EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 218

Issued by the Authority for Agriculture, Fisheries and Forestry

*Australian Wine and Brandy Corporation Act 1980*

*Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Amendment Regulations 2010 (No. 1)*

Section 46 of the Act provides, in part, that the Governor-General may make regulations consistent with the Act to prescribe all matters permitted and required to give effect to the Act, and in particular with respect to Annual General Meetings (AGMs).

The regulations amend the *Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Regulations 1999* to require prior notice to be given of all motions that are intended to be moved at an AGM of the Australian Wine and Brandy Corporation (AWBC).

Previously, if a motion was moved at an AGM without notice, only those eligible producers present at the meeting could vote on the motion and the people who appointed proxies were unable to direct their proxies on how to vote on the motion.

As the majority of eligible producers are unable to physically attend the AGM, their only opportunity to have any influence on a motion is if they can direct their proxy on how they wish to vote. This is not possible if no notice of the motion has been given.

This regulation:

(a) requires the AWBC to give at least 21 days written notice before the AGM of any motion it wishes to move;

(b) requires that an eligible producer wishing to move a motion give the AWBC notice in writing, 28 days before the AGM; and

(c) provide rules on the appointment and actions of a proxy.

Details of the regulations are set out in the Attachment.

The regulations commence on the day after they are registered in the Federal Register of Legislative Instruments.

**Authority:**

Section 46 of the *Australian Wine and Brandy Corporation Act 1980*
NOTES ON ITEMS

Regulation 1  Name of Regulations

Regulation 1 provides that the name of the regulations is the *Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Amendment Regulations 2010 (No. 1)*.

Regulation 2  Commencement

Regulation 2 provides for the regulations to commence on the day after the Regulations are registered in the Federal Register of Legislative Instruments.

Regulation 3  Amendment of *Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Regulations 1999*

Regulation 3 provides that Schedule 1 amends the *Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Regulations 1999*.

Schedule 1  Amendments
(regulation 3)

Item [1]  Regulation 3, definition of *teller*

This item removes the definition of “*teller*”.

Item [2]  Subregulation 4 (1)

This item requires the Australian Wine and Brandy Corporation (AWBC) give at least 21 days notice of any motion it intends to move at an AGM.

Item [3]  Regulations 5 and 6

This item requires that any eligible producer wishing to move a motion give the AWBC notice in writing, 28 days before the AGM. The motion must be supported by evidence of agreement of at least 10 other producers. The AWBC must then give other producers 21 days notice of the motion.

Item [4]  Subregulation 7 (3)
This item requires that the form approved by the AWBC for appointing a proxy must contain a section allowing an eligible producer to instruct the proxy on how to vote on each motion.

**Item [5] Subregulations 7(5) and (6)**

This item provides for a proxy to have the rights of the eligible producer they represent and requires that the proxy vote according to instructions.

**Item [6] Regulations 8 and 9**

This item requires voting by ballot and provides rules for tellers, including a requirement that the AWBC advise the Secretary of the Department of Agriculture, Fisheries and Forestry of any motions at least 21 days before the AGM.

**Item [7] Subregulation 10(1), at the foot**

This item adds a note confirming that the requirement to give notice of a motion extends to members of the AWBC.