



# **Australian Meat and Live-stock Industry Legislation Amendment Act 1987**

**No. 155 of 1987**

## **TABLE OF PROVISIONS**

### **PART I—PRELIMINARY**

#### **Section**

1. Short title
2. Commencement

### **PART II—AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION ACT 1977**

3. Principal Act
4. Repeal and savings
5. Interpretation
6. Powers generally
7. Corporation may consult with industry representatives
8. Meat quotas
9. Restriction of persons who may export to certain markets
10. Term of office of members
11. Corporation to convene annual general meeting
12. Persons proposing to move certain motions to inform the Corporation
13. Corporation to give notice of meeting and motions
14. Proxies
15. Voting at annual general meetings
16. Heading to Part IIIB
17. Heading to Division 1 of Part IIIB
18. Repeal of section 30N and substitution of new section:  
30N. Corporation to prepare and review corporate plan
19. Approval of corporate plan and of revisions following review
20. Variation of corporate plan by Corporation otherwise than following review

**Section** **TABLE OF PROVISIONS—continued**

- 21. Variation of corporate plan at request of Minister
- 22. Repeal of section 30S
- 23. Repeal of section 30T and substitution of new section:  
30T. Corporation to prepare annual operational plans
- 24. Approval of annual operational plans
- 25. Insertion of new Division:

*Division 3—Equal Employment Opportunity Program*

- 33. Corporation to develop and implement equal employment opportunity program
- 33A. Regard to be had to equal employment opportunity program
- 33B. Action incompatible with merit principle not required
- 26. Annual report
- 27. Saving of existing corporate plan etc.

**PART III—AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK RESEARCH AND DEVELOPMENT CORPORATION ACT 1985**

- 28. Principal Act
- 29. Interpretation
- 30. Powers
- 31. Corporation to convene annual general meeting
- 32. Persons proposing to move certain motions to inform the Corporation
- 33. Corporation to give notice of meeting and motions
- 34. Proxies
- 35. Voting at annual general meetings
- 36. Heading to Part V
- 37. Heading to Division 1 of Part V
- 38. Repeal of section 30 and substitution of new section:  
30. Corporation to prepare and review research and development plan
- 39. Approval of research and development plan and of revisions following review
- 40. Variation of research and development plan by Corporation otherwise than following review
- 41. Variation of research and development plan at request of Minister
- 42. Repeal of section 34
- 43. Repeal of section 35 and substitution of new section:  
35. Corporation to prepare annual operational plans
- 44. Approval of annual operational plans
- 45. Saving of existing research and development plan etc.

**PART IV—AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY POLICY COUNCIL ACT 1984**

- 46. Principal Act
- 47. Industry conferences
- 48. Membership of Council

**PART V—AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY SELECTION COMMITTEE ACT 1984**

- 49. Principal Act
- 50. Title
- 51. Membership of Committee
- 52. Repeal of section 23



# Australian Meat and Live-stock Industry Legislation Amendment Act 1987

No. 155 of 1987

---

**An Act to amend certain legislation relating to the  
Australian meat and live-stock industry, and for related  
purposes**

*[Assented to 26 December 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 *Australian Meat and Live-stock Industry Legislation Amendment Act 1987*.

### **Commencement**

**2. (1)** Sections 11 to 15 (inclusive) and sections 31 to 35 (inclusive) shall come into operation on a day, or respective days, to be fixed by Proclamation.

(2) The remaining provisions of this Act shall come into operation on the day on which this Act receives the Royal Assent.

