

WESTERN AUSTRALIA

**MARKETING OF MEAT ACT 1971**

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WESTERN AUSTRALIA

# MARKETING OF MEAT ACT 1971

AN ACT to establish the Western Australian Meat Marketing Corporation and to provide for the marketing of lamb and other meat and livestock and products derived therefrom and for incidental and other purposes.

[*Long title amended by No. 107 of 1985 s. 4.*]

## PART I—PRELIMINARY

[*Heading inserted by No. 110 of 1987 s. 5.*]

### Citation

1. This Act may be cited as the *Marketing of Meat Act 1971*<sup>1</sup>.

[*Section 1 amended by No. 107 of 1985 s. 5.*]

### Commencement

2. This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

[3. *Section 3 repealed by No. 107 of 1985 s. 6.*]

### **Interpretation**

4. (1) In this Act unless the contrary intention appears—

“chairman” means chairman of the Corporation;

“Corporation” means the Western Australian Meat Marketing Corporation established by section 5;

“lamb” means a sheep which has not cut a permanent incisor tooth;

“lamb producer” means a person who is engaged in the business of raising and finishing lambs for sale;

“lamb product” includes any carcass, skin or offal, or any part thereof, obtained from any lamb delivered to the Corporation, and also includes any lamb which is disposed of, live, by the Corporation after the lamb has been delivered to the Corporation, or purchased by the Corporation under section 22A;

“livestock” means livestock of the bovine, caprine, equine, ovine (other than lamb) or porcine species;

“manager” means the manager of the Corporation appointed under section 14;

“meat” means the flesh of any livestock when killed which is intended to be used for human consumption, whether fresh or subjected to chilling, freezing, preserving, salting, or any other process of manufacture or preservation;

“meat product” includes offal intended for human consumption obtained from any livestock or any carcass, hide or skin or any part thereof so obtained;

“member” means member of the Corporation.

(2) Any question as to whether a person is or is not a lamb producer shall for the purposes of this Act be determined by the Corporation.

(3) Nothing in subsection (1) shall preclude the Corporation from disposing of any lamb, or other meat or any edible offal for a purpose other than for human consumption.

[*Section 4 amended by No. 55 of 1977 s. 3; No. 73 of 1983 s. 3; No. 107 of 1985 ss. 7 and 26; No. 110 of 1987 s. 6.*]

## **PART II—THE WESTERN AUSTRALIAN MEAT MARKETING CORPORATION**

[*Heading amended by No. 107 of 1985 s. 8.*]

### **Western Australian Meat Marketing Corporation**

5. (1) For the purposes of this Act, there shall be established a Corporation, to be known as the Western Australian Meat Marketing

Corporation, which, subject to the Minister, shall have vested in it the administration of this Act.

(2) The Corporation—

- (a) is a body corporate with perpetual succession and shall have a common seal;
- (b) is capable, in its corporate name, of acquiring, holding, and disposing of real and personal property and of suing and being sued; and
- (c) is capable of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to any document and shall presume that it was duly affixed thereto.

[Section 5 amended by No. 107 of 1985 ss. 9 and 26.]

### Corporation not to represent the Crown

6. The Corporation, when established, is not an agent or servant of the Crown.

[Section 6 amended by No. 107 of 1985 s. 26.]

### Members

7. (1) The Corporation shall consist of 9 members, of whom—

- (a) one member shall, on the nomination of the Minister, be appointed by the Governor as chairman;
- (b) 2 members shall be lamb producers elected by prescribed lamb producers and appointed by the Governor;
- (c) 5 members shall be appointed by the Governor on the nomination of the Minister made in accordance with subsection (1b); and
- (d) one member shall, *ex officio*, be the person who is for the time being holding or acting in the office of manager.

(1a) For the purposes of subsection (1) (a), the Minister shall nominate as chairman a person who, in his opinion, has commercial experience.

(1b) For the purposes of subsection (1) (c) the Minister shall nominate as a member—

- (a) a person to represent producers of livestock other than lamb;
- (b) to represent consumers, a person who, in the opinion of the Minister, has appropriate economic expertise;

- (c) a person who, in the opinion of the Minister, is an expert in commerce;
- (d) a person who, in the opinion of the Minister, is an expert in marketing; and
- (e) a person to represent the Government.

(2) The Minister shall appoint a returning officer for each election of an elective member.

