



## TASMANIA

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**TASMANIAN BEEF INDUSTRY (RESEARCH AND  
DEVELOPMENT) TRUST ACT 1990**

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**No. 14 of 1990**

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**TASMANIAN BEEF INDUSTRY (RESEARCH AND  
DEVELOPMENT) TRUST ACT 1990**

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No. 14 of 1990

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**AN ACT to provide that the unexpended balance of money contributed by Tasmanian beef producers for testing of carcasses for chemical residues may be used for purposes of research and development in the beef industry**

**[Royal Assent 11 July 1990]**

**Preamble**

**WHEREAS—**

- (a) at a meeting of the Tasmanian Meat Industry Advisory Council at Glenorchy on 13th August 1987 comprising representatives of the Department of Primary Industry, the Meat and Allied Trades Federation of Tasmania, the Meat Exporters Association, the Tasmanian Farmers and Graziers Association and the Council of Live-stock Agents, it was agreed that urgent action was required in the interests of the beef export industry to provide a fund for testing carcasses of cattle for chemical residues; and
- (b) on 17th August 1987 a fund known as the Tasmanian Meat Industry Residue Testing Fund (in this Act referred to as “**the Fund**”) was established for the purposes mentioned in paragraph (a) by contributions paid voluntarily by Tasmanian beef producers at the time of sale of their livestock; and

- (c) the Fund was established without formal documentation and as it was not contemplated that the Fund would ever have a credit balance no provision was made for distribution of the Fund in the event of a winding up; and
- (d) on 29th February 1988 the Australian Meat and Livestock Corporation assumed responsibility for the testing of carcasses by applying part of the slaughter levy imposed under the *Livestock Slaughter Levy Act 1964* of the Commonwealth for that purpose and as a result the money then standing to the credit of the Fund was not needed for that purpose; and
- (e) the original trustees of the Fund were David William Eddington, Farmer of Richmond, James Phillip Agnew, Farmer of Oatlands and Michael Boyd Fletcher, Executive Officer of Launceston each of whom remains in office as a trustee; and
- (f) on 31st January 1990 the unexpended balance of the Fund together with accrued interest was \$275 198·06; and
- (g) it is impossible to distribute the balance of the Fund in an equitable manner among the persons who contributed to it as—
  - (i) contributions to the Fund were made voluntarily by at least 5 000 beef producers; and
  - (ii) in the vast majority of cases the contributions were made through agents and the payments were made by the agents without identifying the producers who made the contributions; and
  - (iii) there were several changes in the rates at which contributions were paid, in the rate of testing carcasses and in the manner of selecting the lots of cattle for testing; and
  - (iv) the source of the contributions cannot be traced without considerable cost and in some cases contributions cannot be traced at all; and
- (h) it is expedient that the unexpended balance of the Fund be applied for purposes of research and development in the beef industry:

**B**E it therefore enacted by His Excellency the Governor of Tasmania, by and with the consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**PART 1****PRELIMINARY****Short title**

1—This Act may be cited as the *Tasmanian Beef Industry (Research and Development) Trust Act 1990*.

**Commencement**

2—This Act commences on the day on which it receives the Royal Assent.

**Interpretation**

3—In this Act, unless the contrary intention appears—

“**the Minister**” means the Minister administering the *Meat Hygiene Act 1985*;

“**the original trustees**” means the trustees mentioned in paragraph (e) of the preamble to this Act;

“**the Trust**” means the Tasmanian Beef Industry (Research and Development) Trust established under section 4.

**PART 2****THE TASMANIAN BEEF INDUSTRY (RESEARCH AND DEVELOPMENT) TRUST****Establishment of Tasmanian Beef Industry (Research and Development) Trust**

4—(1) There is established by this Act a body corporate to be known as the Tasmanian Beef Industry (Research and Development) Trust.

(2) The Trust—

(a) has perpetual succession until it is dissolved by virtue of section 17 (2); and

(b) shall have a common seal; and

(c) may sue, and be sued, in its corporate name; and

- (d) may do, and be subject to, all other things that a body corporate may by law do and be subject to and that may be necessary for, or incidental to, the purposes of this Act; and
- (e) has the functions imposed, and the powers conferred, on it by or under this or any other Act.

