

Australian Meat and Live-stock Corporation Amendment Act 1980

No. 167 of 1980

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

[Assented to 10 December 1980]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Australian Meat and Live-stock Corporation Amendment Act 1980*.

(2) The *Australian Meat and Live-stock Corporation Act 1977*¹ is in this Act referred to as the Principal Act.

Commencement

2. (1) Sections 1, 2, 4, 5, 6, 8, 10, 11 and 13 shall come into operation on the date on which this Act receives the Royal Assent.

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

Interpretation

3. Section 5 of the Principal Act is amended—

- (a) by omitting the definition of “Exporter and Abattoir Consultative Group”;
- (b) by inserting after the definition of “commencing date” the following definition:

“ ‘consultative group’ means a body established by section 41;”;
- (c) by inserting after the definition of “live-stock” the following definition:

“ ‘Live-stock Exporters Consultative Group’ means the Live-stock Exporters Consultative Group established by section 41;”;
- (d) by inserting after the definition of “meat” the following definition:

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“‘Meat Exporter and Abattoir Consultative Group’ means the Meat Exporters and Abattoir Operators Consultative Group established by section 41;”.

Controls over the export of meat and live-stock

4. (1) Section 10 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “other than” and substituting “other than”;
- (b) by adding at the end of sub-section (2) “during such period as is specified in the licence”;
- (c) by inserting after sub-section (2) the following sub-section:
 - “(2A) The regulations may make provision for and in relation to—
 - (a) the manner in which an application for a licence under this section may be made;
 - (b) the information to be furnished to the Corporation by an applicant in connection with an application for such a licence; and
 - (c) the criteria to be applied by the Corporation in determining whether to grant, or refuse to grant, a licence under this section.”;
- (d) by inserting in sub-section (3) “, not being a licence issued to a person who was the holder of a licence issued under this section that expired immediately before the commencement of the period for which the first-mentioned licence is expressed to have effect,” after “section”; and
- (e) by omitting from sub-section (6) “1 month” and substituting “2 months”.

(2) The amendments of sub-sections 10 (1), (2) and (3) of the Principal Act made by sub-section (1) of this section shall be deemed to have taken effect on the date fixed under sub-section 2 (2) of the Principal Act.

(3) The amendment of sub-section 10 (6) of the Principal Act made by sub-section (1) of this section has effect in relation to an application made, on or after the date of commencement of this sub-section, for the grant of a licence under section 10 of the Principal Act as amended by this Act.

Licences subject to conditions

5. (1) Section 11 of the Principal Act is amended—

- (a) by inserting in paragraph (b) of sub-section (1) “is subject to” after “to export meat—”;
- (b) by omitting from sub-section (2) all the words before paragraph (a) and substituting—
 - “(2) Without limiting the generality of sub-paragraphs (1) (a) (ii) and (iii), the directions that may be given to a licensee by the Corporation in pursuance of the condition of the licence referred to in either of those paragraphs include directions with respect to—”;

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- (c) by omitting paragraph (b) of sub-section (2) and substituting the following paragraph:

“(b) the terms and conditions of the export of meat or live-stock, as the case may be, including—

(i) conditions relating to the price of meat or live-stock that is, or is to be, exported; and

(ii) the condition that the Corporation has given its approval to the export of the meat or live-stock;”;

- (d) by omitting from paragraph (e) of sub-section (2) “or upon arrival at the place to which it is being exported”; and

- (e) by omitting paragraphs (f) and (g) of sub-section (2) and substituting the following paragraph:

“(g) the furnishing to the Corporation of particulars relating to sales, and orders for the supply, of meat or live-stock, as the case may be, that has been, or is proposed to be, exported from Australia; and”.

(2) The amendments of section 11 of the Principal Act made by sub-section (1) of this section have effect in relation to a licence granted, before or after the commencement of this section, under section 10 of the Principal Act or of that Act as amended by this Act, as the case may be.

6. (1) Section 14 of the Principal Act is repealed and the following section substituted:

Contracts for shipment of meat and live-stock

“14. (1) A contract for the carriage of meat or live-stock, by sea, to a place outside Australia shall not be made except—

- (a) by the Corporation or by the Corporation acting as the agent of the owner of the meat or live-stock or of another person having authority to export the meat or live-stock; or

- (b) in conformity with such conditions (if any) as are, from time to time, approved by the Minister upon the recommendation of the Corporation.

