of the corporate plan, the Corporation shall, at the time of submitting to the Minister for agreement proposals for variation to the corporate plan, also submit to the Minister proposals for appropriate variations of that annual operational plan.

Division 3—Membership and meetings of Corporation

Membership of Corporation

20. (1) The Corporation shall consist of:

- (a) a Corporation Chairperson;
- (b) subject to subsection (6), the Managing Director;
- (c) a government director; and
- (d) 8 other directors.

(2) A director other than the Managing Director shall be appointed by the Minister in writing.

(3) The directors referred to in paragraph (1) (d) shall be appointed from persons nominated by a Selection Committee in accordance with Division 4.

(4) Appointed directors, other than the Corporation Chairperson, shall be appointed on a part-time basis.

(5) The Corporation Chairperson shall be appointed on a part-time basis or on a full-time basis.

(6) If the Corporation Chairperson has been appointed on a full-time basis, paragraph (1) (b) does not apply.

(7) An appointed director, other than the government director, holds office, subject to this Act, for such period, not less than 2 years and not exceeding 3 years, as is specified in the instrument of appointment of the director, but is eligible for re-appointment.

(8) The government director holds office, subject to this Act, during the Minister's pleasure.

(9) A person who has attained the age of 65 years shall not be appointed as a director.

(10) A person shall not be appointed as a director for a period that extends beyond the day on which the person will attain the age of 65 years.

(11) A person holding office as the government director ceases to hold office on the day on which the person attains the age of 65 years.

(12) The Minister may, by instrument in writing, extend the appointment of a person as an appointed director for a specified period, pending appointment of a suitable alternative person, that extends beyond the time when the person attains the age of 65 years if the Minister is satisfied that that person possesses special skills that the Corporation requires for the performance of its functions.

(13) Appointed directors hold office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined, in writing, by the Minister.

(14) An appointed director may resign the office of director by writing signed by the director and delivered to the Minister, but the resignation is not effective until it is accepted by the Minister.

(15) The exercise of a power or the performance of a function of the Corporation is not affected by a vacancy or vacancies in the membership of the Corporation.

(16) The Minister shall not appoint as a director a person who is a member of the Wool Council or a member of Parliament.

(17) An appointed director who becomes a member of the Wool Council or a member of Parliament ceases to be a director.

Deputy of Corporation Chairperson

21. (1) The Minister shall, in writing, appoint a person who is an appointed director, other than the Corporation Chairperson or the government director, to be the deputy of the Corporation Chairperson.

(2) Subject to subsection (3), a person appointed under subsection (1) holds office as the deputy of the Corporation Chairperson until the Minister ends the appointment or the person ceases to be a director, whichever first happens.

(3) A person appointed under subsection (1) may resign the office to which he or she has been so appointed by writing signed by the person and delivered to the Minister, but the resignation is not effective until it is accepted by the Minister.

(4) The deputy of the Corporation Chairperson has and may exercise all the powers, and shall perform all the functions, of the Corporation Chairperson:

- (a) during any vacancy in the office of the Corporation Chairperson; and
- (b) during any period when the Corporation Chairperson is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office of Corporation Chairperson.

(5) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid on the ground that:

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Disclosure of interests

22. (1) A director who has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Corporation shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of the interest at a meeting of the Corporation.

(2) A disclosure shall be recorded in the minutes of the meeting of the Corporation and the director shall not, unless the Corporation or the Minister otherwise determines:

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

(3) For the purpose of the making of a determination in relation to a director who has made a disclosure, a director who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not:

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

(4) A director who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation in accordance with section 26 otherwise than at a meeting of the Corporation, being an interest that could conflict with the proper performance of his or her functions in relation to the consideration of the matter, shall not sign a document in accordance with that section.

(5) A director who is a woolgrower or a manufacturer of wool products shall not be taken to have a pecuniary interest in a matter being considered or about to be considered by the Corporation by reason only that the person is a woolgrower or a manufacturer of wool products, as the case may be.

Leave of absence of appointed directors

23. (1) The Minister may grant leave of absence to the Corporation Chairperson on such terms and conditions as the Minister determines.

(2) The Corporation Chairperson may grant leave of absence to any other appointed director on such terms and conditions as the Corporation Chairperson determines.

Ending of appointments

24. (1) The Minister may, after receiving from the Wool Council a notice in writing stating that the Corporation does not have the confidence of the Wool Council and giving reasons for the lack of confidence in the Corporation, end the appointments of one or more of the appointed directors.

(2) The Minister may end the appointment of an appointed director for misbehaviour or for physical or mental incapacity.

(3) If an appointed director:

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

(b) not being a Corporation Chairperson appointed on a full-time basis, is absent, except on leave of absence granted under section 23, from 3 consecutive meetings of the Corporation; or

(c) fails, without reasonable excuse, to comply with an obligation imposed by section 22;

the Minister shall end the director's appointment.

(4) If the Corporation Chairperson, being appointed on a full-time basis:

(a) engages, without the consent of the Minister, in paid employment outside the duties of his or her office; or

(b) is absent from duty, except on leave of absence granted under section 23, for 14 consecutive days or for 28 days in any period of 12 months;

the Minister shall end the Corporation Chairperson's appointment.

Meetings of Corporation

25. (1) Subject to this section, meetings of the Corporation shall be held at such times and at such places within Australia as the Corporation determines.

(2) The Corporation Chairperson may, and at the request of 3 or more directors shall, convene a special meeting of the Corporation.

(3) At a meeting of the Corporation, 6 directors constitute a quorum.

(4) The Corporation Chairperson shall preside at all meetings of the Corporation at which he or she is present.

(5) If the Corporation Chairperson is absent from a meeting of the Corporation, the deputy of the Corporation Chairperson, if present, shall preside at the meeting.

(6) If neither the Corporation Chairperson nor the deputy of the Corporation Chairperson is present at a meeting of the Corporation, the directors present shall appoint one of their number to preside at the meeting.

(7) A question arising at a meeting of the Corporation shall be determined by a majority of the votes of the directors present and voting.

(8) The director presiding at a meeting of the Corporation has a deliberative vote and, if there is an equality of votes, also has a casting vote.

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

(10) The procedure of the Corporation shall be as determined by the Corporation.

Resolutions without formal meetings

26. (1) If a majority of the directors (being directors who, if they were present at a meeting of the Corporation, would constitute a quorum) sign a document containing a statement that they are in favour of a resolution 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 Corporation on the day on which the document was signed, or, if the directors signed the document on different days, on the day on which the document was last signed by a director.

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

Division 4—Nomination and selection process for membership of Corporation

Presiding Member

27. (1) The Minister shall appoint a person to be the Presiding Member of Australian Wool Industry Selection Committees.

(2) The Presiding Member shall be appointed on a part-time basis.

(3) Subject to this Division, the Presiding Member holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible to be re-appointed once.

Minister may request nomination for membership of Corporation

28. The Minister shall:

(a) for the purpose of appointing the directors referred to in paragraph 20 (1) (d); and

- (b) for the purpose of filling a vacancy caused by the resignation of, or the ending of the appointment of, any of the directors so referred to;

by notice in writing given to the Presiding Member, request the Presiding Member to establish a Selection Committee so that the Committee can give to the Minister, within the period specified in the notice, the name of a person, or the names of persons, as the case requires, considered by the Committee to be suitable for appointment.

Selection Committee

29. (1) Where the Presiding Member receives a request under section 28 for the nomination of a person or persons for appointment to the Corporation, this section and sections 30, 31, 32 and 33 apply.

(2) The Presiding Member shall:

- (a) establish an Australian Wool Industry Selection Committee for the purpose of nominating a person or persons for appointment to the Corporation; and
- (b) give to the Wool Council a notice in writing requesting the Council to nominate to the Minister persons for appointment to the Selection Committee.

(3) The function of the Selection Committee is to nominate to the Minister, pursuant to the request under section 28, a person or persons for appointment to the Corporation.

(4) The Selection Committee has power to do all things that are necessary or convenient to be done in connection with the performance of its function.

(5) The Selection Committee shall consist of:

- (a) the Presiding Member; and
- (b) not fewer than 3 nor more than 6 other members appointed by the Minister on the nomination of the Wool Council.

(6) If the Minister is not satisfied that a person nominated by the Wool Council for appointment to the Selection Committee is suitable for that appointment, the Minister may reject the nomination and ask the Wool Council to make a further nomination.

Nominations for Corporation

30. (1) The Selection Committee shall, within the period specified by the Minister in the notice under section 28, give to the Minister a notice in writing nominating the person or persons whom it considers suitable for appointment to the Corporation.

(2) Before nominating a person or persons for appointment to the Corporation, the Selection Committee:

- (a) shall invite the Wool Council to nominate to the Committee a person or persons for appointment; and

(b) without limiting subsection 29 (4), may, by advertisement in a newspaper circulating throughout Australia, invite applications for nomination for appointment.

(3) Subject to subsection 32 (1), the Selection Committee shall make only one nomination in respect of each appointment to be made by the Minister.

(4) The notice under subsection (1) shall include:

(a) a statement containing, in respect of the person, or of each of the persons, nominated:

(i) details of the person's qualifications and experience; and

(ii) such other information relating to the person as the Committee thinks appropriate to include to help the Minister to decide whether to appoint the person; and

(b) a statement specifying how, in the opinion of the Committee, the nomination or nominations will best ensure that the directors collectively possess qualifications and experience in the fields of activity referred to in subsection 31 (1).

(5) If the Minister considers the information contained in a statement to be inadequate, the Minister may, by notice in writing, require the Committee, by such day as is specified in the notice, to provide the Minister with such further information of the kind referred to in the relevant paragraph of subsection (4) as the Minister specifies.

Selection of nominees for Corporation

31. (1) A person is not entitled to be nominated by the Selection Committee unless the person has qualifications relevant to, or has experience in, one or more of the following fields of activity:

(a) woolgrowing;

(b) wool processing, including the manufacture of wool products;

(c) wool and textile research and development;

(d) marketing and export of commodities;

(e) finance;

(f) product promotion;

(g) transport and shipping;

(h) storage and distribution;

(j) property management;

(k) industrial relations and practices;

(m) business administration and law.

(2) In selecting persons for nomination, the Selection Committee shall choose from the available candidates such persons as will best ensure that the directors collectively possess qualifications and experience in the fields of activity referred to in paragraphs (1) (a) to (m) (inclusive).

(3) The Presiding Member shall consult with the Corporation Chairperson on the skills and qualities of directors that should be reflected in the membership of the Corporation.

(4) A person who is a member of the Wool Council or a member of Parliament is not entitled to be nominated by the Selection Committee unless the person has indicated to the Selection Committee that, prior to appointment to the Corporation, the person will have ceased to be a member of the Wool Council or a member of Parliament, as the case may be.