## **PART II—AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION ACT 1977**

### **Principal Act**

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

### **Repeal and savings**

4. Section 3 of the Principal Act is amended by omitting subsections (6) to (10) (inclusive).

### **Interpretation**

5. Section 5 of the Principal Act is amended:

(a) by inserting after the definition of “annual operational plan” in subsection (1) the following definition:

“‘assessment action’, in relation to the Corporation’s equal employment opportunity program, 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;

(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;”;

(b) by inserting after the definition of “company auditor” in subsection (1) the following definition:

“‘consultation action’, in relation to the Corporation’s equal employment opportunity program, means action by the Corporation to consult with:

(a) its employees, particularly employees who are women or in designated groups; and

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

- (b) each trade union having members affected by the program;  
in relation to the development and implementation of the program;”;
- (c) by omitting “a plan” from the definition of “corporate plan” in subsection (1) and substituting “the plan”;
- (d) by inserting after the definition of “Deputy Chairman” in subsection (1) the following definitions:
  - “‘designated group’ has the same meaning as in the *Public Service Act 1922*;
  - ‘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;”;
- (e) by inserting after the definition of “edible offal” in subsection (1) the following definitions:
  - “‘eligible industry body’ means:
    - (a) the Cattle Council of Australia;
    - (b) the Sheepmeat Council of Australia;
    - (c) the Australian Meat Exporters’ Federal Council; or
    - (d) a body prescribed by the regulations for the purposes of the provision in which the expression ‘eligible industry body’ is used;
  - ‘employee’, in relation to the Corporation, means a natural person appointed or engaged by the Corporation:
    - (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;
  - and, except in Division 2 of Part IV, includes an officer of the Corporation;
  - ‘employee information action’, in relation to the Corporation’s equal employment opportunity program, means action by the Corporation to inform its employees of the content of the program and the results of assessment action taken by the Corporation in relation to the program;
  - ‘employment matters’ include:
    - (a) recruitment procedure, and selection criteria, for the appointment or engagement of employees by the Corporation;

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

- (b) promotion and transfer of employees by the Corporation;
  - (c) training and staff development for the Corporation's employees; and
  - (d) conditions of service of the Corporation's 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;
- being a program that includes provision for assessment action, consultation action, employee information action, and policy action, by the Corporation in relation to the program;";
- (f) by inserting after the definition of "offence against this Act" in subsection (1) the following definition:
- " 'policy action', in relation to the Corporation's equal employment opportunity program, means action by the Corporation to do all of the following things:
- (a) to 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) to examine policies and practices of the Corporation in relation to employment matters in order to identify:
    - (i) any policies or practices that constitute discrimination by the Corporation 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;
  - (c) to 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;";

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

- (g) by adding at the end of subsection (1) the following definitions:
- “‘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.”; and
- (h) by adding at the end the following subsection:
- “(3) A reference in this Act to discrimination by the Corporation 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*.”.

**Powers generally**

**6. Section 8 of the Principal Act is amended:**

- (a) by inserting after subsection (3) the following subsection:

“(3A) Notwithstanding anything in this Act, the Corporation may, in co-operation with the Australian Pork Corporation and as part of a prescribed scheme for the marketing of meat or live-stock, do such things in relation to the marketing of pig meat or pigs as the Corporation considers appropriate.”; and

- (b) by omitting from subsection (4) all the words after “provisions of” and substituting “the corporate plan and the applicable annual operational plan”.

**Corporation may consult with industry representatives**

**7. Section 10 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:**

“(2) Arrangements made by the Corporation under subsection (1) may include:

- (a) the Corporation’s agreeing to meet travel expenses reasonably incurred by a person in connection with consultations with the Corporation; and
- (b) subject to written guidelines given to the Corporation by the Minister, the Corporation’s agreeing to meet expenses (other than travel expenses) reasonably incurred by an eligible industry body, or a member of an eligible industry body, in connection with consultations with the Corporation.”.

**Meat quotas**

8. Section 16J of the Principal Act is amended by omitting from subsections (6) and (9) “, with the approval of the Minister,” (wherever occurring).

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

9. Section 16L of the Principal Act is amended by omitting from subsection (1A) “in force in accordance with subsection 30P (1)” and substituting “in accordance with subsection 30NA (3)”.

