

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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*(As read a first time)*

**PRIMARY INDUSTRIES LEGISLATION AMENDMENT  
BILL 1993**

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AMENDMENTS OF OTHER ACTS

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 11 May 1993

*(Minister for Primary Industries and Energy)*

## A BILL

FOR

### **An Act to amend legislation relating to primary industries, and for related purposes**

The Parliament of Australia enacts:

#### **PART 1—PRELIMINARY**

##### **Short title**

5     1. This Act may be cited as the *Primary Industries Legislation  
Amendment Act 1993*.

##### **Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

#### **PART 2—AMENDMENTS OF THE PIG INDUSTRY ACT 1986**

##### **Principal Act**

10     3. In this Part, “**Principal Act**” means the *Pig Industry Act 1986*<sup>1</sup>.

MR

**Interpretation**

4.(1) Section 3 of the Principal Act is amended by omitting “Australian Pork Producers’ Federation” from paragraph (a) of the definition of “eligible industry body” and substituting “Pork Council of Australia”.

(2) Section 3 of the Principal Act is amended by omitting the definition 5 of “Council”.

**Corporate plans**

5. Section 18 of the Principal Act is amended:

- (a) by adding at the end of subparagraph (1)(a)(ii) “and”;
- (b) by omitting from subparagraph (1)(a)(iii) “and” (last occurring);      10
- (c) by omitting subparagraph (1)(a)(iv).

**Annual operational plans**

6 Section 19 of the Principal Act is amended:

- (a) by adding at the end of subparagraph (1)(a)(ii) “and”;
- (b) by omitting from subparagraph (1)(a)(iii) “and”;      15
- (c) by omitting subparagraph (1)(a)(iv).

**Application of money of Corporation etc.**

7. Section 25 of the Principal Act is amended:

- (a) by omitting from subsections (2) and (3) “or the Council”;
- (b) by omitting subsection (4).      20

**Membership of Committee**

8. Section 42 of the Principal Act is amended by omitting from paragraph (1)(b) “Australian Pork Producers’ Federation” and substituting “Pork Council of Australia”.

**Termination of appointments**      25

9. Section 46 of the Principal Act is amended by omitting from subsection (2) “Australian Pork Producers’ Federation” and substituting “Pork Council of Australia”.

**Repeal of Part III**

10. Part III of the Principal Act is repealed.      30

**PART 3—AMENDMENTS OF THE PRIMARY INDUSTRY COUNCILS ACT 1991**

**Principal Act**

11. In this Part, “Principal Act” means the *Primary Industry Councils Act 1991*<sup>2</sup>.

## **Schedule**

12. The Schedule to the Principal Act is amended by adding at the end the following Part:

### **“PART 2**

5

## **THE AUSTRALIAN PIG INDUSTRY COUNCIL**

### **Definition**

1. In this Part of the Schedule, “**Council**” means the council established by paragraph 2.

### **Establishment of a council for the pig industry**

10 2. A council is established in relation to the pig industry.

### **Name of the Council**

3. The Council is to be known as the Australian Pig Industry Council.

### **Constitution of the Council**

- 15 4. In addition to the Chairperson, the Council has the following members:
- (a) 3 members appointed on the nomination of the Pork Council of Australia;
  - (b) a member appointed on the nomination of the National Meat Processors Association;
  - (c) a member appointed on the nomination of the Meat and Allied Trades Federation of Australia;
  - 20 (d) the Chairperson of the Australian Pork Corporation;
  - (e) the Chairperson of the Pig Research and Development Corporation.

### **Number of members who may requisition a meeting**

25 5. A request under paragraph (b) of subsection 18(2) must be signed by at least 4 members of the Council.

### **Quorum**

6. The quorum at a meeting of the Council consists of 5 members.”.

## **PART 4—TRANSITIONAL ARRANGEMENTS ETC.**

### **Definitions**

13. In this Part:

- “APIC” means the Australian Pig Industry Council established by the *Primary Industry Councils Act 1991* as amended by this Act; 5
- “APIPC” means the Australian Pig Industry Policy Council existing under the *Pig Industry Act 1986* immediately before the commencement day;
- “commencement day” means the day on which this Part commences;
- “the Corporation” means the Australian Pork Corporation existing under the *Pig Industry Act 1986*. 10

### **Transfer of assets and liabilities etc.**

14 (1) Subject to subsection (2), on and after the commencement day, the assets, rights, obligations and liabilities of APIPC become assets, rights, obligations and liabilities of the Corporation.

(2) This section does not apply to documents transferred to APIC under section 15. 15

### **Transfer of documents of APIPC**

15. On or as soon as practicable after the commencement day, the Minister may cause any documents held by APIPC to be transferred to APIC.