(5) A person who is, or who has at any time been, a member of a particular Selection Committee is not entitled to be nominated by that Selection Committee.

(6) A person is entitled to be nominated by a Selection Committee notwithstanding that a proposal for his or her nomination has been rejected at a previous meeting of the Committee or that a nomination for his or her appointment to the Corporation has previously been rejected by the Minister.

Minister may reject nomination

32. (1) If the Minister is not satisfied as to the suitability of a person nominated for appointment, the Minister may, by notice in writing given to the Selection Committee, reject the nomination and may, in that notice, request the Committee to make a further nomination within the period specified in the notice.

(2) For the purposes of section 30, that further request shall be taken to be a notice under section 28, and the period specified in that further notice shall be taken to be the period specified in a notice under section 28.

Presiding Member to abolish Selection Committee

33. Where:

- (a) the Minister has appointed to the Corporation a person nominated by the Selection Committee;
- (b) the Committee has not made any nominations for appointment that have yet to be accepted or rejected by the Minister; and
- (c) there are no outstanding matters in a request by the Minister under section 28 or 32 that are still to be dealt with by the Committee;

the Presiding Member shall abolish the Committee.

Meetings of Selection Committees

34. (1) The Presiding Member may convene such meetings of a Selection Committee as the Presiding Member considers necessary for the efficient performance of its function.

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

(3) At a meeting of the Selection Committee, the Presiding Member and 3 other members of the Selection Committee constitute a quorum.

(4) The Presiding Member shall preside at all meetings of the Selection Committee.

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

(6) At a meeting of the Selection Committee the Presiding Member has a deliberative vote and, if there is an equality of votes, also has a casting vote.

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

Staff and consultants

35. The Presiding Member may, on behalf of a Selection Committee:

- (a) engage persons (who are not employees of the Corporation) to perform administrative and clerical services in connection with the performance of the Committee's function; and
- (b) engage as consultants to the Committee persons having suitable qualifications and experience to assist the Committee in identifying persons suitable for nomination for appointment to the Corporation;

on such terms and conditions of engagement as are determined by the Committee.

Applied provisions

36. Subject to this Division, subsections 20 (13), (14) and (15), sections 22 and 23, subsections 24 (2) and (3) and section 26 apply in relation to a Selection Committee, the Presiding Member and the members of the Selection Committee as if:

- (a) references in those provisions to the Corporation were references to the Selection Committee;
- (b) references in those provisions to the Corporation Chairperson were references to the Presiding Member; and
- (c) references in those provisions to directors or to appointed directors were references to the members of the Selection Committee.

Division 5—Staff of the Corporation

Employees

37. (1) The Corporation may employ such persons as it thinks necessary for the purposes of this Act.

(2) Subject to subsection (3), terms and conditions of employment of persons so employed are such as are determined by the Corporation.

(3) A person shall not be employed by the Corporation on terms and conditions more favourable than those applying to:

- (a) if the Corporation Chairperson is appointed on a full-time basis—the Corporation Chairperson; or

(b) in any other case—the Managing Director.

Managing Director

38. (1) At any time during which the Corporation Chairperson is not appointed on a full-time basis, 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 of the Managing Director in respect of matters not provided for by this Act, including terms and conditions relating to remuneration and allowances; and
- (b) at any time end such an appointment.

(3) The Corporation shall end the appointment of the Managing Director if the Corporation Chairperson is or becomes appointed on a full-time basis.

(4) Subsection (3) shall not be taken to limit, by implication, the grounds upon which the appointment of the Managing Director may be ended.

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

Acting Managing Director

39. (1) The Corporation may, by resolution, appoint a person to act as Managing Director:

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

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

(2) Subject to subsection (4), an appointment of a person may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) Subject to subsection (4), the Corporation may:

- (a) determine the terms and conditions, including remuneration and allowances, if any, on which a person is to act under this section; and
- (b) end an appointment under this section at any time.

(4) An appointment of a person under subsection (1) shall not have effect during any period during which the Corporation Chairperson has been appointed on a full-time basis.

(5) Where a person is acting as Managing Director in accordance with paragraph (1) (b) and the office in which the person is acting becomes

vacant while that person is so acting, that person may continue so to act until the Corporation otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred ends, whichever first happens.

(6) The appointment of a person to act as Managing Director ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Corporation.

(7) While a person is acting as Managing Director, the person has and may exercise all the powers, and shall perform all the duties and functions, of the Managing Director.

(8) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid on the ground that:

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Management of affairs of Corporation

40. (1) The affairs of the Corporation shall, to the extent determined by the Corporation, be managed:

- (a) during any period during which the Corporation Chairperson has been appointed on a full-time basis—by the Corporation Chairperson; and
- (b) during any other period—by the Managing Director.

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

Corporation to develop and implement equal employment opportunity program

41. The Corporation shall develop and implement an equal employment opportunity program for the Corporation.

Regard to be had to equal employment opportunity program

42. The Corporation shall take whatever action is necessary to give effect to the Corporation's equal employment opportunity program developed under section 41, and any person who exercises powers in relation to employment matters in the Corporation shall have regard to the program in exercising those powers.

Employment matters to be dealt with on basis of merit

43. Nothing in this Act shall be taken to require action that is incompatible with the principle that employment matters should be dealt with on the basis of merit.

PART III—FINANCE

Division 1—Preliminary

Objects of Part

44. The objects of this Part are:

- (a) to make provision for the performance by the Corporation of its functions in relation to finance under section 45; and
- (b) to ensure the maximum utilisation of money received, held and used by the Corporation on behalf of Australian woolgrowers.

Functions of Corporation in relation to finance

45. The functions of the Corporation in relation to finance are:

- (a) to receive money payable to the Corporation under section 47, and to raise such other money, under section 53, as is necessary for the purpose of performing its functions;
- (b) to provide money, in accordance with this Act, in relation to wool marketing, wool use promotion, wool research and development, wool stores and related activities;
- (c) to operate the Market Fund;
- (d) to make refunds from the Market Fund under Division 3 of Part III;
- (e) to maintain and operate separate financial accounts for each of the Corporation's principal activities;
- (f) to undertake hedging operations through entering into currency contracts, interest rate contracts and wool futures contracts under section 54; and
- (g) to maximise returns on money held by the Corporation by investing the money under section 56.

Division 2—Apportionment of wool tax

Determination of apportionment of wool tax

46. (1) Before the commencement of each financial year, the Wool Council shall determine:

- (a) the percentage of the sale value of shorn wool that is to be paid in that year into the Market Fund;
- (b) the percentage of that value that is to be paid in that year to the Corporation for wool use promotion and for the general purposes of the Corporation; and
- (c) the percentage of that value that is to be paid in that year into the Research Fund.

(2) The percentages determined shall be such that:

- (a) neither of the percentages determined under paragraphs (1) (a) and (b) are less than 2.5%;

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- (b) the percentage determined under paragraph (1) (c) is not less than 0.25%; and
- (c) the sum of the percentages determined that apply in relation to the sale value of particular shorn wool is equal to the percentage specified in the rate of tax imposed by a Wool Tax Act that is the rate of tax that applied to that wool.

(3) Before determining percentages, the Wool Council shall take into consideration any recommendations with respect to the percentages made to the Wool Council by the Corporation.

(4) As soon as practicable after determining percentages, the Wool Council shall notify the Minister and the Corporation of the percentages.

(5) As soon as practicable after receiving notification of the Wool Council's determination, the Minister shall cause the determination to be published in the *Gazette*.

Payments to Corporation

47. (1) Where all the tax imposed on particular shorn wool by a Wool Tax Act has been received by the Commonwealth, the following amounts are payable to the Corporation:

- (a) an amount equal to such percentage of the sale value of that shorn wool as has been determined under paragraph 46 (1) (a) in respect of the financial year in which the amount is paid;
- (b) an amount equal to such percentage of that value as has been determined under paragraph 46 (1) (b) in respect of that year;
- (c) an amount equal to such percentage of that value as has been determined under paragraph 46 (1) (c) in respect of that year.

(2) For the purposes of this section, the sale value of any shorn wool is the amount that, under section 10 of the Administration Act, is the sale value of that wool for the purposes of that Act.

(3) Money payable to the Corporation under subsection (1) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Division 3—Market Support Fund

Market Support Fund

48. The Market Support Fund that was established by the Corporation under section 28A of the repealed Act with the name Market Support Fund continues in existence by force of this section with the same name.

Dealings with Market Fund

49. (1) There shall be credited to the Market Fund:
- (a) amounts paid to the Corporation under paragraph 47 (1) (a);
 - (b) interest received on advances made in accordance with subparagraph (2) (a) (ii) or (iii) less administrative expenses incurred by the Corporation in relation to those advances;

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- (c) income derived from investments made in accordance with paragraph (2) (b);
- (d) amounts representing interest on money standing to the credit of the Market Fund and used by the Corporation for the purchase of wool, being interest at rates determined by the Corporation;
- (e) amounts received by the Corporation because of the sale or disposal of wool under subsection 72 (1); and
- (f) an amount equal to the most recent market value of wool equivalent to wool referred to in subsection 72 (2).

(2) Money standing to the credit of the Market Fund:

(a) may be used by the Corporation:

- (i) for the purchase of wool in the performance of its functions under paragraph 63 (1) (a);
- (ii) in the payment of advances to woolgrowers the marketing of whose wool has been delayed by the exercise of the powers and the performance of the functions of the Corporation;
- (iii) with the agreement of the Wool Council, in the payment of advances to woolgrowers the marketing of whose wool has been delayed by unforeseen events;
- (iv) in the payment of costs incurred by the Corporation in operations in relation to a reserve price scheme, including the payment of interest on any money borrowed by the Corporation for the purpose of such operations; or
- (v) in the payment of refunds in accordance with section 51 of this Act or under Part IIIA of the repealed Act and in meeting the administrative expenses (including fees paid in respect of any arbitration carried out) incurred in relation to the payment, or intended payment, of such refunds; or

(b) may be invested in accordance with section 56;

and the accounts of the Corporation shall identify amounts so used or invested.

(3) The operations of the Corporation referred to in subparagraph

(2) (a) (iv) in relation to its reserve price scheme include:

- (a) storing, handling, processing, manufacturing and selling wool purchased or sold by the Corporation as part of the scheme; and
- (b) operations relating to the payment of advances to woolgrowers.