**Term of office of members**

10. Section 22 of the Principal Act is amended:

- (a) by omitting from subsection (1) “subsections (2) and” and substituting “subsection”;
- (b) by omitting from subsection (1) “a period of” and substituting “a period not exceeding”; and
- (c) by omitting subsection (2).

**Corporation to convene annual general meeting**

11. Section 30B of the Principal Act is amended:

- (a) by omitting from subsection (1) “, within 3 months after each annual report of the Corporation is laid before the House of Representatives or within such longer period as is approved by the Minister,”;
- (b) by inserting after subsection (1) the following subsection:
  - “(1A) The Corporation shall ensure:
    - (a) that an annual general meeting of the industry is held in each financial year; and
    - (b) that a period of not more than 15 months elapses between an annual general meeting of the industry and the next annual general meeting of the industry.”;
- (c) by omitting from subsection (2) “within 7 days after each annual report of the Corporation is laid before the House of Representatives” and substituting “not later than 70 days before the day on which an annual general meeting of the industry is to be held”;
- (d) by omitting paragraph (2) (a) and substituting the following paragraph:
  - “(a) the day, time and place of the annual general meeting;”;
  - and
- (e) by omitting from paragraph (2) (c) “referred to in paragraph (a)”.

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

12. Section 30C of the Principal Act is amended by omitting from subsection (2) “49” and substituting “56”.



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

13. Section 30D of the Principal Act is amended by omitting from paragraph (2) (b) "100" and substituting "50".

**Proxies**

14. Section 30E of the Principal Act is amended by omitting from subsection (4) "14" and substituting "3".

**Voting at annual general meetings**

15. Section 30G of the Principal Act is amended:

(a) by omitting subsections (4), (5) and (6) and substituting the following subsections:

"(4) Subject to subsection (7), a motion referred to in subparagraph 30B (4) (d) (i) shall be taken to have been passed at an annual general meeting if, and only if:

(a) the number of votes cast by virtue of subsection (1) in support of the motion is a majority of the votes cast by virtue of that subsection on the motion; and

(b) the number of votes cast by virtue of subsection (2) in support of the motion is a majority of the votes cast by virtue of that subsection on the motion.

"(5) A motion referred to in subparagraph 30B (4) (d) (ii) shall be taken to have been passed at an annual general meeting unless:

(a) the number of votes cast by virtue of subsection (1) against the motion exceeds 75% of the votes cast by virtue of that subsection on the motion; and

(b) the number of votes cast by virtue of subsection (2) against the motion exceeds 75% of the votes cast by virtue of that subsection on the motion.

"(6) A motion referred to in subparagraph 30B (4) (d) (iii) shall be taken to have been passed at an annual general meeting if, and only if:

(a) the number of votes cast by virtue of subsection (1) in support of the motion exceeds 75% of the votes cast by virtue of that subsection on the motion; and

(b) the number of votes cast by virtue of subsection (2) in support of the motion exceeds 75% of the votes cast by virtue of that subsection on the motion."; and

(b) by omitting from subsection (7) " , other than a motion of which notice was given by the Corporation under section 30D,".

**Heading to Part IIIB**

16. The heading to Part IIIB of the Principal Act is omitted and the following heading is substituted:

**“PART IIIB—CORPORATE PLAN AND ANNUAL OPERATIONAL PLANS”.**

**Heading to Division 1 of Part IIIB**

17. The heading to Division 1 of Part IIIB of the Principal Act is omitted and the following heading is substituted:

***“Division 1—The Corporate Plan”.***

18. Section 30N of the Principal Act is repealed and the following section is substituted:

**Corporation to prepare and review corporate plan**

“30N. (1) The Corporation shall, as soon as practicable after the commencement of this section, prepare a corporate plan.

“(2) The Corporation shall, in each financial year to which the corporate plan relates and not later than 1 April, review and revise the plan.

