

AUSTRALIAN WOOL RESEARCH AND PROMOTION ORGANISATION ACT 1993

Australian Wool Research and Promotion Organisation Act 1993 Act No.
63 of 1993 as amended

This compilation was prepared on 15 May 2000
taking into account amendments up to Act No. 47 of 2000
The text of any of those amendments not in force
on that date is appended in the Notes section
Prepared by the Office of Legislative Drafting,
Attorney-General's Department, Canberra

Long Title

Research and Promotion Organisation, and for
related purposes

Part 1 Preliminary

- SECT 1

Short title [see Note 1]

This Act may be cited as the Australian Wool Research and Promotion
Organisation Act 1993.

- SECT 2

Commencement [see Note 1]

(1)

Subject to subsection (2), this Act commences on a day to be
fixed by Proclamation.

(2)

If this Act does not commence under subsection (1) before
1 July 1994, it commences on that day.

- SECT 3

Object of the Act

(1)

The object of this Act is to improve the performance of the
Australian wool industry by improving the means of funding and
administering wool promotion and research and development
relating to wool and the wool industry.

(2)

That objective is to be achieved, principally, by bringing together in one organisation responsibility for promotion and responsibility for research and development, thus enabling better co-ordination of activities and more efficient use of resources.

- SECT 4

Definitions

(1)

In this Act, unless the contrary intention appears:

Administration Act means the Wool Tax (Administration) Act 1964.

appointed member means the Chairperson or a member referred to in paragraph 28(1)(d).

assessment action, in relation to the equal employment opportunity program of the Organisation, means action by the Organisation to do all of the following things:

(a)

to collect and record statistics and related information concerning employment by the Organisation, including the number and types of jobs undertaken by, or job classifications of:

(i)

employees of either sex; and

(ii)

persons in designated groups;

(b)

to monitor and evaluate the implementation of the program;

(c)

to assess:

(i)

the achievement of the objectives of the program; and

(ii)

the effectiveness of the program;

by comparing statistics and information referred to in paragraph (a) with the indicators set under the policy action of the program.

carpet wool has the same meaning as in the Administration Act.

Chairperson means the Chairperson of the Organisation.

consultation action, in relation to the equal employment

opportunity program of the Organisation, means action by the Organisation to:

- (a) consult with its employees, particularly employees who are women or in designated groups; and
- (b) consult with each trade union having members affected by the program;

in relation to the development and implementation of the program.

current corporate plan, in relation to anything done or to be done, means the corporate plan in force when the thing is done or is to be done.

current operational plan, in relation to anything done or to be done, means the operational plan in force when the thing is done or is to be done.

designated group means any of the following classes of persons:

- (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
- (b) persons who have migrated to Australia and whose first language is not English, and the children of such persons;
- (c) persons with a physical or mental disability.

discrimination means:

- (a) discrimination that is unlawful under the Racial Discrimination Act 1975 or the Sex Discrimination Act 1984; or
- (b) discrimination by which a person with a physical or mental disability is, because of the disability, treated less favourably than a person without a disability;

but does not include discrimination that:

- (c) is essential for the effective performance of the duties of a position or appointment; and
- (d) is not unlawful under the Racial Discrimination Act 1975 or the Sex Discrimination Act 1984.

employee information action, in relation to the equal employment opportunity program of the Organisation, means action by the Organisation to inform its employees of the content of the program and of the results of any assessment action.

employment matters includes:

- (a) recruitment procedure, and selection criteria, for appointment or engagement of persons as employees; and
- (b) promotion and transfer of employees; and
- (c) training and staff development for employees; and
- (d) conditions of service of employees.

equal employment opportunity program, in relation to the Organisation, means a program of the Organisation that is designed to ensure:

- (a) that appropriate action is taken to eliminate any discrimination by the Organisation against women and persons in designated groups in relation to employment matters; and
- (b) that appropriate measures are taken by the Organisation to promote equal opportunity for women and persons in designated groups in relation to employment matters;

being a program that includes provision for assessment action, consultation action, employee information action, and policy action, in relation to the program.

Fund means the Wool Research and Development Fund.

generic promotion, in relation to wool and wool products, includes:

- (a) consumer advertising; and
- (b) the provision of technical advisory services to wool processors, manufacturers and retailers for the purpose of encouraging the use of, and innovation in the processing of, wool and wool blend products to meet consumer needs; and
- (c) the provision of services involving the use, by

- manufacturers of wool products, of particular trade marks; and
- (d) promoting growth in demand for wool and wool products in international markets.

Managing Director means the Managing Director of the Organisation.

member means a member of the Organisation.

member of a Parliament means a member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) the Legislative Assembly of the Northern Territory; or
- (d) the Legislative Assembly for the Australian Capital Territory.