(3) Each election for the purposes of subsection (1) (b) shall be held and conducted in such manner and at such time as is prescribed.

(4) The Corporation shall pay out of moneys derived from its operations relating to lamb and lamb products the expenses incurred in connection with the election of an elective member.

(5) Except as otherwise provided by this Act a member other than the manager shall hold office for such term, being not more than 3 years, as is specified in the instrument of his appointment.

*[(6) and (7) repealed]*

(8) Subject to this Act, where the term of office of any member other than the manager expires by effluxion of time, the member is eligible for re-election and re-appointment or for re-appointment, as the case requires.

(9) Each member other than the manager may be, at any time, removed from office by the Governor for disability, insolvency, neglect of duty, or misconduct or if—

- (a) having been appointed under subsection (1) (b), he ceases to be a lamb producer;
- (b) without the approval of the Minister, he is absent from 3 consecutive meetings of the Corporation of which he had notice.

(10) Each member other than the manager may, at any time, resign his office by writing addressed to the Minister.

(11) If any member other than the manager dies, resigns, or is removed from office, the vacancy in the office of member so vacated shall be filled in the manner in which the appointment to the vacant office was originally made and the person appointed to that office shall be appointed for the residue of the term for which his predecessor was appointed.

(12) The Minister may grant leave of absence to a member upon such terms and conditions as he determines.

*[(13) repealed]*

(14) The powers of the Corporation are not affected by any vacancy in the membership thereof, and if a quorum is present all acts and proceedings of the Corporation are valid and effectual notwithstanding the vacancy.

(15) All acts and proceedings of the Corporation are, notwithstanding any defect in the appointment of any member, or that any member was disqualified or not entitled to act, as valid as if the member had been duly appointed and was qualified to act and had acted as a member and as if the Corporation had been duly and fully constituted.

[Section 7 amended by No. 107 of 1985 ss. 10 and 26; No. 110 of 1987 s. 7.]

### **Conduct of business**

8. Subject to this Act, the business of the Corporation shall be conducted in such manner as the Corporation determines.

[Section 8 amended by No. 107 of 1985 s. 26.]

### **Meetings of the Corporation**

9. (1) The first meeting of the Corporation after the coming into operation of this Act<sup>1</sup> shall be convened by the chairman and thereafter, subject to subsection (2), meetings shall be held at the times and places determined by the Corporation but the chairman, or any 2 members, may, on reasonable notice to all members, call a meeting at any time.

(2) The chairman shall ensure that a meeting of the Corporation is conducted in at least 10 months in each calendar year.

[Section 9 amended by No. 107 of 1985 ss. 11 and 26.]

### **Proceedings of the Corporation**

10. (1) At a meeting of the Corporation, 4 members entitled to vote constitute a quorum.

(2) The chairman shall preside at every meeting of the Corporation at which he is present but if the chairman is not present at a meeting the other members present shall select one of their number to act as chairman.

(3) Questions arising at a meeting of the Corporation shall be decided, in open voting, by a majority of the votes of members present thereat, but the manager and the member nominated under section 7 (1b) (e) to represent the Government are not entitled to vote on any question.

(4) At a meeting of the Corporation, the chairman or other member presiding does not have a deliberative vote but, in the case of any equality of votes, has a casting vote.

[(5) repealed]

(6) The Corporation shall keep a record of its proceedings.

[Section 10 amended by No. 107 of 1985 ss. 12 and 26; No. 110 of 1987 s. 8.]

### **Delegation**

11 (1) The Corporation may, with the approval of the Minister, delegate to any member, officer or employee of the Corporation or other person, any of its powers and functions, except this power of delegation.

(2) A function performed by a delegate under subsection (1) shall be deemed to have been performed by the Corporation.

[Section 11 amended by No. 107 of 1985 ss. 13 and 26.]

### **Remuneration and expenses of members**

12. The members of the Corporation shall receive such remuneration and expenses as are approved by the Governor.

[Section 12 amended by No. 110 of 1987 s. 9.]

### **Protection of members**

13. A member is not personally liable for any act done in good faith by the Corporation or by him acting as a member.

[Section 13 substituted by No. 107 of 1985 s. 14.]

### **Appointment of officers of the Corporation**

14. (1) The Corporation may appoint a manager to be its chief executive officer and such other officers and employees as it considers necessary for the purposes of this Act.

(2) All persons appointed under subsection (1) are subject to the control and direction of the Corporation.