“(3) The corporate plan as prepared under subsection (1) shall include a statement of the objectives of the Corporation, and an assessment of the market and economic outlook for the industry, for:

- (a) if the plan is prepared in the first 9 months of a financial year, the financial year in which the plan is prepared and the 4 subsequent financial years; or
- (b) if the plan is prepared in the last 3 months of a financial year, the next financial year and the 4 subsequent financial years.

“(4) The corporate plan as revised under subsection (2) shall include a statement of the objectives of the Corporation, and an assessment of the market and economic outlook for the industry, for the financial year immediately following the financial year in which the corporate plan is revised and the 4 subsequent financial years.

“(5) The corporate plan shall also:

- (a) outline the strategies and policies that the Corporation intends to adopt in order to achieve its objectives;
- (b) include a statement of the criteria to be applied by the Corporation in determining whether the exercise of its powers under subsection 16L (1) would, in circumstances other than the circumstances referred to in that subsection:
  - (i) be beneficial to the development, or further development, in a country or place outside Australia of a market for:
    - (A) meat or live-stock; or
    - (B) meat or live-stock of any quality, standard, grade or class; and
  - (ii) be in the best commercial interests of the industry; and

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

(c) include the Corporation's equal employment opportunity program.

“(6) Before preparing or revising the corporate plan under this section, the Corporation shall consult with each eligible industry body.”

**Approval of corporate plan and of revisions following review**

**19.** Section 30P of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsections:

“(1) The Corporation shall, as soon as practicable after preparing or revising the corporate plan under section 30N, submit the corporate plan or the corporate plan as so revised, as the case may be, to the Minister.

“(1A) The corporate plan or the corporate plan as so revised, as the case may be, has no effect until it has been approved, in writing, by the Minister.”;

(b) by omitting from subsection (2) “a plan” and substituting “the corporate plan, or the corporate plan as so revised,”; and

(c) by inserting in subsection (2) “or further revised, as the case may be,” after “revised”.

**Variation of corporate plan by Corporation otherwise than following review**

**20.** Section 30Q of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsection:

“(1) The corporate plan may, at any time, be varied by the Corporation under this section with the approval of the Minister.”; and

(b) by omitting from subsection (2) “a corporate plan” and substituting “the corporate plan”.

**Variation of corporate plan at request of Minister**

**21.** Section 30R of the Principal Act is amended:

(a) by omitting from subsection (1) “A corporate plan, whether or not it has come into force,” and substituting “The corporate plan”; and

(b) by omitting from subsections (2) and (3) “a corporate plan” and substituting “the corporate plan”.

**Repeal of section 30S**

**22.** Section 30S of the Principal Act is repealed.

**23.** Section 30T of the Principal Act is repealed and the following section is substituted:

**Corporation to prepare annual operational plans**

“30T. (1) When the Corporation is preparing the corporate plan under subsection 30N (1) or revising the corporate plan under subsection 30N (2), it shall prepare an annual operational plan for the earliest financial year to which the corporate plan or the corporate plan as so revised, as the case may be, will relate.

“(2) The annual operational plan for a financial year shall specify the programs that the Corporation proposes to carry out in giving effect to the corporate plan during the financial year.

“(3) The annual operational plan for a financial year shall propose action to implement the Corporation’s equal employment opportunity program during the financial year.

“(4) Before preparing an annual operational plan, the Corporation shall consult with each eligible industry body.”.

**Approval of annual operational plans**

**24.** Section 30U of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsections:

“(1) The Corporation shall, as soon as practicable after preparing an annual operational plan, submit the plan to the Minister.

“(1A) An annual operational plan has no effect until it has been approved, in writing, by the Minister.”;

(b) by omitting from subsection (2) “that relates, or the intended corporate plan that will relate, to a period that includes or will include, the period to which the first-mentioned plan will relate”;

(c) by omitting from subsection (4) “a corporate plan” and substituting “the corporate plan”;

(d) by omitting from subsection (4) “, being an annual operational plan that relates to a period that is included in the period to which the corporate plan relates,”;

(e) by omitting from subsection (5) all the words after “the corporate plan”; and

(f) by omitting subsection (6).