Organisation means the Australian Wool Research and Promotion Organisation.

plan period, in relation to a corporate plan, means the period to which the plan relates under section 8 or 9.

policy action, in relation to the equal employment opportunity program of the Organisation, means action by the Organisation to do all of the following things:

- (a) confer responsibility for the development and implementation of the program (including a continuous review of the program) on a person having sufficient authority and status within the management of the Organisation to enable the person properly to develop and implement the program;
- (b) examine the policies and practices of the Organisation in relation to employment matters to identify:
- (i) any policies or practices that constitute discrimination against women or persons in designated groups; and
- (ii) any patterns (whether ascertained statistically or otherwise) of lack of equality of opportunity for women or persons in designated groups;
- (c)

set:

- (i) the objectives to be achieved by the program;
and
- (ii) the quantitative and other indicators against which the effectiveness of the program is to be assessed.

research and development, in relation to the wool industry, means systematic experimentation and analysis in any field of science, technology or economics (including the study of the social or environmental consequences of the adoption of new technology) carried out with the object of:

- (a) acquiring knowledge that may be of use in achieving or furthering an objective of the wool industry, including knowledge that may be used for the purpose of improving any aspect of the production, processing, storage, transport or marketing of wool or wool products; or
- (b) applying such knowledge for the purpose of achieving or furthering such an objective.

sale value, in relation to shorn wool, means the amount that is the sale value of the wool for the purposes of section 10 of the Administration Act.

shorn wool means wool that:

- (a) has been obtained by shearing; and
- (b) has not been subject to any process other than scouring or carbonising.

triennium means:

- (a) the period of 3 financial years commencing on 1 July 1994; or
- (b) any successive period of 3 financial years.

wool products includes goods made wholly or partly from wool or from materials produced by processing wool.

wool tax means tax payable under a Wool Tax Act.

wool-tax payer, in relation to:

- (a) a meeting held, or to be held, under section 21 in a particular financial year; or
- (b) a ballot conducted, or to be conducted, in a particular financial year, for the purposes of section 51;

means a person who:

- (c) during the preceding financial year, incurred a liability to pay wool tax; and
- (b) has paid that tax.

Wool Tax Act means the Wool Tax Act (No. 1) 1964, the Wool Tax Act (No. 2) 1964, the Wool Tax Act (No. 3) 1964, the Wool Tax Act (No. 4) 1964 or the Wool Tax Act (No. 5) 1964.

- (2) For the purposes of this Act, a person is to be taken to be the person who has paid the wool tax imposed on particular shorn wool if:
 - (a) the person has paid to a wool-broker, or money due from a wool-broker to the person has been reduced by, an amount in respect of the wool tax payable by the wool-broker on the sale of the wool on behalf of the person; or
 - (b) in relation to the purchase of the wool from the person by a wool-dealer, the person has paid to the wool-dealer, or the amount payable by the wool-dealer for the wool has been reduced by, an amount in respect of the wool tax payable by the wool-dealer in respect of the purchase of the wool; or
 - (c) in relation to the purchase of the wool from the person by a manufacturer, the person has paid to the manufacturer, or the amount payable by the manufacturer for the wool has been reduced by, an amount in respect of the wool tax payable by the manufacturer in respect of the purchase of the wool; or
 - (d) the person has paid to a manufacturer an amount in respect of the wool tax payable by the manufacturer when the manufacturer subjects the wool to a process of manufacture; or

- (e) the amount of the wool tax payable in respect of the wool has been recovered from the person, under section 12 of the Administration Act, by a wool-broker, a wool-dealer or a manufacturer.
- (3) The amount of the wool tax that the person is to be taken to have paid is the amount referred to in whichever of the paragraphs of subsection (2) is applicable.
- (4) In subsections (2) and (3):
- (a) manufacturer, wool-broker and wool-dealer have the same respective meanings as in the Administration Act; and
 - (b) a reference to a person includes a reference to a partnership or the trustee or trustees of a trust estate.

Part 2#151; Establishment, functions and powers of the Australian Wool Research and Promotion Organisation

- SECT 5 Establishment

- (1) A body to be known as the Australian Wool Research and Promotion Organisation is established.
- (2) The Organisation:
- (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may acquire, hold and dispose of real and personal property; and
 - (d) may sue and be sued in its corporate name.

Note: The Commonwealth Authorities and Companies Act 1997 applies to the Organisation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

(3)

All courts, judges and persons acting judicially must take judicial notice of the imprint of the seal of the Organisation appearing on a document and must presume that the document was duly sealed.

- SECT 6
Functions

(1)

The functions of the Organisation are:

(a)

to undertake generic promotion, or arrange for generic promotion, of the use of wool and wool products, both in Australia and overseas; and

(b)

without limiting the generality of paragraph (a):

(i)

to participate in the organisation and management of any domestic or international body formed for the promotion of the use of wool or wool products; and

(ii)

as far as possible, to ensure, through its representatives on any such body, that the programs and activities of the body are carried out in the way that best promotes the interests of the Australian wool industry; and

(c)

to investigate and evaluate the requirements for research and development in relation to the wool industry; and

(d)

to provide funds for research and development activities that are consistent with the corporate plan; and

(e)

to facilitate the dissemination, adoption and commercialisation of the results of research and development in relation to the wool industry; and

(ea)

to develop or implement, or to arrange for the development or implementation of, programs to maintain and improve the quality of Australian wool, being:

(i)

monitoring programs in relation to chemical

- residues in wool; or
- (ii) education programs in relation to chemical residues in wool; and
- (f) such other functions as are given to the Organisation by this or any other Act.