(3) The Corporation shall, subject to any award or agreement in force under the *Industrial Relations Act 1979*, determine the salaries and allowances of the officers and employees of the Corporation.

(4) Any person appointed, employed, or engaged by the Corporation is not subject to the provisions of the *Public Service Act 1978*.

(5) With the consent of the Minister administering a department of the Public Service of the State, the Corporation may, on such terms and conditions as are agreed between it and that Minister, use the services of a person employed in that department.

[Section 14 amended by No. 107 of 1985 ss. 15 and 26; No. 110 of 1987 s. 10.]



### **Functions of the Corporation**

**14A.** (1) The functions of the Corporation are—

- (a) in respect of lamb, to operate the scheme provided for in Part III for the acquisition and marketing thereof; and
- (b) in respect of all other forms of livestock, meat and meat products, to trade in and market the same, both in the State and elsewhere, in such manner as it thinks fit.

(2) The Corporation shall perform its functions under each of paragraphs (a) and (b) of subsection (1) in such manner as to ensure that, taking one year with another, its revenue under that paragraph is at least sufficient to meet its expenditure under that paragraph properly chargeable to revenue.

(3) Any surplus moneys, as determined by the Corporation, derived from its operations under subsection (1) (b) may be expended for such purposes, not inconsistent with this Act, relating to the marketing of livestock, meat or meat products as the Corporation may determine.

[Section 14A inserted by No. 107 of 1985 s. 16.]

### **Financial transactions and records relating to lamb to be kept separate**

**14B.** (1) The Corporation shall, so far as is practicable, cause all financial transactions relating to lamb and lamb products, and assets derived therefrom including those referred to in subsection (3), to be kept separate from those relating to other livestock, meat and meat products and shall keep its accounts and records accordingly.

(2) The Corporation shall, in such manner as it considers appropriate, apportion between—

- (a) its operations relating to lamb and lamb products; and
- (b) its operations relating to other livestock, meat and meat products,

any expenditure or liability incurred or moneys or other benefit received which does not relate exclusively to one of such operations.

(3) If the commencement of the financial year of the Corporation does not coincide with the day on which section 16 of the *Acts Amendment (Meat Industry) Act 1985* comes into operation<sup>1</sup>, the Corporation shall, for the purposes of this section, cause a statement of the assets of the Corporation to be prepared as at that day, together with such other financial statements as it considers appropriate.

(4) If any asset which is derived solely from the operations referred to in a paragraph of subsection (2) is employed wholly or partly for the benefit of the operations referred to in the other paragraph of that subsection, the Corporation shall make an appropriate charge therefor for the credit of the operations from which the asset is derived.

(5) In subsection (2) "expenditure" includes the costs of administration, provision for reserves, depreciation and the repayment of loans.

*[Section 14B inserted by No. 107 of 1985 s. 16.]*

### **General powers of the Corporation**

- 15.** (1) The Corporation may, for the purposes of this Act—
- (a) buy and sell any property;
  - (b) enter into any contract;
  - (c) borrow money;
  - (d) mortgage or charge any of its property as security for the repayment of any money borrowed;
  - (e) carry out, or arrange for the carrying out of, the slaughtering, receiving, holding, treating, handling, classifying, storing, chilling, processing, packing, or selling of any lamb or lamb product, or other livestock, meat or meat product;
  - (ea) carry out, or arrange for the carrying out of, with the approval of the Minister, the selling of live lambs outside the State;
  - (f) establish and maintain premises, machinery, plant and equipment;
  - (g) act as shipping agent;
  - (h) appoint persons to act as agents for the Corporation and authorize those persons to carry out on behalf of the Corporation such of its powers and functions as are prescribed or are agreed to between it and each such agent; and
  - (i) do all other things which are necessary or convenient to be done by the Corporation for giving effect to this Act.

(2) The Treasurer on behalf of the State may guarantee, on such terms and conditions as he thinks fit, the repayment of any moneys borrowed by the Corporation under this Act, and the payment of interest thereon.

(3) The Treasurer shall cause any money required for fulfilling any guarantee given by him pursuant to subsection (2) to be paid out of the Consolidated Revenue Fund which is hereby appropriated to the necessary extent, and the Treasurer shall cause any sums received or recovered by him from the Corporation or otherwise in respect of any money so paid by him to be paid into the Consolidated Revenue Fund.