**25.** After Division 2 of Part IV the following Division is inserted:

***Division 3—Equal Employment Opportunity Program***

**Corporation to develop and implement equal employment opportunity program**

“33. The Corporation shall develop and implement an equal employment opportunity program.

**Regard to be had to equal employment opportunity program**

“33A. The Corporation shall take whatever action is necessary to give effect to its equal employment opportunity program, and any person who exercises powers in relation to employment matters in the Corporation shall have regard to the program in exercising those powers.

**Action incompatible with merit principle not required**

“33B. Nothing in this Division shall be taken to require action that is incompatible with the principle that employment matters should be dealt with on the basis of merit.”.

**Annual report**

26. Section 49 of the Principal Act is amended:

(a) by omitting subsection (2) and substituting the following subsections:

“(2) Without limiting the generality of subsection (1), the Corporation shall include in the report:

(a) an assessment of the extent to which its operations during the year have:

(i) achieved the objectives stated in the corporate plan; and

(ii) implemented the annual operational plan for the year; and

(b) particulars of:

(i) significant capital works programs undertaken by the Corporation during the year;

(ii) companies formed by the Corporation, and companies in whose formation the Corporation participated, during the year;

(iii) shares and securities subscribed for, purchased and disposed of by the Corporation during the year;

(iv) partnerships entered into by the Corporation during the year;

(v) joint ventures, and arrangements for the sharing of profits, entered into by the Corporation during the year;

(vi) significant acquisitions and dispositions of real property by the Corporation during the year;

(vii) futures trading activities undertaken by the Corporation during the year; and

(viii) the development and implementation of the Corporation's equal employment opportunity program during the year.

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

“(2A) The particulars required to be included in the report under subparagraph (2) (b) (viii) shall include:

- (a) a summary of the action taken by the Corporation during the year to develop and implement its equal employment opportunity program; and
  - (b) the results of monitoring, evaluation and assessment of the program during the year.”; and
- (b) by omitting subsection (5).

**Saving of existing corporate plan etc.**

27. (1) Notwithstanding the repeal and re-enactment of section 30N of the Principal Act effected by this Act but subject to subsection (2) of this section, the corporate plan in force under Division 1 of Part IIIB of the Principal Act immediately before the commencement of this section continues in force until the corporate plan prepared under subsection 30N (1) of the Principal Act as amended by this Act has effect.

(2) Notwithstanding the amendments of the Principal Act made by this Act, the Principal Act, as in force immediately before the commencement of this section, continues to apply in relation to the first-mentioned corporate plan referred to in subsection (1).

(3) Notwithstanding the repeal and re-enactment of section 30T of the Principal Act effected by this Act but subject to subsection (4) of this section, the annual operational plan in force under Division 2 of Part IIIB of the Principal Act immediately before the commencement of this section continues in force until the first annual operational plan prepared under section 30T of the Principal Act as amended by this Act has effect.

(4) Notwithstanding the amendments of the Principal Act made by this Act, the Principal Act, as in force immediately before the commencement of this section, continues to apply in relation to the first-mentioned annual operational plan referred to in subsection (3).

**PART III—AMENDMENTS OF THE AUSTRALIAN MEAT AND  
LIVE-STOCK RESEARCH AND DEVELOPMENT CORPORATION  
ACT 1985**

**Principal Act**

28. The *Australian Meat and Live-stock Research and Development Corporation Act 1985*<sup>2</sup> is in this Part referred to as the Principal Act.

**Interpretation**

29. Section 3 of the Principal Act is amended:

- (a) by inserting after the definition of “edible offal” in subsection (1) the following definition:

“‘eligible industry body’ means:

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

- (a) the Cattle Council of Australia;
  - (b) the Sheepmeat Council of Australia;
  - (c) the Australian Meat Exporters' Federal Council; or
  - (d) a body prescribed by the regulations for the purposes of the provision in which the expression 'eligible industry body' is used;";
- (b) by omitting "a plan required to be" from the definition of "research and development plan" in subsection (1) and substituting "the plan"; and
- (c) by adding at the end of subsection (1) the following definition:  
" 'the industry' means the Australian meat and live-stock industry."

