

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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*(As read a first time)*

**AUSTRALIAN MEAT AND LIVE-STOCK RESEARCH AND  
DEVELOPMENT CORPORATION BILL 1985**

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1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 20 March 1985

*(Minister for Primary Industry)*

**A BILL**

FOR

**An Act to establish an Australian Meat and Live-stock  
Research and Development Corporation, and for related  
purposes**

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**

5       1. This Act may be cited as the *Australian Meat and Live-stock Research and Development Corporation Act 1985*.

**Commencement**

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

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

MR

### **Interpretation**

- 3. (1)** In this Act, unless the contrary intention appears—
- “acting Chairperson” means the member appointed to act as Chairperson under sub-section 14 (1);
- “annual general meeting” means a meeting that the Corporation is required to convene under section 22; 5
- “annual operational plan” means a plan required to be developed by the Corporation in accordance with section 35;
- “appoint” includes re-appoint;
- “Australian Meat and Live-stock Corporation” means the corporation of that name established by section 6 of the *Australian Meat and Live-stock Corporation Act 1977*; 10
- “Australian Meat and Live-stock Industry Policy Council” means the council of that name established by section 4 of the *Australian Meat and Live-stock Industry Policy Council Act 1984*; 15
- “Australian Meat and Live-stock Industry Selection Committee” means the committee of that name established by section 4 of the *Australian Meat and Live-stock Industry Selection Committee Act 1984*;
- “cattle” means bovine animals other than buffaloes;
- “Chairperson” means the Chairperson of the Corporation; 20
- “Corporation” means the Australian Meat and Live-stock Research and Development Corporation established by section 4;
- “edible offal” means any edible portion, other than the flesh, of live-stock;
- “Executive Director” means the Executive Director of the Corporation;
- “government member” means the person appointed under section 12 or 28 to be the government member of the Corporation; 25
- “live-stock” means cattle, buffaloes, sheep, lambs, goats or any other class of animals that is from time to time prescribed for the purposes of this definition;
- “meat” means the flesh, whether fresh or preserved, of live-stock and includes meat by-products, meat products and edible offal; 30
- “meat and live-stock industry” means the Australian meat and live-stock industry;
- “meat by-product” includes a hide, tallow and meat meal;
- “meat product” means food prepared from or containing meat, and includes canned meat; 35
- “meat and live-stock 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 purpose of improving any aspect of the production, processing, storage, transport or marketing of meat or live-stock; or 40

- (b) applying knowledge for the purpose referred to in paragraph (a);

“meat and live-stock research and development activity” means—

- (a) a meat and live-stock research and development project;
- (b) the training of persons to carry out meat and live-stock research and development;
- (c) the dissemination of information, or the provision of advice and assistance, to members of the meat and live-stock industry for the purpose of encouraging those members to follow practices, or to adopt technological developments, that have been designed or adapted to improve the operation or efficiency of the part of the industry in which they are engaged;
- (d) the publication of reports, periodicals, books or papers containing information related to any aspect of meat and live-stock research and development; or
- (e) any activity incidental to an activity referred to in paragraph (a), (b), (c) or (d);

“meat and live-stock research and development project” means a project for meat and live-stock research and development;

“member” means a member of the Corporation;

“research and development plan” means a plan required to be developed by the Corporation in accordance with section 30.

(2) For the purposes of this Act—

- (a) where the Chairperson or the acting Chairperson is a man, he may be referred to as the Chairman or the acting Chairman, as the case may be; and
- (b) where the Chairperson or acting Chairperson is a woman, she may be referred to as the Chairwoman or the acting Chairwoman, as the case may be.

## **PART II—ESTABLISHMENT, OBJECTS, FUNCTIONS AND POWERS OF CORPORATION**

### **Establishment**

4. There is established by this Act a corporation by the name of the Australian Meat and Live-stock Research and Development Corporation.

### **Objects**

5. The objects of the establishment of the Corporation are—

- (a) to improve the productivity and market performance of the meat and live-stock industry by—
  - (i) identifying more precisely areas of meat and live-stock research and development that are relevant to the needs of that industry;

- (ii) improving the efficiency and effectiveness of meat and live-stock research and development; and
  - (iii) encouraging the more effective use of the resources and skills of the community in general and the scientific community in particular in meat and live-stock research and development; and
- (b) to improve accountability for expenditure upon meat and live-stock research and development activities.

### Functions

6. The functions of the Corporation are—
- (a) to investigate and evaluate the needs of the meat and live-stock industry for meat and live-stock research and development and, on the basis of that investigation and evaluation, to develop research and development plans;
  - (b) to develop, for each year of a period covered by a research and development plan, an annual operational plan;
  - (c) to co-ordinate and fund meat and live-stock research and development activities that have been specified in an annual operational plan;
  - (d) to monitor, and report to the Parliament and to the meat and live-stock industry on, the research and development activities funded by the Corporation;
  - (e) to make recommendations to the Minister with respect to the amounts to be prescribed from time to time for the purposes of—
    - (i) paragraph 6 (1) (b), 6A (1) (b), 6B (1) (b), 6C (1) (b), 6D (1) (b), 6E (1) (b) or 6F (1) (b) of the *Live-stock Slaughter Levy Act 1964*; and
    - (ii) paragraph 7 (1) (b), 8 (1) (b), 9 (1) (b), 10 (1) (b) and 11 (1) (b) of the *Live-stock Export Charge Act 1977*; and
  - (f) such other functions in connection with the meat and live-stock industry as are conferred on the Corporation by this Act or the regulations.

### Powers

7. (1) Subject to this Act, the Corporation has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.
- (2) Without limiting the generality of sub-section (1), the powers of the Corporation referred to in that sub-section include the power—
- (a) to make applications, including joint applications, for patents; and
  - (b) to deal with patents vested in the Corporation.
- (3) Except with the approval of the Minister, the Corporation shall not enter into a contract or agreement in connection with the purchase of real or



personal property for an amount exceeding \$100,000 or, if a higher amount is prescribed, that higher amount.