*[Section 15 amended by No. 73 of 1983 s. 4; No. 107 of 1985 ss. 17 and 26; No. 98 of 1985 Schedule 1; No. 110 of 1987 s. 11.]*

PART III—MARKETING OF LAMB

**Delivery of lambs**

**16.** (1) Subject to this Act, a person who is in the possession of lambs may by arrangement with the Corporation deliver the lambs to the Corporation.

(2) The Corporation may from time to time—

- (a) by notice in writing served on the person to whom it is addressed; or
- (b) by notice published in a newspaper circulating throughout the State,

specify the manner in which and the times and places at which lambs may be delivered to the Corporation by or on behalf of the person or persons referred to in the notice, or by or on behalf of persons generally, and the period of notice required to be given to the Corporation prior to the delivery of lambs to it, and may by subsequent notice amend or revoke any such notice.

(3) The Corporation may limit and regulate the number of lambs to be delivered to it in a particular period, either generally throughout the State or in any area or areas, whenever it is of the opinion that it is desirable to do so.

(3a) Whenever the Minister, after receiving the advice of the Corporation, is of the opinion that the obligation of the Corporation to accept delivery of lambs should be suspended for the time being by reason of the temporary inability of the Corporation to slaughter or arrange for the slaughter of such lambs, either generally throughout the State or in any particular area or areas only, he may by notice to the Corporation given or confirmed in writing suspend the obligation of the Corporation to accept delivery of lambs, either generally or in the particular area or areas, on and after a time specified in the notice, and the Corporation is not obliged to accept delivery of any lambs within the area to which the notice relates until the Minister by subsequent notice to the Corporation given or confirmed in writing revokes the suspension.

(3b) As soon as is reasonably practicable after the Corporation is given notice under subsection (3a) suspending its obligation to accept delivery of lambs, the Corporation—

- (a) shall cause notification of the suspension of its obligation to accept delivery of lambs to be published by radio broadcast or such other means as it considers appropriate in the area to which the notice relates; and

(b) where, for the purposes of subsection (4), the Corporation has granted approval to any person for the delivery to the Corporation of lambs but pursuant to subsection (3a) delivery of the lambs will not be accepted by the Corporation in accordance with that approval, shall make all reasonable endeavours to advise such person, as soon as is reasonably practicable, that delivery will not be so accepted.

(4) During any period when any limitation or regulation under subsection (3) applies throughout the State or in a particular area, the Corporation is not obliged to accept delivery of any lambs throughout the State or within that area, as the case may be, except from a person who—

- (a) having applied in the manner directed by the Corporation for the approval of the Corporation for the delivery of lambs to the Corporation during that period, has been granted approval for the delivery to the Corporation of a number of lambs during that period; and
- (b) delivers lambs not exceeding the number specified in the approval of the Corporation at a time and place specified by the Corporation.

(5) Subject to subsections (3a), (4) and (7), the Corporation shall not refuse to accept delivery of a lamb that is made in accordance with the terms of a notice given under subsection (2).

(6) The Corporation is not obliged to accept delivery of a lamb in any case where the delivery or proposed delivery is not in accordance with the terms of a notice given under subsection (2), and where, in such a case, the Corporation accepts delivery or where the Corporation accepts delivery in a case where it is entitled to refuse to accept delivery under subsection (4), any additional expenses incurred thereby by or on behalf of the Corporation may be deducted from any amounts otherwise payable by the Corporation to the person by or on whose behalf the lamb was delivered to the Corporation.

(7) The Corporation is not obliged to accept delivery of a lamb—

- (a) if the lamb is suffering from, or is affected by, disease;
- (b) if it appears that the carcass that would be obtained from the lamb would be unfit for human consumption; or
- (c) if for any reason, including the dirty condition of the lamb or its weight, it appears that the proceeds of the sale of lamb products that would be obtained from the lamb may be less than the costs that would be incurred by the Corporation in respect of the lamb.

(8) Delivery of any lamb to the Corporation may be made by delivering the lamb to an officer or employee of the Corporation authorized by the Corporation to accept delivery on its behalf or to an agent of the Corporation appointed to act on its behalf in connection with the delivery of lambs.

(9) The Corporation is empowered to give preference to lambs delivered by lamb producers at all times.

[Section 16 amended by No. 55 of 1977 s. 4; No. 78 of 1981 s. 2; No. 73 of 1983 s. 5; No. 107 of 1985 ss. 18 and 26.]

