

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN MEAT AND LIVE-STOCK LEGISLATION (CONSEQUENTIAL  
AMENDMENTS AND TRANSITIONAL PROVISIONS)  
BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for  
Primary Industry, the Hon. John Kerin MP)



## OUTLINE

The main purpose of the Bill is to effect the amendments to complementary legislation; to repeal existing legislation dealing with meat research; and to provide the transitional arrangements which have been necessitated by the enactment of the Australian Meat and Live-stock Research and Development Corporation Act 1985.

Consequential amendments are necessary to the Australian Meat and Live-stock Corporation Act 1977, the Australian Meat and Live-stock Industry Policy Council Act 1984 and the Australian Meat and Live-stock Industry Selection Committee Act 1984.

In the case of the Australian Meat and Live-stock Corporation Act 1977 changes are necessary to the provisions dealing with membership registers to enable the Australian Meat and Live-stock Research and Development Corporation (AMLRDC) to have access to the registers and to contribute to the cost of maintaining them. The opportunity is also being taken to make certain other changes which will improve or rectify anomalies in this Act.

The Australian Meat and Live-stock Industry Policy Council Act 1984 is being amended to provide that the Chairperson of the AMLRDC will be a member of the Council in lieu of the Chairman of the Australian Meat Research Committee.

The Australian Meat and Live-stock Industry Selection Committee Act 1984 is being amended to make the Committee responsible for the selection of 8 members of the AMLRDC.

The purpose of the transitional provisions in the Bill is to facilitate the transfer of responsibility for meat and live-stock research from the Australian Meat Research Committee to the AMLRDC. The provisions mainly concern the transfer of the assets and liabilities of the Meat Research Committee to the AMLRDC.

There are no extra costs for the Commonwealth sector in the Bill. The transfer of cash balances from the Meat Research Trust Account to the AMLRDC will increase Budget outlays in the year of transfer but would not add to the public sector borrowing requirement.

## PART I - PRELIMINARY

## Clause 1: Short title

1. Provides mode of citation of Act.

## Clause 2: Commencement

2. Provides for the Commencement of the legislation.  
Sub-clause 2(1) provides for certain specified sections to come into operation on the day the Act received the Royal Assent. Of these, those listed in sub-clause 2(4), will apply retrospectively. The balance contain provisions which need to be operative as early as possible to allow for and provide the legal authority for, the selection of members of the new Australian Meat and Live-stock Corporation (AMLRDC) to proceed prior to 1 July 1985 so that the Corporation is in a position to commence operations by that date.
3. Sub-clause 2(2) relates to provisions containing drafting improvements for existing legislation which shall come into operation on a date fixed by Proclamation.
4. Sub-clause 2(3) provides for the remaining provisions to come into operation on a date to be fixed by Proclamation.
5. Sub-clause 2(4) provides for certain amendments provided for in the Act to apply retrospectively to 6 July 1984. The relevant provisions relate to previous amendments which come into effect on that date by virtue of a proclamation.

## PART II - AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION ACT 1977

6. There is a need for amendment to the Australian Meat and Live-stock Corporation Act (AMLC) 1977 to reflect changes resultant from the establishment of the new Australian Meat and Live-stock Research and Development Corporation (AMLRDC) and to delineate the revised functions and powers of the Australian Meat and Live-stock Corporation (AMLC). The opportunity is also taken at this time to implement certain drafting improvements to the existing legislation.

## Clause 3: Principal Act

7. Establishes that reference in Part II to the Principal Act are references to the Australian Meat and Live-stock Corporation Act 1977.

## Clause 4: Interpretation

8. Clause 4 inserts a definition for 'Research and Development Corporation' into section 5 of the AMLC Act.

9. Sub-clause 4(2) amends sub-section 5(2) of the AMLC Act by omitting reference that applications for entry on registers for voting at the annual general meeting (AGM) are to be "applications that are to be considered and dealt with before the meeting". The amendment ties up with the amendments in clauses 16 and 17.

Clause 5: Functions of Corporation

10. Amends section 7 of the AMLC Act with respect to recommending changes in live-stock slaughter levies and export charges, confining the Corporation's recommendations to levies and charges made for the purpose of funding the AMLC.

Clause 6: Other powers

11. Removes the provision in section 15 which restricts the AMLC to trading only in meat and live-stock which it owns. This amendment is made to correspond with a change previously made to section 9 of the AMLC Act and enhances the Corporation's ability to carry out market development.

Clause 7: Orders by Corporation

12. Amends section 16M of the AMLC Act to allow for a change in Administrative Arrangements.

Clause 8: Remuneration and allowances

13. Removes the provision for remuneration to members of consultative groups specified in sub-section 26(c) of the AMLC Act. This follows a previous repeal of the relevant part of the AMLC Act which established specific industry consultative groups. More general arrangements have been provided for the AMLC to consult industry and to meet the costs of those consultations.

Clause 9: Corporation to convene annual general meeting

14. Clause 9 amends section 30B of the AMLC Act by effecting drafting improvements to that section without changing the essential meaning.