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

**Agreements relating to meat and live-stock research and development, &c.**

10 8. (1) Without limiting the generality of sub-section 7 (1), the Corporation may enter into an agreement with another person, an authority or an organization for the purposes of, or for purposes in connection with, the funding by the Corporation of a meat and live-stock research and development activity that has been specified by the Corporation in the annual operational plan that is in force at the time when the agreement is entered into.

15 (2) Without limiting the generality of sub-section (1), an agreement made by the Corporation with a person, authority or organization under that sub-section in relation to money that is to be provided by the Corporation may—

(a) provide for—

20 (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

25 (ii) the payment by the person, authority or organization 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 sub-paragraph (i) is used for a purpose not specified in the agreement;

30 (b) provide for the payment by the person, authority or organization to the Corporation for the purposes of the Corporation, of an amount equal to the whole, or such part as the Corporation determines, of any net income derived by the person, authority or organization from—

35 (i) property acquired with money provided under the agreement or with money that includes that money; or

40 (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 meat and live-stock 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 organization to the Corporation of any property referred to in sub-paragraph (b) (i),

of any interests, rights, patents or other property referred to in sub-paragraph (b) (ii); and

- (d) provide for the payment by the person, authority or organization to the Corporation for the purposes of the Corporation 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.

(3) For the purposes of this section, a meat and live-stock research and development activity shall be taken to have been specified by the Corporation in an annual operational plan if that activity is included within a class of meat and live-stock research and development activities that are described in that plan as activities of the kind that the Corporation is prepared to fund.

#### **Corporation may participate in joint ventures**

9. (1) Without limiting the generality of sub-section 7 (1), the Corporation may enter into an agreement with another person, an authority or an organization to undertake a joint venture.

(2) A joint venture referred to in sub-section (1) shall be undertaken for a purpose that is, or for purposes that are, consistent with the objectives of the Corporation set out in the 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.

#### **Corporation may consult industry representatives**

10. (1) Without limiting the generality of sub-section 7 (1), the Corporation may, for the purpose of considering any matter relating to the performance of its functions, make arrangements for consulting persons and bodies representative of different sectors of the industry.

(2) An arrangement entered into by the Corporation under sub-section (1) in relation to consultations by the Corporation with a person or body may include an agreement by the Corporation to meet the costs and expenses

reasonably incurred by that person or body in connection with those consultations.

### **PART III—CONSTITUTION AND MEETINGS OF CORPORATION**

#### **Nature of Corporation**

5       **11. (1) 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.

10       **(2) The seal of the Corporation shall be kept in such custody as the Corporation directs and shall not be used except as authorized by the Corporation.**

15       **(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.**

#### **Constitution**

**12. (1) The Corporation shall consist of 11 members, namely—**

- (a) a Chairperson;
- (b) a government member;
- (c) the Executive Director; and
- (d) 8 other members.

20       **(2) The members, other than the Executive Director, shall be appointed by the Minister.**

25       **(3) Members appointed by the Minister shall hold office as part-time members.**

**(4) The Minister shall not appoint a person to be the government member unless the Minister is satisfied that the person has a knowledge of, and experience in, the formulation of government policy and in public administration.**

30       **(5) The members referred to in paragraph (1) (d) shall be appointed from persons nominated by the Australian Meat and Live-stock Industry Selection Committee in accordance with section 10C of the *Australian Meat and Live-stock Industry Selection Committee Act 1984*.**

35       **(6) A person who has attained the age of 65 years shall not be appointed as a member and a person shall not be appointed as a member for a period that extends beyond the day on which the person will attain the age of 65 years.**

(7) The performance of the functions or the exercise of the powers of the Corporation is not affected by reason only of there being a vacancy or vacancies in the membership of the Corporation.

**Term of office of certain members**

**13. (1) A member—** 5

(a) shall be appointed with effect from such day as the Minister specifies in the instrument of appointment of the member; and

(b) holds office, subject to this Act—

(i) in the case of a member referred to in paragraph 12 (1) (a) or (d)—for such term, not exceeding 3 years, as the Minister specifies in the instrument of appointment of the member, but is eligible for re-appointment; and 10

(ii) in the case of the government member—during the Minister's pleasure.

(2) If a member referred to in paragraph 12 (1) (a) or (d) ceases to hold office before the end of the period of his or her appointment, another person may, in accordance with this Part, be appointed in his or her place until the end of the period. 15

**Acting Chairperson**

**14. (1) The Minister may appoint one of the members referred to in paragraph 12 (1) (d) to act as Chairperson—** 20

(a) during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or

(b) during a period, or during all periods, when the Chairperson is absent from duty or from Australia, or is for any other reason, unable to perform the duties of his or her office, 25

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

(2) An appointment of a member under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment. 30

(3) The Minister may—

(a) determine the terms and conditions of appointment, including remuneration and allowances, of a member acting as Chairperson; and 35

(b) terminate such an appointment at any time.

(4) Where a member is acting as Chairperson in accordance with paragraph (1) (b) and the office of Chairperson becomes vacant while that member is so acting, the member 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 expires, whichever first happens. 40

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

5 (6) While the member is acting as Chairperson, he or she has and may exercise all the powers, and shall perform all the functions, of the Chairperson under this Act.

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

#### **Leave of absence of certain members**

15 15. (1) The Minister may grant leave of absence to the Chairperson upon such terms and conditions as the Minister thinks fit.

(2) The Chairperson may grant leave of absence to another member, other than the Executive Director, upon such terms and conditions as the Chairperson thinks fit.

#### **Resignation of certain members**

20 16. A member, other than the Executive Director, may resign the office of member by writing signed by the member and delivered to the Minister.

#### **Termination of appointment of certain members**

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

25 (2) If—

- (a) a member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- 30 (b) a member fails, without reasonable excuse, to comply with his or her obligations under section 18;
- (c) the Chairperson is absent, except with the leave of the Minister, from 3 consecutive meetings of the Corporation; or
- 35 (d) a member other than the Chairperson is absent, except with the leave of the Chairperson, from 3 consecutive meetings of the Corporation,

the Minister shall terminate the appointment of the member concerned.