**Powers**

**30.** Section 7 of the Principal Act is amended by omitting from subsection (4) all the words after "provisions of" and substituting "the research and development plan and the applicable annual operational plan".

**Corporation to convene annual general meeting**

**31.** Section 22 of the Principal Act is amended:

- (a) by omitting from subsection (1) ", within 3 months after the annual report of the Corporation is laid before the House of Representatives or within such longer period as is approved by the Minister,";
- (b) by inserting after subsection (1) the following subsection:  
"(1A) The Corporation shall ensure:
  - (a) that an annual general meeting of the industry is held in each financial year; and
  - (b) that a period of not more than 15 months elapses between an annual general meeting of the industry and the next annual general meeting of the industry.";
- (c) by omitting from subsection (2) "within 7 days after the annual report of the Corporation is laid before the House of Representatives" and substituting "not later than 70 days before the day on which an annual general meeting of the industry is to be held";
- (d) by omitting paragraph (2) (a) and substituting the following paragraph:  
"(a) the day, time and place of the annual general meeting;";  
and
- (e) by omitting from paragraph (2) (c) "referred to in paragraph (a)".

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

**32.** Section 23 of the Principal Act is amended by omitting from subsection (2) "49" and substituting "56".

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

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

33. Section 24 of the Principal Act is amended by omitting from paragraph (2) (b) "100" and substituting "50".

**Proxies**

34. Section 25 of the Principal Act is amended by omitting from subsection (4) "14" and substituting "3".

**Voting at annual general meetings**

35. Section 27 of the Principal Act is amended:

(a) by omitting subsections (4), (5) and (6) and substituting the following subsections:

"(4) Subject to subsection (7), a motion referred to in subparagraph 22 (4) (d) (i) shall be taken to have been passed at an annual general meeting if, and only if:

- (a) the number of votes cast by virtue of subsection (1) in support of the motion is a majority of the votes cast by virtue of that subsection on the motion; and
- (b) the number of votes cast by virtue of subsection (2) in support of the motion is a majority of the votes cast by virtue of that subsection on the motion.

"(5) A motion referred to in subparagraph 22 (4) (d) (ii) shall be taken to have been passed at an annual general meeting unless:

- (a) the number of votes cast by virtue of subsection (1) against the motion exceeds 75% of the votes cast by virtue of that subsection on the motion; and
- (b) the number of votes cast by virtue of subsection (2) against the motion exceeds 75% of the votes cast by virtue of that subsection on the motion.

"(6) A motion referred to in subparagraph 22 (4) (d) (iii) shall be taken to have been passed at an annual general meeting if, and only if:

- (a) the number of votes cast by virtue of subsection (1) in support of the motion exceeds 75% of the votes cast by virtue of that subsection on the motion; and
- (b) the number of votes cast by virtue of subsection (2) in support of the motion exceeds 75% of the votes cast by virtue of that subsection on the motion.";

(b) by omitting from subsection (7) " , other than a motion of which notice was given by the Corporation under section 24,".

**Heading to Part V**

36. The heading to Part V of the Principal Act is omitted and the following heading is substituted:



**“PART V—RESEARCH AND DEVELOPMENT PLAN AND  
ANNUAL OPERATIONAL PLANS”.**

**Heading to Division 1 of Part V**

37. The heading to Division 1 of Part V of the Principal Act is omitted and the following heading is substituted:

***“Division 1—The Research and Development Plan”.***

38. Section 30 of the Principal Act is repealed and the following section is substituted:

**Corporation to prepare and review research and development plan**

“30. (1) The Corporation shall, as soon as practicable after the commencement of this section, prepare a research and development plan.