(4) Where the Corporation:

- (a) disposes of wool purchased by it under its reserve price scheme (in this subsection called the "original wool") and subsequently:
 - (i) re-purchases the original wool after it has been processed;
 - (ii) disposes of wool so re-purchased; or

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- (iii) purchases wool products derived wholly or partly from the original wool;
- (b) manufactures or arranges for the manufacture of wool products wholly or partly from wool purchased by it under its reserve price scheme or from wool referred to in subparagraph (a) (i); or
- (c) disposes of wool products referred to in subparagraph (a) (iii) or paragraph (b);

then, for the purposes of this section, the operations of the Corporation referred to in subparagraph (2) (a) (iv) include any action of the Corporation referred to in paragraph (a), (b) or (c).

Refund periods

50. (1) Where the Wool Council, with the consent of the Corporation, informs the Minister that a financial year or 2 or more financial years that constitute a continuous period should be a period during which refunds are made out of the Market Fund, the Minister shall, by notice published in the *Gazette*, declare that year or those years to be a refund period.

(2) If the Wool Council and the Corporation cannot agree on whether or not a financial year or 2 or more financial years that constitute a continuous period should be a refund period:

- (a) the Wool Council shall inform the Minister of the disagreement; and
- (b) the Minister, after consulting the Wool Council and the Corporation, may, by notice published in the *Gazette*, declare that year or a year, or consecutive years, in that period to be a refund period.

Refunds

51. (1) Where a period is a refund period, refunds are payable out of the Market Fund by the Corporation in respect of participating wool for that period to the producers of the wool.

(2) Refunds are payable in the manner, and subject to the conditions, prescribed.

(3) Without limiting the generality of the regulations that may be made for the purposes of subsection (2), such regulations may make provision in relation to:

- (a) the entitlements of persons to be paid refunds in respect of participating wool for a refund period and the amounts of those refunds;
- (b) the making of claims upon the Corporation for refunds;
- (c) the manner of payment of refunds, including:
 - (i) the payment of money to persons for the purpose of those persons making the refunds;
 - (ii) the application of such money by those persons;
 - (iii) the payment of remuneration by the Corporation to those persons; and

- (iv) the provision to the Corporation by those persons of information relevant to the payment of refunds;
- (d) the recovery by the Corporation of overpayments of refunds;
- (e) the maintenance by the Corporation of records of persons registered under the Administration Act;
- (f) the entry onto premises under search warrants issued under the regulations, for purposes connected with the making of refunds;
- (g) prescribing penalties not exceeding \$5,000 for offences against the regulations; and
- (h) any other matters relating to the payment of refunds.

Division 4—Other financial matters

Application of money of Corporation

52. Subject to subsections 49 (1) and 93 (1), the money of the Corporation shall be applied only:

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Corporation in relation to the performance of its functions, or the exercise of its powers, under this Act;
- (b) in payment, under section 61, of remuneration and allowances to persons referred to in paragraphs 61 (1) (a), (b) and (c);
- (c) in payment of remuneration and allowances of the Managing Director and persons employed by the Corporation;
- (d) in payment of expenses, charges, obligations and liabilities incurred or undertaken in connection with the nomination under Division 4 of Part II of persons for appointment to the Corporation;
- (e) in payment, under arrangements entered into under section 8, of expenses incurred by the Wool Council or by any person in connection with consultation carried out under such arrangements; and
- (f) in making any other payments that the Corporation is authorised or required to make under this Act.

Raising of money by Corporation

53. (1) Subject to subsection (2), the Corporation may, for the performance of its functions:

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

(2) Except with the approval in writing of the Minister, the Corporation shall not borrow or otherwise raise money so that the total amount borrowed or otherwise raised at any time exceeds an amount equal to one-half of the difference between:

- (a) the value of the total assets of the Corporation shown in the audited accounts of the Corporation last published before that time; and

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(b) the amount of the current liabilities of the Corporation shown in those accounts.

(3) An approval may be given in relation to a particular transaction or a class of transactions.

(4) A borrowing or other raising of money under an approval shall be on such terms and conditions as are specified in, or consistent with, the approval.

(5) Subject to subsection (4), a borrowing or other raising of money may be made, in whole or in part, in a currency other than Australian currency.

(6) The Corporation may give security over the whole or any part of its assets for:

(a) 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 those borrowings; and

(b) the payment of any money (including interest) that the Corporation is liable to pay in respect of dealing with securities in accordance with this section.

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

(8) 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.

Hedging through currency contracts etc.

54. (1) Subject to subsection (4), the Corporation may, for the purpose of the performance of its functions or the exercise of its powers in relation to:

(a) a borrowing or raising, or a proposed borrowing or raising, of money by the Corporation; or

(b) the making by the Corporation of payments outside Australia for wool use promotion or other services;

enter into and deal with currency contracts, interest rate contracts or wool futures contracts for hedging purposes at a financial market (whether at a place in or outside Australia).

(2) A currency contract, interest rate contract or a wool futures contract shall be taken to be entered into or dealt with for hedging purposes if, and

only if, the contract is for the purpose of minimising the risks of adverse variations in:

- (a) the costs of a borrowing or raising, or a proposed borrowing or raising, of money by the Corporation;
- (b) payments made by the Corporation outside Australia for wool use promotion or other services; or
- (c) payments to or by the Corporation in relation to transactions in foreign currencies.

(3) The Minister may, by determination in writing, set guidelines for the purpose of the exercise by the Corporation of its powers under subsection (1), and shall give to the Corporation a copy of each determination.

(4) The Corporation shall not enter into or deal with currency contracts, interest rate contracts or wool futures contracts otherwise than in accordance with any guidelines having effect from time to time.

Bank accounts

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

(2) The Corporation shall pay all money of the Corporation into an account referred to in this section.

Investment of money of Corporation

56. Money of the Corporation not immediately required for the purposes of the Corporation may be invested:

- (a) in securities of, or guaranteed by, the Commonwealth or a State;
- (b) on deposit with a bank; or
- (c) in any other way that is consistent with sound commercial practice.

Proper accounts to be kept

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

Separate accounts for wool stores

58. (1) The Corporation shall, under paragraph 45 (e), keep accounts relating to the management of the Corporation's wool stores, being accounts that are:

- (a) separate from and in addition to the other accounts kept by it; and
- (b) maintained in conformity with accepted commercial practices.

- (2) The wool stores properties shall be:
 - (a) provided for in the accounts kept under this section; and
 - (b) re-valued at sworn valuation at intervals of not more than 5 years.

(3) The Corporation shall ensure that the accounts kept under this section are kept, as far as is appropriate, in accordance with the manner in which they would be required to be kept under the *Companies Act 1981* if the Corporation were a public company not having a share capital within the meaning of that Act.

Audit

59. (1) The Corporation auditor shall inspect and audit the accounts and records of financial transactions of the Corporation and the records relating to assets of, or in the custody of, the Corporation, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Corporation auditor, is of sufficient importance to justify so doing.

(2) The Corporation auditor may dispense with all or a part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(3) The Corporation auditor shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out.

(4) The Corporation auditor or a person authorised by the Corporation auditor is entitled at all reasonable times to full and free access to all accounts, records and other documents of the Corporation relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Corporation.

(5) The Corporation auditor or a person authorised by the Corporation auditor may make copies of, or take extracts from, such accounts, records or other documents.

(6) The Corporation auditor or a person authorised by the Corporation auditor may require another person to furnish such information in the possession of the other person, or to which the other person has access, as the Corporation auditor or authorised person considers necessary for the purposes of the functions of the Corporation auditor under this Act, and the other person shall comply with the requirement.

Penalty:

- (a) in the case of a natural person—a fine of \$1,000; or
- (b) in the case of a body corporate—a fine of \$5,000.

(7) In this section a reference to the Corporation includes a reference to a company that is a subsidiary of the Corporation.

(8) The question whether a company is a subsidiary of the Corporation shall be determined in the same manner as the question whether a corporation is a subsidiary of another corporation is determined for the purposes of the *Companies Act 1981*.

Appointment of commercial auditors

60. (1) The Corporation may, after consultation with the Wool Council, request the Minister, in writing, to appoint a company auditor specified in the request to be the auditor of the Corporation.

(2) Where the Minister receives a request, the Minister shall cause particulars of the request to be given to the Auditor-General.

(3) Where particulars of a request are given to the Auditor-General, the Auditor-General shall consider whether or not the company auditor referred to in the request is suitable to be the auditor of the Corporation and shall inform the Minister in writing of the Auditor-General's opinion and of the reasons for that opinion.

(4) Where the Auditor-General has informed the Minister that the Auditor-General is satisfied that a company auditor is suitable to be the auditor of the Corporation, 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.

(5) 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 that Committee agrees to the appointment of the company auditor as the auditor of the Corporation.

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

(7) Where an appointment has been made, the Minister may, by writing, revoke that appointment.

(8) Where the Minister makes an appointment, the Minister shall inform the Corporation in writing of the making of the appointment.

(9) Where:

- (a) the Minister refuses to make an appointment; or
- (b) the Minister revokes an appointment;

the Minister shall inform the Corporation, in writing, of the decision and of the reasons for the decision.

(10) Where the Joint Committee of Public Accounts informs the Minister that that Committee does not agree to the appointment of a particular company auditor as the auditor of the Corporation, the Minister shall inform the Corporation in writing of the decision.

Remuneration and allowances

61. (1) This section applies to the following persons:

- (a) appointed directors;
- (b) members of committees established under section 9;
- (c) members of Selection Committees;

- (d) Council members;
- (e) members of sub-committees established by the Research Council under section 109.

(2) A person to whom this section applies shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Remuneration Tribunal is in operation, the person shall be paid such remuneration as is prescribed.

(3) A person to whom this section applies shall be paid such other allowances as are prescribed.

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

PART IV—WOOL MARKETING

Division 1—Preliminary

Objects of Part

62. The objects of this Part are:

- (a) to make provision for the performance by the Corporation of its functions in relation to wool marketing under section 63; and
- (b) to ensure that:
 - (i) the export marketing of Australian wool is effective; and
 - (ii) the prices received for that wool are not subject to undue fluctuation or irregularity and are at appropriate levels.