(3) This section does not apply to the member who is the Executive Director.

### **Disclosure of interests**

**18. (1)** A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation, being an interest that could conflict with the proper performance of the member's functions in relation to the consideration of the matter, shall, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of that interest at a meeting of the Corporation. 5

**(2)** A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Corporation.

### **Meetings** 10

**19. (1)** Subject to this section, meetings of the Corporation shall be held at such times and places as the Corporation from time to time determines.

**(2)** The Chairperson may at any time convene a meeting of the Corporation.

**(3)** The Chairperson shall preside at all meetings of the Corporation at which he or she is present. 15

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

**(5)** At a meeting of the Corporation—

**(a)** 6 members constitute a quorum; 20

**(b)** all questions shall be decided by a majority of votes of the members present and voting; and

**(c)** the member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

**(6)** The Corporation shall keep a record of its proceedings. 25

**(7)** The Corporation may invite a person to attend a meeting of the Corporation for the purpose of advising or informing the Corporation on any matter.

### **Committees**

**20. (1)** The Corporation may appoint a committee to assist the Corporation in relation to a matter. 30

**(2)** A committee appointed under this section shall consist of such persons, whether members of the Corporation or not, as the Corporation thinks fit.

## **PART IV—ANNUAL GENERAL MEETING OF THE INDUSTRY**

### **Interpretation**

21. (1) In this Part, unless the contrary intention appears—

5 “person” includes a partnership and the trustee or trustees, from time to time, of a trust estate;

“register” means a register established by the Australian Meat and Live-stock Corporation under sub-section 30J (1) or (2) of the *Australian Meat and Live-stock Corporation Act 1977* and maintained by that Corporation under that Act.

10 (2) Where, under this Part, rights are conferred upon a partnership to participate at an annual general meeting, those rights shall be exercised on behalf of the partnership by one only of the members of the partnership or by such other person as the partnership appoints as its proxy in accordance with section 25.

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

(a) by the trustee, or, in the case where there is more than one trustee, by one only of the trustees; or

20 (b) by such other person as the trustee appoints as his or her proxy, or the trustees appoint as their proxy, in accordance with section 25.

25 (4) A reference in this Part to the day of closure of a register for the purposes of an annual general meeting is a reference to the day specified in the notice of that meeting that is published in accordance with sub-section 22 (2) as the day by which applications from persons seeking to be entered on a register for the purpose of enabling them to vote at the annual general meeting must be received by the Corporation.

### **Corporation to convene annual general meeting**

30 22. (1) The Corporation shall, 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, cause an annual general meeting of the industry to be convened at a time and a place determined by the Corporation.

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

40 (a) the day upon which the annual general meeting of the industry next following the laying of the annual report before the House of Representatives is intended to be held and the time and place at which that meeting is intended to be held;

(b) particulars of any recommendation that the Corporation proposes to make to the Minister with respect to the making of regulations

prescribing an amount per head for the purposes of the paragraphs of the *Live-stock Slaughter Levy Act 1964* referred to in sub-paragraph 6 (e) (i) of this Act or prescribing an amount per head for the purposes of the paragraphs of the *Live-stock Export Charge Act 1977* referred to in sub-paragraph 6 (e) (ii) of this Act; and

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- (c) the day by which applications from persons seeking to be entered on a register for the purpose of enabling them to vote at the annual general meeting referred to in paragraph (a) must be received by the Australian Meat and Live-stock Corporation.

(3) The Corporation may, in addition to the publication, in accordance with sub-section (2), of a notice in the *Gazette* setting out particulars in respect of an annual general meeting, cause those particulars to be made public, in its discretion, at any time or from time to time, during the period commencing on the publication of that notice and ending on the day of closure of the registers for the purposes of that meeting, in such other manner or manners as the Corporation determines to be appropriate.

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

- (a) to consider the most recent annual report of the Corporation;

(b) to receive an address by the Chairperson with respect to the performance of the Corporation in the year to which the annual report relates and with respect to the economic outlook for the industry, and the intended performance of the Corporation, in the year next following that year;

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(c) to question the members of the Corporation concerning any aspect of the Corporation's activities during the year to which the annual report relates and any aspect of the intended activities of the Corporation; and

25

- (d) to debate, and vote upon—

(i) any motion relating to a matter within the responsibilities of the Corporation other than a matter relating to the making of regulations prescribing an amount per head for the purposes of the paragraphs of the *Live-stock Slaughter Levy Act 1964* referred to in sub-paragraph 6 (e) (i) of this Act or prescribing an amount per head for the purposes of the paragraphs of the *Live-stock Export Charge Act 1977* referred to in sub-paragraph 6 (e) (ii) of this Act;

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(ii) any motion moved on behalf of the Corporation to endorse a recommendation that the Corporation proposes to make to the Minister in relation to the making of such regulations, being a recommendation particulars of which are specified in the notice of the meeting published in accordance with sub-section 22 (2); or

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(iii) any motion of no confidence in the Chairperson or in the Corporation.

(5) So far as it is practicable to do so consistent with the obligations imposed on the Corporation by this Act and on the Australian Meat and Live-stock Corporation by the *Australian Meat and Live-stock Corporation Act 1977*, the annual general meeting of the industry shall be convened on the same day as the annual general meeting of the industry required to be convened by the Australian Meat and Live-stock Corporation under sub-section 30B (1) of the *Australian Meat and Live-stock Corporation Act 1977*.

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

23. (1) A person who proposes to move, at an annual general meeting, a motion of the kind referred to in sub-paragraph 22 (4) (d) (i) may give to the Corporation a notice in writing setting out the terms of the motion that the person proposes to move.

(2) A person who proposes to move, at an annual general meeting, a motion of the kind referred to in sub-paragraph 22 (4) (d) (iii) shall give to the Corporation, not less than 49 days before the intended day of the annual general meeting, a notice in writing setting out the terms of the motion that the person proposes to move.

