



Meat and Live-stock Industry Act 1995

No. 67 of 1995

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Meat and Live-stock Industry Act 1995

No. 67 of 1995

An Act relating to the Australian meat and live-stock industry

[Assented to 30 June 1995]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Meat and Live-stock Industry Act 1995*.

Commencement

2. This Act commences, or is taken to have commenced, on 1 July 1995.

Definitions

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

“AMLC” means the Australian Meat and Live-stock Corporation continued in existence by section 53;

“annual general meeting” means an annual general meeting of the industry convened under section 22;

“cattle” means bovine animals other than buffaloes;

“conference” means a conference convened under section 21;

“Council” means the Meat Industry Council established by section 8;

“edible offal” means any edible portion, other than the flesh, of live-stock;

“eligible industry body” means any of the following:

- (a) the Cattle Council of Australia;
- (b) the Sheepmeat Council of Australia;
- (c) the Australian Meat Council;
- (d) the Meat and Allied Trades Federation of Australia;
- (e) any other body that is prescribed by the regulations for the purposes of this paragraph;

“general meeting” means an annual general meeting or a special general meeting;

“industry” means the Australian meat and live-stock industry;

“live-stock” means cattle, sheep, lambs, goats or other prescribed animals;

“meat” means the flesh, whether fresh or preserved, of live-stock, and includes meat products and edible offal;

“meat by-product” includes skin, hide, tallow, meat meal and inedible offal;

“meat product” means food prepared from or containing meat, and includes canned meat;

“MRC” means the Meat Research Corporation continued in existence by section 166;

“selection committee” means a selection committee constituted under section 214;

“special general meeting” means a special general meeting of the industry convened under section 22;

“statutory meat and live-stock authority” means the Council, AMLC or MRC;

“Territory” means an internal Territory.

Crown to be bound

4.(1) This Act binds the Crown in right of the Commonwealth, each of the States, the Australian Capital Territory and the Northern Territory.

(2) Nothing in this Act renders the Crown in right of the Commonwealth, a State, the Australian Capital Territory or the Northern Territory liable to be prosecuted for an offence.

Application

5. This Act applies both within and outside Australia.

PART 2—MEAT INDUSTRY COUNCIL

Division 1—Establishment, functions and powers

Object of Part

6. The object of this Part is to establish a statutory authority that represents all sectors of the industry:

- (a) for the purpose of helping the industry to meet the requirements of consumers of meat and meat products by making the production of live-stock, and the processing and marketing of meat and meat products, more competitive, productive and efficient; and
- (b) to achieve that purpose by ensuring that AMLC and MRC can develop and carry out appropriate programs within the framework of strategic directions developed by the authority;

and this Part is to be interpreted and administered accordingly.

Definitions

7. In this Part, unless the contrary intention appears:

“Acting Chairperson” means a person appointed to act as Chairperson under section 31;

“Acting Chief Executive Officer” means a person appointed under section 40 to act as Chief Executive Officer;

“Chairperson” means Chairperson of the Council;

“Chief Executive Officer” means the Chief Executive Officer of the Council holding office under section 39;

“committee” means a committee established by the Council under section 225;

“corporate plan” means a corporate plan prepared by the Council and approved by the Minister under Division 2;

“employee” means an employee employed under section 42;

“meeting” means a meeting of the Council;

“member” means member of the Council;

“non-government member” means a member other than the member representing the Commonwealth Government;

“peak industry body” means any of the following:

- (a) the Cattle Council of Australia;
- (b) the Sheepmeat Council of Australia;
- (c) the Australian Meat Council;
- (d) the Meat and Allied Trades Federation of Australia;
- (e) any other body that is prescribed by the regulations for the purposes of this paragraph;

“registered person”, in relation to a general meeting, means a person whose name was entered on a register kept by AMLC under section 88 on the day of closure of the register for the purposes of the meeting;

“the regulations” means the regulations made under this Act for the purposes of this Part.

Establishment of the Council

8.(1) A body, to be known as the Meat Industry Council, is established.

(2) The Council:

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

(3) All courts, judges and people acting judicially must take judicial notice of the imprint of the common seal of the Council appearing on a document and must presume that the document was duly sealed.

Functions of the Council

9. The functions of the Council are:

- (a) to develop a vision, and strategic directions, for the industry; and
- (b) to formulate broad policies to be complied with by AMLC and MRC in the performance of their functions and the exercise of their powers; and
- (c) to consider, and if appropriate agree to, corporate plans prepared by AMLC and MRC; and
- (d) to develop motions to be moved at general meetings, for the purpose of providing funding for the Council, AMLC and MRC; and
- (e) to cause programs developed by AMLC and MRC to be evaluated; and
- (f) to nominate people for appointment to selection committees; and
- (g) to develop proposals for self-regulation by the industry; and
- (h) to develop a united industry approach to issues affecting the industry.

Powers of the Council generally

10.(1) The Council has power to do anything that is necessary or convenient to be done for, or in connection with, the performance of its functions.

- (2) Without limiting subsection (1), the Council may:
- (a) engage persons to conduct independent evaluations of programs developed by AMLC and MRC; and
 - (b) with the written approval of the Minister, do any of the following:
 - (i) engage persons to provide services for the industry;
 - (ii) form, or participate with other persons in the formation of, an incorporated company;
 - (iii) acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities issued by, an incorporated company;
 - (iv) enter into a partnership, or an arrangement for the sharing of profits, with another person.

Funding for industry consultations

11.(1) The Council may make arrangements under which it will, subject to any guidelines given to it by the Minister, make payments to eligible industry bodies for the purpose of meeting the costs and expenses reasonably incurred by them in consulting with AMLC or MRC in respect of any matters relating to the performance of the functions or the exercise of the powers of AMLC or MRC.

(2) An arrangement must include provision under which a body receiving a payment in respect of any such costs and expenses will:

- (a) comply with the guidelines in relation to the application of the money paid to the body; and
- (b) give the Minister statements, audited by a registered company auditor, as to the costs and expenses and the application of that money.

Division 2—Corporate plans

First corporate plan

12.(1) The Council must prepare a corporate plan, and give the plan to the Minister, as soon as practicable after the commencement of this Act.

(2) The plan is to relate to the period beginning on 1 July 1995 and ending on 30 June 1998.

Later corporate plans

13.(1) In each calendar year beginning on or after 1 January 1996, the Council must prepare a corporate plan for the period of 3 years beginning on 1 July in that year.

(2) The plan must be given to the Minister before 1 March in the calendar year.

Content of corporate plans

14. A corporate plan must:

- (a) outline the Council's vision for the industry; and
- (b) outline the strategies that the Council proposes to pursue to achieve that vision; and
- (c) include any other matters required by the regulations.

Approval of corporate plans

15.(1) The Minister may give the Council a written notice:

- (a) approving a corporate plan (including a corporate plan that has been revised under this section); or
- (b) if the Minister thinks that the interests of the industry require that the plan be revised in some respect, requesting the Council to revise the plan accordingly.

(2) A notice requesting revision of a plan must set out the reasons for the request.

(3) The Council must:

- (a) consider a request for revision of a plan and the reasons for the request; and
- (b) make any revision of the plan that it considers appropriate; and
- (c) give the revised plan to the Minister for approval.

When corporate plan comes into force

16.(1) A corporate plan comes into force when it is approved by the Minister.

(2) A corporate plan supersedes any previous corporate plans in relation to the period to which the first-mentioned plan applies.

Variation of corporate plans

17.(1) The Council may vary a corporate plan if, and only if, the Minister approves the variation.

(2) A variation of a corporate plan comes into force when it is approved by the Minister.

Variation at instance of the Council

18.(1) If the Council wishes to vary a corporate plan, it must prepare a written proposal for the variation and give the Minister:

- (a) a copy of the proposal; and
- (b) a statement of the Council's reasons for the proposal.

(2) After considering a proposal and the reasons for a proposal, the Minister may, in writing, approve the proposed variation or refuse to approve it.

Variation at Minister's request

19.(1) The Minister may give the Council a written request that it vary a corporate plan in the manner set out in the request.

(2) A request must include a statement of the reasons for the request.

(3) The Council must consider the request and if it wishes to vary the plan:

(a) prepare a written proposal for any variations of the plan that the Council thinks appropriate; and

(b) give the proposal to the Minister.

(4) The Minister may, in writing, approve the proposal or refuse to approve it.

Compliance with corporate plan

20. So far as practicable, the Council must perform its functions, and exercise its powers, in a manner that is consistent with, and so as to give effect to, its corporate plan.

Division 3—Industry conferences and general meetings**Industry conferences**

21.(1) The Council must convene a conference of the industry in each financial year that begins on or after 1 July 1995.

(2) The purposes of a conference are:

(a) to help the Council in identifying matters of concern to the industry; and

(b) to promote a better understanding of problems within the industry; and

(c) to foster a consensus on the policies to be instituted to safeguard the interests of the industry.

(3) A conference is to be held on days, at times and at a place determined by the Council.

(4) The Council must ensure that not more than 15 months elapse between successive conferences.

(5) The Council is to convene a conference by publishing a notice of the conference not less than the prescribed number of days before the day on which the conference is to begin.

(6) Notice of a conference must:

(a) state the days, times and place of the conference; and

(b) be published in a newspaper circulating throughout Australia; and

(c) state than an annual general meeting of the industry is to be held during the conference.

(7) In addition to publishing a notice under subsection (6), the Council may:

- (a) cause the notice to be published in any newspaper the Council thinks appropriate; and
- (b) give copies of the notice to any industry bodies; and
- (c) cause particulars of the conference to be made public in any other way, and at any time, the Council thinks appropriate.

(8) Any person who is entitled to attend a general meeting is entitled to attend and participate in, the conference.

(9) The Chairperson may invite a person to attend the conference, and a person so invited may attend, and participate in, the conference other than a general meeting held during the conference.

Note: Paragraph 26(1)(e) empowers the Chairperson to invite people to attend a general meeting.

(10) The Chairperson or, if the Chairperson is absent, the Acting Chairperson is to preside at all meetings of a conference.

General meetings

22.(1) The Council must convene an annual general meeting of the industry to be held during each conference.

(2) An annual general meeting is convened by the Council by the inclusion in accordance with paragraph 21(6)(c) of a statement in the notice of the conference that the meeting is to be held during the conference.

(3) The Council may at any time convene a special general meeting of the industry.

(4) A special general meeting is convened by the Council by the publication, in a newspaper circulating throughout Australia, not less than the prescribed number of days before the day on which the meeting is to be held, of notice of the meeting that states the day, time and place of the meeting.

(5) In addition to publishing a notice under subsection (4), the Council may:

- (a) cause the notice to be published in any other newspaper the Council thinks appropriate; and
- (b) give copies of the notice to any industry bodies it thinks appropriate; and
- (c) cause particulars of the meeting to be made public in any other way, and at any time, the Council thinks appropriate.

Purpose of annual general meeting

23.(1) The purpose of an annual general meeting is to provide an opportunity for registered persons:

- (a) to consider the most recent annual reports and financial statements of the Council, AMLC and MRC; and
- (b) to consider any motion of which the prescribed notice has been given.

(2) The only motions that may be considered under paragraph (1)(b) are the following:

- (a) a motion, moved by the Chairperson of the Council or by a person appointed by the Chairperson of the Council for the purpose, that the most recent annual report and financial statements of the Council, together with the report by the Auditor-General on those statements, be received;
- (b) a motion, moved by the Chairperson of AMLC or by a person appointed by the Chairperson of AMLC for the purpose, that the most recent annual report and financial statements of AMLC, together with the report by the Auditor-General on those statements, be received;
- (c) a motion, moved by the Chairperson of MRC or by a person appointed by the Chairperson of MRC for the purpose, that the most recent annual report and financial statements of MRC, together with the report by the Auditor-General on those statements, be received;
- (d) a motion, moved by the Chairperson of the Council or by a person appointed by the Chairperson of the Council for the purpose, to endorse a recommendation that the Council proposes to make to the Minister in relation to the making of regulations:
 - (i) prescribing amounts for the purposes of section 6A, 6B or 6D of the *Live-stock Slaughter Levy Act 1964*; or
 - (ii) prescribing amounts for the purposes of section 8, 9 or 11 of the *Live-stock Export Charge Act 1977*; or
 - (iii) prescribing amounts for the purposes of section 6 of the *Beef Production Levy Act 1990*; or
 - (iv) prescribing amounts for the purposes of section 6 or 6A (other than paragraphs (1)(d), (2)(d) and (3)(d)) of the *Cattle Export Charges Act 1990*; or
 - (v) prescribing amounts for the purposes of section 5 (other than paragraphs (1)(d) and (2)(d)) of the *Cattle Transaction Levy Act 1995*;
- (e) a motion of no confidence in the Council or in the Chairperson of the Council;

- (f) a motion of no confidence in AMLC or in the Chairperson of AMLC;
- (g) a motion of no confidence in MRC or in the Chairperson of MRC.

Motion of no confidence in the Council or in the Chairperson of the Council

24. If a motion of no confidence in the Council or in the Chairperson of the Council is moved at an annual general meeting, the person presiding at the meeting:

- (a) must select a person to preside in his or her place; and
- (b) must then cease to preside:
 - (i) until the motion has been voted on; or
 - (ii) if the motion of no confidence is passed—for the remainder of the meeting.

Purpose of special general meetings

25.(1) The purpose of a special general meeting is to provide an opportunity for registered persons to consider any motion of which the prescribed notice has been given.

(2) The only motions that may be considered under subsection (1) are a motion, moved by the Chairperson of the Council or by a person appointed by the Chairperson of the Council for the purpose, to endorse a recommendation that the Council proposes to make to the Minister in relation to the making of regulations:

- (a) prescribing amounts for the purposes of section 6A, 6B or 6D of the *Live-stock Slaughter Levy Act 1964*; or
- (b) prescribing amounts for the purposes of section 8, 9 or 11 of the *Live-stock Export Charge Act 1977*; or
- (c) prescribing amounts for the purposes of section 6 of the *Beef Production Levy Act 1990*; or
- (d) prescribing amounts for the purposes of section 6 or 6A (other than paragraphs (1)(d), (2)(d) and (3)(d)) of the *Cattle Export Charges Act 1990*; or
- (e) prescribing amounts for the purposes of section 5 (other than paragraphs (1)(d) and (2)(d)) of the *Cattle Transaction Levy Act 1995*.

Conduct of general meetings

26.(1) Subject to this section, the only people entitled to attend, and participate in, a general meeting are the following:

- (a) the members of the Council;
- (b) the members of AMLC;
- (c) the members of MRC;

- (d) registered persons or their proxies;
- (e) people invited by the Chairperson to attend the meeting.

(2) Subject to section 24, the Chairperson or, if the Chairperson is absent, the Acting Chairperson, is to preside at a general meeting at which he or she is present.

(3) If neither the Chairperson nor the Acting Chairperson is present at a general meeting, the members of the Council who are present are to appoint a person to preside at the meeting.

(4) Only registered persons or their proxies are entitled to vote on a question arising at a general meeting.

(5) The Council must keep a record of the proceedings of a general meeting.

Regulations concerning certain procedural matters

27.(1) The regulations may prescribe the procedure to be followed at, and in any matters related to, a conference of the industry or a general meeting.

(2) Without limiting subsection (1), the matters on which regulations may make provision include the following:

- (a) notification to registered persons of:
 - (i) the days, times and place of a conference; and
 - (ii) the day, time and place of a general meeting; and
 - (iii) the terms of motions to be moved at a general meeting; and
 - (iv) other matters relevant to the conduct of a conference or general meeting;
- (b) documents relating to a conference or general meeting that are to be sent to registered persons or other people who are entitled to attend the conference or meeting;
- (c) notification to the Council of the terms of any motion proposed to be moved by a registered person at a general meeting;
- (d) the appointment of people to act as proxies of registered persons at a general meeting and the participation of the proxies in the meeting;
- (e) the method or methods by which voting at a general meeting is to be conducted;
- (f) the means by which the number of votes that a registered person or the person's proxy may cast at a general meeting is to be determined;
- (g) the nature of the majority of votes required for the resolution of a question arising at a general meeting.

Notification to Minister of motions at general meetings

28. The Council must notify the Minister in writing of any motion passed or defeated at a general meeting and of the number of votes cast for and against the motion.

Division 4—Constitution and meetings of the Council

Composition of the Council

29.(1) The Council is to consist of the following members:

- (a) a Chairperson;
- (b) 4 members appointed on the recommendation of the Cattle Council of Australia;
- (c) 2 members appointed on the recommendation of the Sheepmeat Council of Australia;
- (d) 3 members appointed on the recommendation of the Australian Meat Council;
- (e) 3 members appointed on the recommendation of the Meat and Allied Trades Federation of Australia;
- (f) one member appointed on the recommendation of the Australian Council of Trade Unions;
- (g) one member appointed on the recommendation of the Australian Livestock Exporters Association;
- (h) one member appointed on the recommendation of the Australian Lot Feeders Association;
- (i) one member appointed on the recommendation of the Australian Supermarket Institute;
- (j) one member to represent the Commonwealth Government;
- (k) subject to subsection 226(2), such number of other members (if any) as is prescribed by the regulations.

(2) The members are to be appointed by the Minister in writing.

(3) Before appointing the Chairperson, the Minister must consult the peak industry bodies.

(4) A person who is employed by a peak industry body that has power under subsection (1) to recommend appointments to the Council is not eligible for appointment as a member.

(5) If the Minister is not satisfied as to the suitability of a person recommended for appointment to the Council by a particular body under subsection (1), the Minister may request the body to make a further recommendation.

(6) The members are to be part-time members.

(7) The appointment of a member is not invalid because of a defect or irregularity in or in connection with the recommendation of the member for appointment or in connection with the member's appointment.

(8) A member holds office, in respect of matters not provided for by this Part, on any terms and conditions that are determined in writing by the Minister.

(9) The exercise of a power or the performance of a function by the Council is not invalid because of a vacancy or vacancies in its membership.

Term of office

30.(1) A non-government member holds office, subject to this Part, for the period, not exceeding 3 years, that is stated in the document of appointment, but is eligible for re-appointment.

(2) A person may not hold office, or continue to hold office, as a non-government member if he or she has been a member for consecutive periods that together are equal to or more than 6 years.