Functions of Corporation in relation to wool marketing

63. (1) The functions of the Corporation in relation to wool marketing are:

- (a) to operate a reserve price scheme in respect of wool offered for sale at auction or by electronic means;
- (b) to formulate, secure the observance of, and implement standards of preparation of wool for submission for sale at auction or otherwise, including standards in respect of wool packs;
- (c) to formulate, and secure the adoption of, terms and conditions governing the acceptance of wool for sale, and the sale of wool, at auction or otherwise;
- (d) to make arrangements with respect to programs for the sale of wool at auction, and by tender, and the quantities and kinds of wool to be offered at such wool sales, and for the payment of advances to persons the marketing of whose wool is delayed by reason of such arrangements;
- (e) to make such arrangements as the Corporation thinks appropriate so that, except in cases where it considers that the offering of small lots of wool for sale at auction as separate lots should be permitted, small lots of wool of similar type are grouped together to form larger lots of wool for sale at auction;

- (f) to make arrangements with respect to programs for the sale of wool outside the auction system and the quantities and kinds of wool to be offered at particular sales outside that system;
- (g) to make arrangements for the sale, otherwise than at auction, of wool received by a wool-selling broker for sale at auction that the Corporation considers cannot advantageously be offered for sale at auction and for the processing of any such wool before sale;
- (h) to facilitate the adoption of aids to the efficient marketing of wool;
- (j) to participate in negotiations with respect to charges associated with the marketing of wool, including freight rates;
- (k) to co-operate with authorities and organisations in other countries with respect to measures aimed at the more efficient marketing of wool;
- (m) to determine the qualifications to be held by persons entitled to be registered woolclassers;
- (n) to keep a register of woolclassers and to issue identifying stencils or other means of identification to woolclassers on the register;
- (p) to provide, or encourage the provision of, wool premises;
- (q) to formulate and secure the observance of standards of measurement of chemical residues in wool and wool products; and
- (r) to encourage and facilitate the training of shearers of wool with the objects of ensuring the availability of shearers for the wool industry and a standard of shearing suited to the needs of that industry.

(2) In the performance of a function under subsection (1), the Corporation shall, where appropriate, consult the committee or committees (if any) established under section 9 to assist the Corporation in carrying out that function.

Specific marketing powers of Corporation

64. Without limiting sections 7 and 74 the Corporation, for the purpose of the performance of its functions, has power to:

- (a) inspect and appraise wool presented for sale at auction or by electronic means;
- (b) buy and sell wool at auction or otherwise, export wool and enter into transactions in relation to the buying and selling of wool, including, subject to section 54, transactions by way of wool futures contracts;
- (c) process, or arrange for the processing, of wool;
- (d) buy, sell and export wool products;
- (e) obtain market intelligence;
- (f) collect and publish statistics relating to wool; and
- (g) for the purposes of the function referred to in paragraph 63 (1) (p):
 - (i) erect buildings, demolish and remove buildings and effect improvements to buildings;

- (ii) grant to wool-selling brokers or other persons leases, licences or other rights in respect of any land, building or equipment; and
- (iii) lend money to persons requiring financial assistance for the purpose of providing a wool premises.

Contracts for shipment of wool

65. (1) A contract for the carriage of wool, by sea, to a place beyond Australia shall not be made except:

- (a) by the Corporation or by the Corporation acting as the agent of the owner of the wool or of another person having authority to export the wool; or
- (b) in conformity with such conditions (if any) as are, from time to time, approved by the Corporation, by writing under its common seal.

(2) A condition approved under paragraph (1) (b):

- (a) may be a condition in respect of any matter relating to the carriage of wool by sea, including the handling or carriage of wool before or after it is carried by sea; and
- (b) may be of general application or may relate only to the carriage of wool to a particular place or particular places or to places other than a particular place or particular places.

(3) The Minister may, from time to time, inform the Corporation in writing of the policies and principles that the Government considers should be followed and applied by the Corporation in relation to contracts referred to in subsection (1).

(4) A contract referred to in subsection (1) that is made otherwise than in accordance with this section is void.

Division 2—Reserve Price Scheme

Minimum reserve prices

66. (1) Subject to subsection (2), before the commencement of each financial year, the Corporation shall:

- (a) determine the prices that, having regard to past wool prices and all other matters that it considers relevant, ought to be the prices for certain types of wool for that year; and
- (b) publish a price, to be known as the minimum market indicator reserve price for that year, that is the weighted average of those prices.

(2) The Corporation shall not publish a price under paragraph (1) (b) unless the Wool Council has agreed to that price.

(3) If the Wool Council does not agree to a price proposed to be published under paragraph (1) (b), the Corporation may redetermine a

price or prices under paragraph (1) (a) in order to obtain a price which could be published under paragraph (1) (b) with the agreement of the Wool Council.

(4) If the Corporation and the Wool Council cannot agree on a price to be published under paragraph (1) (b) for a financial year:

- (a) the Corporation shall inform the Minister of the disagreement; and
- (b) the Minister shall determine and publish the price that is to be the minimum market indicator reserve price for that year.

(5) As soon as practicable after the publication of the minimum market indicator reserve price for a financial year, the Corporation shall, having regard to that price, determine the minimum reserve prices for the various types of wool for that year.

(6) The Corporation may increase or decrease the minimum reserve price for particular wool in order to encourage innovations in the marketing of wool that it considers advantageous for the wool industry or to discourage innovations in such marketing that it considers disadvantageous for that industry.

Purchase of wool at minimum reserve prices

67. (1) Subject to sections 69, 70 and 71, where:

- (a) wool of a particular type is submitted for sale at an auction (not being a sale by tender) in accordance with controlled arrangements; and
- (b) a bid is not made at that auction equal to or higher than the minimum reserve price for wool of that type for the financial year in which the auction is held;

the Corporation shall be prepared to buy that wool at that minimum reserve price.

(2) Subject to sections 69, 70 and 71, where wool of a particular type is offered for sale by tender in accordance with controlled arrangements, the Corporation shall submit a tender for the wool at the minimum reserve price for wool of that type for the financial year in which the sale is held.

Intervention above minimum reserve prices

68. (1) Where the Corporation, having regard to bidding at recent auctions and all other relevant information available to it, is satisfied that the reserve price scheme should operate for a type of wool during a period with a reserve price higher than the minimum reserve price for that type, the Corporation shall determine that higher reserve price for that type of wool during that period.

(2) The Corporation may increase or decrease the higher reserve price for particular wool in order to encourage innovations in the marketing of wool that it considers advantageous for the wool industry or to discourage

innovations in such marketing that it considers disadvantageous for that industry.

Purchase of wool above minimum reserve prices

69. (1) Subject to sections 70 and 71, where:

- (a) wool of a type is submitted for sale at auction (not being sale by tender) in accordance with controlled arrangements;
 - (b) a reserve price higher than the minimum reserve price for that type has been determined in relation to the period in which the auction is held; and
 - (c) a bid is not made at that auction equal to or higher than that price;
- the Corporation shall be prepared to buy that wool at that price.

(2) Subject to sections 70 and 71, where:

- (a) wool of a particular type is offered for sale by tender in accordance with controlled arrangements; and
 - (b) a reserve price higher than the minimum reserve price for that type has been determined in relation to the period in which the auction is held;
- the Corporation shall submit a tender for that wool at that price.

Condition of wool to which scheme applies

70. The Corporation may refrain from bidding or tendering for wool under section 67 or 69 if:

- (a) the wool has not been prepared for submission for sale in accordance with industry standards; or
- (b) the terms and conditions governing the acceptance of the wool for sale or the sale of the wool are not industry terms.

Deferral of sales

71. (1) Where the Corporation is satisfied that it is in the interests of the wool industry that the sale of all or particular wool proposed to be offered for sale at an auction in accordance with controlled arrangements should be deferred, the Corporation may recommend to the person proposing to conduct the sale that the sale of all the wool, or of the particular wool, as the case may be, be deferred.

(2) Where:

- (a) the Corporation has recommended deferral of the sale of wool; and
 - (b) that sale is not deferred;
- the Corporation is not required to comply with sections 67 and 69 in relation to the sale of that wool.

(3) The Corporation shall not be taken to be satisfied that a deferral of the sale of wool is in the interests of the wool industry unless the Corporation has endeavoured, as far as is practicable, to consult the relevant committee or committees (if any) established under section 9 or, if there is no relevant

committee, representatives of the relevant sectors of the wool industry about the deferral.

Re-sale of wool

72. (1) Subject to subsection (2), the Corporation shall re-offer for sale at auction, or otherwise dispose of, wool acquired by it under this Division.

(2) The Corporation may use wool acquired by it under this Division for market development purposes.

Minister may set guidelines for reserve price scheme

73. (1) The Minister may, by determination in writing, set guidelines for the purpose of the exercise by the Corporation of its powers under this Division, and shall give to the Corporation a copy of each determination.

(2) The Corporation shall not exercise its powers under this Division otherwise than in accordance with any guidelines having effect from time to time.

Division 3—Quality Control

Powers of Corporation in relation to quality assurance for wool

74. (1) Without limiting sections 7 and 64, the Corporation has power, for the purpose of ensuring the control of the quality of wool, to:

- (a) prohibit the offering for sale at any export auction of wool that does not meet industry standards or industry terms;
- (b) advise woolgrowers and woolclassers of any wool that does not meet industry standards or industry terms;
- (c) order the withdrawal from any export auction of wool that it considers does not meet industry standards or industry terms;
- (d) place on bales containing, and the test documents relating to, wool that it considers does not meet industry standards or industry terms, marks indicating that the wool does not meet those standards or terms;
- (e) prohibit the offering for sale at any export auction of wool that has not been classed by a registered woolclasser;
- (f) obtain samples of wool from wool testing facilities;
- (g) ascertain the ownership of wool that has been found at wool testing facilities to have an excessive level of pesticide residue; and
- (h) inform relevant woolgrowers and relevant State authorities of instances of excessive levels of pesticide residue in wool or wool products.

(2) Where wool:

- (a) which has been withdrawn from an export auction; and
- (b) the bales containing, and the documents relating to, which have been marked in accordance with paragraph (1) (d);

has been subsequently prepared in accordance with industry standards and industry terms, then:

- (c) those marks may be cancelled or the wool repacked; and
- (d) the wool may be re-offered for sale at an export auction and exported.

Division 4—Register of Woolclassers

Register

75. The Corporation shall keep a register called the Register of Woolclassers.

Certain persons to be on Register

76. The Corporation shall enter on the Register the names of the persons who, immediately before 1 July 1987, were registered under the scheme for the voluntary registration of woolclassers referred to in paragraph 38 (1) (n) of the repealed Act.

Registration

77. (1) Subject to subsection (2), a person is entitled to have his or her name entered on the Register if the person holds a qualification in woolclassing approved for the purposes of this Act by the Corporation, by notice published in the *Gazette*.

(2) Where, under section 79, the name of a person has been removed from the Register for a period, that person is not entitled to have his or her name entered on the Register during that period.

(3) A person who considers that he or she is entitled to have his or her name entered on the Register may apply in writing to the Corporation to have his or her name so entered.

(4) Where an application is made by a person, the Corporation shall:

- (a) where the Corporation is satisfied that the person is entitled to have his or her name entered on the Register—enter that name on the Register; or
- (b) if the Corporation is not so satisfied—refuse to enter that name on the Register.

(5) Where the Corporation, in relation to an application, refuses to enter the name of a person on the Register, the Corporation shall give the applicant notice in writing of the refusal setting out the reasons for it.

Alteration of Register

78. The Corporation shall cause to be removed from the Register the name of a registered woolclasser who has died or has requested the removal.