(3) A person who gives to the Corporation a notice of a motion that the person proposes to move at an annual general meeting—

(a) may include in that notice a statement, not exceeding 1,000 words in length, in support of that motion; and

(b) may include in that notice, or in a notice in writing given to the Corporation at any time before the day of closure of the registers for the purpose of the annual general meeting, such evidence of support for the motion by persons who are entered on either or both of the registers as the person considers appropriate.

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

24. (1) The Corporation shall, not later than 42 days before the intended day of an annual general meeting, send to each person who was, on the day of closure of the registers for the purposes of that meeting, entered on either or both of those registers, at the address of that person last known to the Australian Meat and Live-stock Corporation—

(a) a notice advising that person of the day, time and place of the meeting and setting out—

(i) the terms of any motion proposed to be moved on behalf of the Corporation for the purpose of endorsing a recommendation of a kind referred to in paragraph 22 (2) (b) and any statement in support of that motion that the Corporation thinks appropriate to circulate;

- (ii) if the Corporation has received notice under sub-section 23 (1) of any motion intended to be moved at that meeting and that notice was received not later than 49 days before the intended day of the meeting—the terms of that motion and of any statement given to the Corporation in support of that motion in accordance with sub-section 23 (3); and 5
- (iii) if the Corporation has received notice under sub-section 23 (2) of any motion—the terms of that motion and of any statement given to the Corporation in support of that motion in accordance with sub-section 23 (3); 10
- (b) a copy of the last annual report of the Corporation; and
- (c) a proxy form, being a document the form of which is approved by the Minister for the purposes of sub-section 25 (3).
- (2) The Corporation shall not include in a notice sent under sub-section (1) particulars of a motion of which it has received notice under sub-section 23 (1) or (2) unless the Corporation is satisfied, in relation to the motion— 15
  - (a) that the person proposing to move the motion was, on the day of closure of the registers for the purposes of the annual general meeting, entered on either or both of the registers; and
  - (b) that the motion has the support of not less than 100 persons who are, on the day of closure of the registers for the purposes of the annual general meeting, entered on either or both of the registers. 20

### **Proxies**

- 25. (1) A person entitled to attend and vote at an annual general meeting may appoint the Chairperson or some other person, being a natural person, to be his or her proxy to attend the meeting and to vote on all matters arising at the meeting or on such particular matters as are specified in the instrument of appointment of the proxy. 25
- (2) Where a person has received from the Corporation notice of a motion to be put at an annual general meeting, the person may, in the instrument appointing a person to be his or her proxy, specify that the proxy is to exercise that person's vote on that motion in a particular way, in which case the proxy is not entitled to exercise his or her vote on that motion otherwise than in that way. 30
- (3) An instrument appointing a proxy is not effective unless it is in a form approved by the Minister for the purposes of this sub-section and is signed by the person making the appointment. 35
- (4) A person claiming to be a proxy of another person is not entitled to act as proxy of that other person at an annual general meeting unless he or she has lodged the instrument by which he or she is appointed with the Corporation not less than 14 days before the intended day of the meeting. 40

**Conduct of meetings**

26. (1) An annual general meeting may be attended by—

(a) the members of the Corporation;

(b) persons who are entered on either or both of the registers at the day of closure of the registers for the purposes of the annual general meeting and who have not ceased, since that day, to be entitled to be entered on either register;

(c) persons, other than persons referred to in paragraph (a), (b) or (d), to whom proxies have been granted; and

(d) such members of the staff of the Corporation as the Chairperson determines to be appropriate, having regard to the requirement of sub-section 28 (1) that a member of the staff of the Corporation preside at the annual general meeting during consideration by that meeting of a motion of no confidence in the Chairperson or in the Corporation and to the effective performance of the other functions of the Corporation associated with the conduct of the meeting.

(2) Subject to sub-section 28 (1), the Chairperson shall preside at an annual general meeting at which he or she is present.

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

**Voting at annual general meetings**

27. (1) Subject to sub-section (3), where a person is entered on the register referred to in sub-section 30J (1) of the *Australian Meat and Live-stock Corporation Act 1977* on the day of closure of that register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person is entitled to vote, either in person or by proxy, in his or her capacity as a person entered on that register, upon any matter to be determined at the meeting and, for the purpose of so voting, to cast such number of votes as is calculated in accordance with a method determined by the regulations made under that Act, being a method that has regard to particulars entered on the register with respect to the live-stock that are owned by the person.

(2) Subject to sub-section (3), where a person is entered on the register referred to in sub-section 30J (2) of the *Australian Meat and Live-stock Corporation Act 1977* on the day of closure of that register for the purposes of an annual general meeting and the person has not, since that day, ceased to be entitled to be entered on that register, the person is entitled to vote, either in person or by proxy, in his or her capacity as a person entered on that register, upon any matter to be determined at the meeting and for that purpose to exercise one vote.

(3) Where a person is entered on both registers, the person is entitled, in relation to any motion, to vote in his or her capacity as a person who is entered

on one of those registers and also to vote in his or her capacity as a person who is entered on the other of those registers.

(4) Subject to sub-section (7), where a motion of the kind referred to in sub-paragraph 22 (4) (d) (i) is moved at an annual general meeting, that motion shall be taken to have been passed if, and only if—

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(a) the number of votes cast by virtue of sub-section (1) in support of the motion, either in person or by proxy, by persons entered on the register referred to in that sub-section constitutes a majority of the votes cast by virtue of that sub-section, either in person or by proxy, by persons entered on that register; and

10

(b) the number of votes cast by virtue of sub-section (2) in support of the motion, either in person or by proxy, by persons entered on the register referred to in that sub-section constitutes a majority of the votes cast by virtue of that sub-section, either in person or by proxy, by persons entered on that register.