“(2) The Corporation shall, in each financial year to which the research and development plan relates and not later than 1 April, review and revise the plan.

“(3) The research and development plan as prepared under subsection (1) shall include:

- (a) a statement of the objectives of the Corporation;
- (b) an assessment of the market and economic outlook for the industry; and
- (c) an evaluation of the research and development needs of the industry;

for:

- (d) if the plan is prepared in the first 9 months of a financial year, the financial year in which the plan is prepared and the 4 subsequent financial years; or
- (e) if the plan is prepared in the last 3 months of a financial year, the next financial year and 4 subsequent financial years.

“(4) The corporate plan as revised under subsection (2) shall include:

- (a) a statement of the objectives of the Corporation;
- (b) an assessment of the market and economic outlook for the industry; and

(c) an evaluation of the research and development needs of the industry; for the financial year immediately following the financial year in which the corporate plan is revised and the 4 subsequent financial years.

“(5) The research and development plan shall also outline the strategies and policies that the Corporation intends to adopt in order to achieve its objectives.

“(6) Before preparing or revising the research and development plan under this section, the Corporation shall consult with each eligible industry body.”.

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

**Approval of research and development plan and of revisions following review**

**39.** Section 31 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsections:
  - “(1) The Corporation shall, as soon as practicable after preparing or revising the research and development plan under section 30, submit the research and development plan or the research and development plan as so revised, as the case may be, to the Minister.
  - “(1A) The research and development plan or the research and development plan as so revised, as the case may be, has no effect until it has been approved, in writing, by the Minister.”;
- (b) by omitting from subsection (2) “a research and development plan” and substituting “the research and development plan, or the research and development plan as so revised,”; and
- (c) by inserting in subsection (2) “or further revised, as the case may be,” after “revised”.

**Variation of research and development plan by Corporation otherwise than following review**

**40.** Section 32 of the Principal Act is amended:

- (a) by omitting subsections (1), (2) and (3) and substituting the following subsection:
  - “(1) The research and development plan may, at any time, be varied by the Corporation under this section with the approval of the Minister.”; and
- (b) by omitting from subsection (4) “a research and development plan” and substituting “the research and development plan”.

**Variation of research and development plan at request of Minister**

**41.** Section 33 of the Principal Act is amended:

- (a) by omitting from subsection (1) “A research and development plan, whether or not it has come into force,” and substituting “The research and development plan”; and
- (b) by omitting from subsections (2) and (3) “a research and development plan” and substituting “the research and development plan”.

**Repeal of section 34**

**42.** Section 34 of the Principal Act is repealed.

**43.** Section 35 of the Principal Act is repealed and the following section is substituted:

**Corporation to prepare annual operational plans**

“35. (1) When the Corporation is preparing the research and development plan under subsection 30 (1) or revising the research and development plan under subsection 30 (2), it shall prepare an annual operational plan for the earliest financial year to which the research and development plan or the research and development plan as so revised, as the case may be, will relate.

“(2) The annual operational plan for a financial year shall:

- (a) specify the particular meat and live-stock research and development activities (if any) that the Corporation proposes to fund, in whole or in part, during the year;
- (b) in relation to each meat and live-stock research and development activity that is specified in the plan under paragraph (a):
  - (i) set out the nature of the activity;
  - (ii) contain an estimate of the likely duration of the activity;
  - (iii) contain an estimate of the financial contribution that has been made, and is likely to be made, by the Corporation in relation to the activity; and
  - (iv) contain an estimate of the financial contribution likely to be made by the Corporation in relation to the activity during the year;
- (c) describe the kinds of meat and live-stock research and development activities (if any) that the Corporation is prepared to consider funding, in whole or in part, during the year; and
- (d) in relation to each kind of meat and live-stock research and development activity that is described in the plan under paragraph (c)—contain an estimate of the financial contribution that the Corporation would be prepared to make in relation to activities of that kind during the year.