### **Effect of delivery, etc.**

17. (1) Upon delivery of any lamb to the Corporation, the lamb becomes the absolute property of the Corporation, freed from all mortgages, charges, liens, pledges, interests, trusts, contracts and encumbrances affecting it; and the rights and interests of every person to or in the lamb shall thereupon be converted to a claim for payment therefor in accordance with the provisions of this Act.

(2) A person who delivers any lamb to the Corporation shall, at the same time, furnish to the officer, employee or agent accepting delivery on behalf of the Corporation in accordance with section 16 (8), a statement in writing setting out the names and addresses of all persons known by him to have or to claim any interest in the lamb and all particulars known to him of those interests.

[Section 17 amended by No. 107 of 1985 s. 26.]

### **Liens, mortgages, etc.**

18. Subject to section 17 (1), no person claiming any right or title, whether as owner of or as being entitled to any lien, mortgage, charge, encumbrance or other claim over any lamb delivered to the Corporation, shall have any claim against the Corporation on account thereof.

[Section 18 amended by No. 107 of 1985 s. 26.]

### **Unauthorized slaughtering prohibited**

19. (1) Subject to section 20, a person shall not slaughter a lamb or cause or permit a lamb to be slaughtered unless, at the time of the slaughter, the lamb is the property of the Corporation and is being slaughtered for or on behalf of the Corporation.

Penalty—

- (a) for a first offence, \$2 000; and
- (b) for any subsequent offence, \$4 000.

(2) A court convicting a person of an offence against subsection (1) shall, in addition to any other penalty imposed in respect of that offence, impose a further penalty calculated at the rate of \$100 in respect of each lamb in respect of which the offence is committed, irreducible in mitigation notwithstanding the provisions of any other Act.

[Section 19 amended by No. 73 of 1983 s. 5; No. 107 of 1985 s. 26.]

**Exemptions**

**20.** Nothing in section 19 applies to the slaughtering of a lamb where—

- (a) the lamb is slaughtered principally for consumption by the lamb producer, his family or employees;
- (b) neither the carcass nor any portion thereof is sold for the purpose of human consumption; or
- (c) the slaughtering of the lamb is declared by the regulations to be exempt from the provisions of that section.

[Section 20 amended by No. 107 of 1085 s. 19.]

**Sale of carcasses, etc., by Corporations etc.**

**21.** (1) Subject to this Act, the Corporation may—

- (a) slaughter or arrange for the slaughter of any lambs of which it becomes the owner; and
- (b) sell or arrange for the sale, within the State or elsewhere, of all lamb products obtained from lambs delivered to it, to such persons and at such prices and on such terms as it thinks proper,

and may for that purpose exercise any of the powers and functions conferred on it by section 15.

(2) The Corporation shall, so far as it is practicable to do so, classify or grade or cause to be classified or graded all edible lamb products obtained from lambs slaughtered by it or on its behalf.

(3) The Corporation may, in lieu of selling any offal or other prescribed kind of lamb products, enter into any arrangement whereby the offal or other lamb products are disposed of to other persons without payment therefor being made to the Corporation, if the disposal of the offal or other lamb products is made in consideration or part consideration for, or in payment or part payment of the cost of, services rendered to the Corporation in connection with the slaughtering or treatment of lambs or lamb products.

[Section 21 amended by No. 107 of 1985 s. 26.]

**Holding and sale of live lambs**

**21A.** (1) Where the Corporation—

- (a) is unable to slaughter or arrange for the slaughter of any lambs of which it becomes the owner;

- (b) considers any lambs of which it becomes the owner are not suitable for immediate slaughter; or
- (ba) considers that it would be expedient having regard to market conditions to sell any lambs live,

it may—

- (c) hold or arrange for the holding of such lambs until they can be slaughtered; or
- (d) sell such lambs live and, until their sale, hold or arrange for the holding of such lambs.

and may for that purpose exercise any of the powers and functions conferred on it by section 15.

*[Section 21A substituted by No. 73 of 1983 s. 7; amended by No. 107 of 1985 ss. 20 and 26.]*

### **Payment for lambs obtained by Corporation**

**22.** (1) Subject to this Act, the Corporation shall, out of the proceeds of lambs and lamb products obtained from lambs delivered to it under section 16 and disposed of by it under this Act, make payments to the persons by or for whom the lambs were delivered to the Corporation under this Act, in respect of the lambs so delivered in accordance with—

- (a) any contract between the person and the Corporation; or
- (b) the price schedule published by the Corporation pursuant to which the delivery was arranged, where no such contract applies,

and any such payments may take into account any incentives, seasonal trends, or other factors which in the opinion of the Corporation are in the interest of producers generally or are necessary to meet specific marketing requirements.