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(5) Where a motion of the kind referred to in sub-paragraph 22 (4) (d) (ii) is moved at an annual general meeting, the motion shall be taken to have been passed unless—

(a) the number of votes cast by virtue of sub-section (1) against the motion, either in person or by proxy, by persons entered on the register referred to in that sub-section and entitled to vote exceeds 75% of the number of votes that would have been cast by virtue of that sub-section if all persons entered on that register on the day of closure of that register for the purposes of the meeting and entitled to vote had voted on the motion; and

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(b) the number of votes cast by virtue of sub-section (2) against the motion, either in person or by proxy, by persons entered on the register referred to in that sub-section and entitled to vote exceeds 75% of the number of votes that would have been cast by virtue of that sub-section if all persons entered on that register on the day of closure of that register for the purposes of the meeting and entitled to vote had voted on the motion.

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(6) Where a motion of the kind referred to in sub-paragraph 22 (4) (d) (iii) is moved at an annual general meeting, the motion shall be taken to have been passed if, and only if—

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(a) the number of votes cast by virtue of sub-section (1) in support of the motion, either in person or by proxy, by persons entered on the register referred to in that sub-section and entitled to vote exceeds 75% of the votes that would have been cast by virtue of that sub-section if all persons entered on that register on the day of closure of that register for the purposes of the meeting and entitled to vote had voted on the motion; and

40

(b) the number of votes cast by virtue of sub-section (2) in support of the motion, either in person or by proxy, by persons entered on the register

referred to in that sub-section and entitled to vote exceeds 75% of the number of votes that would have been cast by virtue of that sub-section if all persons entered on that register on the day of closure of that register for the purposes of the meeting and entitled to vote had voted on the motion.

(7) The person presiding at an annual general meeting may, unless a person present at the meeting and having a right to vote, either on his or her own behalf or as a proxy for another person, indicates that he or she requires a vote to be taken in accordance with sub-section (4), permit a vote on a motion of a kind referred to in that sub-section, other than a motion of which notice was given by the Corporation under section 24, to be resolved by a show of hands.

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

(9) For the purposes of sub-sections (5) and (6), every person who was entered on a register on the day of closure of the register for the purposes of an annual general meeting shall be taken to be entitled to vote at the meeting by virtue of being so entered on the register unless the Corporation is satisfied that the person has ceased since that day to be entitled to be entered on the register.

#### **Motions of no confidence**

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

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

(3) If a motion of no confidence in the Corporation is passed at an annual general meeting, the Minister shall, subject to sub-section (4), within a period of one month after the day of the meeting, by notice published in the *Gazette*, terminate the appointment of each of the members of the Corporation (other than the Executive Director) with effect from a day specified in the notice and, in accordance with section 12, appoint a person in the place of each of the members whose appointment has been so terminated.

(4) Where the Minister is satisfied that it is not practicable, within a period of one month after the day of an annual general meeting at which a motion of no confidence in the Corporation has been passed, to appoint new members in

the place of each of the members whose appointment is required to be terminated in accordance with sub-section (3), the Minister may, in writing, declare that this sub-section applies to the Corporation and, upon the making of the declaration, the Corporation shall, until the Minister revokes the declaration or the period of 6 months after the day of the meeting expires, whichever first occurs, be constituted in accordance with sub-section (5). 5

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

- (a) a Chairperson;
- (b) a government member; and 10
- (c) 2 other members,

and the Corporation, while constituted in accordance with this sub-section, may perform all the functions, and exercise all the powers, of the Corporation except the power to appoint an Executive Director.

(6) All members appointed to the Corporation as constituted for the purposes of sub-section (4) shall be appointed by the Minister and shall hold office as part-time members. 15

(7) The Minister shall not appoint a person to be the government member unless the Minister is satisfied that the person has a knowledge of, and experience in, the formulation of government policy and in public administration. 20

(8) The members referred to in paragraph (5) (c) shall be persons appointed by the Minister from persons nominated to the Minister, at his or her request, by the Australian Meat and Live-stock Industry Selection Committee for the purposes of this section. 25

(9) Decisions made by the Corporation as constituted for the purposes of sub-section (4) are not valid unless—

- (a) they are made at meetings at which all members of the Corporation as so constituted are present; and
- (b) they are approved by the Minister. 30

(10) The fact that a person's appointment as a member of the Corporation has been terminated under sub-section (3) shall not be taken to imply that the person may not be appointed to the Corporation as constituted for the purposes of sub-section (4) or as constituted for the purposes of section 12.

(11) The fact that a person has been appointed as a member of the Corporation as constituted for the purposes of sub-section (4) shall not be taken to imply that the person may not be appointed to the Corporation as constituted for the purposes of section 12. 35

#### **Policy Council to receive copy of resolutions**

29. The Corporation shall, within one month after the holding of an annual general meeting, provide the Australian Meat and Live-stock Industry Policy 40

Council with a copy of the text of all motions (other than motions of a kind referred to in sub-paragraph 22 (4) (d) (ii) or (iii)) passed at the meeting.

## **PART V—DEVELOPMENT OF RESEARCH AND DEVELOPMENT PLANS**

### **5                                      *Division 1—Research and Development Plans***

#### **Corporation to develop research and development plans**

30            **30. (1)** The Corporation shall develop, and prepare in written form, for each successive period determined in accordance with sub-section (3), for the purpose of the more effective performance by the Corporation of its functions, a research and development plan defining the principal objectives of the Corporation during that period in relation to meat and live-stock research and development and giving a broad outline of the strategies to be pursued by the Corporation in achieving those objectives.

15            **(2)** A research and development plan prepared in accordance with this Division shall, in addition to the matters referred to in sub-section (1), contain—

- 20            **(a)** an assessment, for the period to which the research and development plan relates, of the economic outlook for the meat and live-stock industry; and
- 20            **(b)** an evaluation of the research and development needs of the meat and live-stock industry in relation to the period to which the research and development plan relates.

25            **(3)** The first research and development plan prepared in accordance with this Division shall be expressed to relate to a period, being a period of more than 4 years but not more than 5 years, commencing on a day occurring within 12 months after the commencement of this sub-section and ending on a 30 June and each subsequent research and development plan shall be expressed to relate to the period of 5 years commencing at the end of the period to which the immediately preceding research and development plan relates.