Removal of name from Register

79. (1) Subject to subsection (3), where the Corporation considers that a registered woolclasser has consistently failed to prepare wool in accordance with industry standards, the Corporation may remove the woolclasser's name from the Register for a period of not more than 2 years.

(2) Where the Corporation proposes to remove the name of a registered woolclasser from the Register under subsection (1), the Corporation shall give the woolclasser notice in writing of the proposal setting out the reasons for it.

(3) The Corporation shall not remove a woolclasser's name from the Register until:

- (a) the expiration of 10 days after giving notice relating to the removal under subsection (1); or
- (b) where an application has been made within those 10 days to the Administrative Appeals Tribunal for a review of the decision to remove the woolclasser's name—the final disposal of that application;

whichever occurs last.

(4) Where a person's name has been removed from the Register for a period, the Corporation shall enter the name of the person on the Register on the expiration of that period unless the person has died or has informed the Corporation that he or she does not wish his or her name to be re-entered.

Identification

80. (1) Where the name of a person is entered on the Register, the Corporation shall give the person a means of identifying wool classed by the person.

(2) Where the Corporation removes the name of a person from the Register for a period, the Corporation shall withdraw that person's means of identifying wool until the name is entered on the Register again.

PART V—WOOL USE PROMOTION

Objects of Part

81. The objects of this Part are:

- (a) to make provision for the performance by the Corporation of its functions in relation to wool use promotion under section 82; and
- (b) to make provision for the Corporation to implement promotion strategies aimed at increasing the worldwide demand for wool and wool products.

Functions of Corporation in relation to wool use promotion

82. The functions of the Corporation in relation to wool use promotion are:

- (a) to promote the use of wool and wool products within Australia; and

- (b) to promote, or to arrange for the promotion of, the use of wool and wool products outside Australia.

Powers of Corporation in relation to wool use promotion

83. Without limiting section 7, the Corporation has power to use such means as it thinks fit for the purpose of promoting the use of wool and wool products, including:

- (a) the use of advertising and publicity;
- (b) the use of technical marketing and marketing research services;
- (c) the encouragement of the improvement of production, processing and manufacturing of wool in Australia; and
- (d) contributing to the funding of appropriate bodies.

Review of effectiveness of promotion

84. (1) The Corporation shall from time to time review the effectiveness of its expenditure on promotion and the relative merits of different promotional activities.

(2) The Corporation shall report to the Wool Council and the Minister on its findings under subsection (1).

PART VI—WOOL RESEARCH AND DEVELOPMENT

Division 1—Preliminary

Objects of Part

85. The objects of this Part are:

- (a) to make provision for the performance by the Corporation of its functions in relation to wool research and development under section 86; and
- (b) to make provision in relation to the funding and administration of wool research and development with a view to:
 - (i) identifying more precisely areas of wool research and development that are relevant to the needs of the wool industry;
 - (ii) improving the efficiency and effectiveness of wool research and development;
 - (iii) encouraging the more effective use of the resources and skills of the community in general, and the scientific community in particular, in wool research and development; and
 - (iv) improving accountability for expenditure on wool research and development activities.

Division 2—Functions and powers of the Corporation in relation to wool research and development

Functions of Corporation in relation to wool research and development

86. (1) The functions of the Corporation in relation to wool research and development are:

- (a) to consider recommendations made by the Research Council, pursuant to section 102, for the funding of particular wool research and development activities;
- (b) if it approves any such recommendation—to implement that recommendation;
- (c) to monitor, and to make reports to the Minister and to the Wool Council concerning, the operations of the Corporation in relation to wool research and development;
- (d) to ensure that sufficient resources (including personnel) are available to the Research Council to enable the Research Council to perform its functions effectively;
- (e) to carry out such duties, and to exercise such powers, as are conferred on it by or under this Part; and
- (f) to do anything incidental or conducive to the performance of any of the functions referred to in paragraphs (a), (b), (c), (d) and (e).

(2) Nothing in subsection (1) shall be read as limiting, by implication, any power that the Corporation would have, apart from that subsection, to undertake wool research and development activities.

Manner in which Corporation to exercise its powers

87. To the extent that it is practicable to do so, the Corporation shall endeavour to ensure that the exercise at any time of its powers in relation to wool research and development is consistent with, and designed to give effect to, the provisions of any wool research and development plan, and the provisions of any annual research and development program, in force at that time.

Agreements relating to wool research and development etc.

88. (1) Without limiting the generality of sections 7 and 89, the Corporation may enter into an agreement with another person, an authority or an organisation for the purpose of, or for purposes in connection with, the funding by the Corporation of an approved research and development activity.

(2) Without limiting the generality of subsection (1), an agreement made by the Corporation with a person, authority or organisation under that subsection in relation to money that is to be provided by the Corporation out of the Research Fund may:

- (a) provide for:

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- (i) the money provided under the agreement, and any property acquired with that money or with money that includes that money, to be used only for the purposes specified in the agreement; and
 - (ii) the payment by the person, authority or organisation to the Corporation of an amount equal to the whole, or such part as the Corporation determines, of the money provided under the agreement if any of the money provided under the agreement or any of the property referred to in subparagraph (i) are used for a purpose not specified in the agreement;
- (b) provide for the payment by the person, authority or organisation to the Corporation for the purposes of the Research Fund, of an amount equal to the whole, or such part as the Corporation determines, of any net income derived by the person, authority or organisation from:
- (i) property acquired with money provided under the agreement or with money that includes that money; or
 - (ii) interests in, rights to apply for patents in respect of, or patents for, inventions made, or any other property acquired, in the course of carrying out a wool research and development activity to which the agreement relates or doing any other act or thing with that money or with money that includes that money;
- (c) provide for the assignment by the person, authority or organisation to the Corporation of any property of the kind referred to in subparagraph (b) (i) or of any interests, rights, patents or other property of a kind referred to in subparagraph (b) (ii); and
- (d) provide for the payment by the person, authority or organisation to the Corporation for the purposes of the Research Fund in the event of the disposal, otherwise than to the Corporation, of any property of a kind referred to in paragraph (b), of an amount equal to the whole, or such part as the Corporation determines:
- (i) in the case of a disposal by way of sale or assignment for value—of the net proceeds of the sale or assignment; and
 - (ii) in any other case—of the value of the property as determined by the Corporation.

Corporation may participate in joint ventures

89. (1) Without limiting the generality of sections 7 and 88, the Corporation may enter into an agreement with another person, an authority or an organisation to undertake a joint venture.

(2) A joint venture referred to in subsection (1) shall be undertaken for a purpose that is, or for purposes that are, consistent with the objectives set out in the wool research and development plan in force at the time when the agreement to undertake the joint venture is entered into.

(3) Without limiting the generality of the matters that may be dealt with in an agreement entered into in respect of a joint venture, such an agreement shall specify:

- (a) the objectives of the joint venture;
- (b) the expected duration of the joint venture;
- (c) the nature and extent of the contribution to be made by the Corporation towards the joint venture; and
- (d) the basis for the distribution of profits or other benefits derived from the joint venture.

Division 3—Continuation and functions of the Wool Research and Development Council

Continuation of Wool Research and Development Council

90. The council that was, immediately before 1 July 1987, in existence under section 50 of the repealed Act, with the name Wool Research and Development Council, continues in existence by force of this section with the same name.

Functions of Research Council

91. The functions of the Research Council are:

- (a) to investigate and evaluate the needs of the wool industry in relation to wool research and development;
- (b) to develop wool research and development plans in accordance with section 95 and annual research and development programs in accordance with section 100;
- (c) to make recommendations to the Corporation in accordance with section 102 in relation to its funding of particular wool research and development activities;
- (d) to ensure that wool research and development activities referred to in an annual research and development program are carried out in a co-ordinated and efficient manner;
- (e) to monitor, and to report to the Corporation on, approved research and development activities;
- (f) to carry out such duties, and to exercise such powers, as are conferred on it by or under this Act or any other Act; and
- (g) to do anything incidental or conducive to the performance of any of the functions referred to in paragraphs (a), (b), (c), (d), (e) and (f).

Division 4—Wool Research and Development Fund

Continuation of Wool Research and Development Fund

92. (1) The Fund that was established under section 52 of the repealed Act, with the name Wool Research and Development Fund, continues in existence by force of this subsection with the same name.

(2) The Research Fund continues to be vested in, and shall be maintained by, the Corporation.

Money to be paid into Research Fund

93. (1) There shall be paid into the Research Fund:

- (a) amounts paid to the Corporation under paragraph 47 (1) (c); and
- (b) subject to subsection (2), amounts equal to one half of the amounts from time to time paid out of the Research Fund in accordance with section 94.

(2) The sum of the amounts that are paid, under paragraph (1) (b), to the Corporation shall not exceed the sum (in this section called the “tax component”) of the amounts that are paid into the Research Fund under paragraph (1) (a).

(3) Where the sum of the amounts that are paid, under paragraph (1) (a), into the Research Fund in a financial year exceeds:

- (a) where the percentage determined under paragraph 46 (1) (c) is less than 0.5%—that percentage; or
- (b) in any other case—0.5%;

of the gross value, determined by a prescribed method, of the wool produced in Australia in that financial year, then, for the purposes of subsection (2), the tax component shall be reduced by the excess.

(4) In addition to money paid into the Research Fund under subsection (1), the Corporation shall pay into the Research Fund:

- (a) the net income derived by the Corporation from any property assigned to the Corporation under an agreement that the Corporation has entered into under section 88 of this Act or section 48 of the repealed Act or under an arrangement or agreement to which section 29 of the *Wool Industry Amendment Act 1986* applies, and, if any such property is disposed of by the Corporation:
 - (i) if the disposal is by way of sale or assignment for value—the net proceeds of the sale or assignment; and
 - (ii) in any other case—an amount equal to the value of the property as determined by the Corporation;
- (b) money paid to the Corporation for the purposes of the Research Fund;
- (c) money received by the Corporation from the sale of, or by way of income from, property acquired or produced, or in respect of work paid for, with money paid out of the Research Fund; and
- (d) interest or other income from the investment of money standing to the credit of the Research Fund.

(5) Amounts payable to the Corporation under paragraph (1) (b) are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Application of Research Fund

94. (1) Amounts standing to the credit of the Research Fund may be applied for the following purposes and for no other purposes:

- (a) the funding of approved research and development activities;
- (b) the payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Corporation in relation to the performance of its functions, or the exercise of its powers, in relation to wool research and development;
- (c) the payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken in relation to the performance by the Research Council of its functions, or the exercise of its powers;
- (d) the payment, under section 61, of remuneration and allowances to persons referred to in paragraphs 61 (1) (d) and (e);
- (e) the payment to the Commonwealth of amounts in respect of the expenses (including payment of remuneration and allowances) incurred by the Research Councils Selection Committee in the performance of its functions under subsection 103 (5);
- (f) the payment of money for the purpose of investing the money in accordance with section 56;
- (g) the making of any other payment that the Corporation is authorised or required to make under this Part.