“(3) Before preparing an annual operational plan, the Corporation shall consult with each eligible industry body.”.

**Approval of annual operational plans**

**44.** Section 36 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsections:
  - “(1) The Corporation shall, as soon as practicable after preparing an annual operational plan, submit the plan to the Minister.
  - “(1A) An annual operational plan has no effect until it has been approved, in writing, by the Minister.”;
- (b) by omitting from subsection (2) “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 first-mentioned plan will relate”;

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

- (c) by omitting from subsection (4) “a research and development plan” and substituting “the research and development plan”;
- (d) by omitting from subsection (4) “, being an annual operational plan that relates to a period that is included in the period to which the research and development plan relates,”;
- (e) by omitting from subsection (5) all the words after “the research and development plan”; and
- (f) by omitting subsection (6).

**Saving of existing research and development plan etc.**

**45. (1)** Notwithstanding the repeal and re-enactment of section 30 of the Principal Act effected by this Act but subject to subsection (2) of this section, the research and development plan in force under Division 1 of Part V of the Principal Act immediately before the commencement of this section continues in force until the research and development plan prepared under subsection 30 (1) of the Principal Act as amended by this Act has effect.

**(2)** Notwithstanding the amendments of the Principal Act made by this Act, the Principal Act, as in force immediately before the commencement of this section, continues to apply in relation to the first-mentioned research and development plan referred to in subsection (1).

**(3)** Notwithstanding the repeal and re-enactment of section 35 of the Principal Act effected by this Act but subject to subsection (4) of this section, the annual operational plan in force under Division 2 of Part V of the Principal Act immediately before the commencement of this section continues in force until the first annual operational plan prepared under section 35 of the Principal Act as amended by this Act has effect.

**(4)** Notwithstanding the amendments of the Principal Act made by this Act, the Principal Act, as in force immediately before the commencement of this section, continues to apply in relation to the first-mentioned annual operational plan referred to in subsection (3).

**PART IV—AMENDMENTS OF THE AUSTRALIAN MEAT AND  
LIVE-STOCK INDUSTRY POLICY COUNCIL ACT 1984**

**Principal Act**

**46.** The *Australian Meat and Live-stock Industry Policy Council Act 1984*<sup>3</sup> is in this Part referred to as the Principal Act.

**Industry conferences**

**47.** Section 6 of the Principal Act is amended by omitting subsection (3).

*Australian Meat and Live-stock Industry  
Legislation Amendment No. 155, 1987*

**Membership of Council**

48. Section 9 of the Principal Act is amended by omitting paragraph (1) (f).

**PART V—AMENDMENTS OF THE AUSTRALIAN MEAT AND  
LIVE-STOCK INDUSTRY SELECTION COMMITTEE ACT 1984**

**Principal Act**

49. The *Australian Meat and Live-stock Industry Selection Committee Act 1984*<sup>4</sup> is in this Part referred to as the Principal Act.

**Title**

50. The title of the Principal Act is amended by adding at the end “connected with the Australian meat and live-stock industry”.

**Membership of Committee**

51. Section 11 of the Principal Act is amended by omitting from subsection (3) “3 years” and substituting “for such terms, not exceeding 3 years, as are respectively specified in their instruments of appointment.”.

**Repeal of section 23**

52. Section 23 of the Principal Act is repealed.

---

**NOTES**

1. No. 67, 1977, as amended. For previous amendments, see No. 36, 1978; No. 76, 1979; No. 167, 1980; Nos. 61 and 150, 1981; Nos. 46 and 48, 1982; No. 57, 1984; No. 13, 1985; and No. 77, 1986.
2. No. 12, 1985.
3. No. 58, 1984, as amended. For previous amendments, see No. 13, 1985.
4. No. 59, 1984, as amended. For previous amendments, see Nos. 13 and 65, 1985.

[*Minister's second reading speech made in—  
House of Representatives on 7 October 1987  
Senate on 2 November 1987*]