(1A)

In performing its functions under paragraph (1)(c), the Organisation must take account of the need to further the sustainable use and sustainable management of natural resources.

(1B)

The Organisation also has the function of planning, facilitating and participating in:

- (a) the reform, privatisation or abolition of the Organisation; or
- (b) the establishment of a new body or bodies to perform any of the Organisation's other functions or the conferral of any of those functions on an existing body or bodies;

or both.

(1C)

The Organisation also has the function of providing funds to another person or body (including the Commonwealth) to reimburse the person or body for expenses or liabilities it incurs in participating in processes of the kind mentioned in subsection (1B). However, this function must not be performed except as required or permitted by directions given under subsection (1D).

(1D)

The Organisation must comply with any written directions from the Minister about the performance of its functions under subsection (1B) or (1C). Section 68 does not apply to a direction given under this subsection.

(1E)

A direction given under subsection (1D) may deal with specific matters, or set out general policies and require the Organisation to perform the relevant functions consistently with those policies, or both.

(1F)

The Minister may, by writing, delegate the power to give directions under subsection (1D) to an Agency Head (within the meaning of the Public Service Act 1999).

(2)

The Organisation may only perform its functions:

(a) for purposes related to trade or commerce:

- (i) with other countries; or
- (ii) among the States; or
- (iii) within a Territory; or
- (iv) between a State and a Territory; or
- (v) between 2 Territories; or

(b) for purposes related to external affairs.

(3) In exercising its powers under this Act, the Organisation must not give preference to one State or a part of a State within the meaning of section 99 of the Constitution.

(4) The Organisation may perform any of its functions outside Australia.

- SECT 7 Powers

(1) The Organisation has power to do all things necessary or convenient to be done for the performance of its functions.

(2) Without limiting subsection (1), the Organisation may:

- (a) enter into agreements for the carrying out of research and development activities by other persons; or
- (b) make applications, including joint applications, for patents or trade marks; or
- (c) deal with patents or trade marks vested in the Organisation or in the Organisation and other persons; or
- (d) buy and sell wool only for use in technical development projects in which the Organisation is participating together with wool processors or

- manufacturers; or
- (e) with the written approval of the Minister:
- (i) form, or participate with other persons in the formation of, a company; or
 - (ii) acquire, hold or dispose of shares or stock in the capital of, or debentures or other securities of, a company; or
 - (iii) enter into a partnership, or arrange for the sharing of profits, with a company.

- (3) The reference in subparagraph (2)(e)(iii) to profits does not include profits derived from an agreement relating to an invention, a patent or a trade mark.

Part 3—Corporate plans and annual operational plans

- SECT 8 First corporate plan

- (1) The Organisation must prepare a corporate plan, and give the plan to the Minister, as soon as practicable after the commencement of this Act.
- (2) The plan is to relate to the period beginning at the commencement of this Act and ending on 30 June 1999.

- SECT 9 Subsequent corporate plans

- (1) In each calendar year beginning on or after 1 January 1995, the Organisation must prepare a corporate plan for the period of 5 years beginning on 1 July in that year.
- (2) The plan must be given to the Minister before 1 June in the calendar year.

- SECT 10 Content of corporate plans

- (1)

A corporate plan must:

- (a) define the Organisation's principal objectives during the plan period; and
- (b) outline the strategies that the Organisation proposes to pursue to achieve those objectives; and
- (c) specify performance indicators by reference to which an assessment may be made of the extent to which the Organisation is achieving its objectives; and
- (d) include the Organisation's equal employment opportunity program.

(2)

In preparing a corporate plan, the Organisation must have regard to its obligations under subsection 6(1A).

- SECT 11

Consultation with Wool Council of Australia

Before giving a corporate plan to the Minister, the Organisation must consult with the Wool Council of Australia in relation to the plan.

- SECT 12

Approval of corporate plans

(1)

The Minister may give the Organisation a written notice:

- (a) approving a corporate plan; or
- (b) if the Minister thinks that the interests of the wool industry require that the plan be revised in some respect, requesting the Organisation to revise the plan accordingly.

(2)

A notice requesting revision of a plan must set out the reasons for the request.

(3)

The Organisation must:

- (a) consider a request for revision of a plan and the reasons for the request; and

- (b) make such revision of the plan as it considers appropriate; and
- (c) give the revised plan to the Minister for approval.

- SECT 13

Variation of corporate plans

Subject to subsection 14(3), the Organisation may only vary a corporate plan with the approval of the Minister.

- SECT 14

Variation at instance of Organisation

- (1) If the Organisation wishes to vary a corporate plan, it must prepare a written proposal for the variation and give the Minister:
 - (a) a copy of the proposal; and
 - (b) a statement of the Organisation's reasons for the proposal.
- (2) After considering a proposal and the reasons for the proposal, the Minister may, in writing, approve the proposed variation or refuse to approve it.
- (3) The Organisation may make a variation of a minor nature to a corporate plan without the approval of the Minister.

- SECT 15

Variation at Minister's request

- (1) The Minister may give the Organisation a written request that it vary a corporate plan in the manner set out in the request.
- (2) A request must include a statement of the reasons for the request.
- (3) The Organisation must consider the request and:
 - (a) prepare a written proposal for such variations of the plan as the Organisation thinks appropriate; and

(b) give the proposal to the Minister.