(2) A reference in subsection (1) to an obligation or liability includes a reference to an obligation or liability to pay salary or other remuneration or allowances.

Division 5—Research and development plans, annual research and development programs and approval of research and development activities for funding

Research Council to develop research and development plans

95. (1) The Research Council shall develop, and prepare in written form, for each successive period determined in accordance with subsection (5), for the purpose of the more effective performance by the Corporation and by the Research Council of their respective functions in relation to wool research and development, a research and development plan defining what, in the opinion of the Research Council, should be the principal objectives of the Corporation and of the Research Council during that period in relation to wool research and development and giving a broad outline of the strategies that should, in the opinion of the Research Council, be pursued by the Corporation and by the Research Council in achieving those objectives.

(2) A research and development plan shall, in addition to the matters referred to in subsection (1), contain:

- (a) an assessment, for the period to which the research and development plan relates, of the economic outlook for the wool industry; and

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(b) an evaluation of the research and development needs of the wool industry in relation to the period to which the research and development plan relates.

(3) A research and development plan shall not be prepared by the Research Council until the Research Council has consulted the Wool Council and any Department or other agency that the Research Council considers appropriate and has had regard to the views expressed as a result of those consultations.

(4) The research and development plan prepared under section 55 of the repealed Act and relating to a period ending on 30 June 1991 is continued in operation under this Act as if it had been prepared under this section.

(5) Each subsequent research and development plan shall be expressed to relate to a period of 5 years commencing at the end of the period to which the immediately preceding research and development plan relates.

(6) The Corporation may, by notice in writing to the Research Council, specify a day as the submission day for the purposes of this subsection in relation to a period determined in accordance with subsection (5) and, where the Corporation gives such a notice, the Research Council shall prepare the research and development plan for that period not later than the submission day so specified and the Council Chairperson shall deliver the plan so prepared to the Corporation not later than the submission day so specified.

Agreement to research and development plans

96. (1) Where the Council Chairperson has, under section 95, delivered a research and development plan to the Corporation, the Corporation shall, not less than one month before the intended day of commencement of the period to which the plan relates, submit the plan to the Minister for the Minister's agreement.

(2) The Corporation may, when submitting a research and development plan to the Minister, submit to the Minister its own written comments concerning the plan.

(3) A research and development plan comes into force:

(a) on the day on which it is agreed to by the Minister; or

(b) at the commencement of the period to which it relates;

whichever is the later.

(4) Where a research and development plan is submitted to the Minister and the Minister is of the opinion that, in the interests of the wool industry, or of a particular sector of the wool industry, the plan should be revised in some respect, the Minister may, by notice in writing to the Corporation, request that the Research Council revise the plan appropriately.

(5) A request shall include a statement setting out the Minister's reasons for making the request.

(6) When the Corporation receives the request, it shall transmit the request to the Research Council.

(7) Where the Research Council receives a request to revise a research and development plan, the Research Council shall consider the request and shall make such revision of the plan as it considers appropriate.

(8) This Division applies to a research and development plan as revised by the Research Council as if it were a research and development plan prepared in accordance with section 95.

Variation of research and development plans

97. (1) The Research Council may vary a research and development plan with the agreement of the Minister given in accordance with this section.

(2) As soon as practicable after the 30 June next following the day on which a research and development plan comes into force, and as soon as practicable after each subsequent 30 June occurring before the day of the end of the plan, the Research Council shall review the plan and consider whether a variation of the plan is necessary.

(3) At any time other than the times referred to in subsection (2), the Research Council may, whether or not a particular research and development plan has come into force, review the plan and consider whether a variation of the plan is necessary.

(4) Where the Research Council considers that a variation of a research and development plan is necessary, the Research Council shall prepare proposals, in writing, for the variation.

(5) A statement of proposals shall include a statement setting out the Research Council's reasons for making the proposals.

(6) The Council Chairperson shall deliver to the Corporation the statement of proposals prepared by the Research Council, and the Corporation:

- (a) shall submit the statement of proposals to the Minister for the Minister's agreement;
- (b) may at the same time submit to the Minister its own written comments concerning the proposals; and
- (c) shall ensure that the Minister is provided with such other information concerning the proposals as the Minister requests.

(7) After considering:

- (a) the statement of proposals;
- (b) the written comments (if any) submitted by the Corporation concerning the proposals; and

(c) such other information (if any) concerning the proposals as has been provided by the Corporation at the Minister's request; the Minister may agree to or reject the proposed variation or make such other variation to the plan as the Minister thinks fit.

Variation of research and development plans at request of Minister

98. (1) The Research Council may vary a research and development plan, whether or not it has come into force, if the Minister has:

- (a) by notice in writing given to the Corporation, requested the Research Council to vary the plan; and
- (b) agreed to proposals for the variation of the plan submitted to the Minister in accordance with this section.

(2) A request by the Minister shall include a statement setting out the Minister's reasons for making the request.

(3) Where the Corporation receives a request, it shall transmit the request to the Research Council.

(4) Where the Research Council receives a request to vary a research and development plan, the Research Council shall consider the request and shall prepare proposals, in writing, for such variations of the plan as it considers to be appropriate.

(5) A statement of proposals prepared under subsection (4) shall include a statement setting out the Research Council's reasons for making the proposals.

(6) The Council Chairperson shall deliver to the Corporation the statement of proposals prepared by the Research Council, and the Corporation:

- (a) shall submit each such statement of proposals to the Minister for the Minister's agreement; and
- (b) may at the same time submit to the Minister its own written comments concerning the proposals.

(7) After considering:

- (a) the statement of proposals; and
- (b) the written comments (if any) of the Corporation concerning the proposals;

the Minister may agree to or reject the proposed variation.

Date of commencement of research and development plans as varied

99. Where, under section 97 or 98, a variation of a research and development plan is agreed to by the Minister after the plan has come into force, the plan as so varied shall continue in force, on and after the day on which the proposal is so agreed to, as if the Minister had originally agreed to the plan as so varied.

Research Council to develop annual research and development programs

100. (1) The Research Council shall develop, and prepare in written form, for each successive period determined in accordance with subsection (3), an annual research and development program that describes the particular kinds of wool research and development activities (if any) that the Research Council recommends, subject to its examination of specific proposals in that respect, that the Corporation should fund, in whole or in part during that period, for the purpose of giving effect to the research and development plan that relates, or the intended research and development plan that will relate, to a period that includes, or will include, that first-mentioned period.

(2) An annual research and development program shall, in relation to each kind of wool research and development activity (if any) that is described in the program, contain an estimate of the maximum financial contribution that, in the opinion of the Research Council, the Corporation should make in respect of activities of that kind during the period to which the program relates.

(3) The first annual research and development program shall be expressed to relate to the period commencing on 1 July 1987 and ending on 30 June 1988 and each subsequent annual research and development program shall be expressed to relate to the period of one year commencing at the end of the period to which the immediately preceding annual research and development program relates.

(4) The Corporation may, by notice in writing to the Research Council, specify a day as the submission day for the purposes of this subsection in relation to a period determined under subsection (3) and, where the Corporation gives such a notice, the Research Council shall prepare the annual research and development program for that period not later than the submission day so specified and the Council Chairperson shall deliver the program so prepared to the Corporation not later than the submission day so specified.

Agreement to annual research and development programs

101. (1) Where the Council Chairperson has, under section 100, delivered an annual research and development program prepared under that section to the Corporation, the Corporation shall, not less than one month before the intended day of commencement of the period to which the program relates, submit the plan to the Minister for the Minister's agreement.

(2) The Corporation may, when submitting an annual research and development program to the Minister, submit to the Minister its own written comments concerning the plan.

(3) An annual research and development program comes into force:

- (a) on the day on which it is agreed to by the Minister; or
- (b) at the commencement of the period to which it relates;

whichever is the later.

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(4) Where an annual research and development program is submitted to the Minister and the Minister is of the opinion that the program is inconsistent with the provisions of the research and development plan that relates, or the intended research and development plan that will relate, to a period that includes or will include the period to which the program will relate, the Minister may, by notice in writing given to the Corporation, request that the Research Council revise the program appropriately.

(5) A request shall include a statement setting out the Minister's reasons for making the request.

(6) Where the Corporation receives a request, it shall transmit the request to the Research Council.

(7) Where the Research Council receives a request to revise an annual research and development program, the Research Council shall consider the request and shall make such revision of the program as it considers appropriate.

(8) This Division applies to an annual research and development program as revised by the Research Council as if it were an annual research and development program prepared in accordance with section 100.

(9) Where, if a proposed variation of a research and development plan were to be agreed to by the Minister, an annual research and development program, being an annual research and development program that relates to a period that is included in the period to which a research and development plan relates, would not be consistent with the provisions of the research and development plan, the Research Council shall, at the time of submitting to the Corporation for the Minister's agreement the variation of the research and development plan, also submit to the Corporation for the Minister's agreement a proposal, in writing, for such variation of the program as it considers to be appropriate.

(10) The Minister shall agree to an annual research and development program, or a revised annual research and development program, submitted to the Minister under subsection (1), or to a proposal for a variation of such a program submitted under subsection (9), unless the Minister is of the opinion that it is inconsistent with the provisions of the research and development plan that relates, or the intended research and development plan that will relate, to a period that includes or will include the period to which the program, the revised program, or the program as so varied, relates.

(11) Where a variation of an annual research and development program is agreed to by the Minister after the plan has come into force, the program as so varied shall continue in force on and after the day on which the variation is so agreed to as if the Minister had originally agreed to the program as so varied.

Approval for funding of particular wool research and development activities

102. (1) The Research Council may recommend to the Corporation that, during the period during which a particular annual research and development program is in force, the Corporation should fund a particular wool research and development activity that:

- (a) is a wool research and development activity of a kind recommended for funding in that program; and
- (b) is not a wool research and development activity to be undertaken by the Corporation.

(2) A recommendation by the Research Council in relation to a particular wool research and development activity shall:

- (a) set out the nature of that activity;
- (b) contain an estimate of the likely duration of that activity;
- (c) contain an estimate of the total amounts (if any) of the financial contributions that have, since 1 July 1986, been made, or that, in the opinion of the Research Council, should in the future be made, by the Corporation in respect of that activity; and
- (d) contain an estimate of the total amount of the contribution that, in the opinion of the Research Council, should be made by the Corporation in respect of that activity during the period to which the plan relates.

(3) The Corporation may approve or reject a recommendation for the funding of a particular wool research and development activity.