(3) The common seal of the Trust shall not be affixed to a document except in pursuance of a resolution of the Trust and every sealing shall be authenticated by the signature of at least 2 members of the Trust.

(4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

### **Objects of the Trust**

5—The objects of the Trust are to encourage and promote systematic experimentation or analysis in any field of science, technology or economics carried out for the purpose 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 beef or cattle; or
- (b) applying knowledge for any such purpose; or
- (c) the training of persons to carry out research and development in respect of beef or cattle; or
- (d) the dissemination of information, or the provision of advice and assistance to persons who, or organizations that are engaged in any aspect of the production, processing, storage, transport or marketing of beef or cattle for the purpose of encouraging those persons or organizations to follow practices, or to adopt technical developments, designed or adapted to improve the operation or efficiency of that aspect of production, processing, storage, transport or marketing of beef or cattle; or
- (e) the publication of reports, periodicals, books or papers containing information that is related to research and development in respect of beef or cattle; or
- (f) furthering an activity incidental to a purpose referred to in paragraph (a), (b), (c), (d) or (e).

**Members of the Trust**

6—(1) The Trust shall consist of 3 members to be appointed by the Minister namely—

- (a) the person for the time being holding the office of, or performing the duties of, the Executive Officer of the Meat Council of the Tasmanian Farmers and Graziers Association; and
- (b) 2 other persons who shall be selected by the Minister from a panel of names provided by that Council.

(2) The term of office of a member of the Trust referred to in subsection (1) (b) shall be for such period not exceeding 5 years as the Minister may specify in the instrument of appointment of that member.

**Membership and meetings of the Trust**

7—(1) Schedule 1 has effect in relation to membership of the Trust.

(2) Schedule 2 has effect in relation to meetings of the Trust.

**Powers of the Trust**

8—The Trust may—

- (a) out of the funds of the Trust make grants to persons or organizations in furtherance of the objects of the Trust; and
- (b) receive money and other property by means of grants, subscriptions, gifts, bequests or otherwise for the purposes of those objects; and
- (c) employ such persons and do all such other things as may be necessary or convenient to be done for, or in connection with, the furtherance of those objects.

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**PART 3**
**FINANCES OF THE TRUST****Funds of the Trust**

9—(1) The Trust shall establish such bank accounts as it considers necessary.

- (2) The funds of the Trust shall consist of—
- (a) the money paid to it under section 14; and
  - (b) all other money received from any other source by the Trust.
- (3) The funds of the Trust shall be applied—
- (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Trust in the exercise of its powers; and
  - (b) in payment of any fees and allowances payable under this Act.

### **Temporary investment of funds**

10—The Trust may invest any money that it is holding and for which it has not immediate use in any manner in which trustees are authorized to invest trust funds under the *Trustee Act 1898*.

### **Accounts**

11—(1) The Trust shall keep proper accounts and records in relation to, the exercise of its powers and shall, as soon as practicable after 1st July and before 31st October in each year, prepare a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and the transactions of the Trust with respect to the preceding financial year.

(2) The Trust may employ a person to perform its duties under subsection (1) and pay remuneration to that person from the funds of the Trust.

### **Audit**

12—(1) The accounts of the Trust are subject to the *Audit Act 1918*.

(2) The Trust shall pay to the Consolidated Fund towards defraying the costs and expenses of any audit under this section such amounts, and at such times, as the Treasurer may require.

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**PART 4****MISCELLANEOUS AND SUPPLEMENTAL****Protection of members of Trust**

13—A member of the Trust shall not incur any personal liability in respect of any act done or omitted to be done by the member in good faith in the exercise, or purported exercise, of any power under this Act or in the administration or execution, or purported administration or execution, of this Act.

**Winding up of original trust**

14—The original trustees shall, as soon as practicable after the establishment of the Trust, pay the unexpended balance of the Fund to the Trust to be held by the Trust for the purposes of this Act and on that payment—

- (a) the original trustees shall be freed and discharged from the trusts to which that money is subject; and
- (b) no action may be brought in respect of the administration in good faith of those trusts before the commencement of this Act.

**Documents not subject to State taxes, &c.**

15—A document executed by the Trust is not liable to any tax or charge under a law of Tasmania.