“(2) A condition approved under paragraph (1) (b)—

- (a) may be a condition in respect of any matter relating to or incidental to the carriage of meat or live-stock by sea, including the handling or carriage of meat or live-stock before it is carried by sea; and

- (b) may be of general application or may relate only to the carriage of meat or live-stock to a particular place or particular places or to places other than a particular place or particular places.

“(3) The making by a licensee of a contract in contravention of sub-section (1) shall be taken, for the purposes of section 12, to be a contravention by the licensee of a condition to which his licence is subject.

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“(4) A contract made for the carriage, by sea, of meat or live-stock to a place outside Australia is not unenforceable, voidable or void by reason only of having been made in contravention of sub-section (1).”.

(2) Section 14 of the Principal Act as amended by this section applies in relation to contracts made on or after the date of commencement of this section.

(3) The conditions in force under section 14 of the Principal Act immediately before the commencement of this section shall be deemed to have been approved by the Minister under section 14 of the Principal Act as amended by this section, but may be varied or revoked by the Minister under that section.

Membership of Corporation

7. (1) Section 18 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) The Corporation shall consist of 11 members, namely—

(a) the Chairman;

(b) 5 members to represent Australian live-stock producers;

(c) 2 members to represent persons engaged in the slaughtering in Australia of live-stock and in the processing and packing in Australia, and the exporting from Australia, of meat;

(d) 1 member to represent the Commonwealth; and

(e) 2 other members.”; and

(b) by omitting from sub-section (5) all the words after “consult” and substituting “each of the consultative groups”.

(2) A person who, immediately before the date of commencement of this section, held office as a member of the Corporation referred to in a paragraph of sub-section 18 (1) of the Principal Act shall, on that date—

(a) be deemed to have been appointed, in accordance with the Principal Act as amended by this Act, to an office of a member of the Corporation referred to in the corresponding paragraph of sub-section 18 (1) of that Act as so amended; and

(b) shall be deemed to have been so appointed for a period equal to the period that, immediately before that date, was the unexpired portion of his term of office in the first-mentioned office—

(i) in the case of the person who, immediately before that date, held office as the Chairman of the Corporation—as a full-time member; and

(ii) in any other case—as a part-time member.

(3) The person appointed to fill a vacancy in an office of a member of the Corporation referred to in paragraph 18 (1) (b) or (c) of the Principal Act as amended by this Act, being a vacancy arising by reason of the amendment of the Principal Act made by sub-section (1), holds office, subject to the Principal

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Act as amended by this Act, for such period, not exceeding 3 years, as is specified in the instrument of his appointment.

Members representing live-stock producers

8. Section 19 of the Principal Act is amended by omitting from sub-section (1) "to represent Australian live-stock producers" and substituting "referred to in paragraph 18 (1) (b)".

Members representing meat exporters, &c.

9. Section 20 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Each member referred to in paragraph 18 (1) (c) shall be appointed from amongst persons whose names are included in a list of names submitted to the Minister by the Meat Exporter and Abattoir Consultative Group.”; and

(b) by inserting in sub-section (2) “Meat” before “Exporter” (twice occurring).

Term of office of members

10. (1) Section 22 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) The Chairman shall be appointed for such period, not exceeding 5 years, as is specified in his instrument of appointment, but is eligible for re-appointment.”.

(2) The amendment of section 22 of the Principal Act made by sub-section (1) of this section has effect in relation to an appointment (including re-appointment) of a person as Chairman of the Corporation made on or after the date of commencement of this section.

Deputies of members

11. Section 25 of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) The Minister may, if requested by the Corporation so to do, appoint a person recommended by the Corporation to be the deputy of a member other than the Chairman or the member representing the Commonwealth.

“(2) The Minister may appoint a person to be the deputy of the member representing the Commonwealth.”.

Remuneration and allowances

12. Section 26 of the Principal Act is amended—

(a) by omitting paragraph (c) of sub-section (1) and substituting the following paragraph:

“(c) a member of a consultative group,”; and

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- (b) by omitting from sub-section (3) “This section has” and substituting “Sub-sections (1) and (2) have”.

13. Section 29 of the Principal Act is repealed and the following sections are substituted:

Termination of appointments

“29. (1) The Minister may terminate the appointment of a member by reason of the misbehaviour, or the physical or mental incapacity, of the member.