(4) The Minister may, in writing, approve the proposal or reject it.

- SECT 16
Operational plans

(1) The Organisation must prepare operational plans and give the Minister a copy of each plan.

(2) The first plan is to relate to the period beginning at the commencement of this Act and ending on 30 June 1995.

(3) Each plan after the first is to relate to the financial year immediately following the period to which the previous plan related.

(4) An operational plan must set out particulars of the action the Organisation proposes to take during the relevant financial year to further the objectives set out in the corporate plan.

(5) An operational plan must be consistent with the current corporate plan.

(6) The Organisation must give the first operational plan to the Minister as soon as practicable after the commencement of this Act.

(7) The Organisation must give the operational plan for each subsequent financial year to the Minister no later than one month before the beginning of the financial year to which the plan relates.

- SECT 17
Variation of operational plans

Sections 13 to 15 apply to an operational plan as if it were a corporate plan.

- SECT 18
Compliance with corporate plans etc.

So far as practicable, the Organisation must perform its functions, and exercise its powers, in a manner that is consistent with, and such as to give effect to, the current corporate plan and

the current operational plan.

Part 4—Research and development

- SECT 19

Agreements for research and development to be carried out by other persons

(1)

The Organisation may enter into an agreement under which the other party to the agreement will carry out research and development activities relating to the wool industry.

(2)

Without limiting the matters that may be included in the agreement, the agreement may:

(a)

provide for money paid under the agreement, and any property or goods acquired or produced under the agreement, to be used for the purposes specified in the agreement; and

(b)

require the other party to the agreement to pay to the Organisation an amount equal to the whole or such part as the Organisation determines of the money paid under the agreement if any of the money, property or goods referred to in paragraph (a) are used otherwise than in accordance with the agreement; and

(c)

make provision with respect to:

(i)

the assignment of inventions and interests in inventions; and

(ii)

applications for patents for inventions; and

(iii)

the commercial exploitation of patented inventions; and

(iv)

the grant of licences in relation to patented inventions;

made in the course of research and development activities or with money provided under an agreement made under this section; and

(d)

require the other party to pay to the Organisation an amount equal to the whole or such part as the Organisation determines of any net income derived by the party from money, property or goods referred to

- in paragraph (a) or patents or interests referred to in paragraph (c); and
- (e) provide for the assignment to the Organisation of any money, property, goods, patents or interests referred to in paragraph (a) or (c); and
 - (f) require the person to pay to the Organisation an amount of money determined by the Organisation in accordance with the agreement in the event of the disposal (otherwise than to the Organisation) of any property, goods, patents or interests referred to in paragraph (a) or (c).
- (3) Nothing in this section limits the powers of the Organisation under section 7.

- SECT 20

Agreements for research and development activities to be carried out jointly with other persons

- (1) The Organisation may enter into an agreement (including a joint venture agreement or a partnership agreement) under which research and development activities are to be carried out by the Organisation and the other party to the agreement.
- (2) Without limiting the matters that may be included in the agreement, the agreement is to specify:
 - (a) the objectives of the research and development activities; and
 - (b) the expected duration of those activities; and
 - (c) the nature and extent of the contribution to be made by the Organisation towards those activities; and
 - (d) the basis for the distribution of profits and other benefits derived from those activities.
- (3) Nothing in this section limits the powers of the Organisation under section 7.

Part 5#151;Annual general meetings of wool-tax payers

- SECT 21

Annual general meetings

- (1) The Organisation must convene an annual general meeting of wool-tax payers in each financial year that commences on or after 1 July 1994.
- (2) Any wool-tax payer who has given the prescribed notice is entitled to attend, and participate in, an annual general meeting.
- (3) The Organisation must ensure that not more than 15 months elapse between successive annual general meetings.
- (4) The first annual general meeting convened by the Organisation is to be held after the first annual report and financial statements of the Organisation have been prepared.

- SECT 22

Notice of annual general meeting

- (1) The Organisation must convene an annual general meeting by publishing notice of the meeting not less than the prescribed number of days before the day on which the meeting is to be held.
- (2) The notice of an annual general meeting must:
 - (a) specify the day, time and place of the meeting; and
 - (b) be published in a newspaper circulating throughout Australia.
- (3) In addition to publishing the notice in accordance with subsection (1), the Organisation may:
 - (a) cause the notice to be published in any newspaper the Organisation thinks appropriate; and
 - (b) give copies of the notice to such industry bodies as it thinks appropriate; and
 - (c) cause particulars of the annual general meeting to be made public in any other way, and at any time, the Organisation thinks appropriate.

- SECT 23

Purpose of annual general meeting

(1)

The purpose of an annual general meeting of wool-tax payers is to provide an opportunity for wool-tax payers:

- (a) to consider the most recent annual report and financial statements of the Organisation; and
- (b) to receive an address by the Chairperson concerning:
 - (i) the Organisation's performance in the financial year to which the annual report relates; and
 - (ii) the Organisation's intended activities in the financial year in which the meeting is held; and
- (c) to question members about any aspect of the Organisation's activities during the financial year to which the annual report relates and any aspect of the Organisation's intended activities; and
- (d) to consider any motion of which the prescribed notice has been given.