(3) The member representing the Commonwealth Government holds office, subject to this Part, until the Minister, by written notice given to the member, ends the member's appointment.

Acting Chairperson

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

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

(2) A person who is a member is not eligible to be appointed to act as Chairperson.

(3) The validity of anything done by, or in relation to, a person purporting to act under subsection (1) is not invalid on the ground:

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

Disclosure of interests

32.(1) A member who has a direct or indirect financial interest in a matter being considered or about to be considered at a meeting must, as soon as possible after becoming aware of the relevant facts, disclose the nature of the interest at a meeting.

(2) The disclosure is to be recorded in the minutes of the meeting.

(3) A member who is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat is not taken to have a financial interest in a matter being considered or about to be considered by the Council merely because the person is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat, as the case may be.

Leave of absence

33.(1) The Minister may grant leave of absence to the Chairperson on any terms and conditions that the Minister determines.

(2) The Chairperson may grant leave of absence to any other member on any terms and conditions that the Chairperson determines.

Resignation

34. A member may resign his or her appointment by giving the Minister a signed notice of resignation, but is eligible for re-appointment.

Ending of appointment

35.(1) The Minister may end the appointment of a non-government member for misbehaviour or for physical or mental incapacity.

(2) The Minister may at any time end the appointment of the member representing the Commonwealth Government.

(3) 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 or her creditors or makes an assignment of his or her remuneration for their benefit; or

(b) is absent, except on leave of absence granted under section 33 from 3 consecutive meetings; or

(c) fails, without reasonable excuse, to comply with an obligation imposed on him or her by section 32;

the Minister must end the member's appointment.

(4) If a body on whose recommendation a person was appointed as a member requests the Minister to end the appointment of the member, the Minister must end the appointment accordingly, but the person is eligible for re-appointment.

Meetings

36.(1) Subject to subsection (2), meetings are to be held at the times and places that the Council determines.

(2) The Chairperson may, and at the request of 6 or more members must, convene a meeting.

(3) At a meeting, at least one-half of the number of members form a quorum.

(4) The Chairperson is to preside at all meetings at which he or she is present.

(5) If the Chairperson is absent from a meeting, the members present must appoint one of them to preside at the meeting.

(6) A question arising at a meeting is to be determined by a majority of the votes of the members present and voting.

(7) A member presiding at a meeting has a deliberative vote and, if the votes in favour of, and against, a motion are equal, also has a casting vote.

(8) The Council must keep a record of the proceedings at a meeting.

(9) The Chairpersons of AMLC and MRC may attend a meeting if invited to do so by the Chairperson of the Council.

(10) Subject to this section, the Council may regulate proceedings at its meetings as it considers appropriate.

Note: Under section 33B of the Acts Interpretation Act, the Council may permit its members to participate in a meeting by means of telephone, closed-circuit television or any other means of communication.

Resolutions without meetings

37. If the Council so determines, a resolution is taken to have been passed at a meeting if:

- (a) without meeting, a majority of the number of members show their agreement with the resolution in accordance with a method determined by the Council; and
- (b) that majority would, if present at a meeting of the Council and entitled to vote on the resolution at that meeting, have formed a quorum under section 36.

Motions of no confidence

38.(1) If a motion of no confidence in the Chairperson is passed at an annual general meeting, the Minister must:

- (a) as soon as possible after the end of the meeting, end the Chairperson's appointment by written notice given to the Chairperson; and
- (b) within 2 months after the date of the meeting, appoint, under section 29, another person to be Chairperson.

(2) If a motion of no confidence in the Council is passed at an annual general meeting, the following provisions of this section have effect.

(3) The Council, as constituted at the time of the meeting, may not perform any of its functions or exercise any of its powers.

(4) The Minister must, as soon as practicable, end the appointment of each of the members.

(5) The Minister must, within a period of 2 months, by writing, appoint a person to be the Chairperson and any number of other persons that he or she thinks fit to be members.

(6) The Chairperson, and other members, appointed under subsection (5) are to be appointed as part-time members and hold office:

- (a) until their appointments are ended by the Minister; and
- (b) on terms and conditions determined by the Minister.

(7) The Minister may at any time end the appointment of the Chairperson, or another member, appointed under subsection (5).

(8) The Chairperson appointed under subsection (5) may convene meetings.

(9) Subsections 36(3) to (10) apply to a meeting of the Council as constituted under this section.

(10) The Council as constituted under this section may perform all the functions and exercise all the powers conferred on the Council until the Council is reconstituted under section 29.

(11) If a motion of no confidence in the Council is passed at an annual general meeting, any delegation from the Council to a member that is in force on the day on which the appointment of each of the members was ended under this section is taken to have been revoked on that day.

Division 5—Staff

Chief Executive Officer

39.(1) There is to be a Chief Executive Officer of the Council.

(2) The Chief Executive Officer is to be appointed by the Council.

(3) The Council:

- (a) may determine, subject to the Minister's approval, the terms and conditions of service of the Chief Executive Officer in respect of matters not provided for by this Part, including terms and conditions relating to remuneration and allowances; and
- (b) may at any time end the appointment of the Chief Executive Officer.

(4) If the Chief Executive Officer:

- (a) engages in paid employment outside the duties of his or her office without the approval of the Council; or

- (b) is absent from duty, except on leave of absence granted by the Council, for 14 consecutive days or for 28 days in any period of 12 months; or
- (c) 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 Council must end his or her appointment.

(5) The office of Chief Executive Officer is not a public office for the purposes of the *Remuneration Tribunal Act 1973*.

Acting Chief Executive Officer

40.(1) The Council may, by resolution, appoint a person to act as Chief Executive Officer:

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

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

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

Management of affairs of the Council

41.(1) The affairs of the Council are, to the extent determined by the Council, to be managed by the Chief Executive Officer.

(2) In managing the affairs of the Council, the Chief Executive Officer must act in accordance with the policy and directions of the Council.

Employees

42.(1) The Council may employ any people that it thinks necessary for the purposes of this Part.

(2) Subject to subsection (3), the terms and conditions of employment of people so employed are those determined by the Council.

(3) Except with the Minister's approval, a person may not be employed by the Council on terms and conditions more favourable than those applying to the Chief Executive Officer.

Division 6—Finance

Payments to the Council

43.(1) There is to be paid to the Council out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to:

- (a) the amounts of levy received by the Commonwealth because of paragraphs 6A(a), 6B(a) and 6D(a) of the *Live-stock Slaughter Levy Act 1964*; and
- (b) the amounts of charge received by the Commonwealth because of paragraphs 8(a), 9(a) and 11(a) of the *Live-stock Export Charge Act 1977*; and
- (c) the amounts of levy received by the Commonwealth because of paragraph 6(1)(a) of the *Beef Production Levy Act 1990*; and
- (d) the amounts of charge received by the Commonwealth because of paragraphs 6(1A)(a) and 6A(1)(a), (2)(a) and (3)(a) of the *Cattle Export Charges Act 1990*; and
- (e) the amounts of levy received by the Commonwealth because of paragraphs 5(1)(a) and (2)(a) of the *Cattle Transaction Levy Act 1995*;

in respect of transactions or dealings that take place after the commencement of this Act.

(2) A reference in paragraph (1)(a) to amounts of levy received by the Commonwealth includes a reference to amounts received from the proprietor of an abattoir under subsection 7(2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

(3) A reference in paragraph (1)(b) to amounts of charge received by the Commonwealth includes a reference to amounts payable by way of penalty under section 15 of the *Primary Industries Levies and Charges Collection Act 1991* in relation to amounts of charge referred to in that paragraph.

(4) A reference in paragraph (1)(c) to amounts of levy received by the Commonwealth includes a reference to amounts received from a processor under subsection 7(1) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

(5) A reference in paragraph (1)(d) to amounts of charge received by the Commonwealth includes a reference to amounts payable by way of penalty under section 15 of the *Primary Industries Levies and Charges Collection Act 1991* in relation to amounts of charge referred to in that paragraph.

(6) A reference in paragraph (1)(e) to amounts of levy received by the Commonwealth includes a reference to amounts received from a selling agent, a processor or a feedlot operator under subsection 7(1) or (2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

Application of money of the Council

44. The money of the Council may be applied only:

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Council in or in connection with the performance of its functions or the exercise of its powers; and
- (b) in payment of all costs and expenses of a selection committee, including remuneration and allowances payable to the Chairperson and the other members of such a committee and remuneration and allowances payable to people engaged by such a committee under section 219; and
- (c) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
 - (i) the collection or recovery of amounts referred to in paragraph 43(1)(a), (b), (c), (d) or (e); or
 - (ii) the administration of section 43; and
- (d) in payment to AMLC of amounts that the Council is required to pay under section 45; and
- (e) in payment for the carrying out of evaluations of programs developed by AMLC and MRC; and
- (f) in payment of any remuneration or allowances payable to members or members of committees; and
- (g) in making any other payments that the Council is authorised or required to make under this Part.

The Council to pay to AMLC a share of expenses of keeping registers

45. If AMLC has given the Council a notice under section 93 of an amount of expenditure incurred by AMLC for the purpose of keeping the registers under section 88, the Council must pay to AMLC one-third of the amount set out in the notice.

Commonwealth to be reimbursed for refunds of levy or charge

46. If the Commonwealth pays a refund in respect of an amount of levy or charge referred to in subsection 43(1), the Council must pay to the Commonwealth an amount equal to the refund.

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

47. The Council is a public authority to which Division 2 of Part XI of the *Audit Act 1901* applies.

Division 7—Miscellaneous

Delegation by the Council

48.(1) The Council may, by writing under its common seal, delegate all or any of its powers under this Act to:

- (a) a member; or
- (b) the Chief Executive Officer; or
- (c) an employee; or
- (d) a committee.

(2) A power delegated to a committee under paragraph (1)(d) must be exercised by a majority of the members of the committee, acting jointly.

(3) In the exercise of a power delegated by the Council, the delegate is subject to the Council's directions.

Note: See sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* on delegations.

Delegation by Chief Executive Officer

49.(1) The Chief Executive Officer may, by signed writing, delegate to an employee all or any of his or her powers under this Part.

(2) In the exercise of a power delegated by the Chief Executive Officer, the delegate is subject to the Chief Executive Officer's directions.

Note: See sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* on delegations.

Annual report

50. The Council must include in each annual report prepared under section 63H of the *Audit Act 1901*, as that section applies to it because of section 47 of this Act:

- (a) the results of any evaluations conducted by or on behalf of the Council of the carrying out of a program developed by AMLC or MRC; and
- (b) any other prescribed matters.

PART 3—AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION

Division 1—Preliminary

Objects of Part

51.(1) The objects of this Part are:

- (a) to promote and control, and to protect and further the interests of the industry in relation to, the export of meat and live-stock from Australia; and
- (b) to promote and control, and to protect and further the interests of the industry in relation to, the sale and distribution, after export, of Australian meat and live-stock; and
- (c) to promote, and to protect and further the interests of the industry in relation to, trade and commerce in meat and live-stock among the States, between States and Territories and within the Territories; and
- (d) to improve the production of meat and live-stock, and encourage the consumption of meat, in the Territories;

and this Part is to be interpreted and administered accordingly.

(2) AMLC must perform its functions or exercise its powers only for the purpose of achieving an object stated in subsection (1).

Definitions

52. In this Part, unless the contrary intention appears:

“Acting Managing Director” means a person appointed to act as Managing Director under section 120;

“appointed non-government member” means a member referred to in paragraph 109(1)(a) or (d);

“assessment action”, in relation to AMLC’s equal employment opportunity program, means action by AMLC to do all of the following:

- (a) to collect and record statistics and related information concerning employment by AMLC, including the number and types of jobs undertaken by, or job classifications of:
 - (i) employees of either sex; and
 - (ii) people in designated groups;
- (b) to monitor and evaluate the carrying out of the program;
- (c) to assess:
 - (i) the achievement of the objectives of the program; and
 - (ii) the effectiveness of the program;

by comparing statistics and information referred to in paragraph (a) with the indicators set under the policy action of the program;

“authorised officer” means a person appointed under section 150 to be an authorised officer;

“cattle producer” means a person engaged in the raising or fattening of cattle;

“Chairperson” means the Chairperson of AMLC;

“committee” means a committee established by AMLC under section 225;

“consultation action”, in relation to AMLC’s equal employment opportunity program, means action by AMLC to consult with:

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

(b) each trade union having members affected by the program;

in relation to the development and carrying out of the program;

“corporate plan” means a corporate plan prepared by AMLC and approved by the Minister under Division 3;

“covering” includes any stopper, glass, bottle, vessel, box, container, capsule, case, frame or wrapper;

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

“discrimination” means:

(a) discrimination that is unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*; or

(b) discrimination by which a person with a physical or mental disability is, because of the disability, treated less favourably than a person without the disability;

but, in relation to employment matters, does not include discrimination that:

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

(d) is not unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*;

“employee” means, except in Division 5:

(a) an officer appointed, or employee engaged, under subsection 123(1); or

(b) an individual engaged by AMLC under a contract for services;

“employee information action”, in relation to AMLC’s equal employment opportunity program, means action by AMLC to tell its employees about the content of the program and the results of assessment action taken by it in relation to the program;

“employment matters” include:

(a) recruitment procedure, and selection criteria, for the appointment or engagement of employees by AMLC; and

(b) promotion and transfer of employees by AMLC; and

(c) training and staff development for AMLC’s employees; and

(d) conditions of service of AMLC’s employees;

“enter”, in relation to a vessel or aircraft, includes go on board;

“equal employment opportunity program”, in relation to AMLC, means a program of AMLC that:

(a) is designed to ensure:

- (i) that appropriate action is taken to eliminate any discrimination by AMLC against women and people in designated groups in relation to employment matters; and
 - (ii) that appropriate measures are taken by AMLC to promote equal opportunity for women and people in designated groups in relation to employment matters; and
- (b) includes provision for assessment action, consultation action, employee information action, and policy action, by AMLC in relation to the program;

“evidential material” means a thing relevant to an offence, including such a thing in electronic form;

“examine” includes count, measure, weigh, grade or gauge;

“export licence” means a meat export licence or live-stock export licence;

“exporter” means a person engaged in the business of exporting meat or live-stock, or both meat and live-stock;

“live-stock export licence” means a licence granted under section 61 to export live-stock from Australia, and includes such a licence that has been renewed under section 73;

“live-stock producer” means a person engaged in the raising or fattening of live-stock;

“Managing Director” means the Managing Director of AMLC holding office under section 119;

“meat” has the meaning given by section 3 but includes meat by-products;

“meat export licence” means a licence granted under section 61 to export meat from Australia, and includes such a licence that has been renewed under section 73;

“meeting” means a meeting of AMLC;

“member” means a member of AMLC;

“occupier”, in relation to a vehicle, vessel or aircraft, means the person in charge of the vehicle, vessel or aircraft;

“offence against this Part” includes:

- (a) an offence against the regulations; and
- (b) an offence created by section 6, 7 or 7A or subsection 86(1) of the *Crimes Act 1914* that relates to an offence against this Part or the regulations;

“operational plan” means an operational plan prepared by AMLC under Division 3;

“policy action”, in relation to AMLC’s equal employment opportunity program, means action by AMLC to do all of the following:

- (a) to confer responsibility for the development and carrying out of the program (including a continuous review of the program) on a person having sufficient authority and status within the management of AMLC to enable the person properly to develop and carry out the program;
 - (b) to examine AMLC's policies and practices in relation to employment matters in order to identify:
 - (i) any policies or practices that constitute discrimination by AMLC against women or people in designated groups; and
 - (ii) any patterns (whether determined statistically or otherwise) of lack of equality of opportunity for women or people in designated groups;
 - (c) to set:
 - (i) the objectives to be achieved by the program; and
 - (ii) the quantitative and other indicators against which the effectiveness of the program is to be assessed;
- “premises”** includes any place (whether enclosed or built on or not) and, in particular, includes a vehicle, vessel or aircraft;
- “register”** means a register kept by AMLC under subsection 88(1);
- “registered premises”** means premises that are registered, or are part of an establishment that is registered, under regulations made under the *Export Control Act 1982*;
- “the regulations”** means the regulations made under this Act for the purposes of this Part;
- “trade union”** means:
- (a) an organisation of employees registered under the *Industrial Relations Act 1988*; or
 - (b) a trade union within the meaning of a State Act or a law of a Territory;
- “woman”** means a member of the female sex irrespective of age.

Division 2—Continuation, functions and powers

Subdivision A—General

AMLC to continue in existence

53.(1) Despite the repeal of the *Australian Meat and Live-stock Corporation Act 1977*, the body known as the Australian Meat and Live-stock Corporation (“AMLC”) that was established by section 6 of that Act continues in existence subject to and in accordance with this Part so that its identity is not affected.

(2) AMLC:

- (a) continues to be a body corporate, with perpetual succession; and

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

(3) All courts, judges and people acting judicially must take judicial notice of the imprint of the common seal of AMLC appearing on a document and must presume that the document was duly sealed.

Functions of AMLC

54. The functions of AMLC are:

- (a) to improve the production of meat and live-stock in Australia; and
- (b) to encourage and promote the consumption and sale of Australian meat, and the sale of Australian live-stock, both in Australia and overseas; and
- (c) to encourage, help, promote and control the export of meat and live-stock from Australia; and
- (d) to make recommendations to the Minister with respect to the making of regulations for the purposes of Subdivision B and subsections 155(2) and 157(4); and
- (e) any other functions, in connection with meat and live-stock, that are conferred on AMLC by this Part.

Powers of AMLC generally

55.(1) Subject to subsection (5), AMLC has power to do anything that is necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), AMLC may charge any fees that are fair and proper, and if this Part so provides, as are fixed by the regulations, with respect to the provision of services or the performance of any other work by, or on behalf of, AMLC.

(3) AMLC's powers in relation to the functions referred to in paragraphs 54(b) and (c) extend to the doing of anything it thinks fit in order to improve:

- (a) the quality of Australian meat and live-stock; and
- (b) the methods of production, storage, transport and marketing of Australian meat; and
- (c) the methods of production, handling, transport and marketing of Australian live-stock.

(4) AMLC may, in cooperation with any other person and as part of a prescribed scheme for the marketing of meat or live-stock, do anything in relation to the marketing of any other products or goods, or any services, that AMLC thinks appropriate.