“(2) If a member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) fails, without reasonable excuse, to comply with his obligations under section 29A;
- (c) being a full-time member—
 - (i) engages in paid employment outside the duties of his office without the approval of the Minister; or
 - (ii) 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
- (d) being a part-time member—is absent, except on leave of absence granted by the Corporation, from 3 consecutive meetings of the Corporation,

the Minister shall terminate the appointment of the member.

“(3) The provisions of sub-section (2) (other than paragraph (2) (d)) apply to and in relation to a deputy of a member in like manner as they apply to and in relation to a member.

Disclosure of interests by members, &c.

“29A. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation.

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

“(3) The preceding provisions of this section apply to and in relation to a deputy of a member in like manner as they apply to and in relation to a member.”.

Meetings of Corporation

14. Section 30 of the Principal Act is amended by omitting from sub-section (4) “5” and substituting “6”.

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Establishment of Consultative Groups

15. Section 41 of the Principal Act is amended by omitting paragraphs (b) and (c) and substituting the following paragraphs:

- “(b) a body, representative of persons engaged in the exporting of live-stock, by the name of the Live-stock Exporters Consultative Group; and
- (c) a body, representative of persons engaged in the slaughtering in Australia of live-stock and in the processing and packing in Australia, and the exporting from Australia, of meat, by the name of the Meat Exporters and Abattoir Operators Consultative Group.”.

Functions

16. Section 42 of the Principal Act is amended by omitting sub-sections (2) and (3) and substituting the following sub-sections:

- “(2) The functions of the Live-stock Exporters Consultative Group are—
 - (a) to furnish advice to the Corporation on matters of importance to live-stock exporters;
 - (b) to disseminate information to live-stock exporters concerning the policies and decisions of the Corporation; and
 - (c) such other functions, in connection with live-stock, as are conferred on it by this Act or by the regulations.

“(3) The functions of the Meat Exporter and Abattoir Consultative Group are—

- (a) to furnish advice to the Corporation on matters of importance to the persons represented by that Group;
- (b) to disseminate information to the persons represented by that Group concerning the policies and decisions of the Corporation; and
- (c) such other functions, in connection with meat, as are conferred on it by this Act or by the regulations.”.

17. Sections 43, 44 and 45 of the Principal Act are repealed and the following sections substituted:

Constitution and meetings of consultative groups

“43. (1) A consultative group shall consist of such number of members as is prescribed.

- “(2) The regulations may make provision for and in relation to—
 - (a) the appointment, selection, election or nomination of the members and of deputies of the members, of a consultative group;
 - (b) the term of office, rights, powers and duties of a member, and of the deputy of a member, of a consultative group;
 - (c) the appointment, selection, election or nomination of a Chairman of a consultative group;

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- (d) the appointment, selection, election or nomination of a specified number of members of a consultative group to constitute an Executive Committee of the group;
- (e) the exercise by the Executive Committee of a consultative group of all or any of the powers and duties of that group;
- (f) the conduct of the business of a consultative group; and
- (g) the convening and conduct of meetings of a consultative group or of an Executive Committee of a consultative group.

“(3) A consultative group has such powers and duties as are prescribed.

Corporation to consult with consultative groups, &c.

“44. (1) The Corporation shall, from time to time, hold meetings (in this section referred to as ‘consultative meetings’) jointly with each of the consultative groups.

“(2) The purpose of a consultative meeting is to enable members of the Corporation to discuss with members of the consultative group concerned matters within the functions of the Corporation that are of interest to the persons represented by the group.

“(3) Consultative meetings shall be held at times agreed to by the Chairman of the Corporation and the Chairman of the consultative group concerned.

“(4) A consultative group may, with the approval of the Chairman of the Corporation, hold a meeting jointly with either or both of the other consultative groups at a time agreed to by the Chairmen of the groups concerned.

Dissemination of information, &c.

“45. The Corporation may, from time to time, in such manner as it thinks fit—

- (a) disseminate information concerning the policies and decisions of the Corporation; and
- (b) afford to persons affected by those policies and decisions opportunities to discuss with members of the Corporation the operations of the Corporation.”.

Corporation may provide clerical assistance

18. Section 46 of the Principal Act is amended—

- (a) by omitting “the Producer Consultative Group, the Exporter and Abattoir Consultative Group and the Australian Meat Industry Conference” and substituting “the consultative groups”; and
- (b) by omitting “those bodies” and substituting “the consultative groups”.

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NOTE

1. No. 67, 1977, as amended. For previous amendments, see No. 36, 1978; and No. 76, 1979.