(2)

The only motions that may be considered under paragraph (1)(d) are the following:

- (a) a motion, moved by the Chairperson or by a person appointed by the Chairperson for the purpose, that the most recent annual report and financial statements of the Organisation, together with the report of the Auditor-General on those statements, be received;
- (b) a motion of no confidence in the Organisation.

- SECT 24

Motion of no confidence

If a motion of no confidence in the Organisation is moved at an annual general meeting, the person presiding at the meeting:

- (a) must select an employee of the Organisation (other

- than the Managing Director) to preside in his or her place; and
- (b) must then cease to preside:
 - (i) until the motion has been voted on; or
 - (ii) if the motion of no confidence is passed; for the remainder of the meeting.

- SECT 25

Conduct of annual general meetings

- (1) The only persons entitled to attend an annual general meeting are:
 - (a) the members; and
 - (b) wool-tax payers who have given notice that they wish to attend or their proxies; and
 - (c) persons invited by the Chairperson to attend the meeting.
- (2) Subject to section 24, the Chairperson must preside at an annual general meeting at which he or she is present.
- (3) Only wool-tax payers are entitled to vote on any question arising at an annual general meeting.
- (4) The Organisation must keep a record of the proceedings of an annual general meeting.

- SECT 26

Regulations concerning certain procedural matters

- (1) The regulations may prescribe the procedure to be followed at, and in any matters related to, an annual general meeting.
- (2) Without limiting subsection (1), the matters on which the regulations may make provision include the following:
 - (a) the giving of notice by a wool-tax payer that he or she wishes to attend a meeting;

- (b) notification to wool-tax payers who have given notice that they wish to attend a meeting:
 - (i) of the day, time and place of the meeting; and
 - (ii) of the terms of motions to be moved at the meeting; and
 - (iii) of other matters relevant to the conduct of the meeting;
- (c) notification to the Organisation of the terms of any motion proposed to be moved by a wool-tax payer at a meeting;
- (d) the appointment of persons to act as proxies of wool-tax payers at a meeting and the participation of such proxies in the meeting;
- (e) the method or methods by which voting at a meeting is to be conducted;
- (f) the means by which the number of votes that a wool-tax payer or his or her proxy may cast at such a meeting is to be determined;
- (g) the nature of the majority of votes required for the resolution of a question arising at a meeting;
- (h) the adoption of a procedure relating to voting at meetings that will ensure that the amount of wool tax payable by a wool-tax payer remains confidential.

- SECT 27

Notification to Minister of motions at annual general meetings

The Organisation must notify the Minister of any motion passed or defeated at an annual general meeting and of the number of votes cast for and against the motion.

Part 6—Constitution and meetings of Organisation

Division 1—General AUSTRALIAN WOOL RESEARCH AND PROMOTION ORGANISATION ACT 1993

- SECT 28

Membership of Organisation

- (1) The Organisation consists of the following members:
 - (a) the Chairperson of the Organisation;
 - (b) the Managing Director;
 - (c) a member to represent the Commonwealth;
 - (d) 6 other members.

- (2) The members referred to in paragraph (1)(d) must be persons who have qualifications relevant to, or experience in, one or more of the following fields:
 - (a) wool production;
 - (b) wool processing, including the manufacture of wool products;
 - (c) business management and finance;
 - (d) research and development and technology transfer;
 - (e) product promotion;
 - (f) environmental and ecological matters.

- (3) The members of the Organisation, except the Managing Director, are to be appointed by the Minister in writing.

- (4) Before making an appointment of a member referred to in paragraph (1)(d), the Minister must take into consideration a nomination made by a selection committee constituted under this Act.

- (5) In making appointments, the Minister must ensure that the members collectively possess qualifications and experience in all the fields referred to in subsection (2).

- (6) The following persons may not be appointed as members of the Organisation:
 - (a) a member of Parliament;
 - (b) an individual who is the president or chairperson of a prescribed organisation.

- (7) An organisation may only be prescribed for the purposes of subsection (6) if it represents a sector of the wool industry.
- (8) The Chairperson or a member referred to in paragraph (1)(d) holds office, on a part-time basis, for such period (not exceeding 3 years) as is specified in the document of appointment, but is eligible for re-appointment.
- (9) A person may not hold office, or continue to hold office, as an appointed member if he or she has been a member for consecutive periods that together equal 9 years.
- (10) The member representing the Commonwealth holds office during the Minister's pleasure.
- (11) Appointed members hold office on such terms and conditions (if any) relating to matters not provided for by this Act as are determined in writing by the Minister.
- (12) The exercise of a power or the performance of a function of the Organisation is not affected by a vacancy or vacancies in the membership of the Organisation.

- SECT 29

Deputy of Chairperson

- (1) The Minister may, in writing, appoint a member referred to in paragraph 28(1)(d) to be the deputy of the Chairperson.
- (2) The person holds office as a deputy of the Chairperson until the Minister ends the appointment or the person ceases to be a member, whichever first happens.
- (3) A member may resign an appointment as deputy of the Chairperson by giving the Minister a signed notice of resignation, but the resignation is not effective until it is accepted by the Minister.
- (4) The deputy of the Chairperson has the powers, and must perform the functions, of the Chairperson:
 - (a) during any vacancy in the office of Chairperson; and
 - (b) during any period when the Chairperson is absent from Australia or is, for any other reason, unable to perform the duties of the office of Chairperson.