#### **30                                      Approval of research and development plans**

35            **31. (1)** A research and development plan prepared in accordance with section 30 shall be submitted to the Minister for approval not less than 3 months, or such lesser period as the Minister, in special circumstances, allows, before the intended day of commencement of the period to which the research and development plan relates and shall not come into force until—

- (a)** the day on which it is approved by the Minister; or
- (b)** the day of commencement of the period to which it relates, whichever is the later.

40            **(2)** Where a research and development plan is submitted to the Minister in accordance with sub-section (1) and the Minister is of the opinion that, in the

interests of the meat and live-stock industry, or of a particular sector of the meat and live-stock industry, the plan should be revised in some respect, the Minister may request the Corporation to revise the plan appropriately and shall include in such a request a statement setting out his or her reasons for making the request. 5

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

**Variation of research and development plans by Corporation 10**

32. (1) The Corporation shall, 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 expiration of the plan, review that plan and consider whether a variation to that plan is necessary. 15

(2) The Corporation may, at any time other than the times referred to in sub-section (1), whether or not a research and development plan has come into force, review a research and development plan and consider whether a variation to that plan is necessary.

(3) Where the Corporation considers that a variation to a research and development plan is necessary, the Corporation may, with the approval of the Minister, vary that plan. 20

(4) When requesting the Minister's approval for a variation of a research and development plan, the Corporation shall provide the Minister with a statement of its reasons for making the request and shall provide the Minister with such other information as the Minister requests. 25

(5) The Minister may, after considering the request and statement of reasons and such other information (if any) as has been provided at the Minister's request, approve or reject the requested variation or may approve such other variation as he or she thinks fit. 30

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

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

(2) When requesting the Corporation to vary a research and development plan, the Minister shall include in the request a statement setting out his or her reasons for making the request. 35

(3) Upon the Corporation receiving a request under sub-section (2) to vary a research and development plan, it shall consider the request and statement of reasons and shall make, and submit to the Minister for the Minister's approval, such variation of the plan as it considers to be appropriate. 40



**Date of commencement of research and development plans as varied**

5     **34.** Where a variation of a research and development plan is approved by the Minister in accordance with section 32 or 33 after the plan has come into force, the plan as so varied shall continue in force on and after the day on which the variation is so approved as if the plan had originally been approved by the Minister as so varied.

***Division 2—Annual Operational Plans***

**Corporation to develop annual operational plans**

10     **35. (1)** The Corporation shall develop, and prepare in written form, for each successive period determined in accordance with sub-section (3), an annual operational plan that—

    (a) specifies the particular meat and live-stock research and development activities (if any) that the Corporation proposes to fund; and

15     (b) describes the particular kinds of meat and live-stock research and development activities (if any) that the Corporation is prepared, subject to its examination of specific proposals in that respect, to 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.

20     (2) An annual operational plan prepared in accordance with sub-section (1) shall—

25     (a) in relation to each meat and live-stock research and development activity (if any) that is specified in the plan in accordance with paragraph (1) (a)—

    (i) set out the nature of that activity;

    (ii) contain an estimate of the likely duration of that activity;

30     (iii) contain an estimate of the total of the amounts (if any) of the financial contributions that have been made, or are likely to be made, by the Corporation in respect of that activity; and

    (iv) contain an estimate of the total amount of the financial contribution likely to be made by the Corporation in respect of that activity during the period to which the plan relates; and

35     (b) in relation to each kind of meat and live-stock research and development activity (if any) that is described in the plan in accordance with paragraph (1) (b)—contain an estimate of the maximum financial contribution that the Corporation would be prepared to make in respect of activities of that kind during the period to which the plan relates.

40     (3) The first annual operational plan prepared in accordance with sub-section (1) shall be expressed to relate to the period commencing on the day of commencement of the period to which the first research and

development plan relates and ending on the first 30 June after that day and each subsequent plan shall be expressed to relate to the period of one year commencing on the expiration of the period to which the immediately preceding annual operational plan relates.

**Approval of annual operational plans**

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**36. (1)** A plan prepared in accordance with section 35 shall be submitted to the Minister for approval not less than 2 months, or such lesser period as the Minister, in special circumstances, allows, before the intended day of commencement of the period to which the plan relates and shall not come into force until—

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

(b) the day of commencement of the period to which it relates,

whichever is the later.

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

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**(3)** If the Corporation receives a request under sub-section (2), it shall consider the request and the Minister's statement of reasons and shall make such revision of the annual operational plan as it considers to be appropriate and shall then submit the plan, as so revised, to the Minister for approval.

25

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

30

**(5)** The Minister shall approve an annual operational plan submitted to him or her under sub-section (1) or submitted under sub-section (3), or a variation of such a plan submitted under sub-section (4), 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 annual operational plan, or the annual operational plan as so varied, relates.

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**(6)** Where a variation of an annual operational plan is approved by the Minister in accordance with sub-section (4) after the plan has come into force,

the plan as so varied shall continue in force on and after the day on which the variation is so approved as if the plan had originally been approved by the Minister as so varied.

## **PART VI—STAFF**

### ***Division 1—The Executive Director***

#### **Executive Director**

37. (1) There shall be an Executive Director of the Corporation, who shall be appointed by the Corporation.

(2) The Corporation may—

- (a) determine, subject to the approval of the Minister, the terms and conditions of service in respect of matters not provided for by this Act of a person appointed under this section; and
- (b) subject to sub-section (9), at any time terminate the appointment of the Executive Director.

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

(4) The Executive Director may resign his or her office by writing signed by the Executive Director and delivered to the Chairperson of the Corporation.

(5) Without limiting the generality of sub-section (2), the Corporation may terminate the appointment of the Executive Director by reason of the misbehaviour, or the physical or mental incapacity, of the Executive Director.

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

(7) The Executive Director shall not, without the approval of the Corporation, engage in paid employment outside the duties of the office of Executive Director.