*[(2) repealed]*

(3) The Corporation shall deduct from the proceeds of sale of lamb and lamb products or, as the case may be, from payments made by the Corporation—

- (a) all expenditure in connection with the marketing of lamb and lamb products, including the holding, slaughtering, treatment, handling, storing, chilling, processing, packing, carriage, and insurance of lamb and lamb products—
  - (i) solely incurred, or estimated to be solely incurred, in carrying out its operations relating to lamb and lamb products; or
  - (ii) apportioned or charged to those operations under section 14B;

- (b) all other expenditure (including expenditure referred to in section 14B (5))—
  - (i) solely incurred, or estimated to be solely incurred, in carrying out its operations relating to lamb and lamb products; or
  - (ii) apportioned or charged to those operations under section 14B; and
- (c) any sums payable by way of penalty for non-delivery imposed pursuant to subsection (7).

*[(4) repealed]*

(5) Subject to section 21A (3), for the purposes of ascertaining the amount of any payment to be made by the Corporation under subsection (1), and generally for the purposes of this Act, the decision of the Corporation as to—

- (a) the quality or grade of any of the lamb products obtained from lambs delivered to the Corporation and the basis of payment applicable thereto; and
- (b) the amounts to be deducted under this section and section 16 (6),

shall be final and conclusive.

(6) Except in the case of lambs dealt with pursuant to section 21A, where the Corporation has accepted delivery of any lambs and the proceeds of the sale of all lamb products obtained therefrom are less than the expenditure of the kind referred to in subsection (3) (a) in respect of the lambs, the amount of the deficiency is recoverable by the Corporation from the person by or on whose behalf the lambs were so delivered as a debt due to the Corporation, in any court of competent jurisdiction.

(7) Where a person who gave notice to the Corporation of his intention to deliver a number of lambs to the Corporation fails to deliver any lambs at the time specified in the notice, or delivers at that time a substantially smaller number of lambs than that specified in his notice there shall be payable by that person to the Corporation by way of penalty such amount as the Corporation may determine in respect of each lamb not delivered up to the prescribed maximum amount or such lesser amount as the Corporation may specify in a notice served or published pursuant to section 16 (1), and any such penalty may be deductible by the Corporation pursuant to subsection (3) and to the extent not so recovered by deduction is recoverable from that person by the Corporation as a debt due to it, in any court of competent jurisdiction but the Corporation may, if satisfied as to the reasons for the failure or the delivery of the smaller number, agree not to impose any such penalty.

(8) The Corporation may pay or cause to be paid to persons who have delivered lambs to it, the amounts paid or payable to the Corporation in respect of the skins of those lambs, and in that event the amounts so paid



or payable to the Corporation shall not be regarded as forming part of the proceeds of the sale of lamb products for the purposes of subsections (1) and (3).

(9) Where the Corporation so determines, any surplus moneys in the hands of the Corporation derived from the operations of the Corporation relating to lamb and lamb products during the immediately preceding financial year may be rateably distributed amongst lamb producers who have delivered lambs to the Corporation, but in so determining the Corporation shall have regard to the need to meet prior deficits and to maintain proper reserves in respect of its operations relating to lamb and lamb products.

[Section 22 amended by No. 55 of 1977 s. 5; No. 78 of 1981 s. 4; No. 73 of 1983 s. 8; No. 107 of 1985 ss. 21 and 26.]

### **Purchase of lamb by the Corporation**

**22A.** Notwithstanding the scheme provided for in this part for the acquisition and marketing of lamb the Corporation may purchase lamb at auction or on farms.

[Section 22A inserted by No. 110 of 1987 s. 12.]

[PART IV: Part IV repealed by No. 107 of 1985 s. 22.]

## **PART V—MISCELLANEOUS**

### **Non-liability of Corporation**

**26.** (1) Where the Corporation has in good faith and without negligence made any payment—

- (a) to a person delivering or causing to be delivered any lamb to the Corporation;
- (b) to any other person entitled or claiming to be entitled through such a person who has delivered or caused to be delivered any lamb to the Corporation; or
- (c) to any other person on the order of such a person who has delivered or caused to be delivered any lamb to the Corporation,

the Corporation shall not be answerable to any person in respect of the payment, or any part thereof, or to any action or proceeding whatsoever for damages or otherwise in respect thereof.