Division 6—Constitution and meetings of Wool Research and Development Council

Constitution of Research Council

103. (1) The Research Council shall consist of 9 members, namely:

- (a) a Council Chairperson appointed under subsection (3);
- (b) 4 members appointed under subsection (4); and
- (c) 4 members appointed under subsection (5).

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

(3) The Corporation shall, upon being required to do so by the Minister, nominate at least 2 persons as the persons from whom the Minister should, in its opinion, appoint the Council Chairperson and the Council Chairperson shall be appointed from the persons so nominated.

(4) Where there is a vacancy in an office of a Council member referred to in paragraph (1) (b), the Corporation may nominate a director or another person for appointment to the office and the Minister shall appoint the person so nominated to that office.

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(5) The Council members referred to in paragraph (1) (c) shall be appointed from persons nominated by the Research Councils Selection Committee.

(6) Part V of the *Rural Industries Research Act 1985* applies, by force of this subsection, in relation to the Research Council as if:

- (a) the Research Council were a Research Council within the meaning of that Act;
- (b) wool and wool products were the kinds of goods in respect of which the Research Council is established;
- (c) the Wool Council were the relevant industry organisation, within the meaning of that Act, in relation to wool and wool products; and
- (d) references in that Part to the nomination of a person for appointment as a Council member were references to the nomination of a person for appointment to an office of Council member referred to in paragraph (1) (c) of this section.

(7) All Council members shall be appointed on a part-time basis.

(8) A Council member holds office, subject to this Division, for such period, not exceeding 3 years, as is specified in the instrument of appointment of the member, but is eligible for re-appointment.

(9) A person who has attained the age of 65 years shall not be appointed as a Council member.

(10) A person shall not be appointed as a Council member for a period that extends beyond the day on which the person will attain the age of 65 years.

(11) A Council member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined, in writing, by the Minister.

(12) The exercise of a power or the performance of a function by the Research Council is not affected by reason only of there being a vacancy or vacancies in the membership of the Research Council.

Acting Council Chairperson

104. (1) The Minister may appoint a person to act as Council Chairperson:

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

but a person appointed to act during a vacancy shall not continue so to act after the end of the period of 12 months commencing on the day on which the vacancy occurred.

(2) The appointment may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Minister may:

- (a) determine the terms and conditions of the appointment, including remuneration and allowances; and
- (b) end the appointment at any time.

(4) Where a person is acting as Council Chairperson under paragraph (1) (b) and the office of Council Chairperson becomes vacant while that person is so acting, then, subject to subsection (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months commencing on the day on which the vacancy occurred ends, whichever first happens.

(5) The appointment of a person to act as Council Chairperson ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Minister.

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

(7) Anything done by or in relation to a person purporting to act as Council Chairperson is not invalid on the ground that:

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Leave of absence

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

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

Removal and resignation of Council members

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

(2) The Minister shall terminate the appointment of a Council member if the Council member:

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the Council member's creditors or makes an assignment of the Council member's remuneration for their benefit;

- (b) fails, without reasonable excuse, to comply with the Council member's obligations under section 107;
- (c) being the Council Chairperson, is absent, except with the leave of the Minister, from 3 consecutive meetings of the Research Council; or
- (d) being a member other than the Council Chairperson, is absent, without the leave of the Council Chairperson, from 3 consecutive meetings of the Research Council.

(3) Where:

- (a) a person who is a director is appointed as a Council member referred to in paragraph 103 (1) (b); and
- (b) that person ceases to be a director;

the Minister shall, if the Corporation so requests, end the appointment of that person as a Council member.

(4) A Council member may resign from office by writing signed by the Council member and delivered to the Minister.

Disclosure of interests of Council members

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

(2) A disclosure under subsection (1) at a meeting of the Research Council shall be recorded in the minutes of the meeting.

Meetings of Research Council

108. (1) The Council Chairperson may convene such meetings of the Research Council as the Council Chairperson considers necessary for the performance of its functions.

(2) Meetings of the Research Council shall be held at such places and at such times as the Council Chairperson determines.

(3) The Council Chairperson shall preside at all meetings of the Research Council at which the Council Chairperson is present.

(4) If, at a meeting of the Research Council, the Council Chairperson is not present, the Council members who are present shall elect one of their number to preside at the meeting.

(5) At a meeting of the Research Council:

- (a) 5 Council members constitute a quorum;
- (b) all questions shall be decided by a majority of votes of the Council members present and voting; and

- (c) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (6) The Research Council shall keep a record of its proceedings.

Sub-committees of Research Council

109. (1) The Research Council may appoint such sub-committees as it thinks fit to assist it in carrying out any of its functions, and may abolish any such sub-committee.

(2) A sub-committee appointed under this section shall consist of such persons, whether Council members or not, as the Research Council, by resolution, determines.

Division 7—Accountability

Annual report of Research Council

110. (1) The Research Council shall, as soon as practicable after 30 June in each year, prepare a report of its activities during the year that ended on that 30 June.

(2) The report prepared by the Research Council shall include an assessment of the extent to which the operations of the Research Council during the year to which the report relates:

- (a) have contributed to the objectives set out in the research and development plan that relates to a period that includes that year; and
- (b) have given effect to the annual research and development program in respect of that year.

(3) Where the Research Council has prepared the report, the Council Chairperson shall deliver the report to the Corporation, and the Corporation:

- (a) shall submit the report to the Minister; and
- (b) may, when so submitting the report, submit to the Minister its own written comments concerning the report.

Accountability to wool industry

111. (1) The Council Chairperson shall, as soon as practicable after an annual report of the Research Council is submitted to the Minister, make arrangements with the Wool Council to attend a meeting of the Wool Council for the purpose of enabling its members:

- (a) to consider the report;
- (b) to receive an address by the Council Chairperson with respect to the activities of the Research Council in the period to which the report relates and with respect to the intended activities of the Research Council in the year next following the end of that period; and
- (c) to question the Council Chairperson concerning any aspect of the Research Council's activities during the period to which the report

relates and any aspect of the intended activities of the Research Council.

(2) The meeting may be held concurrently with discussions between the Wool Council and the Corporation Chairperson under section 124.

PART VII—WOOL STORES

Objects of Part

112. The objects of this Part are:

- (a) to make provision for the performance by the Corporation of its functions in relation to wool stores under section 113; and
- (b) to make provision for the efficient and effective management of the Corporation's wool stores.

Functions of Corporation in relation to wool stores

113. The functions of the Corporation in relation to wool stores are to own, manage, control and maintain the wool stores properties, and include the demolition or alteration of uneconomic wool stores properties, the redevelopment of wool stores properties and the purchase and development of new wool stores properties.

Ownership of wool stores

114. The land and buildings to which Part VII of the repealed Act applied immediately before 1 July 1987 continue to be vested in the Corporation.

Establishment, functions and powers of the Australian Wool Stores Board of Management

115. (1) The Corporation shall establish under section 9 a committee by the name of the Australian Wool Stores Board of Management.

(2) The functions of the Wool Stores Board are the functions of the Corporation referred to in section 113.

(3) Without prejudice to any of the powers conferred on the Corporation, the Wool Stores Board has, subject to subsection (4), power to do all things necessary or convenient to be done in relation to the performance of its functions.

(4) The powers of the Wool Stores Board do not exceed those of the Corporation, and are subject to the same restrictions as the restrictions to which the Corporation's powers are subject.

(5) The Corporation shall not abolish the Wool Stores Board.

Constitution of Wool Stores Board

116. The Wool Stores Board shall comprise the following members appointed by the Corporation:

- (a) a Chairperson of the Wool Stores Board;

- (b) a Chief Executive Officer of the Wool Stores Board;
- (c) 2 other members.

Wool Stores Board to develop wool stores strategic plans

117. The Wool Stores Board shall:

- (a) develop, and prepare in written form, for each successive period for which the Corporation is required to prepare a corporate plan under section 12, a wool stores strategic plan; and
- (b) submit it to the Corporation in sufficient time for the Corporation to take it into account in the preparation of its corporate plan for that period.

Wool Stores Board to develop wool stores annual operational plans

118. (1) The Wool Stores Board shall:

- (a) develop, and prepare in written form, for each successive period for which the Corporation is required to prepare an annual operational plan under section 17, a wool stores annual operational plan; and
- (b) submit it to the Corporation in sufficient time for the Corporation to take it into account in the preparation of its annual operational plan for that period.

(2) A wool stores annual operational plan for a particular period shall contain an analysis of the financial management of, and the returns obtained from, the wool stores properties.

Annual report of Wool Stores Board

119. (1) The Wool Stores Board shall, as soon as practicable after 30 June in each year, prepare a report of its activities during the financial year that ended on that 30 June and submit it to the Corporation Chairperson.

(2) The report shall include:

- (a) an assessment of the extent to which the operations of the Wool Stores Board during the financial year to which the report relates have given effect to the wool stores annual operational plan that relates to a period corresponding to, or contained within, that financial year; and
- (b) a statement of the rate of return achieved during that year on capital invested in the Corporation's wool stores.

(3) The report in respect of a financial year shall include a copy of all accounts for that year required to be kept under section 58.

(4) As soon as practicable after the report has been prepared, the Wool Stores Board shall deliver a copy of the report to the Corporation.

PART VIII—MISCELLANEOUS

Minister may give directions in exceptional circumstances

120. (1) Subject to subsection (2), the Minister may give directions in writing to the Corporation concerning the performance of its functions and the exercise of its powers, and the Corporation shall comply with those directions.

(2) The Minister shall not give a direction to the Corporation unless:

- (a)** the Minister is satisfied that, because of the existence of exceptional circumstances, it is necessary to give the direction to the Corporation in order to ensure that the performance of the functions, or the exercise of the powers, of the Corporation does not conflict with major government policies;
- (b)** the Minister has given to the Corporation a written notice stating that the Minister is considering giving the direction; and
- (c)** the Minister has given to the Corporation Chairperson an adequate opportunity to discuss with the Minister the need for the proposed direction.

(3) Subject to subsection (4), where the Minister gives a direction to the Corporation:

- (a)** the Minister shall:
 - (i)** cause a written notice setting out particulars of the direction to be published in the *Gazette* as soon as practicable after giving the direction; and
 - (ii)** cause a copy of that notice to be laid before each House of the Parliament within 15 sitting days of that House after the publication of the notice in the *Gazette*; and
- (b)** the annual report for the year in which the direction was given shall include:
 - (i)** particulars of the direction; and
 - (ii)** particulars of the impact of that direction on the operations of the Corporation.