(5) Anything done by or in relation to a person purporting to act under subsection (4) is not ineffective on the ground that:

- (a) the occasion for the person's appointment had not arisen; or
- (b) there is a defect or irregularity in connection with the person's appointment; or
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

- SECT 30
Disclosure of interests

(3) For the purposes of sections 27F and 27J of the Commonwealth Authorities and Companies Act 1997, a member who is a wool producer, a wool processor or a manufacturer of wool products is not taken to have a material personal interest in a matter being considered or about to be considered by the Organisation merely because the person is a wool producer, a wool processor or a manufacturer of wool products, as the case may be.

- SECT 31
Leave of absence of appointed members

- (1) The Minister may grant leave of absence to the Chairperson on such terms and conditions as the Minister determines.
- (2) The Chairperson may grant leave of absence to any other appointed member on such terms and conditions as the Chairperson determines.

- SECT 32
Resignation

An appointed member may resign his or her appointment by giving the Minister a signed notice of resignation, but the resignation is not effective until it is accepted by the Minister.

- SECT 33

Ending of appointments for misbehaviour etc.

- (1) The Minister may end the appointment of an appointed member for misbehaviour or for physical or mental incapacity.
- (2) If an appointed member:
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (b) is absent, except on leave of absence granted under section 31, from 3 consecutive meetings of the Organisation; or
 - (c) fails, without reasonable excuse, to comply with an obligation imposed on him or her by section 27F or 27J of the Commonwealth Authorities and Companies Act 1997;

the Minister must end the member's appointment.

- SECT 34

Consequences of motion of no confidence

- (1) If a motion of no confidence in the Organisation has been passed at an annual general meeting of wool-tax payers, the following provisions of this section have effect.
- (2) The Organisation, as constituted at the time of the meeting, may not perform any of its functions or exercise any of its powers.
- (3) The Minister must, as soon as practicable, end the appointment of each of the appointed members.
- (4) The Minister must, within a period of one month, appoint a person to be the Chairperson.
- (5) Until such time as there are again 5 members, the Chairperson may perform all the functions of the Organisation and exercise all its powers, except the power to appoint, or end the appointment of, the Managing Director.
- (6) A person whose appointment as a member was ended under subsection (3) is not precluded from being again appointed as a

member.

- SECT 35

Meetings of Organisation

- (1) Subject to this section, meetings of the Organisation are to be held at such times and at such places as the Organisation determines.
- (2) The Chairperson may, and at the request of 3 or more members must, convene a meeting of the Organisation.
- (3) At a meeting of the Organisation, 5 members constitute a quorum.
- (4) The Chairperson is to preside at all meetings of the Organisation at which he or she is present.
- (5) If the Chairperson is absent from a meeting of the Organisation, the deputy of the Chairperson, if present, is to preside at the meeting.
- (6) If neither the Chairperson nor the deputy of the Chairperson is present at a meeting, the members present must appoint one of their number to preside at the meeting.
- (7) A question arising at a meeting of the Organisation is to be determined by a majority of the votes of the members present and voting.
- (8) The member presiding at a meeting has a deliberative vote and, if there is an equality of votes, also has a casting vote.
- (9) The Organisation must keep a record of its proceedings.

- SECT 36

Conduct of meetings

- (1) The Organisation may regulate its proceedings as it thinks appropriate.
- (2) Without limiting subsection (1), the Chairperson may permit members to participate in a particular meeting, or in all meetings:
 - (a) by telephone; or
 - (b)

- by closed-circuit television; or
- (c) by any other means of communication.

- (3) A member who participates in a meeting of the Organisation in accordance with subsection (2) is taken to be present at the meeting.

Division 2#151;Nominations of persons for appointment to Organisation
AUSTRALIAN WOOL RESEARCH AND PROMOTION ORGANISATION ACT
1993

- SECT 37

Constitution of selection committee

- (1) For the purpose of making an appointment of a member or members referred to in paragraph 28(1)(d), the Minister must constitute a selection committee.

- (2) A selection committee is to consist of:

- (a) a presiding member; and
- (b) 3 other members, of whom one is nominated by the Wool Council of Australia;

appointed by the Minister in writing.

- (3) The members of a selection committee are to hold their appointments on such terms and conditions as the Minister determines.

- SECT 38

Request for nominations

When the Minister constitutes a selection committee, the Minister must give the presiding member a written notice:

- (a) specifying the number of appointments that are to be made; and
- (b) requesting the committee to give the Minister, within the period specified in the notice, the name of a person, or the names of persons, the committee considers suitable for appointment.