(8) If the Executive Director—

- (a) engages in paid employment outside the duties of his or her office without the approval of the Corporation;
- (b) is absent from duty, except on leave of absence granted by the Corporation, for 14 consecutive days, or for 28 days in any 12 months, or from 3 consecutive meetings of the Corporation;
- (c) fails, without reasonable excuse, to comply with his or her obligations under section 18; or

(d) 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, the Corporation shall terminate his or her appointment.

(9) The Corporation shall not exercise the power to terminate the appointment of the Executive Director under sub-section (2) otherwise than upon a resolution that is supported by not less than 7 of the members of the Corporation other than the Executive Director. 5

### **Acting Executive Director**

38. (1) The Corporation may appoint a person to act as Executive Director— 10

- (a) during a vacancy in the office of Executive Director, whether or not an appointment has previously been made to the office; or
- (b) during a period, or during all periods, when the Executive Director is absent from duty or from Australia, or is for any other reason, unable to perform the duties of his or her office, 15

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

(2) The appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment. 20

(3) The Corporation may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Executive Director; and 25
- (b) at any time terminate such an appointment.

(4) Where a person is acting as Executive Director in accordance with paragraph (1) (b) and the office of Executive Director becomes vacant while that person is so acting, the person may continue so to act until the Corporation otherwise directs, the vacancy is filled or a period of 12 months from the day on which the vacancy occurred expires, whichever first happens. 30

(5) Sub-sections 37 (3), (4) and (6) apply in relation to a person appointed to act as the Executive Director in like manner as they apply in relation to the Executive Director.

(6) While the person is acting as Executive Director, the person has, and may exercise, all the powers and shall perform all the duties of the Executive Director under this Act. 35

(7) The validity of anything done by, or in relation to, a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for the appointment of the person had not arisen, that there is a defect or irregularity in or in connection with the appointment of the person, 40

that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

**Duties of Executive Director**

5       **39. (1)** The affairs of the Corporation, to the extent determined by the Corporation, shall be managed by the Executive Director.

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

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

10       **40. (1)** Upon the day on which the appointments of the members other than the Executive Director are terminated under sub-section 28 (3), the person holding the office of Executive Director shall cease to be a member of the Corporation but, subject to sub-sections 37 (2), (5) and (8), he or she is entitled to continue as Executive Director.

15       **(2)** Where—

(a) the Corporation is reconstituted in accordance with section 12 following the passage of a motion of no confidence in the Corporation; and

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

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

25       **(3)** If the Corporation, as reconstituted in accordance with section 12, endorses the appointment of a person as Executive Director, that person thereupon becomes, by virtue of that endorsement, a member of the Corporation.

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

35       **(5)** Where the Corporation, as constituted for the purposes of sub-section 28 (4), delegates a power to the Executive Director, that delegation shall be deemed to have been revoked on the day on which the membership of the Corporation is reconstituted in accordance with section 12.

**Division 2—Other staff and consultants**

**Other staff and consultants**

**41. (1)** The Corporation may appoint or engage such persons as it thinks necessary to perform clerical and administrative services in connection with the performance of the functions of the Corporation. 5

**(2)** The Corporation may engage as consultants to the Corporation, persons having suitable qualifications and experience.

**(3)** A person appointed or engaged by the Corporation under sub-section (1) shall be appointed or engaged on such terms and conditions as are, with the approval of the Public Service Board, determined by the Corporation. 10

**(4)** A person engaged by the Corporation under sub-section (2) shall be engaged on such terms and conditions as are determined by the Corporation.

**PART VII—FINANCE**

**Payments to Corporation**

**42. (1)** There shall be paid to the Corporation— 15

(a) amounts equal to the amounts of levy received by the Commonwealth by virtue of paragraphs 6 (1) (b), 6A (1) (b), 6B (1) (b), 6C (1) (b), 6D (1) (b), 6E (1) (b) and 6F (1) (b) of the *Live-stock Slaughter Levy Act 1964*;

(b) amounts equal to the amount of charge received by the Commonwealth by virtue of paragraphs 7 (1) (b), 8 (1) (b), 9 (1) (b), 10 (1) (b) and 11 (1) (b) of the *Live-stock Export Charge Act 1977*; and 20

(c) subject to sub-section (2), amounts equal to one-half of the amounts from time to time payable by the Corporation in accordance with this Act. 25

**(2)** The sum of the amounts paid to the Corporation by virtue of paragraph (1) (c) shall not exceed the sum of the amounts paid to the Corporation by virtue of paragraphs (1) (a) and (b) other than amounts related to amounts received by the Commonwealth by way of penalty. 30

**(3)** Amounts payable to the Corporation by virtue of paragraphs (1) (a), (b) and (c) are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

**(4)** A reference in paragraph (1) (a) to amounts of levy received by the Commonwealth shall be read as including a reference to amounts received from the proprietor of an abattoir in accordance with section 7 of the *Live-stock Slaughter Levy Collection Act 1964*, and amounts payable by way of penalty in accordance with section 9 of that Act, in relation to amounts of levy referred to in that paragraph. 35

5 (5) A reference in paragraph (1) (b) to amounts of charge received by the Commonwealth shall be read as including a reference to amounts payable by way of penalty in accordance with section 6 of the *Live-stock Export Charge Collection Act 1977* in relation to amounts of charge referred to in that paragraph.

**Raising of money by Corporation**

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

(a) borrow money otherwise than by dealing with securities; or

(b) borrow money, or otherwise raise money, by dealing with securities,

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

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

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

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

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

(a) the repayment by the Corporation of money borrowed in accordance with this section and the payment of interest on money so borrowed; or

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

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

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

35 (a) a specified class, or specified classes, of securities; and

(b) a specified class, or specified classes, of transactions.

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

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

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

(9) The Corporation shall not borrow or otherwise raise money except in accordance with this section. 5

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

(11) A reference in this section to dealing with securities includes a reference to— 10

(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 15

(c) entering into agreements or other arrangements relating to securities.