(5) AMLC does not have power to:

- (a) buy meat or live-stock; or
- (b) export, or sell for export, meat or live-stock; or
- (c) enter into transactions in relation to:
 - (i) the purchase of meat or live-stock; or
 - (ii) the export, or sale for export, of meat or live-stock;including transactions by way of contracts for hedging purposes referred to in section 129.

Consultation

56. The powers of AMLC include the power to consult with persons and bodies representative of different sectors of the industry and to meet travel expenses reasonably incurred by a person or body (other than an eligible industry body) in connection with consultations with AMLC.

Other powers

57.(1) Without limiting section 55, the powers of AMLC include the following powers:

- (a) to form, or participate with other persons in the formation of, incorporated companies;
- (b) to acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities issued by, incorporated companies;
- (c) to enter into partnerships, or arrangements for the sharing of profits, with other persons;
- (d) to appoint agents, either in Australia or elsewhere;
- (e) to authorise the use of any patent vested in it;
- (f) to enter into arrangements or agreements with persons, authorities or organisations in Australia or elsewhere, or, with the consent of the Minister, with a State or Territory.

(2) Without limiting section 55, AMLC may operate, either on its own behalf or together with another person, authority or organisation, an undertaking providing services or facilities for use in connection with the export of Australian meat or live-stock, and may, for that purpose, do anything that is necessary or convenient to be done for the purpose of acquiring, constructing, establishing or operating such an undertaking.

AMLC to comply with broad policies formulated by the Council

58. In the performance of its functions or the exercise of its powers under this Part, AMLC must comply with any broad policies formulated by the Council.

Subdivision B—Control of export of meat and live-stock

Definition

59. In this Subdivision, unless the contrary intention appears:

“meat” does not include meat of a kind declared by the regulations to be, for the purposes of this Part, meat unfit for human consumption.

Meat or live-stock export business

60.(1) For the purposes of this Subdivision, a person is taken to be a person who participates, or to be a person who would participate, in the management or control of the meat or live-stock export business, or proposed meat or live-stock export business, of another person if:

- (a) the first-mentioned person has or would have, as the case may be, authority to direct the operations, or an important or substantial part of the operations, of the business or proposed business; or
- (b) the first-mentioned person has or would have, as the case may be, authority to direct a person who has or would have, as the case may be, authority of the kind referred to in paragraph (a) in the exercise of that authority or proposed authority.

(2) A reference in this Subdivision to the meat export business, or proposed meat export business, of a person includes a reference to any operations:

- (a) that are carried out or proposed to be carried out, as the case may be, by the person for or in connection with the slaughtering of animals, the dressing of animal carcasses or the treatment, packing, carriage, handling or storage of meat (including meat that is of a kind declared by the regulations to be meat unfit for human consumption); and
- (b) that:
 - (i) are or are proposed to be, as the case may be, carried out as part of the business or proposed business; or
 - (ii) are or are proposed to be, as the case may be, carried out, wholly or partly, in connection with the business or proposed business.

(3) If:

- (a) a corporation (the “**relevant corporation**”) is the holder of, or an applicant for, a meat export licence; and
- (b) a corporation that is related to the relevant corporation carries out, or proposes to carry out, operations (the “**relevant operations**”) for or in connection with the slaughtering of animals, the dressing of animal carcasses or the treatment, packing, carriage, handling or storage of meat (including meat that is of a kind declared by the regulations to be meat unfit for human consumption); and
- (c) the relevant operations are or are proposed to be, as the case may be, carried out, wholly or partly, in connection with the meat export business, or proposed meat export business, of the relevant corporation;

the relevant operations are taken, for the purposes of this Subdivision, to be operations carried out or proposed to be carried out, as the case may be, by the relevant corporation as part of its meat export business or proposed meat export business, as the case may be.

(4) For the purposes of subsection (3), the question whether corporations are related to each other is to be determined in the same manner as that question would be determined under the Corporations Law.

(5) In subsections (3) and (4):

“corporation” means a corporation within the meaning of the Corporations Law.

Grant of export licence

61.(1) Subject to this Subdivision, AMLC may grant to a person a licence, in writing, to export meat from Australia or to export live-stock from Australia.

(2) Subsection (1) does not prevent:

- (a) the granting to a person of both a licence to export meat from Australia and a licence to export live-stock from Australia; or
- (b) the giving of directions under section 68 for the purpose of restricting the kind of meat or live-stock export business, as the case may be, that the holder of an export licence is to be permitted to carry on under the conditions to which the licence is subject.

Application for licence

62.(1) An application for an export licence must be made in accordance with the regulations.

(2) An applicant for an export licence must, at the time of lodgement of the application under this section or at any later time that is permitted under the regulations, pay the prescribed fee in respect of the application.

(3) If a person has given information or a document to AMLC in connection with an application for an export licence and, before the application is granted or refused:

- (a) a change occurs so that, in relation to a matter, the information ceases to be, or the particulars stated in the document cease to be, correct; or
- (b) the person becomes aware that, in relation to a matter, the information was not, or the particulars stated in the document were not, correct;

the person must, within 7 days after the occurrence of the change or the person's becoming so aware, as the case may be, give to AMLC, in writing, correct particulars of the matter.

(4) A person who intentionally or recklessly fails, without reasonable excuse, to comply with subsection (3) is guilty of an offence punishable, on conviction, by imprisonment for not more than 12 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

Requirements for grant of licence

63.(1) AMLC must not grant an export licence unless it is satisfied that:

- (a) if the applicant is an individual, the applicant is:
 - (i) a person of integrity; and
 - (ii) competent to hold such a licence; and
 - (iii) a person of sound financial standing; and
- (b) if the applicant is a body corporate, the applicant is:
 - (i) a body corporate of integrity; and
 - (ii) competent to hold such a licence; and
 - (iii) a body corporate of sound financial standing; and
- (c) each person who participates or would participate, as the case may be, in the management or control of the applicant's meat or live-stock export business or proposed meat or live-stock export business, as the case may be, is a person of integrity; and
- (d) the applicant is, and is likely to continue to be, able to comply with the conditions to which the licence, if granted, would be subject; and
- (e) the granting of the licence to the applicant would not, for any other reason, be contrary to the interests of the industry.

(2) The regulations may prescribe the matters to which AMLC is to have regard for the purpose of satisfying itself as to the matters referred to in paragraphs (1)(a), (b), (c), (d) and (e).

Notice of refusal to grant licence

64. If AMLC refuses to grant an application for an export licence, it must give written notice to the applicant telling the applicant of the refusal.

Review of refusal to grant licence

65.(1) Applications may be made to the Administrative Appeals Tribunal for review of decisions of AMLC refusing applications for export licences.

(2) If an application for an export licence has not been determined within 2 months after the making of the application, AMLC is taken, for the purposes of subsection (1), to have refused the application.

Licence subject to prescribed conditions

66.(1) An export licence is subject to any conditions that are prescribed by the regulations.

(2) The conditions that may be so prescribed are not limited by the conditions to which an export licence is subject under sections 67 and 68.

Licence subject to condition that holder inform AMLC of certain events

67. An export licence is subject to a condition that, if a prescribed event or circumstance happens, the holder of the licence will, within the prescribed time after the happening of the event or circumstance, give AMLC written particulars of the event or circumstance.

Licence also subject to compliance with orders and directions under this section

68.(1) AMLC:

- (a) may make written orders, not inconsistent with the regulations, to be complied with by the holders of export licences; and
- (b) may give written directions, not inconsistent with the regulations, to be complied with by the holder of an export licence.

(2) Without limiting subsection (1), orders made and directions given under this section may make provision with respect to any matter relating to, or incidental to, the following:

- (a) the quality, standard and grading of meat and live-stock;
- (b) the purchase of meat and live-stock;
- (c) the terms and conditions of the sale of meat and live-stock, including terms and conditions relating to price;
- (d) the carriage, handling and storage of meat and live-stock;
- (e) the sale and distribution of meat and live-stock after export;
- (f) the keeping of records;
- (g) the measures to be taken to ensure compliance with orders made under this section or section 69 or directions given under this section.

(3) Without limiting subsection (1), orders made and directions given under this section:

- (a) may prohibit (either absolutely or unless particular conditions are complied with) the export, or sale for export, of meat or live-stock by reference to any one or more of the following matters:
 - (i) quantity;
 - (ii) quality, standard, grade or class;
 - (iii) the countries or places to which the meat or live-stock, as the case may be, is not to be exported;

- (iv) the persons to whom, or the authorities or organisations to which, the meat or live-stock, as the case may be, is not to be exported or sold for export;
 - (v) any other matter that AMLC thinks appropriate; and
- (b) may require the holder of an export licence to do any one or more of the following:
- (i) obtain the prior approval of AMLC for each export, or each export of a particular kind, to be made by the holder of the licence;
 - (ii) make declarations to AMLC, including declarations with respect to meat or live-stock that have been exported, or are proposed to be exported, from Australia;
 - (iii) give information, send returns or produce documents to AMLC, including information, returns or documents with respect to sales, or orders for the supply, of meat or live-stock.
- (4) If a direction given under this section is inconsistent with an order made under this section or section 69, the direction prevails and the order, to the extent of the inconsistency, does not have any effect.
- (5) An export licence is subject to the condition that the holder of the licence must comply with:
- (a) orders made under this section; and
 - (b) any directions given from time to time to the holder under this section.

Restriction of persons who may export to certain markets

69.(1) If AMLC is satisfied that:

- (a) a person, authority or organisation is, because of the purchase of all, or substantially all, of the meat or live-stock, or of the meat or live-stock of a particular quality, standard, grade or class, exported to a country or place outside Australia or for any other reason, in a position to set the prices paid for all, or substantially all, of the meat or live-stock, or of the meat or live-stock of the particular quality, standard, grade or class, as the case may be, exported from Australia to that country or place; and
- (b) it is necessary or desirable, for the purpose of ensuring that Australian live-stock producers receive a fair return in respect of meat or live-stock, or meat or live-stock of the particular quality, standard, grade or class, exported from Australia to that country or place, for AMLC to exercise the powers conferred on it by this section;

subsections (2) and (3) apply.

(2) AMLC may make any orders (not inconsistent with the regulations) with respect to the export of meat or live-stock, or of meat or live-stock of the particular quality, standard, grade or class, as the case may be, from Australia to that country or place that it considers necessary or desirable for that purpose.

(3) Without limiting subsection (2), orders under that subsection may prohibit (either absolutely or unless particular conditions are complied with) the export, or sale for export, of meat or live-stock, or of meat or live-stock of the particular quality, standard, grade or class, as the case may be, from Australia to that country or place by any person other than a particular holder of an export licence or particular holders of export licences.

(4) Even if the circumstances for the exercise of AMLC's powers under subsections (2) and (3) have not arisen, AMLC may exercise those powers if it is satisfied, having regard to policies formulated by the Council, that the exercise of the powers:

- (a) would be beneficial for the development, or the further development, in a country or place outside Australia, of a market for meat or live-stock, or of a market for meat or live-stock of any quality, standard, grade or class; and
- (b) would be in the best commercial interests of the industry.

(5) An export licence is subject to the condition that the holder of the licence must comply with orders made under this section.

Orders by AMLC

70. Orders made under section 68 or 69 are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Directions by AMLC

71.(1) If a notice setting out the terms of directions given under section 68 to the holder of an export licence is given personally to, is served by post on, or is sent by telegraph, telex, facsimile service or a similar means of communication to, the holder of the licence, the directions are taken, for the purposes of paragraph 68(5)(b) to have been given to the holder of the licence.

(2) Applications may be made to the Administrative Appeals Tribunal for review of directions given by AMLC under section 68.

Duration of licence

72. An export licence:

- (a) comes into force on the date stated in the licence or, if no date is stated, the date on which it is granted; and

- (b) subject to this Subdivision, remains in force for the period (which must be at least one year) that is stated in the licence, but may be renewed under section 73.

Renewal of licence

73.(1) The holder of an export licence may, not earlier than 3 months and not later than one month before the licence is due to expire, apply to AMLC for the renewal of the licence.

(2) AMLC may extend the period within which an application for the renewal of an export licence may be made, whether or not the period has ended or the licence has expired.

(3) An application for the renewal of an export licence must be made in accordance with the regulations.

(4) An applicant for renewal of an export licence must, at the time of lodgment of the application under this section or at any later time that is permitted under the regulations, pay the prescribed fee in respect of the application.

(5) If the holder of an export licence duly applies to AMLC for the renewal of the licence, AMLC, unless it has determined under paragraph 75(1)(d) that the licence not be renewed, must, by writing, renew the licence.

(6) Subject to this Subdivision, an export licence that has been renewed continues in force for the period (which must be at least one year) that is stated in the document by which the licence was renewed, but may be further renewed under this section.

(7) A renewal of an export licence does not take effect if the licence is cancelled under paragraph 75(1)(c) on or before the date on which it would, apart from the renewal, expire.

(8) If an export licence has been suspended under section 74 or subsection 75(1), this section applies in relation to the licence as if the licence had not been suspended, but the renewal of the licence does not take effect until the licence ceases to be suspended.

(9) Application may be made to the Administrative Appeals Tribunal for review of decisions of AMLC made under subsection (2).

Notice to licence holder to show cause

74.(1) If AMLC has reasonable grounds for believing, in relation to an export licence, that:

- (a) if the licence is held by an individual, the holder of the licence has ceased to be:
 - (i) a person of integrity; or

- (ii) competent to hold such a licence; or
 - (iii) a person of sound financial standing; or
- (b) if the licence is held by a body corporate, the holder of the licence has ceased to be:
 - (i) a body corporate of integrity; or
 - (ii) competent to hold such a licence; or
 - (iii) a body corporate of sound financial standing; or
- (c) a person who has begun to participate in the management or control of the meat or live-stock export business, as the case may be, of the holder of the licence is not a person of integrity; or
- (d) a person who participates in the management or control of the meat or live-stock export business, as the case may be, of the holder of the licence has ceased to be a person of integrity; or
- (e) information or a document given to AMLC in connection with the application for the licence was false or misleading and, if the information or document had not been false or misleading, the licence would not have been granted; or
- (f) the holder of the licence failed to comply with subsection 62(3) in relation to the application for the licence and, if the failure had not occurred, the licence would not have been granted; or
- (g) the holder of the licence has contravened a condition to which the licence is subject;

AMLC may give a written notice under this section to the holder of the licence.

(2) The regulations may prescribe the matters to which AMLC is to have regard in determining whether a circumstance referred to in paragraph (1)(a), (b), (c) or (d) has occurred.

- (3) A notice under this section to the holder of an export licence must:
- (a) state the grounds on which AMLC formed the belief because of which the notice is given; and
 - (b) include a statement to the effect that, if the holder of the licence wishes, the holder may, within 14 days after the day on which the notice is given to the holder, give AMLC a written statement showing cause why the licence should not be dealt with under subsection 75(1).

(4) A notice under this section to the holder of an export licence may, if it appears to AMLC to be necessary or desirable, in the interests of the industry, to suspend the licence under this section, state that the licence is suspended.

(5) If a notice under this section to the holder of an export licence states that the licence is suspended, the licence is suspended from the time when the notice is given to the holder of the licence.

(6) If an export licence is suspended under this section:

- (a) AMLC may at any time revoke the suspension; and
- (b) if the licence has not been dealt with under subsection 75(1) within 60 days after the day on which the licence is suspended—the suspension lapses at the end of that period.

(7) Applications may be made to the Administrative Appeals Tribunal for review of decisions of AMLC to suspend export licences under this section.

Powers of AMLC in relation to licence

75.(1) If AMLC:

- (a) has given a notice under section 74 to the holder of an export licence; and
- (b) is satisfied in relation to the licence, after considering any statement given under subsection 74(3) by the holder of the licence in relation to the notice, as to any of the matters mentioned in paragraphs 74(1)(a) to (g);

AMLC may, by written notice given to the holder of the licence:

- (c) cancel the licence; or
- (d) if the licence is about to expire—determine that the licence not be renewed; or
- (e) if the licence is not already suspended—suspend the licence for a period stated in the notice given under this subsection; or
- (f) if the licence is already suspended—further suspend the licence for a period stated in the notice given under this subsection; or
- (g) reprimand the holder of the licence.

(2) If AMLC:

- (a) has given a notice under section 74 to the holder of an export licence; and
- (b) decides not to take any further action in the matter;

it must, by written notice given to the holder of the licence, tell the holder of the decision, and, if the licence is suspended under that section, revoke the suspension.

(3) The period for which AMLC may suspend or further suspend an export licence under subsection (1) may be a period ending after the day on which the licence, if not renewed, would expire.

(4) Applications may be made to the Administrative Appeals Tribunal for review of decisions of AMLC under subsection (1).

Cancellation of licence at request of holder

76. AMLC must cancel an export licence if the holder of the licence requests it, in writing, to do so.

Statement to be included in certain notices

77.(1) A notice given under section 64, referred to in subsection 71(1) or 74(5) or given under subsection 75(1) must include:

- (a) a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of any person or persons whose interests are affected by the decision; and
- (b) except if subsection 28(4) of that Act applies, a statement to the effect that such a person may request a statement under section 28 of that Act.

(2) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Subdivision C—Export quotas

Definitions

78. Expressions used in this Subdivision have the same meanings as in subsection 3(1) of the *Australian Meat and Live-stock (Quotas) Act 1990*.

Orders establishing a system or systems of quotas

79. Without limiting sections 68 and 69, orders under those sections may provide for the establishment and administration of a system of quotas, including provision for or in relation to:

- (a) the body (which may be the AMLC) that is to administer a system of quotas; and
- (b) the period for which the quotas are to operate; and
- (c) the method of allocating quotas; and
- (d) the transfer of a quota or a part of a quota; and
- (e) the surrender or cancellation of a quota or part of a quota.

Quotas to be in accordance with policy of Council

80. A system of granting and administering quotas that is established by orders as mentioned in section 79 must be in accordance with policies formulated by the Council.

Variation of quotas

81. AMLC may at any time, by written notice given to the holder of a quota, vary any or all of the following:

- (a) the period of validity of the quota;
- (b) the quantity or description of goods covered by the quota;
- (c) the condition or conditions of the quota.

Reimbursement for reduction of rights under quota

82. If:

- (a) a quota was granted to the holder of the quota by sale; and
 - (b) the quota is varied so as to reduce the rights granted by the quota;
- the AMLC must repay to the holder a proportionate amount of the sale price.