(4) Subsection (3) does not apply in relation to a particular direction if:

- (a)** the Minister, on the recommendation of the Corporation, determines, in writing, that compliance with the subsection would, or would be likely to, prejudice the commercial activities of the Corporation; or
- (b)** the Minister determines, in writing, that compliance with the subsection is undesirable because compliance would, or would be likely to, be prejudicial to the national interest of Australia.

Liability to taxation

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

(2) Subject to subsections (3) and (4), the Corporation is not subject to taxation under a law of a State or Territory.

(3) The regulations may provide that subsection (2) does not apply in relation to taxation under a specified law of a State or Territory.

(4) Stamp duty under the law of a State or a Territory is payable by the Corporation in respect of transactions entered into by, and instruments and documents executed by or on behalf of, the Corporation.

Register of Australian woolgrowers

122. The Corporation shall, in consultation with the Wool Council, compile and maintain a register of Australian woolgrowers.

Annual report

123. (1) The Corporation shall, as soon as practicable after 30 June 1988 and each later 30 June, and in any event no later than the first half-yearly meeting of the Wool Council that occurs after the day, prepare and give to the Minister a report of its operations during the financial year that ended on that day, together with financial statements for that year in such form as the Minister for Finance approves.

(2) Without limiting the generality of the matters to be included in an annual report in respect of a financial year, an annual report shall include particulars of:

- (a) significant capital works programs undertaken by the Corporation during that year;
- (b) any formation of companies, or acquisition or disposal of shares or stock in companies, by the Corporation during that year;
- (c) significant shipping activities undertaken by or on behalf of the Corporation during that year;
- (d) the operation of, and significant property transactions or property developments associated with, wool stores properties during that year;
- (e) significant purchases and dispositions of real property (other than property forming part of the wool stores properties) by the Corporation during that year;
- (f) futures trading activities undertaken by or on behalf of the Corporation during that year; and
- (g) the percentages of the sale value of shorn wool during that year determined under section 46.

(3) Without limiting the generality of the matters to be included in an annual report in respect of a financial year, an annual report shall include:

- (a) an assessment of the extent to which the operations of the Corporation during that year have contributed to the objectives set out in:
 - (i) the corporate plan that came into force at the beginning of that year; and
 - (ii) the annual operational plan that relates to a period corresponding to that year;

- (b) particulars of any variations to a corporate plan agreed to by the Minister under section 14 or 15, and any variations to an annual operational plan agreed to by the Minister under section 18, during that year;
 - (c) a report on the development and implementation of the Corporation's equal employment opportunity program during that year;
 - (d) a copy of the report prepared by the Research Council under section 110 in respect of that year; and
 - (e) a copy of the report prepared by the Wool Stores Board under section 119 in respect of that year.
- (4) The report referred to in paragraph (3) (c) shall provide, in respect of the financial year to which it relates:
- (a) a summary of the action taken by the Corporation to develop and implement its equal employment opportunity program; and
 - (b) the result of any monitoring, evaluation or assessment referred to in the definition of "assessment action" in subsection 3 (1).
- (5) Before submitting financial statements to the Minister under subsection (1), the Corporation shall submit them to the Corporation auditor, who shall report to the Minister:
- (a) whether, in the auditor's opinion, the statements are based on proper accounts and records;
 - (b) whether the statements are in agreement with the accounts and records and, in the auditor's opinion, show fairly the financial transactions and the state of the affairs of the Corporation;
 - (c) whether, in the auditor's opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the year have been in accordance with this Act; and
 - (d) as to such other matters arising out of the statements as the auditor considers should be reported to the Minister.
- (6) The Minister shall cause the annual report and financial statements, together with the report of the Corporation auditor, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

Report to meeting of Wool Council

124. Where an annual report has been laid before each House of the Parliament under subsection 123 (6), the Corporation Chairperson shall, at a half-yearly meeting of the Wool Council occurring not more than 12 months after the end of the financial year to which the annual report relates:

- (a) present the annual report to that meeting;
- (b) report to the meeting on the operations of the Corporation and of the Wool Stores Board during that year; and

- (c) make himself or herself available to answer questions arising out of the reports referred to in paragraphs (a) and (b).

Application for review

125. (1) Application may be made to the Administrative Appeals Tribunal for a review of:

- (a) a decision of the Corporation in relation to the payment, or non-payment, of a refund under section 51;
- (b) a decision of the Corporation under paragraph 77 (4) (b) refusing to enter the name of a person on the Register; or
- (c) a decision of the Corporation for the purposes of subsection 79 (1).

(2) In subsection (1), “decision” has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Statement to accompany notice of decisions

126. (1) Where the Corporation makes a decision of a kind referred to in subsection 125 (1) and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of the person or persons whose interests are affected by the decision.

(2) Any contravention of subsection (1) in relation to a decision does not affect the validity of the decision.

Regulations

127. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and for prescribing penalties not exceeding \$5,000 for offences against the regulations.

(2) Without limiting the generality of subsection (1), the regulations may make provision in relation to:

- (a) the powers of the Corporation under subsection 74 (1);
- (b) the prohibition of the export of wool sold in contravention of the regulations;
- (c) the registration of wool test houses;
- (d) the fees payable in respect of the registration of wool test houses;
- (e) the registration and inspection of sampling sites for the purposes of subsection 116 (2) of the *Commonwealth Functions (Statutes Review) Act 1981*; and
- (f) the fees payable in respect of the registration and inspection of sampling sites in accordance with the regulations.

PART IX—REPEAL AND TRANSITIONAL

Repeal

128. The following Acts are repealed:

- Wool Industry Act 1972;*
- Wool Industry Act 1973;*
- Wool Industry Act 1974;*
- Wool Industry Act (No. 2) 1974;*
- Wool Industry Amendment Act 1976;*
- Wool Industry Amendment Act 1977;*
- Wool Industry Amendment Act (No. 2) 1977;*
- Wool Industry Amendment Act 1978;*
- Wool Industry Amendment Act 1979;*
- Wool Industry Amendment Act (No. 2) 1979;*
- Wool Industry Amendment Act 1980;*
- Wool Industry Amendment Act 1981;*
- Wool Industry Amendment Act 1984;*
- Wool Industry Amendment Act 1985;*
- Wool Industry Amendment Act 1986.*

Continuation of appointments to Corporation

129. (1) A person who, immediately before 1 July 1987, held office under the repealed Act as the Chairman or Deputy Chairman of the Corporation holds office, on and after that day, as the Corporation Chairperson, or as the deputy of the Corporation Chairperson, as the case may be.

(2) A person who, immediately before 1 July 1987, held office as one of the members of the Corporation referred to in paragraph 8 (1) (b) or (d) of the repealed Act holds office, on and after that day, as an appointed director.

(3) The person who, immediately before 1 July 1987, held office as the member referred to in paragraph 8 (1) (c) of the repealed Act holds office, on and after that day, as the government director.

(4) Directors who hold office under subsection (1) or (2) hold such office, subject to subsection (5), until the end of their respective current terms of office.

(5) Directors who hold office under subsection (1) or (2) hold such office on terms and conditions relevant to their appointment under the repealed Act.

(6) A director who holds office under subsection (3) holds that office during the pleasure of the Minister.

Continuation of appointments to Research Council

130. (1) The person who, immediately before 1 July 1987, held office as the Chairperson of the Research Council, holds office, on and after that day, as the Council Chairperson.

(2) A person, who immediately before 1 July 1987, held office as a member of the Research Council referred to in paragraph 63 (1) (b) of the repealed Act holds office, on and after that day, as a Council member referred to in paragraph 103 (1) (b) of this Act.

(3) A person who, immediately before 1 July 1987, held office as a member of the Research Council referred to in paragraph 63 (1) (c) of the repealed Act holds office on and after that day, as a Council member referred to in paragraph 103 (1) (c) of this Act.

(4) Council members who hold office under subsection (1), (2) or (3) hold such office, subject to subsection (5), until the end of their respective current terms of office.

(5) Council members who hold office under subsection (1), (2) or (3) hold such office on terms and conditions relevant to their appointment under the repealed Act.

Continuation of committees etc.

131. (1) The committees of the Corporation that were, immediately before 1 July 1987, in existence under section 21 of the repealed Act continue in existence by virtue of this section as if they had been established under section 9 of this Act.

(2) The service, known as the Wool Marketing Service, established by the Corporation in existence immediately before 1 July 1987 continues in existence by virtue of this section.

Continuation of appointments to committees

132. (1) A person who, immediately before 1 July 1987, was a member of a committee continued in existence by section 131, continues, on and after that day, to be a member of that committee.

(2) A person who is a member of a committee by virtue of subsection (1), continues to be such a member, subject to subsection (3), until the end of his or her respective current term of office as a member.

(3) A person who is a member of a committee by virtue of subsection (1) continues as such a member on terms and conditions relevant to the person's appointment under the repealed Act.

Transitional—determination of apportionment of wool tax

133. Where, before 1 July 1987, the Wool Council made a determination that, if this Act had been in force when it was made, would have been a determination under section 46 in respect of the financial year commencing

on that day, then, on and after that day, this Act has effect as if that determination had been made under that section.

Transitional—reserve price

134. Where, before 1 July 1987, a determination is made or published that, if this Act had been in force when it was made, would have been a determination under section 66 in respect of the financial year commencing on that day, this Act has effect as if the determination had been made or published under that section.

Transitional—annual report

135. Notwithstanding section 128, the repeal of the Acts referred to in that section does not affect:

- (a) the obligations of the Corporation under section 90 of the repealed Act to prepare and furnish to the Minister a report of its operations during the year that ended on 30 June 1987, together with financial statements in respect of that year, and to submit the financial statements to the Auditor-General;
- (b) the obligation of the Auditor-General to report to the Minister under subsection 90 (2) in relation to the financial statements; or
- (c) the obligation of the Minister under subsection 90 (3) in relation to the Corporation's report, the financial statements and the Auditor-General's report.

Saving—superannuation

136. (1) Nothing in this Act affects the continuance of the superannuation scheme relating to the Corporation.

(2) Notwithstanding section 128, section 25 of the repealed Act continues to apply for the purposes of section 145 of the *Superannuation Act 1922*.

Saving—Commonwealth Functions (Statutes Review) Act

137. Part IV of the *Commonwealth Functions (Statutes Review) Act 1981* has effect on and after 1 July 1987 as if:

- (a) the definition of "Authority" in section 114 of that Act were amended by inserting "that had been" before "continued";
- (b) the definition of "Corporation" in that section were amended by inserting "that had been" before "established";
- (c) the reference in subsection 115 (6) of that Act to paragraph 35 (a) of the repealed Act as amended by that Act were a reference to paragraph 52 (a) of this Act; and
- (d) the reference in subsection 116 (2) of that Act to the repealed Act were a reference to this Act.

[Minister's second reading speech made in—
House of Representatives on 30 April 1987
Senate on 11 May 1987]