#### **Application of money of Corporation**

**44.** The money of the Corporation may be applied only—

(a) in payment to the Australian Meat and Live-stock Corporation of amounts equal to such amounts as are from time to time specified in notices given to the Corporation by the Australian Meat and Live-stock Corporation under section 37A of the *Australian Meat and Live-stock Corporation Act 1977*; 20

(b) in payment to the Australian Meat and Live-stock Corporation of amounts equal to one-half of such amounts as are from time to time specified in notices given to the Corporation under section 30L of the *Australian Meat and Live-stock Corporation Act 1977*; 25

(c) in payment or discharge of any other debts, charges, liabilities or obligations incurred or undertaken by the Corporation in or in connection with the performance of its functions, or the exercise of its powers, under this Act; 30

(d) in payment of any remuneration or allowances, payable under this Act; and

(e) in making any other payments that the Corporation is authorized or required to make under this Act. 35

#### **Liability to taxation**

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

(2) Subject to sub-section (3), the Corporation is not subject to taxation under a law of a State or Territory. 40



(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law.

**Application to Corporation of Division 2 of Part XI of the *Audit Act 1901***

5     **46.** It is hereby declared that the Corporation is a public authority to which Division 2 of Part XI of the *Audit Act 1901* applies.

**PART VIII—MISCELLANEOUS**

**Minister may cause certain properties to be transferred to Corporation**

10     **47. (1)** Where the Minister, by notice published in the *Gazette*, declares this sub-section to apply to land described in the Schedule, with effect from a day specified in the notice, being a day after the publication of the notice—

15     (a) the interest of the Australian Meat and Live-stock Corporation in that land immediately before that day together with the interest of the Australian Meat and Live-stock Corporation in any improvements to, and equipment, crops and live-stock on, that land immediately before that day is, by force of this sub-section, vested in the Research and Development Corporation on that day; and

20     (b) the Research and Development Corporation becomes, by force of this sub-section, with effect from that day, liable to pay and discharge any debts, charges, liabilities or obligations of the Australian Meat and Live-stock Corporation incurred in respect of that land, those improvements or crops or that equipment or live-stock that remained unpaid or undischarged immediately before that day.

25     **(2)** The Minister shall not declare sub-section (1) to apply to any land unless the Minister is satisfied that the Australian Meat and Live-stock Corporation and the Research and Development Corporation have agreed that the interest of the Australian Meat and Live-stock Corporation in that land and in any improvements to, and equipment, crops and live-stock on, that land, being an interest referred to in paragraph (1) (a), be transferred to the Research and Development Corporation.

30     **(3)** An instrument or document that the Secretary to the Department or an officer of the Department authorized by the Secretary, in writing, for the purpose of this sub-section certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this section is not liable to stamp duty or other tax under a law of the  
35     Commonwealth or of a State or Territory.

**(4)** In this section, “Research and Development Corporation” means the Australian Meat and Live-stock Research and Development Corporation established by section 4.

### **Remuneration and allowances**

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

- (a) appointed members;
- (b) the Executive Director;
- (c) a member of a Committee established by the Corporation under section 20. 5

(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 Tribunal is in operation, the person shall be paid such remuneration as is prescribed. 10

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

(4) This section has effect subject to the *Remuneration Tribunals Act 1973*.

- (5) In this section, "appointed members" means— 15
- (a) members appointed to the Corporation under paragraphs 12 (1) (a), (b) and (d); or
  - (b) members appointed to the Corporation under sub-section 28 (5).

### **Delegation**

**49. (1)** The Corporation may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to a person, or to a committee established under section 20, any of its powers under this Act, other than this power of delegation. 20

(2) A power so delegated when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Corporation. 25

(3) A delegation under this section does not prevent the exercise of a power by the Corporation.

### **Matters to be included in annual report**

**50.** The Corporation shall include in each annual report prepared under section 63H of the *Audit Act 1901*, as that section applies to the Corporation by virtue of section 46 of this Act— 30

- (a) a statement of the principal objectives of the Corporation in the period to which the report relates, and the strategies pursued by the Corporation to achieve those objectives in that period; and
- (b) particulars of the meat and live-stock research and development activities that the Corporation funded during the period to which the report relates, together with an assessment of the extent to which the funding of those activities has helped achieve the principal objectives of the Corporation for that period. 35

## **Regulations**

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

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

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## **SCHEDULE**

Sub-section 47 (1)

### **LAND IN RESPECT OF WHICH A DECLARATION MAY BE MADE UNDER SUB-SECTION 47 (1)**

The parcels of land, situated in the State of Queensland, that are described in the Deeds of Grant of Land and Certificates of Title issued under the laws of that State that are set out below:

1. Deed of Grant of Land Volume 4923 Folio 39;
2. Deed of Grant of Land No. 135159 Volume 2681 Folio 169;
3. Certificate of Title No. 311661 Volume 1689 Folio 151;
4. Certificate of Title No. 416138 Volume 2166 Folio 128;
5. Certificate of Title No. C36634 Volume 238 Folio 137;
6. Certificate of Title No. C36635 Volume 238 Folio 138;
7. Certificate of Title No. C36636 Volume 238 Folio 139;
8. Certificate of Title No. C36637 Volume 238 Folio 140;
9. Certificate of Title No. C36638 Volume 238 Folio 141;
10. Certificate of Title No. C36639 Volume 238 Folio 142;
11. Certificate of Title No. C36640 Volume 238 Folio 143;
12. Certificate of Title No. C36641 Volume 238 Folio 144;
13. Certificate of Title No. C36642 Volume 238 Folio 145;
14. Certificate of Title No. C36643 Volume 238 Folio 146;
15. Certificate of Title No. C36644 Volume 238 Folio 147;
16. Certificate of Title No. C36645 Volume 238 Folio 148;
17. Certificate of Title No. C37538 Volume 242 Folio 41;
18. Certificate of Title Volume C325 Folio 180;
19. Certificate of Title Volume C350 Folio 111;
20. Certificate of Title Volume C350 Folio 112;
21. Certificate of Title Volume C356 Folio 77;
22. Certificate of Title Volume C362 Folio 22;
23. Certificate of Title Volume C375 Folio 189;
24. Deed of Grant of Land No. C11746 Volume 252 Folio 149.