Review of decisions

83. Application may be made to the Administrative Appeals Tribunal for review of a decision of the AMLC to:

- (a) fix the period of validity of a quota; or
- (b) make a variation of a quota under paragraph 81(a), (b) or (c).

Statements to accompany notices of decisions

84.(1) If a decision of a kind referred to in section 83 is made and a written notice of the decision is given to a person whose interests are affected by the decision, the notice must include:

- (a) a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and
- (b) except if subsection 28(4) of that Act applies, a statement to the effect that the person may request a statement under section 28 of that Act.

(2) A failure to comply with subsection (1) does not affect the validity of the decision.

Licensees to comply with quota system

85. An export licence is subject to the condition that the holder must comply with subsection 5(2) of the *Australian Meat and Live-stock (Quotas) Act 1990*.

Council's policies on quotas to be made available on request

86. AMLC must, if requested by an exporter, make available to the exporter full particulars of the policies formulated by the Council in relation to quotas.

Concurrent operation of the Australian Meat and Live-stock (Quotas) Act, this Subdivision and Subdivision B

87. The *Australian Meat and Live-stock (Quotas) Act 1990* and this Subdivision are in addition to, and not in substitution for, any provision of Subdivision B.

Subdivision D—Registers

AMLC to keep certain registers

88.(1) AMLC must keep, in a manner stated in the regulations:

- (a) a register of producers of live-stock, other than cattle; and
- (b) a register of producers of cattle; and
- (c) a register of exporters of meat or live-stock and processors of meat.

(2) The regulations may state:

- (a) the classes of persons involved in the production of live-stock, other than cattle, who are entitled to have their names entered on the register referred to in paragraph (1)(a); and
- (b) the classes of persons involved in the production of cattle who are entitled to have their names entered on the register referred to in paragraph (1)(b); and
- (c) the classes of persons involved in the export of meat or live-stock, or in the processing of meat, who are entitled to have their names entered on the register referred to in paragraph (1)(c);

and the circumstances in which persons whose names are entered on such a register cease to be entitled to have their names so entered.

(3) The regulations may provide for the closure of a register for the purposes of a conference of the industry or a general meeting.

Applications for registration

89.(1) A person may, by application in writing, request AMLC to enter the person's name on a register.

(2) The application must be accompanied by the prescribed documentary evidence of the person's entitlement to have the person's name entered on the register.

Registration

90.(1) AMLC must, after considering the application and any accompanying documentary evidence:

- (a) if it is satisfied that the person is entitled to have the person's name entered on the register—enter that name, and the prescribed particulars of the person, on the register; or
- (b) otherwise—refuse to enter the person's name and other particulars on the register.

(2) AMLC must give the person written notice of its decision on the application.

(3) If:

- (a) an application by a person to have the person's name entered on a register is received by AMLC on or before the day of closure of the register for the purposes of a conference of the industry or a general meeting; and
 - (b) after the day of closure of the register, AMLC:
 - (i) becomes satisfied that the person is entitled to have the person's name entered on the register; and
 - (ii) under subsection (1) enters the person's name and the prescribed particulars of the person on the register;
- the entry by AMLC of the person's name and those particulars on the register is taken to have been made on the day of closure of the register.
- (4) The fact that a person's name is entered on one register does not prevent the entry of the person's name on any of the other registers.

Returns

91.(1) AMLC may, at the prescribed times, by written notice given to a person whose name is entered on a register, require the person to send to AMLC a return setting out:

- (a) any prescribed information relevant to establishing that the person has not ceased to be entitled to have the person's name entered on the register; and
 - (b) if the person's name is entered on the register referred to in paragraph 88(1)(a)—any prescribed information in respect of live-stock, other than cattle, owned by the person on the date or dates to which the return relates; and
 - (c) if the person's name is entered on the register referred to in paragraph 88(1)(b)—any prescribed information in respect of cattle owned by the person on the date or dates to which the return relates.
- (2) A notice given under subsection (1) must require a return to which it relates to be sent to AMLC within the period stated in the notice.
- (3) If the return is not received by AMLC within that period, or, if sent within that period, does not contain any of the information that is required as mentioned in paragraph (1)(a) to be included in the return, AMLC may proceed under section 92 to give the person to whom the notice was given a notice of the kind referred to in subsection 92(1).
- (4) If a notice is given under subsection (1) to a person whose name is entered on the register referred to in paragraph 88(1)(a) and the person's return is not sent to AMLC within the period stated in the notice, or, if sent within that period, does not contain any of the information that is required as mentioned in paragraph (1)(b) of this section to be included in the return, AMLC may record in the register that no live-stock, other than cattle, were owned by the person on the date or dates to which the return relates.

(5) If a notice is given under subsection (1) to a person whose name is entered on the register referred to in paragraph 88(1)(b) and the person's return is not sent to AMLC within the period stated in the notice, or, if sent within that period, does not contain any of the information that is required as mentioned in paragraph (1)(c) of this section to be included in the return, AMLC may record in the register that no cattle were owned by the person on the date or dates to which the return relates.

(6) The fact that AMLC takes action under subsection (3), (4) or (5) in respect of the failure of a person whose name is entered on the register referred to in paragraph 88(1)(a) or (b) to send a return, or in respect of the failure of such a person to send a return containing any information that is required to be included in the return, does not imply that AMLC may not take action under another of those subsections in respect of the same failure.

Alteration of registers

92.(1) If, at any time, AMLC has reason to believe that a person has ceased to be entitled to have the person's name entered on a register, it must, by written notice given to the person, tell the person that it proposes to remove the entry of the person's name from the register unless there is given to it, within the period stated in the notice, adequate reason why the entry should not be so removed.

(2) If AMLC has, under subsection (1), given a notice to a person whose name is entered on a register and:

- (a) reasons why the entry in relation to the person should not be removed from the register are not given to AMLC within the period stated in the notice; or
- (b) reasons are so given but AMLC remains of the view that the person has ceased to be entitled to have the entry included on the register;

AMLC must remove the entry in relation to the person from the register and, by written notice given to the person, tell the person that the entry has been so removed.

The Council and MRC to be notified of cost of keeping registers

93.(1) AMLC must, as soon as practicable after 30 June 1995 and each following 30 June, work out the amount of expenditure incurred by it in the period of 12 months that ended on the 30 June concerned for the purpose of keeping the registers established under section 88.

(2) When AMLC has calculated an amount under subsection (1) in relation to a period of 12 months, it must:

- (a) if the period ended on 30 June 1995—give to MRC; or
- (b) if the period ends on 30 June 1996 or 30 June in a later year—give to the Council and to MRC;

a written notice stating the amount of expenditure so incurred by AMLC in that period and providing particulars of the various matters in respect of which the expenditure was incurred.

AMLC to permit access to registers

94. AMLC must permit the Council and the MRC to have any access to the registers that is necessary to enable the holding of a conference of the industry or a general meeting.

Review of certain decisions concerning registers

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

- (a) a decision of AMLC under subsection 90(1) to refuse to enter the name and other particulars of a person on a register; and
- (b) a decision of AMLC under subsection 92(2) to remove the name and other particulars of a person from a register.

(2) If a decision of a kind referred to in subsection (1) is made and a written notice of the decision is given to a person whose interests are affected by the decision, the notice must include:

- (a) a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and
- (b) except if subsection 28(4) of that Act applies, a statement to the effect that the person may request a statement under section 28 of that Act.

(3) A failure to comply with subsection (2) does not affect the validity of the decision.

Division 3—Corporate and operational plans

First corporate plan

96. As soon as practicable after the commencement of this Act, AMLC must prepare a corporate plan for the period beginning on 1 July 1995 and ending on 30 June 1998.

Later corporate plans

97. In each calendar year beginning on or after 1 January 1996, AMLC must prepare a corporate plan for the period of 3 years beginning on 1 July in that year.

Consultation in relation to corporate plan

98. In preparing a corporate plan, AMLC must consult each eligible industry body.

Agreement of the Council to be obtained to corporate plans

99.(1) As soon as practicable after a corporate plan has been prepared, AMLC must seek the agreement of the Council to the plan.

- (2)** AMLC must give a corporate plan to the Minister:
- (a)** if the plan is the first corporate plan—as soon as practicable after the plan has been agreed between the Council and AMLC; or
- (b)** otherwise—after the plan has been agreed between the Council and AMLC and not later than 1 April in the calendar year in which the plan is prepared.

Content of corporate plans

100.(1) A corporate plan must:

- (a)** define AMLC's principal objectives for the period to which the plan relates; and
- (b)** contain an assessment of the market and economic outlook for the industry during that period; and
- (c)** outline the strategies and policies that AMLC proposes to pursue to achieve its objectives; and
- (d)** set out performance indicators by reference to which an assessment may be made of the extent to which AMLC is achieving its objectives; and
- (e)** include AMLC's equal employment opportunity program; and
- (f)** include any other matters required by the regulations.

(2) A corporate plan must be consistent with the strategies, as outlined in the Council's corporate plan, that the Council proposes to pursue to achieve its vision for the industry.

Approval of corporate plans

101.(1) The Minister may give AMLC a written notice:

- (a)** approving a corporate plan (including a corporate plan that has been revised under this section); or
- (b)** if the Minister thinks that the interests of the industry require that the plan be revised in some respects, requesting AMLC to revise the plan accordingly.

(2) A notice requesting revision of a plan must set out the reasons for the request.

(3) AMLC must:

- (a)** consider a request for revision of a plan and reasons for the request; and
- (b)** make any revision of the plan that it considers appropriate; and

- (c) seek the agreement of the Council to the revision; and
- (d) after the revision has been agreed between the Council and AMLC, give the revised plan to the Minister for approval.

When corporate plan comes into force

102.(1) A corporate plan comes into force when it is approved by the Minister.

(2) A corporate plan supersedes any previous corporate plans in relation to the period to which the first-mentioned plan applies.

Variation of corporate plans

103.(1) AMLC may vary a corporate plan if, and only if, the Minister approves the variation.

(2) A variation of a corporate plan comes into force when it is approved by the Minister.

Variation at instance of AMLC

104.(1) If AMLC wishes to vary a corporate plan, it must:

- (a) prepare a written proposal for the variation; and
- (b) seek the agreement of the Council to the proposal; and
- (c) as soon as practicable after the proposal has been agreed to between the Council and the AMLC, give the Minister:
 - (i) a copy of the proposal; and
 - (ii) a statement of AMLC's reasons for the proposal.

(2) After considering a proposal and the reasons for a proposal, the Minister may, in writing, approve the proposed variation or refuse to approve it.

Variation at Minister's request

105.(1) The Minister may give AMLC a written request that it vary a corporate plan in the manner set out in the request.

- (2) A request must include a statement of the reasons for the request.
- (3) AMLC must consider the request and, if it wishes to vary the plan:
 - (a) prepare a written proposal for any variations of the plan that AMLC thinks appropriate; and
 - (b) seek the agreement of the Council to the proposal; and
 - (c) as soon as practicable after the proposal has been agreed to between the Council and the AMLC, give the proposal to the Minister.
- (4) The Minister may, in writing, approve the proposal or refuse to approve it.

Operational plans

106.(1) AMLC must prepare operational plans and give the Minister a copy of each plan.

(2) The first plan is to relate to the financial year ending on 30 June 1996.

(3) Each plan after the first is to relate to the financial year immediately following the period to which the previous plan related.

(4) An operational plan must set out particulars of the action AMLC proposes to take during the relevant financial year to further the objectives set out in the corporate plan.

(5) An operational plan must be consistent with the corporate plan.

(6) AMLC must give the first operational plan to the Minister as soon as practicable after the commencement of this Act.

(7) AMLC must give the operational plan for each later financial year to the Minister no later than 1 June immediately before the financial year to which the plan relates.

Variation of operational plans

107.(1) Subject to subsection 106(5), AMLC may at any time during a financial year vary the operational plan that relates to that year.

(2) AMLC must give a copy of the variation to the Minister as soon as practicable after it has been made.

Compliance with corporate and operational plans

108. So far as practicable, AMLC must perform its functions, and exercise its powers, in a manner that is consistent with, and so as to give effect to, its corporate plan and the relevant operational plan.

Division 4—Constitution and meetings of AMLC

Composition of AMLC

109.(1) AMLC is to consist of the following members:

- (a) a Chairperson;
- (b) the Managing Director;
- (c) a Government member;
- (d) 4 other members.

(2) The members referred to in paragraph (1)(d) must be people who have qualifications relevant to, or experience in, one or more of the following fields:

- (a) live-stock production;
- (b) the processing and export of meat;

- (c) business management;
- (d) finance and industrial relations;
- (e) the promotion of products;
- (f) the international marketing of products.

(3) The members, other than the Managing Director, are to be appointed by the Minister in writing.

(4) The members, other than the Managing Director, are to be part-time members.

(5) The members referred to in paragraph (1)(d), other than the first such members to be appointed, must be appointed from people nominated by a selection committee.

(6) In making appointments of members referred to in paragraph (1)(d), the Minister must ensure that all the members collectively possess qualifications and experience in all the fields referred to in subsection (2).

(7) The following people may not be appointed as members:

- (a) a member of the Parliament of the Commonwealth or of a State or of the legislature of a Territory;
- (b) an individual who is the president or chairperson of a prescribed organisation.

(8) An organisation may only be prescribed for the purposes of paragraph (7)(b) if it represents a sector of the meat and live-stock industry.

(9) The appointment of a member is not invalid because of a defect or irregularity in or in connection with the member's nomination or appointment.

(10) An appointed non-government member holds office, in respect of matters not provided for by this Part, on any terms and conditions that are determined in writing by the Minister.

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

Term of office

110.(1) An appointed non-government member holds office, subject to this Part, for the period (not exceeding 3 years) that is stated in the document of appointment, but is eligible for re-appointment.

(2) A person may not hold office, or continue to hold office, as an appointed non-government member for a period if he or she has been a member for consecutive periods (including periods before the commencement of this Act) that together are equal to or more than 6 years.

(3) The reference in subsection (2) to a period during which a person held office as an appointed non-government member before the commencement of this Act is a reference to a period during which the person

held office as a member of the Australian Meat and Live-stock Corporation referred to in paragraph 18(1)(a) or (d) of the *Australian Meat and Live-stock Corporation Act 1977*.

(4) The Government member holds office, subject to this Part, until the Minister, by written notice given to the member, ends the member's appointment.

Deputy of Chairperson

111.(1) The Minister may, in writing, appoint a member referred to in paragraph 109(1)(d) to be the deputy of the Chairperson.

(2) A person so appointed holds office as deputy of the Chairperson until the Minister ends the appointment or the person ceases to be a member, whichever first happens.

(3) A member may resign an appointment as deputy of the Chairperson by giving the Minister a signed notice of resignation.

(4) The deputy of the Chairperson has the powers, and must perform the functions, of the Chairperson:

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

(5) Anything done by or in relation to a person purporting to act under subsection (4) is not ineffective on the ground that:

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

Disclosure of interests

112.(1) A member who has a direct or indirect financial interest in a matter being considered or about to be considered at a meeting must, as soon as possible after becoming aware of the relevant facts, disclose the nature of the interest at a meeting.

(2) The disclosure is to be recorded in the minutes of the meeting.

(3) A member who is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat is not taken to have a financial interest in a matter being considered or about to be considered by AMLC merely because the person is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat, as the case may be.

Leave of absence

113.(1) The Minister may grant leave of absence to the Chairperson on any terms and conditions that the Minister determines.

(2) The Chairperson may grant leave of absence to any other member on any terms and conditions that the Chairperson determines.

Resignation

114. A member other than the Managing Director may resign his or her appointment by giving the Minister a signed notice of resignation, but is eligible for re-appointment.

Ending of appointment

115.(1) The Minister may end the appointment of an appointed non-government member for misbehaviour or for physical or mental incapacity.

(2) The Minister may at any time end the appointment of the Government member.

(3) If a member other than the Managing Director:

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

(b) is absent, except on leave of absence granted under section 113, from 3 consecutive meetings; or

(c) fails, without reasonable excuse, to comply with an obligation imposed on him or her by section 112;

the Minister must end the member's appointment.

Meetings

116.(1) Subject to subsection (2), meetings are to be held at the times and places that AMLC determines.

(2) The Chairperson may, and at the request of 3 or more members must, convene a meeting.

(3) At a meeting, 4 members form a quorum.

(4) The Chairperson is to preside at all meetings at which he or she is present.

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

(6) If neither the Chairperson nor the deputy of the Chairperson is present at a meeting, the members present must appoint one of them to preside at the meeting.

(7) A question arising at a meeting is to be determined by a majority of the votes of the members present and voting.

(8) A member presiding at a meeting has a deliberative vote and, if the votes in favour of, and against, a motion are equal, also has a casting vote.

(9) AMLC must keep a record of the proceedings at a meeting.

(10) Subject to this section, AMLC may regulate proceedings at its meetings as it considers appropriate.

Note: Under section 33B of the Acts Interpretation Act, AMLC may permit its members to participate in a meeting by means of telephone, closed-circuit television or any other means of communication.

Resolutions without meetings

117. If AMLC so determines, a resolution is taken to have been passed at a meeting if, without meeting, at least 4 members show their agreement with the resolution in accordance with a method determined by AMLC.

Motions of no confidence

118.(1) If a motion of no confidence in the Chairperson is passed at a general meeting, the Minister must:

- (a) as soon as possible after the end of the meeting, end the Chairperson's appointment by written notice given to the Chairperson; and
- (b) within 2 months after the date of the meeting, appoint, under section 109, another person to be Chairperson.

(2) If a motion of no confidence in AMLC is passed at an annual general meeting, the following provisions of this section have effect.

(3) AMLC, as constituted at the time of the meeting, may not perform any of its functions or exercise any of its powers.

(4) The Minister must, as soon as practicable, end the appointment of each of the members appointed by the Minister.

Note: Subsection 122(1) provides that the Managing Director ceases to be a member but continues to hold office as Managing Director.

(5) Any delegation from AMLC to a member that is in force on the day on which the appointment of each of the members was ended under subsection (4) is taken to have been revoked on that day.

(6) The Minister must, within a period of 2 months, appoint a person, under section 109, to be the Chairperson.