Clause 10: Persons proposing to move certain motions to inform the Corporation

15. Amends Section 30C of the AMLC Act dealing with a notice of motion. It provides that the proposer may furnish a statement in support of his motion and evidence of the names of those willing to vote for it.

Clause 11: Corporation to give notice of meeting and motions

16. Drafting changes to section 30D of the AMLC Act but no change to essential meaning.

Clause 12: Proxies

17. Drafting changes to section 30E of the AMLC Act but no change to essential meaning.

Clause 13: Conduct of meetings

18. Sub-section 13(1) changes wording of section 30F of AMLC Act so that 'date' reads 'day' wherever it occurs. Section 30F of the AMLC Act is further amended as follows.
19. Paragraph 13(2) (a) amends AMLC Act to provide that attendance at annual general meetings may include staff of the Corporation, having regard to the legislative requirement that whilst a motion of no confidence is being voted on a staff member shall preside in place of the Chairman.
20. Paragraph 13(2) (b) amends AMLC Act so that provision for Chairman to preside at annual general meetings takes into account the aforementioned requirement concerning votes on motions of no confidence.

Clause 14: Voting at annual general meetings

21. Clause 14 amends section 30G of the AMLC Act by effecting drafting improvements without changing the essential meaning of the section.

Clause 15: Motions of no confidence

22. Sub-clause 15(1) removes the uncertainty in section 30H of the AMLC Act about the requirement for setting up an interim Corporation by making it mandatory to do so in the event of a no confidence motion in the Corporation being passed and where it is impracticable to replace the members within the space of one month.
23. Sub-clause 15(2) amends sub-section 30H(1) of the AMLC Act, providing that the member of the staff of the AMLC who is to preside in the Chairman's stead at an annual general meeting in the event of a vote on a motion of no confidence in either the Chairman or the Corporation is to be selected by the Chairman. This sub-clause also effects drafting changes to sub-section 30H(5) of the AMLC Act, without changing the essential meaning.

Clause 16: Corporation to establish and maintain certain registers

24. Inserts sub-section 30J (7A) to allow the Corporation to enter on the register the names of persons who have applied on or before the day of the closing of the register for an annual general meeting.

Clause 17: Repeal of section 30L and substitution of new sections

25. Repeals section 30L of the AMLC Act which precluded the entry of persons on a register after it had been closed in respect of a particular annual general meeting. This became necessary as a consequence of Clause 16.

26. In place of section 30L new sections 30L and 30LA are substituted as follows

Section 30L: Research and Development Corporation to be notified of cost of maintaining registers

27. Provides for the AMLC to notify the Research and Development Corporation of expenditure incurred during the financial year in maintaining the registers. This provision is made since the Research and Development Corporation will be paying half the maintenance costs of these registers under the provisions of the AMLRDC Act (section 44).

Section 30LA: Corporation to provide access to registers

28. Provides for the Research and Development Corporation to have access to the registers maintained by the AMLC.

Clause 18: Repeal of Section 33

29. Provides for repeal of section 33 of the AMLC Act.

Clause 19: Insertion of new section

30. Clause 19 inserts the following section in the AMLC Act.

Section 37A: Research and Development Corporation to be informed of Selection Committee's costs and expenses.

31. Provides for the AMLC to notify the AMLRDC of costs incurred by the Australian Meat and Live-stock Industry Selection Committee related to the selection of members of the AMLRDC.

### PART III - AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY POLICY COUNCIL ACT 1984

Clause 20: Principal Act

32. Establishes that references in Part III to the Principal Act are references to the Australian Meat and Live-stock Industry Policy Council (AMLIPC) Act 1984.

Clause 21: Membership of Council

33. Sub-clause 21(1) amends paragraph 9(1)(d) of the AMLIPC Act to read that the Council shall include the Chairman of the Australian Meat Exporters' Federal Council, rather than the President.

34. Sub-clause 21(2) amends paragraph 9(1)(h) of the AMLIPC Act to provide for the appointment to Council of the Chairperson of the Australian Meat and Live-stock Research and Development Corporation and deletes the Chairman of the Australian Meat Research Committee as council member.

PART IV - AMENDMENTS OF THE AUSTRALIAN MEAT AND LIVE-STOCK  
INDUSTRY SELECTION COMMITTEE ACT 1984

Clause 22: Principal Act

35. Establishes that references in Part IV to the Principal Act are references to the Australian Meat and Live-stock Industry Selection Committee (AMLISC) Act 1984.

Clause 23: Title

36. Amends the long title of the AMLISC Act to read: 'An Act to establish a committee to nominate persons for appointment as members of certain corporations', reflecting the extension of the functions of the Committee to select persons for appointment to the AMLC and the AMLRDC.

Clause 24: Interpretation

37. Provides for the interpretation of the AMLISC Act by giving definitions for Meat and Live-stock Corporation, Research and Development Corporation and meat and live-stock research and development.

Clause 25: Functions of Committee

38. Specifies that the functions of the Committee include the selection and nomination of persons to be appointed to the Australian Meat and Live-stock Research and Development Corporation (other than the Chairperson, the Executive Director and the government member).