### **Transferred agreements etc.** 20

16. On and after the commencement day, any agreement or instrument in force immediately before that day and to which APIPC was a party has effect after that day as if:

- (a) the Corporation were substituted for APIPC as a party to the agreement or instrument; and 25
- (b) any references in the agreement or instrument to APIPC were (except in relation to matters that occurred before the cessation of APIPC) a reference to the Corporation.

### **Final report of APIPC**

17.(1) In spite of the repeal effected by section 10, APIPC continues in existence for the purpose of giving the Minister a report on its operations during the period beginning on 1 July 1993 and ending immediately before the commencement day. 30

(2) To the extent necessary to enable the report to be prepared and given to the Minister, the *Pig Industry Act 1986* has effect as if: 35

- (a) subsection 4(2) and sections 5, 6, 7 and 10 of this Act had not commenced; and

- (b) for subsection 71(1) of that Act, the following subsection were substituted:

5 “(1) The Council must, as soon as practicable after the day on which Part 4 of the *Primary Industries Legislation Amendment Act 1993* commences, prepare and give to the Minister a report of its operations during the period beginning on 1 July 1993 and ending immediately before that day.”.

- 10 (3) Any expenses or liabilities incurred by APIPC in connection with the preparation of the report, together with any remuneration or allowances payable to its members, are to be paid or discharged by the Corporation.

## **PART 5—AMENDMENTS OF OTHER ACTS**

### **Amendments of other Acts**

18. The Acts specified in the Schedule are amended as set out in the Schedule.

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**SCHEDULE**

Section 18

**AMENDMENTS OF OTHER ACTS*****Australian Meat and Live-stock Corporation Act 1977*****Subsections 30G(5) and (6):**

Omit the subsections, substitute:

“(5) A motion referred to in subparagraph 30B(4)(d)(ii) must 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) or (1A) (whichever is appropriate) 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.

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

- (a) the total number of votes cast by virtue of subsections (1), (1A) and (2) in support of the motion is at least two-thirds of the votes cast by virtue of those subsections on the motion; and
- (b) the total number of votes cast by virtue of subsections (1) and (1A) in support of the motion is at least 50% of the votes cast by virtue of subsections (1) and (1A) on the motion; and
- (c) the number of votes cast by virtue of subsection (2) in support of the motion is at least 50% of the votes cast by virtue of that subsection on the motion.”.

***Meat Research Corporation Act 1985*****After paragraph 6(e):**

Insert:

“(ea) to facilitate the dissemination, adoption and commercialisation of the results of meat and livestock research and development;”.

**Subsection 7(3):**

Omit the subsection.

**Subsection 7(5):**

Omit the subsection.

**Subsection 12(6).**

Omit the subsection.



**SCHEDULE—continued**

**After section 19:**

Insert:

**Conduct of meetings**

“19A.(1) The Corporation may, subject to section 19, regulate proceedings at its meetings as it considers appropriate.

“(2) Without limiting subsection (1), the Corporation may permit a member to participate in a meeting by telephone or any other means of communication.

“(3) A member who is permitted to participate in a meeting under subsection (2) is to be regarded as being present at that meeting.

**Resolutions without meetings**

“19B. If the Corporation so determines, a resolution is to be taken to have been passed at a meeting of the Corporation if:

- (a) without meeting, a majority of the number of members indicate agreement with the resolution in accordance with the method determined by the Corporation; and
- (b) that majority would, if present at a meeting of the Corporation and entitled to vote on the resolution at that meeting, have constituted a quorum under section 19.”.

**Subsections 27(5) and (6):**

Omit the subsections, substitute:

“(5) A motion referred to in subparagraph 22(4)(d)(ii) must 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) or (1A) (whichever is appropriate) 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.

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

- (a) the total number of votes cast by virtue of subsections (1), (1A) and (2) in support of the motion is at least two-thirds of the votes cast by virtue of those subsections on the motion; and
- (b) the total number of votes cast by virtue of subsections (1) and (1A) in support of the motion is at least 50% of the votes cast by virtue of subsections (1) and (1A) on the motion; and

**SCHEDULE—continued**

- (c) the number of votes cast by virtue of subsection (2) in support of the motion is at least 50% of the votes cast by virtue of that subsection on the motion.”.

**Section 39:**

Repeal the section, substitute:

**Duties of Executive Director**

“39.(1) The Executive Director is to conduct the affairs of the Corporation.

“(2) In conducting the affairs of the Corporation, the Executive Director is to act in accordance with:

- (a) any policies determined by the Corporation; and
- (b) any directives given by the Corporation.

**Delegation by Executive Director**

“39A.(1) The Executive Director may, by writing, delegate to a member of the staff of the Corporation all or any of his or her powers under this Act.

“(2) In the exercise of a power delegated by the Executive Director, the delegate is subject to the directions of the Executive Director.”.

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**NOTES**

1. No. 157, 1986, as amended. For previous amendments, see No. 141, 1987; Nos. 51 and 111, 1988; and No. 26, 1991.
2. No. 206, 1991.