(7) Until a time when there are at least 4 members, the Chairperson may perform all the functions of AMLC and exercise all its powers, except the power to appoint, or end the appointment of, the Managing Director.

(8) A person whose appointment as a member was ended under subsection (4) is not precluded from being again appointed as a member.

Division 5—Staff

Managing Director

119.(1) There is to be a Managing Director of AMLC.

(2) The Managing Director is to be appointed by AMLC.

(3) AMLC:

(a) may determine, subject to the Minister's approval, the terms and conditions of service of the Managing Director in respect of matters not provided for by this Part, including terms and conditions relating to remuneration and allowances; and

(b) may at any time end the appointment of the Managing Director.

(4) If the Managing Director:

(a) engages in paid employment outside the duties of his or her office without the approval of AMLC; or

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

(c) 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;

AMLC must end his or her appointment.

(5) The office of Managing Director is not a public office for the purposes of the *Remuneration Tribunal Act 1973*.

Acting Managing Director

120.(1) AMLC may, by resolution, appoint a person to act as Managing Director:

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

(b) during any period, or during all periods, when the Managing Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Managing Director.

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

(a) the occasion for the person's appointment had not arisen; or

(b) there is a defect or irregularity in or in connection with the person's appointment; or

- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Management of affairs of AMLC

121.(1) The affairs of AMLC are, to the extent determined by AMLC, to be managed by the Managing Director.

(2) In managing the affairs of AMLC, the Managing Director must act in accordance with the policy and directions of AMLC.

Effect on Managing Director of motion of no confidence in AMLC

122.(1) On the day on which the appointments of the members other than the Managing Director are ended under subsection 118(4), the person holding the office of Managing Director ceases to be a member of AMLC but, subject to subsections 119(3) and (4), is entitled to continue as Managing Director.

(2) If:

- (a) AMLC is reconstituted under section 109 following the passage at an annual general meeting of a motion of no confidence in AMLC; and
- (b) at the time AMLC is so reconstituted, a person holds the office of Managing Director; and
- (c) the person was appointed before the motion of no confidence was passed;

AMLC must, as soon as practicable after it is so reconstituted, by writing under its common seal, either endorse the appointment of the person as Managing Director or end the appointment.

(3) If AMLC, as reconstituted under section 109, endorses the appointment of a person as Managing Director, the person thereupon becomes, by that endorsement, a member of AMLC.

(4) If the Chairperson, in the exercise of powers under subsection 118(7), delegates a power to the Managing Director, that delegation is taken to be revoked on the day on which AMLC is reconstituted under section 109.

Officers and employees

123.(1) AMLC may appoint any officers and engage any employees that it thinks necessary for the purposes of this Part.

(2) Subject to subsection (3), the terms and conditions of service or employment of people appointed or engaged under this section are those determined by AMLC.

(3) Except with the Minister's approval, a person may not be appointed or engaged under this section on terms and conditions more favourable than those applying to the Managing Director.

AMLC to develop and carry out equal employment opportunity program

124.(1) AMLC must develop and carry out an equal employment opportunity program.

(2) AMLC must take whatever action is necessary to give effect to its equal employment opportunity program, and any person who exercises powers in relation to employment matters in AMLC must have regard to the program in exercising those powers.

(3) This section does not require the taking of action that is incompatible with the principle that employment matters should be dealt with on the basis of merit.

Division 6—Finance**Payments to AMLC**

125.(1) There is to be paid to AMLC out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to:

- (a) the amounts of levy received by the Commonwealth because of paragraphs 6A(b), 6B(b) and 6D(b) of the *Live-stock Slaughter Levy Act 1964*; and
- (b) the amounts of charge received by the Commonwealth because of paragraphs 8(b), 9(b) and 11(b) of the *Live-stock Export Charge Act 1977*; and
- (c) the amounts of levy received by the Commonwealth because of paragraph 6(1)(b) of the *Beef Production Levy Act 1990*; and
- (d) the amounts of charge received by the Commonwealth because of paragraphs 6(1)(a), 6(1A)(b) and 6A(1)(b), (2)(b) and (3)(b) of the *Cattle Export Charges Act 1990*; and
- (e) the amounts of levy received by the Commonwealth because of paragraphs 5(1)(b) and (2)(b) of the *Cattle Transaction Levy Act 1995*;

in respect of transactions or dealings that take place after the commencement of this Act.

(2) A reference in paragraph (1)(a) to amounts of levy received by the Commonwealth includes a reference to amounts received from the proprietor of an abattoir under subsection 7(2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

(3) A reference in paragraph (1)(b) to amounts of charge received by the Commonwealth includes a reference to amounts payable by way of penalty under section 15 of the *Primary Industries Levies and Charges Collection Act 1991* in relation to amounts of charge referred to in that paragraph.

(4) A reference in paragraph (1)(c) to amounts of levy received by the Commonwealth includes a reference to amounts received from a processor under subsection 7(1) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

(5) A reference in paragraph (1)(d) to amounts of charge received by the Commonwealth includes a reference to amounts payable by way of penalty under section 15 of the *Primary Industries Levies and Charges Collection Act 1991* in relation to amounts of charge referred to in that paragraph.

(6) A reference in paragraph (1)(e) to amounts of levy received by the Commonwealth includes a reference to amounts received from a selling agent, a processor or a feedlot operator under subsection 7(1) or (2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

Application of money of AMLC

126.(1) Subject to subsection (2), the money of AMLC may be applied only:

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by AMLC in or in connection with the performance of its functions or the exercise of its powers; and
- (b) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
 - (i) the collection or recovery of amounts referred to in paragraph 125(1)(a), (b), (c), (d) or (e); or
 - (ii) the administration of section 125; and
- (c) in payment of any remuneration or allowances, or reimbursement of expenses, payable to members or members of committees; and
- (d) in making, whether in Australia or elsewhere, a loan of money, if AMLC is satisfied that such a loan is consistent with the objects of this Part; and
- (e) in satisfaction or payment of any liabilities, costs, charges or expenses incurred by AMLC before the commencement of this Act but not satisfied or paid before that commencement; and
- (f) in making any other payments that AMLC is authorised or required to make under this Part.

(2) Money received from the sale of quotas under the *Australian Meat and Live-stock (Quotas) Act 1990* must be applied in accordance with the policies formulated by the Council.

Borrowing etc.

127.(1) Subject to subsection (2), AMLC may borrow money.

(2) Except with the written approval of the Treasurer, AMLC may not borrow money if the total amount previously borrowed (whether before or after the commencement of this Act) by AMLC without the approval of the Treasurer, or that amount together with the amount that AMLC proposes to borrow, exceeds \$5,000,000.

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

(4) A borrowing under an approval must be on terms and conditions stated in, or consistent with, the approval.

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

(6) AMLC may give security over the whole or any part of its assets for the repayment of money borrowed under this section and the payment of money (including interest) that AMLC is liable to pay in respect of such a borrowing.

(7) AMLC may not borrow except under this section.

(8) A reference in this section to the borrowing of money includes a reference to the borrowing or raising of money by dealing with securities.

(9) The reference in subsection (8) to dealing with securities includes a reference to:

- (a) creating, executing, entering into, drawing, making, accepting, indorsing, issuing, discounting, selling, purchasing or reselling securities; and
- (b) creating, selling, purchasing or reselling rights or options in respect of securities; and
- (c) entering into agreements or other arrangements relating to securities.

Protection of Commonwealth against debts of AMLC

128. The Commonwealth is not liable for any debt arising from a contractual obligation undertaken by AMLC.

Hedging through currency contracts etc.

129.(1) In this section:

“currency contract” means:

- (a) a forward exchange rate contract; or
- (b) a contract with respect to currency futures;

“futures contract” means:

- (a) a deferred delivery contract; or
 - (b) a contract with respect to financial futures; or
 - (c) a contract with respect to commodity futures.
- (2) This section applies to the following contracts:
- (a) currency contracts;
 - (b) interest rate contracts;
 - (c) futures contracts;
 - (d) contracts relating to:
 - (i) dealings known as currency swaps; or
 - (ii) dealings known as interest rate swaps; or
 - (iii) dealings known as commodity swaps;
 - (e) contracts relating to 2 or more of the dealings referred to in paragraph (d);
 - (f) options (including futures options);
 - (g) contracts of a kind approved by the Minister in writing.
- (3) Subject to subsection (6) and subsection 55(5), AMLC may enter into and deal with contracts for hedging purposes in relation to:
- (a) a borrowing or raising, or a proposed borrowing or raising, of money by AMLC; or
 - (b) an investment of money by AMLC; or
 - (c) the making by AMLC of a payment outside Australia in relation to the promotion of the consumption of meat; or
 - (d) a transaction in foreign currency.
- (4) The Minister may determine written guidelines for the exercise by AMLC of its powers under subsection (3) and must give AMLC a copy of each determination made.
- (5) Without limiting subsection (4), the guidelines may provide that:
- (a) AMLC is not to enter into or deal with contracts of a particular kind; or
 - (b) AMLC may enter into or deal with contracts of a particular kind only in particular circumstances.
- (6) AMLC must not enter into or deal with a contract contrary to any guidelines in force under subsection (4).
- (7) A contract is taken to be entered into or dealt with for hedging purposes only if the contract is entered into or dealt with for the purpose of:
- (a) managing the risk of variations in:
 - (i) the costs of a borrowing or raising, or a proposed borrowing or raising, of money by AMLC; or

- (ii) the revenue obtainable by AMLC from an investment; or
 - (iii) the amount of any payment referred to in paragraph (3)(c); or
 - (iv) a payment to or by AMLC in relation to a transaction in foreign currency; or
- (b) maintaining the value of investments made by AMLC.

Accounts and records

130.(1) AMLC must keep accounts and records relating to its transactions and affairs.

(2) The accounts and records must be kept in accordance with the accounting principles generally applied in commercial practice.

(3) AMLC must do everything necessary to ensure that:

- (a) all payments by it are correctly made and properly authorised; and
- (b) adequate control is maintained over the assets of, or in the custody of, AMLC and over the incurring of liabilities by AMLC.

Bank accounts

131.(1) AMLC must always have at least 2 accounts with a bank or banks.

(2) AMLC must pay all money received by it into an account kept under subsection (1).

Investment of money

132. The money of AMLC that is not immediately required for the purposes of AMLC must be invested:

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

Audit

133.(1) The Auditor-General must inspect and audit:

- (a) the accounts and records of financial transactions of AMLC; and
- (b) the records relating to assets of, or in the custody of, AMLC;

and must immediately draw the Minister's attention to any irregularity disclosed by the inspection and audit that in the Auditor-General's opinion is of sufficient importance to justify such action.

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

(3) At least once in each financial year, the Auditor-General must report to the Minister the results of the inspection and audit carried out under subsection (1).

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

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

(6) The Auditor-General or a person authorised by the Auditor-General may require another person to give any information in the other person's possession, or to which the other person has access, that the Auditor-General or authorised person considers necessary for the performance of the Auditor-General's functions under this Part.

(7) A person who intentionally or recklessly contravenes a requirement under subsection (6) is guilty of an offence punishable on conviction by a fine of not more than 10 penalty units.

Commonwealth to be reimbursed for refunds of levy or charge

134. If the Commonwealth pays a refund in respect of an amount of levy or charge referred to in subsection 125(1), AMLC must pay to the Commonwealth an amount equal to the refund.

Division 7—Enforcement

Searches to monitor compliance with Part

135.(1) Subject to this section, to the extent to which it is reasonably necessary to do so for the purpose of finding out whether this Part or the regulations, or the conditions to which export licences are subject, have been complied with, an authorised officer, with any necessary help, may, at any time during ordinary working hours on any day:

- (a) enter any registered premises; or
- (b) enter any vehicle, vessel or aircraft in which the officer has reasonable cause to believe meat or live-stock, or records relating to meat or live-stock, are contained and, if necessary for the purpose, stop and detain it.

(2) An authorised officer who so enters any registered premises or any vehicle, vessel or aircraft may, with any necessary help, do any one or more of the following:

- (a) inspect the premises, vehicle, vessel or aircraft or any thing found there;
- (b) seize any thing found there that may be evidence of the commission of an offence against this Part if the officer believes on reasonable grounds that it is necessary to seize the thing to prevent its concealment, loss or destruction;

- (c) take samples of any thing (including parts of the premises, vehicle, vessel or aircraft) found there;
- (d) take extracts from, and make copies of, any document found there.

(3) An authorised officer may not:

- (a) under paragraph (2)(b)—seize a thing; or
- (b) under paragraph (2)(c)—take samples of a thing;

that appears to the officer to be in a person's possession or custody unless the officer makes out and tenders to the person a receipt, in a form approved by AMLC, for the thing seized or sample taken.

(4) An authorised officer may not exercise any powers under subsection (1) in relation to any registered premises or any vehicle, vessel or aircraft if:

- (a) the occupier (if any) of the premises, vehicle, vessel or aircraft has required the officer to produce his or her identity card for inspection by the occupier; and
- (b) the officer fails to comply with the requirement.

(5) Any thing seized under paragraph (2)(b), or any sample of any thing taken under paragraph (2)(c), is to be dealt with as prescribed.

Offence-related searches and seizures

136.(1) If an authorised officer has reasonable grounds for suspecting that there may be at any premises a particular thing that may be evidence of the commission of an offence against this Part, the officer, with any necessary help, may:

- (a) with the consent of the occupier of the premises; or
- (b) under a warrant issued under section 138;

enter the premises and:

- (c) search the premises for the thing; and
- (d) if the thing is found, take photographs (including video recordings) of the premises or thing, take samples of the thing, seize the thing or undertake more than one of those activities.

(2) If, in the course of searching, under a warrant issued under section 138, for a particular thing in relation to a particular offence, an authorised officer finds a thing that the officer believes, on reasonable grounds, to be:

- (a) a thing that may be evidence of the commission of the offence, although not the thing stated in the warrant; or
- (b) a thing that may be evidence of the commission of another offence against this Part;

and the officer believes, on reasonable grounds, that it is necessary to seize the thing in order to prevent its concealment, loss or destruction, or its use

in committing, continuing or repeating the offence or the other offence, the warrant is taken to authorise the officer to seize the thing.

Release of seized goods

137. AMLC may authorise any meat or live-stock, or any other thing, seized under section 135 or 136 to be released to the owner, or to the person from whose possession it was seized, either unconditionally or on any conditions that AMLC thinks fit, including, in respect of meat or live-stock, conditions as to the giving of security for payment of the value of the meat or live-stock if they are forfeited under section 158.

Offence-related warrants

138.(1) An authorised officer may apply to a magistrate for a warrant under this section in relation to particular premises.

(2) Subject to subsection (3), a magistrate may issue the warrant in accordance with the prescribed form if he or she is satisfied, by information on oath, that there are reasonable grounds for suspecting that there is, or may be within the next 72 hours, at the premises a particular thing that may be evidence of the commission of an offence against this Part.

(3) A magistrate must not issue a warrant under subsection (2) unless the informant or some other person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires about the grounds on which the issue of the warrant is being sought.

(4) The warrant must:

- (a) state the nature of the offence; and
- (b) contain a description of the premises to which the warrant relates; and
- (c) state the kinds of evidential material that are to be searched for under the warrant; and
- (d) authorise an authorised officer named in the warrant, with any help, and using any force, that is necessary and reasonable, to enter the premises and exercise the powers referred to in paragraphs 136(1)(c) and (d) in respect of the thing; and
- (e) state whether entry is authorised to be made at any time of the day or night or during stated hours of the day or night; and
- (f) state a day, not later than 7 days after the day of issue of the warrant, upon which the warrant ceases to have effect.

Announcement before entry

139.(1) An authorised officer who is authorised to enter premises under a warrant issued under section 138 or a person helping such an officer must, before any person enters the premises under the warrant:

- (a) announce that he or she is authorised by the warrant to enter the premises; and
- (b) give any person at the premises an opportunity to allow entry to the premises.

(2) The authorised officer or a person helping the officer does not have to comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure that the effective execution of the warrant is not frustrated.

Details of warrant to be given to occupier

140.(1) If a warrant under section 138 in relation to premises is being executed and the occupier of the premises or another person who apparently represents the occupier is present at the premises, the officer or a person helping the officer must make a copy of the warrant available to that person.

(2) The authorised officer must identify himself or herself to the person at the premises.

(3) The copy of the warrant referred to in subsection (1) need not include the signature of the magistrate who issued the warrant.

Use of equipment to examine or process things

141.(1) An authorised officer who enters premises under section 135 or 136 or a person helping the officer may bring to the premises any equipment reasonably necessary for the examination or processing of things found at the premises in order to determine whether they are things that may be seized under that section.

(2) If:

(a) it is not practicable to examine or process the things at the premises;
or

(b) the occupier of the premises consents in writing;

the things may be moved to another place so that the examination or processing can be carried out in order to determine whether they are things that may be seized under section 135 or 136, as the case may be.

(3) If things containing electronically stored information are moved to another place for the purpose of examination or processing under subsection (2), the authorised officer must, if it is practicable to do so:

- (a) tell the occupier the address of the place and the time at which the examination or processing will be carried out; and
- (b) allow the occupier or a representative of the occupier to be present during the examination or processing.

(4) The authorised officer or a person helping the officer may operate equipment already at the premises to carry out the examination or processing of a thing found at the premises in order to determine whether it is a thing that may be seized under section 135 or 136, as the case may be, if the officer or person helping believes on reasonable grounds that:

- (a) the equipment is suitable for the examination or processing; and
- (b) the examination or processing can be carried out without damage to the equipment or the thing.

Use of electronic equipment at premises

142.(1) Subject to subsection (4), if a thing found at premises that an authorised officer has entered under section 135 or 136 is or includes records of information in a written or electronic form, the officer or a person helping the officer may operate, or the officer may require the occupier or an employee of the occupier who is present to operate, equipment at the premises for the purpose of finding out whether:

- (a) the equipment; or
- (b) a disk, tape or other storage device that:
 - (i) is at the premises; and
 - (ii) can be used with, or is associated with, the equipment;

contains records that are relevant to determining whether this Part or the conditions to which export licences are subject have been complied with.