- SECT 39

Proceedings of the committee

- (1) Subject to any written directions given to the committee by the Minister, a selection committee may take such action as it thinks appropriate to invite applications for nomination or otherwise to identify persons suiTabel for nomination.
- (2) In making a nomination or nominations, a selection committee must have regard to the requirements of subsections 28(2), (5) and (6).
- (3) A selection committee may regulate proceedings of the committee as it thinks appropriate.
- (4) Without limiting subsection (3), the presiding member may permit members of a selection committee to participate in a particular meeting, or in all meetings, of the committee:
 - (a) by telephone; or
 - (b) by closed-circuit television; or
 - (c) by any other means of communication.
- (5) A member who participates in a meeting of a selection committee in accordance with subsection (4) is taken to be present at the meeting.
- (6) A question arising at a meeting of a selection committee is to be determined by a majority of the votes of the members present and voting.
- (7) The presiding member has a deliberative vote and, if there is an equality of votes, also has a casting vote.

- SECT 40

Nominations by committee

- (1) A selection committee must, within the period specified in the notice under section 38, give the Minister a written notice nominating a person or persons for appointment to the Organisation.
- (2) A selection committee must make only one nomination in respect of each appointment to be made by the Minister.

(3)

The notice under subsection (1) must include:

(a)

a statement containing, in respect of the person, or each person, nominated:

(i)

details of the person's qualifications and experience; and

(ii)

such other information relating to the person as is, in the opinion of the committee, likely to help the Minister to decide whether to appoint the person; and

(b)

a statement specifying how, in the opinion of the committee, the nomination or nominations will best ensure that the members referred to in paragraph 28(1)(d) collectively possess qualifications and experience in all the fields referred to in subsection 28(2).

(4)

If the Minister considers the information contained in a notice under subsection (1) to be inadequate, the Minister may, by written notice given to the presiding member, require the committee to give the Minister, by a specified day, such further information relevant to the matters dealt with in the notice under subsection (1) as the Minister specifies.

(5)

If the Minister is not satisfied as to the suitability of a person nominated for appointment, the Minister may, by written notice given to the selection committee, reject the nomination and may, in the notice, request the committee to make a further nomination within the period specified in the notice.

(6)

Where a selection committee receives a request under subsection (5), subsections (1) to (3) again apply but, in their application because of this subsection, have effect as if the reference in subsection (1) to the notice under section 38 were a reference to the notice under subsection (5) of this section.

- SECT 41

Abolition of selection committee

When:

(a)

a selection committee has made a nomination or

- nominations in accordance with a notice under section 38; and
- (b) either:
- (i) there are no outstanding matters in a notice given by the Minister under subsection 40(4) or (5) still to be dealt with by the committee; or
 - (ii) the Minister has given the presiding member written notice that the Minister does not intend to give a notice under subsection 40(4) or (5);

the selection committee is abolished by force of this section.

Part 7#151;Staff AUSTRALIAN WOOL RESEARCH AND PROMOTION ORGANISATION ACT 1993
Division 1#151;The Managing Director AUSTRALIAN WOOL RESEARCH AND PROMOTION ORGANISATION ACT 1993
- SECT 42
Managing Director

- (1) There is to be a Managing Director of the Organisation.
- (2) The Managing Director is to be appointed by the Organisation.
- (3) The Organisation:
- (a) may determine the terms and conditions of service of the Managing Director in relation to matters not provided for by this Act, including terms and conditions relating to remuneration and allowances; and
 - (b) may at any time end the appointment of the Managing Director.
- (4) If the Managing Director:
- (a) engages in paid employment outside the duties of his or her office without the approval of the Organisation; or
 - (b) is absent from duty, except on leave of absence granted by the Organisation, for 14 consecutive days, or for 28 days in any period of 12 months or from 3

- consecutive meetings of the Organisation; or
- (c) fails, without reasonable excuse, to comply with his or her obligations under section 27F or 27J of the Commonwealth Authorities and Companies Act 1997; or
- (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

the Organisation must terminate his or her appointment.

- (5) The office of Managing Director is not a public office for the purposes of the Remuneration Tribunal Act 1973.

- SECT 43
Acting Managing Director

- (1) The Organisation may, by resolution, appoint a person to act as Managing Director:

- (a) during a vacancy in the office of Managing Director, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Managing Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Managing Director.

- (2) Anything done by or in relation to a person purporting to act under subsection (1) is not ineffective on the ground that:

- (a) the occasion for the person's appointment had not arisen; or
- (b) there is a defect or irregularity in connection with the person's appointment; or
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or

had ceased.

- SECT 44
Management of affairs of Organisation

- (1) The affairs of the Organisation are, to the extent determined by the Organisation, to be managed by the Managing Director.
- (2) In managing the affairs of the Organisation, the Managing Director must act in accordance with the policy and directions of the Organisation.

Division 2—Other staff of the Organisation AUSTRALIAN
WOOL RESEARCH AND PROMOTION ORGANISATION ACT 1993

- SECT 45
Employees

- (1) The Organisation may employ such persons as it thinks necessary for the purposes of this Act.
- (2) The terms and conditions of employment of persons so employed are those determined by the Organisation.

Division 3—Equal employment opportunity program

- SECT 46
Development of equal employment opportunity program

The Organisation must develop an equal employment opportunity program for the Organisation.

- SECT 47
Implementation of program

The Organisation must take whatever action is necessary to give effect to its equal employment opportunity program, and any person who exercises powers in relation to employment matters in the Organisation must have regard to the program in exercising those powers.