(2) For the purpose of this section any person who is believed by the Corporation or its representative, on reasonable grounds, to be the person by whom any lamb was delivered or caused to be delivered to the Corporation, shall be deemed to be the person by whom the lamb was so delivered or caused to be so delivered.

(3) This section shall not affect the rights *inter se* of any parties claiming adversely to one another in respect of any such payment or any part thereof.

[Section 26 amended by No. 107 of 1985 s. 26.]

### **Application of *Financial Administration and Audit Act 1985***

27. The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Corporation and its operations.

[Section 27 substituted by No. 98 of 1985 Schedule 1 (as amended by No. 4 of 1986 s. 3); amended by No. 107 of 1985 s. 26.]

### **Expenditure of Corporation**

28. Subject to this Act, all expenditure of the Corporation shall be a charge on the funds derived from the performance of its functions.

[Section 28 substituted by No. 107 of 1985 s. 24.]

### **Record of proceedings**

29. [(1) repealed]

(2) The Minister may at any time request the chairman to furnish him with—

- (a) any records of the proceedings of the Corporation kept pursuant to section 10 (6);
- (b) any other particulars or information concerning the activities of the Corporation,

and the chairman shall comply with any such request.

[Section 29 amended by No. 98 of 1985 Schedule 1 (as amended by No. 4 of 1986 s. 3); No. 107 of 1985 s. 26.]

### **How legal proceedings taken**

30. (1) Any proceedings, whether civil or penal, may be taken in the name of the Corporation by the manager or by any officer of the Corporation authorized in that behalf by the Corporation.

(2) No proof shall be required of the appointment of the manager or any officer as an officer of the Corporation, or of the authority of the manager or officer to take civil or penal proceedings in the name of the

Corporation but the averment on the process that the manager or an officer of the Corporation is so authorized shall be deemed to be conclusive proof of the fact.

[Section 30 amended by No. 107 of 1985 s. 26.]

### Regulations

**31.** (1) The Governor may make regulations prescribing all such matters as by this Act are required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to or achieving the objects of this Act and facilitating the exercise by the Corporation of its powers, functions and duties under this Act.

(2) Without limiting the generality of the power conferred by subsection (1), regulations may be made—

- (a) prescribing the producers eligible to vote at an election of a member referred to in section 7(1)(b).
- (b) requiring producers, or persons dealing or trafficking in lambs or lamb products, or persons having the management or control of lands or premises used for or in connection with the slaughtering of lambs, or the treatment, storage or chilling of lamb products or any other process connected therewith, to furnish returns containing such information as the Corporation may consider necessary;
- (c) for enabling the Corporation or any person authorized by it to inspect any records or accounts relating to lambs or lamb products, or to land or premises referred to in paragraph (b);
- (d) for enabling the Corporation to appoint inspectors, and defining the powers of inspectors so appointed; and
- (e) imposing penalties not exceeding \$1 000 for a first offence, and not exceeding \$2 000 for any subsequent offence, against any regulation.

[Section 31 amended by No. 73 of 1983 s. 9; No. 107 of 1985 s. 26; No. 110 of 1987 s. 13.]

### Review of Act

**32.** (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from the commencement of section 25 of the *Acts Amendment (Meat Industry) Act 1985*<sup>1</sup>, and in the course of that review the Minister shall consider and have regard to—

- (a) the effectiveness of the operations of the Corporation;
- (b) the need for the continuation of the functions of the Corporation; and

(c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on his review made under subsection (1) and shall, as soon as is practicable after the preparation thereof, cause the report to be laid before each House of Parliament.

[Section 32 inserted by No. 107 of 1985 s. 25.]

## NOTES

<sup>1</sup> This reprint is a compilation as at 22 August 1988 of the *Marketing of Meat Act 1971* and includes all amendments effected by the other Acts referred to in the following Table.

### Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Marketing of Lamb Act 1971</i>	61 of 1971	15 December 1971	2 December 1972 (see <i>Gazette</i> 24 November 1972 p. 4460)	Short title subsequently amended (see footnote to section 1)
<i>Marketing of Lamb Act Amendment Act 1977</i>	55 of 1977	23 November 1977	20 January 1978 (see <i>Gazette</i> 20 January 1978 p. 173)	
<i>Marketing of Lamb Amendment Act 1981</i>	78 of 1981	9 November 1981	9 November 1981	
<i>Marketing of Lamb Amendment Act 1983</i>	73 of 1983	22 December 1983	6 February 1984 (see <i>Gazette</i> 3 February 1984 p. 297)	
<i>Acts Amendment (Financial Administration and Audit) Act 1985 (as amended by No. 4 of 1986), Schedule 1</i>	98 of 1985	4 December 1985	1 July 1986 (see section 2)	section 4 savings and transitional
<i>Acts Amendment (Meat Industry) Act 1985, Part II</i>	107 of 1985	7 January 1986	1 July 1986 (see <i>Gazette</i> 27 June 1986 p. 2159)	Part V transitional
<i>Acts Amendment (Meat Industry) Act 1987, Part III</i>	110 of 1987	19 December 1987	22 January 1988 (see <i>Gazette</i> 22 January 1988 p. 109)	

2. Part V of Act No. 107 of 1985 reads as follows—

PART V—TRANSITIONAL

Division 1—Preliminary

34. In this Part—

Definitions

“appointed day” means the first day on which both sections 16 and 31 of this Act have come into operation;

“Commission” means the Western Australian Meat Commission established by section 12 of the *Abattoirs Act 1909*;

“Corporation” means the Western Australian Meat Marketing Corporation established by section 5 of the *Marketing of Meat Act 1971*;

“meat marketing operations of the Commission” means the operations of the Commission relating to trading in meat, meat products and livestock, other than meat products referred to in section 15 (6) of the *Abattoirs Act 1909*.

35. Nothing in this Part shall be construed so as to limit the operation of the *Interpretation Act 1984*.

Interpretation Act 1984 not affected.

Division 2—Transfer of certain functions

36. The purpose of this Division is to enable effect to be given to a scheme whereby, in accordance with amendments made by sections 16 and 31 of this Act, the meat marketing operations of the Commission are, on the appointed day, to be transferred to the Corporation.

Purpose of this Division.

37. Subject to this Division, in any written law and in any agreement, whether in writing or not, and in every deed or other instrument, unless the context is such that it would be incorrect or inappropriate, a reference to the Commission in relation to the meat marketing operations of the Commission shall as from the appointed day be read as a reference to the Corporation.

Construction of certain references to Commission.

38. The Minister may, by order, make such provision as he considers expedient—

Minister may make further transitional provisions.

(a) for the devolution of property of any kind, rights, obligations and liabilities relating exclusively to the meat marketing operations of the Commission;

(b) for the continuation or completion by the Corporation of anything lawfully commenced by the Commission relating to those operations; or

(c) otherwise of a saving, transitional or supplementary nature,

where he is of the opinion that it is necessary or expedient to do so in order to give effect to the purpose of this Division.

39. Notwithstanding sections 36, 37 and 38, if at the appointed day legal proceedings relating to or arising out of the marketing operations of the Commission are pending the Commission shall continue as a party to those proceedings as if this Act had not been passed.

Legal proceedings.

*Marketing of Meat Act 1971**Division 3—Provisions relating to Part II*

Definition.

40. In this Division "the principal Act" means the *Marketing of Lamb Act 1971*.

Construction of references to Western Australian Lamb Marketing Board.

41. In any written law and in any agreement, whether in writing or not, and in every deed or other instrument, unless the context is such that it would be incorrect or inappropriate, a reference to the Western Australian Lamb Marketing Board, as from the commencement of section 9, shall be read as a reference to the Corporation.

Membership

42. (1) The term of office of—

- (a) the member holding office under section 7 (1) (b); and
- (b) the chairman holding office under section 7 (1) (c),

of the principal Act immediately before the commencement of section 10 of this Act shall expire on such commencement.

(2) Where the term of office of a member holding office under section 7 (1) (a) of the principal Act immediately before the commencement of section 10 of this Act—

- (a) expires before 30 June 1987, the Governor may extend his term of office until that date; or
- (b) expires after 30 June 1987 but before 30 June 1988, the Governor may extend his term of office until the latter date,

but otherwise section 7 of the principal Act shall continue to apply to the member in all respects.

*Division 4—Provision relating to Part III*

Membership

43. The persons holding office as members of the Commission immediately before the commencement of section 29 cease to be members on such commencement. "