(2) If the authorised officer or a person helping the officer, after equipment at the premises is operated, finds that the equipment contains records of that kind or that a disk, tape or other storage device at the premises contains records of that kind, he or she may:

- (a) seize the equipment or the disk, tape or other storage device; or
- (b) if the records can, by using facilities at the premises, be put in documentary form—operate the facilities to put the records in that form and seize the documents so produced; or
- (c) if the records can be transferred to a disk, tape or other storage device that:
 - (i) is brought to the premises; or
 - (ii) is at the premises and whose use for the purpose has been agreed to in writing by the occupier of the premises;operate the equipment or other facilities to copy the records to the storage device and remove the storage device from the premises.

(3) An authorised officer or person helping an authorised officer may seize equipment under paragraph (2)(a) only if:

- (a) it is not practicable to put the relevant records in documentary form as mentioned in paragraph (2)(b) or to copy the records as mentioned in paragraph (2)(c); or

(b) possession by the occupier of the equipment could be an offence.

(4) An authorised officer or a person helping an authorised officer must not operate equipment for the purpose mentioned in subsection (1) unless the officer or person helping believes on reasonable grounds that the operation of the equipment can be carried out without damage to the equipment.

Compensation for damage to electronic equipment

143.(1) If:

- (a) equipment is damaged because of being operated as mentioned in section 141 or 142; and
- (b) the damage was caused by:
 - (i) insufficient care being exercised in selecting the person who was to operate the equipment; or
 - (ii) insufficient care being exercised by the person operating the equipment;

AMLC must pay compensation for the damage to the owner of the equipment.

(2) In determining the amount of compensation payable, regard is to be had to whether the occupier of the premises and the employees and agents of the occupier, if they were available at the time, had provided any warning or guidance as to the operation of the equipment that was appropriate in the circumstances.

Copies of seized things to be given

144.(1) Subject to subsection (2), if an authorised officer who has entered premises under section 135 or 136 seizes:

- (a) a document, film, computer file or other thing that can readily be copied; or
 - (b) a storage device the information in which can readily be copied;
- the officer must, if asked to do so by the occupier of the premises or another person who apparently represents the occupier and is present when the seizure takes place, give a copy of the thing or the information to that person as soon as practicable after the seizure.

(2) Subsection (1) does not apply if:

- (a) the thing that has been seized was seized under paragraph 142(2)(b) or (c); or
- (b) possession by the occupier of the document, film, computer file, thing or information could be an offence.

Return of things that are seized

145.(1) If an authorised officer seizes a thing under section 135 or 136, the officer must take reasonable steps to return it if the reason for its seizure no longer exists.

(2) If the thing has not been returned before the end of 60 days after its seizure, the authorised officer must take reasonable steps to return it unless:

- (a) proceedings in which the thing may be used in evidence were begun before the end of the 60 days and have not been completed (including an appeal to a court in relation to those proceedings); or
- (b) the officer may keep the thing because of an order under section 146; or
- (c) the officer is authorised by this Part or by an order of a court to keep, destroy or dispose of the thing.

(3) If the thing has to be returned, it must be returned to the person from whom it was seized or, if that person is not entitled to possess it, to the owner.

(4) If there is a dispute as to the ownership of the thing, the authorised officer may keep the thing until the dispute is resolved.

(5) This section has effect subject to section 146.

Court of summary jurisdiction may permit a thing to be kept

146.(1) If:

- (a) before the end of 60 days after an authorised officer seizes a thing under section 135 or 136; or
- (b) before the end of a period previously stated in an order of a court under this section in respect of a thing seized by an officer as mentioned in paragraph (a);

proceedings in which the thing may be used in evidence have not been brought, the officer may apply to a court of summary jurisdiction for an order that he or she may keep the thing for a further period.

(2) If the court is satisfied that it is necessary for the authorised officer to continue to keep the thing:

- (a) for the purposes of an investigation as to whether an offence has been committed; or
- (b) to enable evidence of an offence to be secured for the purposes of a prosecution;

the court may order that the officer may keep the thing for a period stated in the order.

(3) If the court thinks that notice of the application should be given to any person, it may require such a notice to be given before it hears the application.

Warrants may be granted by telephone in urgent circumstances

147.(1) If, because of circumstances of urgency, an authorised officer considers it necessary to do so, the officer may apply for a warrant under subsection 138(1), by telephone, under this section.

(2) Before so applying, an authorised officer must prepare an information of a kind referred to in subsection 138(2) that sets out the grounds on which the issue of the warrant is being sought, but the officer may, if it is necessary to do so, apply before the information has been sworn.

(3) If a magistrate to whom an application under subsection (1) is made is satisfied:

- (a) after having considered the terms of the information prepared under subsection (2); and
- (b) after having received any further information that the magistrate requires about the grounds on which the issue of the warrant is being sought;

that there are reasonable grounds for issuing the warrant, the magistrate must complete and sign a warrant of a kind that the magistrate would have issued under section 138 if the application had been made under that section.

(4) If a magistrate signs a warrant under subsection (3):

- (a) the magistrate must notify the authorised officer of the terms of the warrant and the date on which and the time at which it was signed, and write on it the reasons for the granting of the warrant; and
- (b) the officer must complete a form of warrant in the terms notified to the officer by the magistrate and write on it the name of the magistrate and the date on which and the time at which the warrant was signed.

(5) If an authorised officer completes a form of warrant under subsection (4), the officer must, not later than the day after the day on which the warrant ended or was executed, whichever is the earlier, send to the magistrate who signed the warrant the form of warrant completed by the officer and the information duly sworn in connection with the warrant.

(6) Upon receiving the documents referred to in subsection (5), the magistrate must attach to them the warrant signed by the magistrate and deal with the documents in the manner in which the magistrate would have dealt with the information if the application for the warrant had been made under section 138.

(7) A form of warrant duly completed by an authorised officer under subsection (4) is, if it is in accordance with the terms of the warrant signed by the magistrate, authority for any entry, search or seizure that the warrant so signed authorises.

(8) If it is material, in any proceedings, for a court to be satisfied that an entry, search or seizure was authorised under this section, and the warrant signed by a magistrate under this section authorising the entry, search or

seizure is not produced in evidence, the court must assume, unless the contrary is proved, that the entry, search or seizure was not authorised by such a warrant.

Power of authorised officer to require information or documents

148.(1) Subject to subsection (2), an authorised officer who has entered premises under this Division may, to the extent that it is reasonably necessary for the purpose of finding out whether this Part or the regulations, or the conditions to which an export licence is subject, have been complied with, require a person to give information to the officer and to produce any documents referred to by the officer.

(2) An authorised officer is not entitled to make a requirement of a person under subsection (1) unless the officer produces his or her identity card for inspection by the person.

(3) A person must not, without reasonable excuse, intentionally fail to comply with a requirement made under subsection (1).

Penalty: 30 penalty units.

Help to authorised officers

149.(1) Subject to subsection (2), if an authorised officer requests the owner or occupier of any premises entered by the officer under section 135 or 136 to provide reasonable help to the officer for the purpose of the exercise of the officer's powers under that section in relation to the premises, the owner or occupier must not intentionally or recklessly fail to comply with the request.

Penalty: Imprisonment for 6 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

(2) If an authorised officer makes a request of a person under this section, the officer must produce his or her identity card for inspection by the person and, if the officer fails to do so, the person is not obliged to comply with the request.

Authorised officers

150.(1) AMLC may, by writing, appoint a person or a class of persons to be an authorised officer or authorised officers, as the case may be, for the purposes of this Part.

(2) AMLC must cause to be given to each person who is an authorised officer an identity card:

- (a) that states the person's name and the fact that the person is an authorised officer for the purposes of this Part; and
- (b) to which is attached a photograph of the person taken within 3 years before the identity card is given to the person.

(3) A person who, having ceased to be an authorised officer, fails without reasonable excuse to return to AMLC, as soon as practicable, the identity card given to the person under this section is guilty of an offence punishable on conviction by a fine of not more than 1 penalty unit.

Protection of authorised officers and other people

151.(1) An authorised officer is not liable to any action, suit or proceeding for or in relation to anything done or omitted to be done in good faith in the exercise or purported exercise of any power or authority conferred on him or her by this Part.

(2) A person who is requested by an authorised officer, whether under section 149 or otherwise, to help the officer in the exercise or purported exercise of any power or authority conferred on the officer by this Part is not liable to any action, suit or proceeding for or in relation to anything done or omitted to be done in good faith in helping the officer.

AMLC may require information or documents

152.(1) AMLC may, by written notice given to a person, require the person, within a reasonable time stated in the notice, to give to AMLC any information, or produce to AMLC any documents, referred to in the notice that relate to:

- (a) the industry; or
- (b) the meat or live-stock business of the person or of another person; or
- (c) any meat or live-stock that have been, or are proposed to be, exported from Australia; or
- (d) the holder of an export licence.

(2) A person must not, without reasonable excuse, intentionally or recklessly fail to give information or produce a document that the person is required to give or produce by a notice under subsection (1).

Penalty: Imprisonment for 12 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

(3) A person is not excused from giving information or producing a document that the person is required to give or produce by a notice under subsection (1) on the ground that the information or the production of the

document, as the case may be, might tend to incriminate the person or make the person liable to a penalty. However, if the information is given or the document is produced by an individual, the information or the production of the document, and any information or thing (including any document) obtained as a direct or indirect result of the giving of the information or the production of the document, as the case may be, is not admissible in evidence against the individual in proceedings other than proceedings for an offence against section 156.

Nominees

153.(1) A declaration required to be made, information required to be given, a return required to be sent or a document required to be produced to AMLC for the purposes of this Part by the holder of an export licence is taken not to have been duly made, given, sent or produced unless it is made, given, sent or produced by:

- (a) the holder of the licence; or
- (b) an individual appointed, for the time being, under this section to be a nominee of the holder of the licence.

(2) The holder of an export licence:

- (a) may, by written notice given to AMLC, appoint an individual to be the holder's nominee; and
- (b) may, by a later written notice given to AMLC, end the appointment.

(3) A notice under subsection (2) must contain the prescribed matters.

(4) If an individual appointed, for the time being, by a notice under this section to be a nominee of the holder of an export licence, makes a declaration, gives information, sends a return or produces a document to AMLC in accordance with the authority conferred on him or her by the notice, the declaration, information, return or document, as the case may be, is taken, for the purposes of this Part (including any proceedings for an offence against this Part) to be made, given, sent or produced, as the case may be, on behalf of, and with the knowledge and consent of, the holder of the licence.

(5) Despite any other provision of this Act, or any other Act, a person who is convicted of an offence against this Part because of the operation of subsection (4) is not subject to a penalty of imprisonment.

(6) A declaration made, information given, a return sent or a document produced to AMLC for the purpose of complying with the conditions to which an export licence is subject is taken, for the purposes of subsections (1) and (4) to be a declaration required to be made, information required to be given, a return required to be sent or a document required to be produced, as the case may be, to AMLC for the purposes of this Part by the holder of the licence.

Evidence of analyst

154.(1) AMLC may, by writing, appoint appropriately qualified people to be analysts for the purposes of this Part.

(2) An analyst appointed under subsection (1) may sign a certificate stating that the person who signed the certificate was appointed as an analyst under subsection (1) and also stating, in relation to a substance, any of the following:

- (a) when, where and from whom the analyst received the substance;
- (b) what, if any, labels or other means of identifying the substance accompanied it when it was received;
- (c) in what container or containers the substance was received;
- (d) if the substance, or any portion of it, was examined or analysed:
 - (i) the name of the method of examination or analysis; and
 - (ii) the results of the examination or analysis;
- (e) how the substance was dealt with after handling by the analyst, including particulars of:
 - (i) the quantity retained; or
 - (ii) the name of the person, if any, to whom any retained quantity was given; or
 - (iii) measures taken to secure any retained quantity.

(3) For the purposes of this Part, but subject to subsection (4), a certificate purporting to have been signed under subsection (2) is admissible in any proceedings as *prima facie* evidence of the matters stated in it.

(4) A certificate referred to in subsection (2) must not be received in evidence under that subsection in any proceedings for an offence against this Part unless the person charged has been given a copy of the certificate together with reasonable notice of the intention of the prosecutor to produce the certificate as evidence in the proceedings.

(5) If, under subsection (3), a certificate of an analyst appointed under subsection (1) is admitted in evidence, the person charged may require the analyst to be called as a witness for the prosecution and the analyst may be cross-examined as if he or she had given evidence of the matters in the certificate.

Export of meat or live-stock without export licence etc.

155.(1) A person who is not the holder of a meat export licence must not, without reasonable excuse, intentionally export meat from Australia.

(2) Subsection (1) does not apply in relation to meat of a kind that is declared by the regulations to be, for the purposes of this Part, meat unfit for human consumption.

(3) A person who is not the holder of a live-stock export licence must not, without reasonable excuse, export live-stock from Australia.

(4) The holder of an export licence must not, without reasonable excuse, intentionally or recklessly contravene a condition to which the licence is subject.

Penalty: Imprisonment for 5 years.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

False information etc.

156. A person must not, without reasonable excuse, intentionally make a declaration, give information, send a return or produce a document to AMLC that the person knows to be false or misleading in a material particular.

Penalty: Imprisonment for 12 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

Person falsely holding out to be the holder of licence etc.

157.(1) A person who is not the holder of an export licence must not, without reasonable excuse, intentionally or recklessly hold out that the person is the holder of an export licence.

(2) A person who is not the holder of a meat export licence must not, without reasonable excuse, intentionally or recklessly represent that the person can export meat from Australia.

(3) A person must not, without reasonable excuse, intentionally or recklessly make a contract for the carriage of meat, by sea, to a country or place outside Australia unless:

- (a) the person is the holder of a meat export licence; or
- (b) the person makes the contract as the agent of the holder of a meat export licence; or
- (c) the person makes the contract with the holder of a meat export licence and, under the contract, the person is to carry the meat, by sea, to the country or place outside Australia.

(4) Subsections (2) and (3) do not apply in relation to meat of a kind that is declared by the regulations to be, for the purposes of this Part, meat unfit for human consumption.

(5) A person who is not the holder of a live-stock export licence must not, without reasonable excuse, intentionally or recklessly represent that the person can export live-stock from Australia.

(6) A person must not, without reasonable excuse, intentionally or recklessly make a contract for the carriage of live-stock, by sea, to a country or place outside Australia unless:

- (a) the person is the holder of a live-stock export licence; or
- (b) the person makes the contract as the agent of the holder of a live-stock export licence; or
- (c) the person makes the contract with the holder of a live-stock export licence and, under the contract, the person is to carry the live-stock, by sea, to the country or place outside Australia.

Penalty: Imprisonment for 12 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

Forfeiture of goods

158.(1) If a court convicts a person of an offence against this Part in respect of any meat or live-stock, the court may order the forfeiture to the Commonwealth of the meat or live-stock.

(2) The forfeiture of any meat under subsection (1) extends to the forfeiture of any covering in which the meat is contained.

(3) Any meat or live-stock forfeited under this section may be sold, or otherwise disposed of, as a prescribed person directs.

Division 8—Miscellaneous

Delegation by AMLC

159.(1) AMLC may, by writing under its common seal, delegate all or any of its powers under this Act to:

- (a) a member; or
- (b) an officer appointed, or employee engaged, under section 123; or
- (c) a committee.

(2) A power delegated to a committee under paragraph (1)(c) must be exercised by a majority of the members of the committee, acting jointly.

(3) In the exercise of a power delegated by AMLC, the delegate is subject to AMLC's directions.

Note: See sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* on delegations.

Delegation by Managing Director

160.(1) The Managing Director may, by signed writing, delegate to an officer appointed, or employee engaged, under section 123 all or any of his or her powers under this Part.

(2) In the exercise of a power delegated by the Managing Director, the delegate is subject to the Managing Director's directions.

Note: See sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* on delegations.

Service of notices

161.(1) If AMLC is required or permitted under this Part to give to a person a notice (other than a notice referred to in subsection 71(1)), the notice may be delivered personally to the person or served on the person by post.

(2) A notice under this Part that is posted, as a letter, to a person at the person's last address known to AMLC is taken, for the purposes of the application of section 29 of the *Acts Interpretation Act 1901*, to be properly addressed to the person.

Operation of certain laws not restricted

162. Nothing in this Part or the regulations restricts the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or the operation of any regulations made under any one or more of those Acts.

Annual report

163.(1) As soon as practicable after the end of each financial year, AMLC must give the Minister a written report of its operations during the financial year, together with financial statements for the financial year in a form approved by the Minister for Finance.

(2) The annual report for a financial year must include:

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

(i) achieved the objectives, and achieved the performance required by the performance indicators, stated in its corporate plan; and

(ii) carried out its operational plan for the year; and

(b) particulars of any quotas sold or allocated during the year, including the names of the holders; and

(c) particulars of the following:

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

- (ii) companies formed by AMLC, and companies in whose formation AMLC participated, during the year;
 - (iii) shares and securities subscribed for, purchased and disposed of by AMLC during the year;
 - (iv) partnerships entered into by AMLC during the year;
 - (v) joint ventures, and arrangements for the sharing of profits, entered into by AMLC during the year;
 - (vi) significant acquisitions and dispositions of real property by AMLC during the year;
 - (vii) contracts entered into for hedging purposes by AMLC under section 129 during the year; and
 - (viii) the development and carrying out of AMLC's equal employment opportunity program during the year; and
- (d) any other matters prescribed by the regulations.

(3) The particulars required to be included in the report under subparagraph (2)(c)(viii) include:

- (a) a summary of the action taken by AMLC during the year to develop and carry out its equal employment opportunity program; and
- (b) the results of monitoring, evaluation and assessment of the program during the year.

(4) Before submitting financial statements to the Minister under subsection (1), AMLC must submit them to the Auditor-General, who must report to the Minister:

- (a) whether, in the Auditor-General's opinion, the statements are based on proper accounts and records; and
- (b) whether the statements are in agreement with the accounts and records and, in the Auditor-General's opinion, show fairly the financial transactions and state of affairs of AMLC; and
- (c) whether, in the Auditor-General's opinion, the receipt, expenditure and investment of money, and the acquisition and disposal of assets, by AMLC during the year have been in accordance with this Part; and
- (d) as to any other matters arising out of the statements that the Auditor-General considers should be reported to the Minister.