Clause 26: Heading of Part III

39. Changes title of Part III of AMLISC Act to refer specifically to the 'Selection and Nomination of Candidates for Appointment to the Meat and Live-stock Corporation'.

Clause 27: Selection of persons for nomination

40. Amends the wording of section 8 of the AMLISC Act so that 'Corporation' reads 'Meat and Live-stock Corporation' thus removing any possible ambiguity.

Clause 28: Part IIIA

41. Inserts Part IIIA - "Selection and Nomination of Candidates for Appointment to Research and Development Corporation" into the AMLISC Act. The provisions are as follows:

Clause 10A: Minister may request nominations



42. Authorises the Minister to write to the AMLISC requesting it to provide him or her by a nominated date with the name or names of persons suitable for appointment to vacancies in the Research and Development Corporation.

Clause 10B: Selection of persons for nomination

43. The purpose of sub-clauses 10B(1) and 10B(2) is to ensure that persons selected by the AMLISC for appointment to the Research and Development Corporation have the qualifications or experience enumerated.
44. Sub-clause 10B(3) provides that a person who is or has been a member of the AMLISC cannot be nominated for appointment to the Research and Development Corporation (whether or not constituted on an interim basis) until a period of three years has elapsed since that person ceased to be such a member.
45. Sub-clause 10B(4) provides that a person is eligible for nomination, notwithstanding previous rejections by the Committee or the Minister.

Clause 10C: Nominations

46. Sub-clauses 10C(1) and (2) provide for the AMLISC to provide the Minister with nominations and specifies that only one person is to be nominated for each vacancy.
47. Sub-clause 10C(3) requires the AMLISC to provide a statement specifying how each nomination will best ensure that the members of the AMLRDC collectively possess qualifications and experience in all fields of activity specified in clause 10B.
48. Sub-clause 10C(4) allows for the Minister to request further information from the AMLISC if he or she considers the information furnished to be inadequate.

Clause 10D: Minister may reject nomination

49. Authorises the Minister to reject nominations if not satisfied as to suitability and require the Committee to submit new nominations.

Clause 29: Insertion of new section in Part VI

50. Inserts section 22A into the AMLISC Act, the provisions of which are as follows:

Section 22A: Committee to notify costs and expenses

51. Provides for AMLISC to notify the AMLC of costs and expenses incurred in the performance of its functions and to identify those costs and expenses incurred in relation to the selection of members of the AMLRDC.

Clause 30: Schedule 1

52. Provides for amendments of certain provisions of the AMLISC Act, listed in Schedule 1, to be applied. These amendments vary the wording of the Act to clearly distinguish between the AMLC and the AMLRDC, and to provide for the use of masculine and feminine personal pronouns throughout the Act. The amendments do not change the essential meaning of the Act.

PART V - AMENDMENTS OF THE MEAT RESEARCH ACT 1960

Clause 31: Principal Act

53. Establishes that references in Part V to the Principal Act are references to the Meat Research Act 1960.

Clause 32: Australian Meat Research Committee

54. Amends section 8 of the Meat Research Act so that recommendations with respect to live-stock slaughter levies and export charges and expenditure of funds in the Meat Research Trust Account made by the Meat Research Committee are presented to the Minister rather than the AMLC.

PART VI - REPEAL OF CERTAIN ACTS AND CONSEQUENT TRANSITIONAL PROVISIONS

Clause 33: Interpretation

55. Gives definitions of "commencing day," "Committee," "Corporation," "Research Account" and "the Act" for the interpretation of Part VI.

Clause 34: Money in Research Account to be paid to Corporation

56. Provides for the transfer of the moneys of the Australian Meat Research Committee to the AMLRDC upon the commencing day for the AMLRDC Act.

Clause 35: Money in respect of levy, charge, etc to be paid to Corporation

57. Provides for payment to the AMLRDC on, or as soon as practicable after, the commencing day of the AMLRDC Act, of moneys due for payment by the Commonwealth into the Meat Research Trust Account. It covers moneys collected under the provisions of the various live-stock slaughter levy and collection Acts and live-stock export charge and collection Acts, and moneys owing by the Commonwealth under the matching provisions of the Meat Research Act. Also provides for payment of such moneys out of the Consolidated Revenue Fund.

Clause 36: Certain arrangements and agreements to continue in force

58. The AMLRDC will assume responsibility for any current agreements having been entered into by the Minister, on behalf of the Commonwealth, under the provisions of the Meat Research Act; ie agreements for the purposes of research carried out with moneys provided out of the Research Account.

Clause 37: Certain amounts to be paid from Corporation funds

59. Provides that the AMLRDC will assume responsibility for any fees, expenses and allowances owing to any Meat Research Committee members, advisors or for administrative and clerical assistance which are outstanding on the commencing day for the AMLRDC.

Clause 38: Report on operation of the Act

60. Provides for the Australian Meat Research Committee to be responsible for the preparation of a final annual report for itself, which shall be prepared in accordance with the provisions of the Meat Research Act. The AMLRDC shall provide clerical and other assistance as required in this task.

Clause 39: Schedule 2

61. Provides for repeal of previous Cattle and Beef Research Acts and Meat Research Acts listed in Schedule 2.









