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

Select Legislative Instrument 2010 No. 218

I, MARIE BASHIR, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Australian Wine and Brandy Corporation Act 1980.

Dated 19 July 2010

MARIE BASHIR
Administrator

By Her Excellency’s Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry
1 Name of Regulations

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

2 Commencement

These Regulations commence on the day after they are registered.

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

Schedule 1 amends the Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Regulations 1999.

Schedule 1 Amendments
(regulation 3)

[1] Regulation 3, definition of teller

omit

[2] Subregulation 4 (1)

substitute

(1) If the Corporation intends to move a motion at a meeting that is not a special motion, the Corporation must, at least 21 days before the meeting, send notice of the motion to each eligible producer.
[3] Regulations 5 and 6

substitute

5 Notice of motion by an eligible producer

(1) If an eligible producer intends to move a motion (including a special motion) at a meeting, the eligible producer must give notice in writing to the Corporation.

(2) The notice must be:
   (a) given to the Corporation at least 28 days before the meeting; and
   (b) accompanied by an explanatory statement of up to 1 000 words; and
   (c) accompanied by evidence of the support of at least 10 other eligible producers for the motion to which the notice relates.

(3) If notice of a motion to be moved at a meeting is given to the Corporation in accordance with subregulation (2), the Corporation must, at least 21 days before the meeting, send to each eligible producer:
   (a) a copy of the notice; and
   (b) a copy of the accompanying explanatory statement.

(4) The Corporation may also send a statement by the Corporation about the motion.

6 Voting on and passing motions

(1) A motion may be voted on or passed only if:
   (a) notice of the motion has been given to each eligible producer as required by regulation 4 or 5; and
   (b) the motion is moved in the form in which notice of it has been given.

(2) For paragraph 1 (a), if an eligible producer was inadvertently not given notice of a motion, notice of the motion is taken to have been given to the eligible producer.
[4] **Subregulation 7 (3)**

*substitute*

(3) The form of instrument of appointment approved by the Corporation must provide an eligible producer with an opportunity to instruct his or her proxy on how to vote on each motion on notice.

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

*substitute*

(5) A proxy attending a meeting for an eligible producer is entitled to do anything that the eligible producer would be entitled to do at the meeting.

(6) Despite subregulation (5), if an instrument includes requirements under subregulation (4), the proxy must vote or not vote, or vote in the specified way, as set out in the instrument.

(7) A proxy attending a meeting for an eligible producer may cast the number of votes that the eligible producer is entitled to cast under subregulation 8 (3).

[6] **Regulations 8 and 9**

*substitute*

**8 Voting**

(1) An eligible producer for a year is entitled to vote upon any motion to be determined at the meeting in that year.

(2) Voting on a motion must be by ballot.

(3) An eligible producer may cast 1 vote for every whole dollar of the total amount of levy and charge imposed on the eligible producer for the immediately preceding year that is:

(a) the Corporation’s component of wine grapes levy; or

(b) a wine export charge.
9 Tellers

(1) This regulation applies if:
   (a) the Corporation intends to move a motion at a meeting; or
   (b) the Corporation has been given notice in accordance with subregulation 5 (2) that an eligible producer intends to move a motion at a meeting.

(2) The Corporation must, at least 21 days before the meeting, advise the Secretary in writing that the motion is to be moved at the meeting.

(3) The Secretary must, before the meeting, nominate in writing 1 or more persons to act as tellers for the meeting.

(4) The Chairperson of the Corporation must appoint 1 or more of the persons nominated by the Secretary to act as tellers at the meeting.

(5) The Secretary must, before the meeting, advise at least 1 teller of the amount of levy and charge mentioned in subregulation 8 (3) for each eligible producer.

(6) A teller must not disclose any information about the amount of levy or charge imposed on, the voting rights of, or the number of votes cast by, an eligible producer, except to a person (including a court) who is required by these Regulations, or proceedings relating to these Regulations, to determine the number of votes cast for a motion.

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

insert

Note A motion can only be voted on if notice of the motion has been given — see regulations 4, 5 and 6.

Note