(5) The Minister must cause the annual report and financial statements, together with the Auditor-General's report, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

PART 4—MEAT RESEARCH CORPORATION

Division 1—Preliminary

Objects of Part

164. The objects of this Part are:

- (a) to improve the productivity and market performance of the industry by:
 - (i) identifying more precisely areas of meat and live-stock research and development that are relevant to the needs of the industry; and
 - (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 further the sustainable use and sustainable management of natural resources; and
- (c) to improve accountability for expenditure upon meat and live-stock research and development activities;

and this Part is to be interpreted and administered accordingly.

Definitions

165. In this Part, unless the contrary intention appears:

“Acting Managing Director” means a person appointed to act as Managing Director under section 199;

“appointed non-government member” means a member referred to in paragraph 188(1)(a) or (d);

“Chairperson” means the Chairperson of MRC;

“committee” means a committee established by MRC under section 225;

“corporate plan” means a corporate plan prepared by MRC and approved by the Minister under Division 3;

“employee” means an employee employed under section 202;

“Managing Director” means Managing Director of MRC holding office under section 198;

“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

- (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; or
 - (b) the training of people to carry out meat and live-stock research and development; or
 - (c) the dissemination of information, or the provision of advice and help, to persons engaged in the industry for the purposes of encouraging them to follow practices, or to adopt technological developments, that have been designed and adapted to improve the operation or efficiency of the part of the industry in which they are engaged; or
 - (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);
- “meeting”** means a meeting of MRC;
- “member”** means a member of MRC;
- “operational plan”** means an operational plan prepared by MRC and approved by the Minister under Division 3;
- “the regulations”** means the regulations made under this Act for the purposes of this Part.

Division 2—Continuation, functions and powers

MRC to continue in existence

166.(1) Despite the repeal of the *Meat Research Corporation Act 1985*, the body known as the Meat Research Corporation (**“MRC”**) that was established by section 4 of that Act continues in existence subject to and in accordance with this Part so that its identity is not affected.

- (2) MRC:**
- (a) continues to be a body corporate, with perpetual succession; and
 - (b) is to continue to have a common seal; and
 - (c) may acquire, hold and dispose of real and personal property; and
 - (d) may sue and be sued in its corporate name.
- (3)** All courts, judges and people acting judicially must take judicial notice of the imprint of the common seal of MRC appearing on a document and must presume that the document was duly sealed.

Functions of MRC

167. The functions of MRC are:

- (a) to investigate and evaluate the needs of the industry for meat and live-stock research and development and, on the basis of that investigation and evaluation, to develop research and development plans; and
- (b) to co-ordinate and fund meat and live-stock research and development activities that have been mentioned in an operational plan; and
- (c) to monitor, and report to the Parliament and to the industry on, the research and development activities funded by MRC; and
- (d) to facilitate the dissemination, adoption and commercialisation of the results of meat and live-stock research and development; and
- (e) any other functions in connection with the industry that are conferred on MRC by this Part.

Powers of MRC generally

168.(1) MRC has power to do anything that is necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), MRC may:

- (a) enter into agreements for the carrying out of research and development activities by other persons; and
- (b) make applications (including joint applications) for patents or trade marks; and
- (c) deal with patents or trade marks vested in MRC or in MRC and other persons; and
- (d) with the written approval of the Minister, do any of the following:
 - (i) form, or participate with other persons in the formation of, an incorporated company;
 - (ii) acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities issued by, an incorporated company;
 - (iii) enter into a partnership, or an arrangement for sharing of profits, with another person.

(3) The reference in subparagraph (2)(d)(iii) to profits does not include profits derived from an agreement relating to an invention, a patent or a trade mark.

Agreements for research and development to be carried out by other persons

169.(1) MRC may enter into an agreement under which the other party to the agreement will carry out meat and live-stock research and development activities.

(2) Without limiting the matters that may be included in the agreement, the agreement may:

- (a) provide for money paid under the agreement, and any property or goods acquired or produced under the agreement, to be used for the purposes stated in the agreement; and
 - (b) require the other party to the agreement to pay to MRC an amount equal to the whole, or any part that MRC determines, of the money paid under the agreement if any of the money, property or goods referred to in paragraph (a) are used otherwise than in accordance with the agreement; and
 - (c) make provision with respect to:
 - (i) the assignment of inventions and interests in inventions; and
 - (ii) applications for patents for inventions; and
 - (iii) the commercial exploitation of patented inventions; and
 - (iv) the grant of licences in relation to patented inventions; made in the course of meat and live-stock research and development activities or with money provided under an agreement made under this section; and
 - (d) require the other party to the agreement to pay to MRC an amount equal to the whole, or any part that MRC determines, of any net income derived by the party from money, property or goods referred to in paragraph (a) or patents or interests referred to in paragraph (c); and
 - (e) provide for the assignment to MRC of any money, property, goods, patents or interests referred to in paragraph (a) or (c); and
 - (f) require the other party to the agreement to pay to MRC an amount of money determined by MRC under the agreement in the event of the disposal (otherwise than to MRC) of any property, goods, patents or interests referred to in paragraph (a) or (c).
- (3) This section does not limit MRC's powers under section 168.

Agreements for meat and live-stock research and development activities to be carried out jointly with other persons

170.(1) MRC may enter into an agreement (including a joint venture agreement or a partnership agreement) under which meat and live-stock research and development activities are to be carried out by MRC and the other party to the agreement.

(2) Without limiting the matters that may be included in the agreement, the agreement is to state:

- (a) the objectives of the meat and live-stock research and development activities; and
- (b) the expected duration of the activities; and
- (c) the nature and extent of the contribution to be made by MRC towards the activities; and

(d) the basis for the distribution of profits and other benefits derived from the activities.

(3) This section does not limit MRC's powers under section 168.

Consultation

171. The powers of MRC include the power to consult with persons and bodies representative of different sectors of the industry and to meet travel expenses reasonably incurred by a person or body (other than an eligible industry body) in connection with consultations with MRC.

MRC to comply with broad policies formulated by the Council

172. In the performance of its functions or the exercise of its powers under this Part, MRC must comply with any broad policies formulated by the Council.

Division 3—Corporate and operational plans

First corporate plan

173. As soon as practicable after the commencement of this Act, MRC must prepare a corporate plan for the period beginning on 1 July 1995 and ending on 30 June 1998.

Later corporate plans

174. In each calendar year beginning on or after 1 January 1996, MRC must prepare a corporate plan for the period of 3 years beginning on 1 July in that year.

Consultation in relation to corporate plan

175. In preparing a corporate plan, MRC must consult each eligible industry body.

Agreement of the Council to be obtained to corporate plans

176.(1) As soon as practicable after a corporate plan has been prepared, MRC must seek the agreement of the Council to the plan.

(2) MRC must give a corporate plan to the Minister:

- (a) if the plan is the first corporate plan—as soon as practicable after the plan has been agreed between the Council and MRC; or
- (b) otherwise—after the plan has been agreed between the Council and MRC and not later than 1 April in the calendar year in which the plan is prepared.

Content of corporate plans

177.(1) A corporate plan must:

- (a) define MRC's principal objectives for the period to which the plan relates; and
- (b) contain an assessment of the market and economic outlook for the industry during that period; and
- (c) contain an evaluation of the research and development needs of the industry; and
- (d) outline the strategies and policies that MRC proposes to pursue to achieve its objectives; and
- (e) set out performance indicators by reference to which an assessment may be made of the extent to which MRC is achieving its objectives; and
- (f) include any other matters required by the regulations.

(2) A corporate plan must be consistent with the strategies, as outlined in the Council's corporate plan, that the Council proposes to pursue to achieve its vision for the industry.

Approval of corporate plans

178.(1) The Minister may give MRC a written notice:

- (a) approving a corporate plan (including a corporate plan that has been revised under this section); or
- (b) if the Minister thinks that the interests of the industry require that the plan be revised in some respects, requesting MRC to revise the plan accordingly.

(2) A notice requesting revision of a plan must set out the reasons for the request.

(3) MRC must:

- (a) consider a request for revision of a plan and reasons for the request; and
- (b) make any revision of the plan that it considers appropriate; and
- (c) seek the agreement of the Council to the revision; and
- (d) after the revision has been agreed between the Council and MRC, give the revised plan to the Minister for approval.

When corporate plan comes into force

179.(1) A corporate plan comes into force when it is approved by the Minister.

(2) A corporate plan supersedes any previous corporate plans in relation to the period to which the first-mentioned plan applies.

Variation of corporate plans

180.(1) MRC may vary a corporate plan if, and only if, the Minister has approved the variation.

(2) A variation of a corporate plan comes into force when it is approved by the Minister.

Variation at instance of MRC

181.(1) If MRC wishes to vary a corporate plan, it must:

- (a) prepare a written proposal for the variation; and
- (b) seek the agreement of the Council to the proposal; and
- (c) as soon as practicable after the proposal has been agreed to by the Council and the MRC, give the Minister:
 - (i) a copy of the proposal; and
 - (ii) a statement of MRC's reasons for the proposal.

(2) After considering a proposal and the reasons for a proposal, the Minister may, in writing, approve the proposed variation or refuse to approve it.

Variation at Minister's request

182.(1) The Minister may give MRC a written request that it vary a corporate plan in the manner set out in the request.

(2) A request must include a statement of the reasons for the request.

(3) MRC must consider the request and, if it wishes to vary the plan:

- (a) prepare a written proposal for any variations of the plan that MRC thinks appropriate; and
- (b) seek the agreement of the Council to the proposal; and
- (c) as soon as practicable after the proposal has been agreed to between the Council and the MRC, give the proposal to the Minister.

(4) The Minister may, in writing, approve the proposal or refuse to approve it.

Operational plans

183.(1) MRC must prepare operational plans and give the Minister a copy of each plan.

(2) The first plan is to relate to the financial year ending on 30 June 1996.

(3) Each plan after the first is to relate to the financial year immediately following the period to which the previous plan related.

(4) An operational plan must set out particulars of the action MRC proposes to take during the relevant financial year to further the objectives set out in the corporate plan.

(5) An operational plan must be consistent with the corporate plan.

(6) MRC must give the first operational plan to the Minister as soon as practicable after the commencement of this Act.

(7) MRC must give the operational plan for each later financial year to the Minister no later than 1 June immediately before the financial year to which the plan relates.

Content of operational plans

184.(1) An operational plan for a financial year must:

- (a) state the broad groupings of meat and live-stock research and development activities (if any) that MRC proposes to fund, wholly or partly, during the year; and
- (b) describe how, and to what extent, funding those activities will:
 - (i) give effect to the corporate plan in force during the year; and
 - (ii) in particular, pursue the strategies outlined in the corporate plan and help to achieve the objectives described in the corporate plan; and
- (c) provide an estimate of:
 - (i) the total amounts likely to be applied by MRC in respect of each broad grouping of meat and live-stock research and development activities that MRC proposes to fund during the year; and
 - (ii) the total of the amounts likely to be applied by MRC under section 205 (other than amounts referred to in subparagraph (i) of this paragraph) during the year; and
 - (iii) the total of the amounts referred to in subparagraphs (i) and (ii) of this paragraph.

(2) A reference in this section to meat and live-stock research and development activities that MRC proposes to fund includes a reference to meat and live-stock research and development activities that MRC is prepared, subject to its examination of specific proposals, to fund.

Approval of operational plans

185.(1) The Minister may give MRC a written notice:

- (a) approving an operational plan; or
- (b) if the Minister thinks that the interests of the industry require that the plan be revised in some respects, requesting MRC to revise the plan accordingly.

(2) A notice requesting revision of a plan must set out the reasons for the request.

(3) MRC must:

- (a) consider a request for revision of a plan and reasons for the request; and
- (b) make any revision of the plan that it considers appropriate; and

(c) give the revised plan to the Minister for approval.

(4) An operational plan comes into force when it is approved by the Minister.

Variation of operational plans

186.(1) MRC may vary an operational plan if, and only if, the variation has been approved by the Minister.

(2) A variation of an operational plan comes into force when it is approved by the Minister.

Compliance with corporate and operational plans

187. So far as practicable, MRC must perform its functions, and exercise its powers, in a manner that is consistent with, and so as to give effect to, its corporate plan and the relevant operational plan.

Division 4—Constitution and meetings

Composition of MRC

188.(1) MRC is to consist of the following members:

- (a) a Chairperson;
- (b) the Managing Director;
- (c) a Government member;
- (d) 4 other members.

(2) The members referred to in paragraph (1)(d) must be people who have qualifications relevant to, or experience in, one or more of the following fields:

- (a) live-stock production;
- (b) the processing and export of meat;
- (c) business management and finance;
- (d) administration of research and development;
- (e) commercialisation of the results of research and development;
- (f) conservation and management of natural resources, and environmental and ecological matters.

(3) The members, other than the Managing Director, are to be appointed by the Minister in writing.

(4) The members, other than the Managing Director, are to be part-time members.

(5) The members referred to in paragraph (1)(d), other than the first such members to be appointed, must be appointed from people nominated by a selection committee.

(6) In making appointments of members referred to in paragraph (1)(d), the Minister must ensure that all the members collectively possess qualifications and experience in all the fields referred to in subsection (2).

(7) The following people may not be appointed as members:

- (a) a member of the Parliament of the Commonwealth or a State or a legislature of a Territory;
- (b) an individual who is the president or chairperson of a prescribed organisation.

(8) An organisation may only be prescribed for the purposes of paragraph (7)(b) if it represents a sector of the meat and live-stock industry.

(9) The appointment of a member is not invalid because of a defect or irregularity in or in connection with the member's nomination or appointment.

(10) An appointed non-government member holds office, in respect of matters not provided for by this Part, on any terms and conditions that are determined in writing by the Minister.

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

Term of office

189.(1) An appointed non-government member holds office, subject to this Part, for the period (not exceeding 3 years) that is stated in the document of appointment, but is eligible for re-appointment.

(2) A person may not hold office, or continue to hold office, as an appointed non-government member if he or she has been a member for consecutive periods (including periods before the commencement of this Act) that together are equal to or more than 6 years.

(3) The reference in subsection (2) to a period during which a person held office as an appointed non-government member before the commencement of this Act is a reference to a period during which the person held office as a member of the Meat Research Corporation referred to in paragraph 12(1)(a) or (d) of the *Meat Research Corporation Act 1985*.

(4) The Government member holds office, subject to this Part, until the Minister, by written notice given to the member, ends the member's appointment.

Deputy of Chairperson

190.(1) The Minister may, in writing, appoint a member referred to in paragraph 188(1)(d) to be the deputy of the Chairperson.

(2) A person so appointed holds office as a deputy of the Chairperson until the Minister ends the appointment or the person ceases to be a member, whichever first happens.

(3) A member may resign an appointment as deputy of the Chairperson by giving the Minister a signed notice of resignation.

(4) The deputy of the Chairperson has the powers, and must perform the functions, of the Chairperson:

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

(5) Anything done by or in relation to a person purporting to act under subsection (4) is not ineffective on the ground that:

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

Disclosure of interests

191.(1) A member who has a direct or indirect financial interest in a matter being considered or about to be considered at a meeting must, as soon as possible after becoming aware of the relevant facts, disclose the nature of the interest at a meeting.

(2) The disclosure is to be recorded in the minutes of the meeting.

(3) A member who is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat is not taken to have a financial interest in a matter being considered or about to be considered by MRC merely because the person is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat, as the case may be.

Leave of absence

192.(1) The Minister may grant leave of absence to the Chairperson on any terms and conditions that the Minister determines.

(2) The Chairperson may grant leave of absence to any other member on any terms and conditions that the Chairperson determines.

Resignation

193. A member other than the Managing Director may resign his or her appointment by giving the Minister a signed notice of resignation, but is eligible for re-appointment.

Ending of appointment

194.(1) The Minister may end the appointment of an appointed non-government member for misbehaviour or for physical or mental incapacity.

(2) The Minister may at any time end the appointment of the Government member.

(3) If a member other than the Managing Director:

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (b) is absent, except on leave of absence granted under section 192, from 3 consecutive meetings; or
- (c) fails, without reasonable excuse, to comply with an obligation imposed on him or her by section 191;

the Minister must end the member's appointment.

Meetings

195.(1) Subject to subsection (2), meetings are to be held at the times and places that MRC determines.

(2) The Chairperson may, and at the request of 3 or more members must, convene a meeting.

(3) At a meeting, 4 members form a quorum.

(4) The Chairperson is to preside at all meetings at which he or she is present.

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

(6) If neither the Chairperson nor the deputy of the Chairperson is present at a meeting, the members present must appoint one of them to preside at the meeting.

(7) A question arising at a meeting is to be determined by a majority of the votes of the members present and voting.

(8) A member presiding at a meeting has a deliberative vote and, if the votes in favour of, and against, a motion are equal, also has a casting vote.

(9) MRC must keep a record of the proceedings at a meeting.

(10) MRC may, subject to this section, regulate proceedings at its meetings as it considers appropriate.

Note: Under section 33B of the Acts Interpretation Act, MRC may permit its members to participate in a meeting by means of telephone, closed-circuit television or any other means of communication.

Resolutions without meetings

196. If MRC so determines, a resolution is taken to have been passed at a meeting if, without meeting, at least 4 members show their agreement with the resolution in accordance with a method determined by MRC.

Motions of no confidence

197.(1) If a motion of no confidence in the Chairperson is passed at a general meeting, the Minister must:

- (a) as soon as possible after the end of the meeting, end the Chairperson's appointment by written notice given to the Chairperson; and
- (b) within 2 months after the date of the meeting, appoint, under section 188, another person to be Chairperson.

(2) If a motion of no confidence in MRC is passed at an annual general meeting, the following provisions of this section have effect.

(3) MRC, as constituted at the time of the meeting, may not perform any of its functions or exercise any of its powers.

(4) The Minister must, as soon as practicable, end the appointment of each of the members appointed by the Minister.

Note: Subsection 201(1) provides that the Managing Director ceases to be a member but continues to hold office as Managing Director.

(5) Any delegation from MRC to a member that is in force on the day on which the appointment of each of the members was ended under subsection (4) is taken to have been revoked on that day.

(6) The Minister must, within a period of 2 months, by writing, appoint a person to be the Chairperson.

(7) Until a time when there are at least 4 members, the Chairperson may perform all the functions of MRC and exercise all its powers, except the power to appoint, or end the appointment of, the Managing Director.

(8) A person whose appointment as a member was ended under subsection (4) is not precluded from being again appointed as a member.