**Regulations**

16—The Governor may make regulations for the purposes of this Act.

**Expiration of this Act**

17—(1) Where the Minister is satisfied that all the funds of the Trust have been applied in the administration of this Act, the Minister shall—

- (a) give public notification of that fact; and
- (b) by notice published in the *Gazette*, fix a date for the expiration of this Act.

(2) This Act expires on a date fixed under subsection (1) (b) and on that date the Trust is dissolved.

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**SCHEDULE 1**

Section 7 (1)

**MEMBERS OF THE TRUST****Vacation of office**

1—(1) A member of the Trust shall be deemed to have vacated office—

- (a) if the member dies while holding office; or
- (b) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the creditors of the member, or makes an assignment of the member's remuneration or estate for their benefits; or
- (c) if the member is absent from 3 consecutive meetings of the Trust, of which reasonable notice has been given to the member, either personally or in the ordinary course of post, and the member is not excused by the Trust from attendance at any of those meetings; or
- (d) if the member is convicted in Tasmania of an offence which is punishable by imprisonment for a period of not less than 12 months, or if the member is convicted elsewhere than in Tasmania of an offence which, if committed in Tasmania, would be an offence so punishable; or
- (e) if the member resigns from office by writing under the hand of the member addressed to the Minister and the Minister accepts the resignation.

(2) The Minister may remove a member of the Trust from office if the Minister is satisfied that the member is incapable, whether by reason of ill-health or otherwise, of performing adequately the duties of that office or that the member has voted at any meeting of the Trust in respect of any matter in which the member was at that time interested (otherwise than as a member of the public or as an elector of, or ratepayer to, any municipality, or as a shareholder in a company in which there were at that time more than 20 members and of which the member was not at that time a director or officer).

(3) On the occurrence of a vacancy in the office of a member of the Trust, the Minister may appoint a person to the vacant office for the balance of the term of office of that member.

**SCHEDULE 1—(continued)****Fees and allowances**

2—A member of the Trust is entitled to be paid such fees and allowances as the Minister may from time to time determine.

**Validity of proceedings, &c.**

3—(1) All acts and proceedings of the Trust or of any person acting pursuant to any direction of the Trust are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Trust or that any person was disqualified from acting as, or incapable of being, a member of the Trust, as valid as if the member had been duly appointed and was qualified to act, or capable of being, a member, and as if the Trust had been fully constituted.

(2) Where a member of the Trust, or any person acting pursuant to any direction of the Trust, does or purports to do, or omits or purports to omit to do, any act or thing in good faith for the purpose of administering or executing this Act, that person shall not be personally subjected to any action, liability, claim or demand in respect of that act or omission.

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**SCHEDULE 2**

Section 7 (2)

**MEETINGS OF THE TRUST****Convening of meetings of the Trust**

1—(1) The members may hold such meetings as they consider necessary for the administration of the Trust.

(2) No business shall be conducted at a meeting of the Trust unless all 3 members are present.

**Chairman**

2—(1) The member who is, for the time being, the Executive Officer of the Meat Council of the Tasmanian Farmers and Graziers Association shall preside at each meeting of the Trust.

(2) A decision carried by at least 2 of the votes of the members at a meeting of the Trust shall be a decision of the Trust.

(3) Each member is entitled to one vote on a matter arising for decision by the Trust.

**Minutes of meetings**

3—The Trust shall cause accurate minutes to be kept of the business conducted at meetings of the Trust.

**Disclosure of interests**

4—(1) A member of the Trust who has a direct or indirect pecuniary interest otherwise than in common with all other beef producers in a matter being considered or about to be considered by the Trust shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Trust.

(2) A disclosure under subclause (1) shall be recorded in the minutes of the meeting of the Trust and the member shall not, unless the Trust otherwise determines—

(a) be present during any deliberation of the Trust with respect to that matter; or

(b) take part in any decision of the Trust with respect to that matter.

**SCHEDULE 2—(continued)**

(3) For the purpose of making a determination by the Trust under subclause (2) in relation to a member who has made a disclosure under subclause (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not take part in the making by the Trust of the determination.

**General procedure**

5—The procedure for the calling of, and for the conduct of business at, meetings of the Trust shall, subject to any procedure that is specified in this Schedule, be as determined by the Trust.