Division 5—Staff

Managing Director

198.(1) There is to be a Managing Director of MRC.

(2) The Managing Director is to be appointed by MRC.

(3) MRC:

- (a) may determine, subject to the Minister's approval, the terms and conditions of service of the Managing Director in respect of matters not provided for by this Part, including terms and conditions relating to remuneration and allowances; and
- (b) may at any time end the appointment of the Managing Director.

(4) If the Managing Director:

- (a) engages in paid employment outside the duties of his or her office without the approval of MRC; or
- (b) is absent from duty, except on leave of absence granted by MRC, for 14 consecutive days or for 28 days in any period of 12 months; or
- (c) 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;

MRC must end his or her appointment.

(5) The office of Managing Director is not a public office for the purposes of the *Remuneration Tribunal Act 1973*.

Acting Managing Director

199.(1) MRC may, by resolution, appoint a person to act as Managing Director:

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

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

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

Management of affairs of MRC

200.(1) The affairs of MRC are, to the extent determined by MRC, to be managed by the Managing Director.

(2) In managing the affairs of MRC, the Managing Director must act in accordance with the policy and directions of MRC.

Effect on Managing Director of motion of no confidence in MRC

201.(1) On the day on which the appointments of the members other than the Managing Director are ended under subsection 197(4), the person holding the office of Managing Director ceases to be a member of MRC but, subject to subsections 198(3) and (4), is entitled to continue as Managing Director.

(2) If:

- (a) MRC is reconstituted under section 188 following the passage at an annual general meeting of a motion of no confidence in MRC; and
- (b) at the time MRC is so reconstituted, a person holds the office of Managing Director; and
- (c) the person was appointed before the motion of no confidence was passed;

MRC must, as soon as practicable after it is so reconstituted, by writing under its common seal, either endorse the appointment of the person as Managing Director or end the appointment.

(3) If MRC, as reconstituted under section 188, endorses the appointment of a person as Managing Director, the person thereupon becomes, by that endorsement, a member of MRC.

(4) If the Chairperson, in the exercise of powers under subsection 197(7), delegates a power to the Managing Director, that delegation is taken to be revoked on the day on which MRC is reconstituted under section 188.

Employees

202.(1) MRC may employ any people that it thinks necessary for the purposes of this Part.

(2) Subject to subsection (3), the terms and conditions of employment of people so employed are those determined by MRC.

(3) Except with the Minister's approval, a person may not be employed under this section on terms and conditions more favourable than those applying to the Managing Director.

Division 6—Finance

Payments to MRC

203.(1) There is to be paid to MRC out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to:

- (a) the amounts of levy received by the Commonwealth because of paragraphs 6A(c), 6B(c) and 6D(c) of the *Live-stock Slaughter Levy Act 1964*; and
- (b) the amounts of charge received by the Commonwealth because of paragraphs 8(c), 9(c) and 11(c) of the *Live-stock Export Charge Act 1977*; and
- (c) the amounts of levy received by the Commonwealth because of paragraph 6(1)(c) of the *Beef Production Levy Act 1990*; and
- (d) the amounts of charge received by the Commonwealth because of paragraphs 6(1)(b), 6(1A)(c) and 6A(1)(c), (2)(c) and (3)(c) of the *Cattle Export Charges Act 1990*; and

- (e) the amounts of levy received by the Commonwealth because of paragraphs 5(1)(c) and (2)(c) of the *Cattle Transaction Levy Act 1995*;

in respect of transactions or dealings that take place after the commencement of this Act.

(2) Subject to subsection (8) and section 204, there is also to be paid to MRC out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to one-half of the amounts (other than amounts payable under paragraph 205(b)) from time to time payable by MRC under this Part.

(3) A reference in paragraph (1)(a) to amounts of levy received by the Commonwealth includes a reference to amounts received from the proprietor of an abattoir under subsection 7(2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

(4) A reference in paragraph (1)(b) to amounts of charge received by the Commonwealth includes a reference to amounts payable by way of penalty under section 15 of the *Primary Industries Levies and Charges Collection Act 1991* in relation to amounts of charge referred to in that paragraph.

(5) A reference in paragraph (1)(c) to amounts of levy received by the Commonwealth includes a reference to amounts received from a processor under subsection 7(1) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

(6) A reference in paragraph (1)(d) to amounts of charge received by the Commonwealth includes a reference to amounts payable by way of penalty under section 15 of the *Primary Industries Levies and Charges Collection Act 1991* in relation to amounts of charge referred to in that paragraph.

(7) A reference in paragraph (1)(e) to amounts of levy received by the Commonwealth includes a reference to amounts received from a selling agent, a processor or a feedlot operator under subsection 7(1) or (2) of the *Primary Industries Levies and Charges Collection Act 1991* and amounts payable by way of penalty under section 15 of that Act in relation to amounts of levy referred to in that paragraph.

(8) The sum of the amounts paid to MRC under subsection (2) must not be more than the sum of the amounts paid to MRC under subsection (1) other than amounts related to amounts received by the Commonwealth by way of penalty.

Commonwealth's matching payments not to be greater than certain proportion of value of production

204.(1) The sum of the amounts that, during a particular financial year, are paid to MRC under subsection 203(2) in respect of amounts applied by MRC under section 205 for meat and live-stock research and development activities is not to be greater than an amount equal to 0.5% of the amount that the Minister determines to be the gross value of production of the industry for the financial year.

(2) The regulations may provide for the manner in which the Minister is to determine the amount of the gross value of production of the industry for a financial year.

Application of money of MRC

205. The money of MRC may be applied only:

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by MRC in or in connection with the performance of its functions or the exercise of its powers; and
- (b) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:
 - (i) the collection or recovery of amounts referred to in subsection 203(1); or
 - (ii) the administration of section 203; and
- (c) in payment of any remuneration or allowances, or reimbursement of expenses, payable to members or members of committees; and
- (d) in payment to AMLC of amounts that MRC is required to pay under section 206; and
- (e) in satisfaction or payment of any liabilities, costs, charges or expenses incurred by MRC before the commencement of this Act but not satisfied or paid before that commencement; and
- (f) in making any other payments that MRC is authorised or required to make under this Part.

MRC to pay to AMLC a share of expenses of keeping registers

206.(1) If AMLC has given MRC a notice under section 93 of an amount of expenditure incurred by AMLC for the purpose of keeping the registers under section 88, MRC must pay to AMLC the proportion of the amount set out in the notice that is applicable under subsection (2) of this section.

- (2)** The proportion for the purposes of subsection (1) is:
 - (a) if the notice relates to the period of 12 months that ended on 30 June 1995—one-half; or
 - (b) if the notice relates to a later period of 12 months—one-third.

Protection of Commonwealth against debts of MRC

207. The Commonwealth is not liable for any debt arising from a contractual obligation undertaken by MRC.

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

208. MRC is a public authority to which Division 2 of Part XI of the *Audit Act 1901* applies.

Commonwealth to be reimbursed for refunds of levy or charge

209. If the Commonwealth pays a refund in respect of an amount of levy or charge referred to in subsection 203(1), MRC must pay to the Commonwealth an amount equal to the refund.

Division 7—Miscellaneous**Delegation by MRC**

210.(1) MRC may, by writing under its common seal, delegate all or any of its powers under this Act to:

- (a) a member; or
- (b) an employee; or
- (c) a committee.

(2) A power delegated to a committee under paragraph (1)(c) must be exercised by a majority of the members of the committee, acting jointly.

(3) In the exercise of a power delegated by MRC, the delegate is subject to MRC's directions.

Note: See sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* on delegations.

Delegation by Managing Director

211.(1) The Managing Director may, by signed writing, delegate to an employee all or any of his or her powers under this Part.

(2) In the exercise of a power delegated by the Managing Director, the delegate is subject to the Managing Director's directions.

Note: See sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* on delegations.

Service of notices

212.(1) If MRC is required or permitted under this Part to give a notice to a person, the notice may be delivered personally to the person or served on the person by post.

(2) A notice under this Part that is posted, as a letter, to a person at the person's last address known to MRC is taken, for the purposes of the application of section 29 of the *Acts Interpretation Act 1901*, to be properly addressed to the person.

Annual report

213. MRC must include in each annual report prepared under section 63H of the *Audit Act 1901*, as that section applies to it because of section 208 of this Act:

- (a) a statement of its principal objectives for the year and the strategies pursued by it to achieve those objectives in the year; and
- (b) an assessment of the extent to which its operations during the year have:
 - (i) achieved those objectives, and reached the performance required by the performance indicators, stated in its corporate plan; and
 - (ii) carried out its operational plan for the year; and
- (c) particulars of the meat and live-stock research and development activities that MRC funded in that period, together with an assessment of the extent to which the funding of those activities has helped to achieve its principal objectives for that period; and
- (d) an assessment of the extent to which it has, in that period, contributed to the attainment of the objects set out in section 164; and
- (e) any other matters prescribed by the regulations.

PART 5—NOMINATION OF PEOPLE FOR APPOINTMENT TO AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION AND MEAT RESEARCH CORPORATION

Constitution of a selection committee

214.(1) For the purpose of making an appointment of a member or members of AMLC referred to in paragraph 109(1)(d) or a member or members of MRC referred to in paragraph 188(1)(d), the Minister must constitute a selection committee.

(2) A selection committee is to consist of:

- (a) a Chairperson; and
- (b) 3 other members.

(3) Subject to subsection (4), all the members are to be appointed by the Minister.

(4) The members other than the Chairperson are to be appointed on the nomination of the Council.

(5) If the Minister is not satisfied as to the suitability of a person or persons nominated for appointment to a selection committee by the Council, the Minister may request the Council to make a further nomination or further nominations.

(6) The members of a selection committee are to hold their appointments on the terms and conditions (other than terms and conditions relating to remuneration and allowances) that the Minister determines.

Request for nominations

215. When the Minister constitutes a selection committee, the Minister must give the Chairperson a written notice:

- (a) stating the number of appointments that are to be made; and
- (b) requesting the committee to give the Minister, within the period stated in the notice, a list of the names and qualifications of people whom the committee considers suitable for appointment.

Proceedings of a selection committee

216.(1) Subject to any written directions given to the committee by the Minister, a selection committee may take any action that it thinks appropriate to invite applications for nomination or otherwise to identify people suitable for nomination.

(2) In making a nomination or nominations, a selection committee must have regard to the requirements of subsections 109(2), (6) and (7) or subsections 188(2), (6) and (7), as the case requires.

(3) At a meeting of a selection committee, 3 members form a quorum.

(4) A selection committee may regulate its proceedings as it thinks appropriate.

(5) Without limiting subsection (4), the Chairperson of a selection committee may permit members of the committee to participate in a meeting, or all meetings, of the committee by:

- (a) telephone; or
- (b) closed-circuit television; or
- (c) any other means of communication.

(6) A member who participates in a meeting of a selection committee under a permission under subsection (5) is taken to be present at the meeting.

(7) A question arising at a meeting of a selection committee is to be determined by a majority of the votes of the members present and voting.

(8) The Chairperson of a selection committee has a deliberative vote and, if the votes in favour and against a motion are equal, also has a casting vote.

Nominations by a selection committee

217.(1) A selection committee must, within the period stated in the notice under section 215, give the Minister a written list nominating people for appointment to AMLC or MRC, as the case requires.

(2) A selection committee must make at least one nomination in respect of each appointment to be made by the Minister.

(3) The notice under subsection (1) must include a statement containing, in respect of each person nominated:

- (a) if the nominations are for appointment to AMLC, particulars of the person's qualifications and experience in the fields referred to in subsection 109(2); and
- (b) if the nominations are for appointment to MRC, particulars of the person's qualifications and experience in the fields referred to in subsection 188(2); and
- (c) in either case, any other information relating to the person that is, in the committee's opinion, likely to help the Minister to decide whether to appoint the person.

(4) The notice under subsection (1) must also include a statement stating how, in the selection committee's opinion, the nominations will best ensure that:

- (a) if the nominations are for appointment to AMLC—the members of AMLC collectively possess qualifications and experience in all the fields referred to in subsection 109(2); or
- (b) if the nominations are for appointment to MRC—the members of MRC collectively possess qualifications and experience in all the fields referred to in subsection 188(2).

(5) If the Minister considers the information contained in a notice under subsection (1) to be inadequate, the Minister may, by written notice given to the Chairperson of the selection committee, require the committee to give the Minister, by a particular day, any further information relevant to the matters dealt with in the notice under subsection (1) that the Minister states in the notice.

(6) If the Minister is not satisfied as to the suitability of all or any of the people nominated for appointment, the Minister may, by written notice given to the Chairperson of the selection committee, reject the nomination of those people and may, in the notice, request the committee to make further nominations within the period stated in the notice.

(7) If the Chairperson of a selection committee receives a request under subsection (6), subsections (1) to (4) again apply but, in their application because of this subsection, have effect as if the reference in subsection (1) to the notice under section 215 were a reference to the notice under subsection (6) of this section.

Abolition of selection committee

218. When:

- (a) a selection committee has made nominations in accordance with a notice under section 215; and
- (b) either:
 - (i) there are no outstanding matters in a notice given by the Minister under subsection 217(5) or (6) still to be dealt with by the committee; or
 - (ii) the Minister has given the Chairperson of the committee written notice that the Minister does not intend to give a notice under subsection 217(5) or (6);

the selection committee is abolished by this section.

Selection committee may engage staff and consultants

219.(1) A selection committee may engage people to perform, from time to time, clerical and administrative services in connection with the performance of its functions.

(2) A selection committee may engage people having suitable qualifications and experience as consultants to the committee to help the committee in identifying people suitable for nomination to the Minister.

(3) The terms and conditions of engagement of people engaged by a selection committee under subsection (1) or (2) are those determined by the committee.

Selection committee to notify costs and expenses

220.(1) If a selection committee incurs costs and expenses, it must notify the Council of the costs and expenses so incurred.

(2) In this section, a reference to costs and expenses incurred by a selection committee includes a reference to the remuneration and allowances payable to the Chairperson and other members of the committee and to people engaged by the committee under section 219.

PART 6—MISCELLANEOUS

Ministerial directions

221.(1) Subject to subsection (2), the Minister may give written directions to a statutory meat and live-stock authority with respect to the performance of its functions and the exercise of its powers, and a statutory meat and live-stock authority must comply with any directions so given to it.

(2) The Minister may only give a direction to a statutory meat and live-stock authority if:

- (a) the Minister is satisfied that, because of the existence of exceptional circumstances, it is necessary to give the direction in order to ensure that the performance of the functions, or the exercise of the powers, of the authority does not conflict with major government policies; and
 - (b) the Minister has given the authority a written notice stating that the Minister is considering giving the direction; and
 - (c) the Minister has given the Chairperson of the authority an adequate opportunity to discuss with the Minister the need for the proposed direction.
- (3) Subject to subsection (4), if the Minister gives a direction to a statutory meat and live-stock authority:
- (a) the Minister must cause a copy of the direction to be laid before each House of the Parliament within 6 sitting days of that House after the direction is given; and
 - (b) the authority's annual report for the financial year in which the direction is given must include:
 - (i) particulars of the direction; and
 - (ii) particulars of the impact of the direction on the operations of the authority.
- (4) Subsection (3) does not apply in relation to a particular direction given to a statutory meat and live-stock authority if:
- (a) the Minister, on the recommendation of the authority, makes a written determination that compliance with the subsection would, or would be likely to, prejudice the commercial activities of the authority; or
 - (b) the Minister makes a written determination that compliance with the subsection would be, or would be likely to be, prejudicial to the national interest of Australia.

Liability to taxation

222.(1) A statutory meat and live-stock authority is subject to taxation (other than income tax) under the laws of the Commonwealth.

(2) Subject to subsections (3) and (4), a statutory meat and live-stock authority is not subject to taxation under a law of a State or a Territory.

(3) The regulations may provide that subsection (2) does not apply to a particular statutory meat and live-stock authority in relation to taxation under a particular law of a State or a Territory.

(4) Stamp duty under a law of a State or a Territory is payable by a statutory meat and live-stock authority in respect of transactions entered into by, and documents executed by or on behalf of, the authority.

Consultants

223.(1) A statutory meat and live-stock authority may engage as consultants people having suitable qualifications and experience.

(2) Consultants may be engaged on any terms and conditions that the authority determines.

Remuneration and allowances

224.(1) Subject to subsections (2) and (4), this section applies to the following people:

- (a) members of a statutory meat and live-stock authority in their capacity as such members;
- (b) members of committees established by such an authority under section 225;
- (c) members of a selection committee.

(2) This section does not apply to:

- (a) a member of the Council referred to in paragraph 29(1)(j); or
- (b) the Managing Director of AMLC; or
- (c) the member of AMLC referred to in paragraph 109(1)(c); or
- (d) the Managing Director of MRC; or
- (e) the member of MRC referred to in paragraph 188(1)(c).

(3) Subject to subsection (4), a person to whom this section applies is to be paid the remuneration that is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, the person is to be paid the remuneration that is prescribed.

(4) Subsection (3) does not apply to a member of a selection committee other than the Chairperson of the committee.

(5) A person to whom this section applies is to be paid any allowances that are prescribed.

(6) This section has effect subject to the *Remuneration Tribunal Act 1973*.

Committees

225.(1) A statutory meat and live-stock authority may establish committees to help it in the performance of its functions and the exercise of its powers.

(2) A committee may include, or consist wholly of, people who are not members of the authority.

(3) Subject to the regulations, the authority may give a committee established by it any directions that it thinks fit, including directions regarding:

- (a) the manner in which the committee is to carry out its functions; and
- (b) the procedure to be followed in relation to the convening and conduct of meetings of the committee; and
- (c) the number of members of the committee who are to form a quorum at a meeting of the committee.

Regulations

226.(1) The Governor-General may make regulations prescribing all matters that:

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

and, in particular, prescribing penalties of not more than 10 penalty units for offences against the regulations.

(2) The power of the Governor-General to make regulations prescribing a number of members for the purposes of paragraph 29(1)(k) is exercisable only on the advice of the Executive Council given after it has taken into consideration a recommendation made by the Meat Industry Council as to the number of members to be prescribed.

Sunset clause

227. This Act, unless sooner repealed, ceases to have effect at the end of 30 June 1998.

[*Minister's second reading speech made in—
House of Representatives on 7 June 1995
Senate on 20 June 1995*]