- SECT 48
Preservation of merit principle

Nothing in this Act is to be taken to require action that is incompatible with the principle that employment matters should

be dealt with on the basis of merit.

Part 8 Finance

- SECT 49

Payments to Organisation for research and development

(1)

This section applies to wool tax imposed in a financial year commencing on or after 1 July 1993.

(2)

If all the tax imposed by the Wool Tax Acts in a financial year on particular shorn wool (other than carpet wool) is received by the Commonwealth after the commencement of this Act, there is payable to the Organisation for research and development activities an amount equal to such percentage of the sale value of that shorn wool as is applicable, having regard to the current recommendation applying to that financial year.

(3)

If all the tax imposed by the Wool Tax Acts in a financial year on particular carpet wool is received by the Commonwealth after the commencement of this Act, there is payable to the Organisation for research and development activities an amount equal to such percentage of the sale value of that carpet wool as is applicable, having regard to the current recommendation applying to that financial year.

- SECT 50

Payments to Organisation for wool promotion

(1)

This section applies to wool tax imposed in a financial year commencing on or after 1 July 1993.

(2)

If all the tax imposed by the Wool Tax Acts in a financial year on particular shorn wool (other than carpet wool) is received by the Commonwealth after the commencement of this Act, there is payable to the Organisation for wool promotion an amount equal to such percentage of the sale value of that shorn wool as is applicable, having regard to the current recommendation applying to that financial year.

(3)

If all the tax imposed by the Wool Tax Acts in a financial year on particular carpet wool is received by the Commonwealth after the commencement of this Act, there is payable to the Organisation for wool promotion an amount equal to such percentage of the sale value of that carpet wool as is applicable, having regard to the current recommendation applying to that financial year.

- SECT 51

Current recommendation

(1) For the purposes of sections 49 and 50, the current recommendation applying to a financial year is ascertained in accordance with this section.

(2) In this section, a reference to a recommendation made in a financial year is a reference to:

(a) a recommendation of a kind to which subsection (3) applies:

(i) determined by the Minister in writing in that year, having regard to the information known to the Minister about the preferences of persons who have been liable to pay wool tax (including the results of the poll instigated by the Commonwealth government and known as WoolPoll 2000); or

(ii) if no such determination is made in that year; approved in that year by wool-tax payers by means of a postal ballot conducted under the regulations; or

(b) a recommendation of a kind to which subsection (3) applies as varied in that year by another recommendation:

(i) determined by the Minister in writing in that year, having regard to the information known to the Minister about the preferences of persons who have been liable to pay wool tax (including the results of the poll instigated by the Commonwealth government and known as WoolPoll 2000); or

(ii) if no determination under this subsection is made by the Minister in that year; approved in that year by wool-tax payers by means of a postal ballot conducted under the regulations.

(3) This subsection applies to the following recommendations:

- (a) a recommendation that:
 - (i) an amount equal to a specified percentage of the sale value of shorn wool other than carpet wool, or of carpet wool, subject to tax be paid by the Commonwealth to the Organisation during the financial year or years to which the recommendation applies for research and development; and
 - (ii) accordingly, the percentage recommended under subparagraph (i) be taken into account in fixing the rate of tax that is to be prescribed in respect of shorn wool other than carpet wool, or carpet wool, as the case may be, for the purposes of the application of each of the Wool Tax Acts in respect of that year or those years;

- (b) a recommendation that:
 - (i) an amount equal to a specified percentage of the sale value of shorn wool other than carpet wool, or of carpet wool, subject to tax be paid by the Commonwealth to the Organisation during the financial year or years to which the recommendation applies for wool promotion;
 - (ii) accordingly, the percentage recommended under subparagraph (i) be taken into account in fixing the rate of tax that is to be prescribed in respect of shorn wool other than carpet wool, or carpet wool, as the case may be, for the purposes of the application of each of the Wool Tax Acts in respect of that year or those years.

(3A) For the purposes of subsection (3), the percentage specified in a recommendation may be nil.

(4) The year or years to which a recommendation applies are ascertained as follows:

- (a) a recommendation made in a financial year that commenced on 1 July 1993 and in force immediately before the commencement of this Act applies to each of the financial years of the triennium commencing on

1 July 1994;

- (b) a recommendation made in the first or second year of a triennium applies to the remaining year or years of the triennium;
- (c) a recommendation made in the last year of a triennium applies to all of the years of the following triennium.

(5)

The total of the percentages specified in recommendations that are made under this section in relation to a particular kind of wool for the same financial year must not exceed the difference between:

- (a) the rate of tax that applies under the Wool Tax Acts for that financial year in respect of that kind of wool; and
- (b) the percentage that applies under subsection 43(2) of the Wool International Act 1993 for that financial year.

(6)

The regulations may make provision in relation to the conduct of postal ballots for the purposes of this section.

(7)

Without limiting subsection (6), the matters in relation to which the regulations may make provision include the following:

- (a) the making by the Organisation of the recommendation to be submitted to a ballot;
- (b) the giving of notice by the Organisation of its intention to conduct a ballot;
- (c) the manner in which a ballot is to be conducted;
- (d) the giving of notice by wool-tax payers of their wish to participate in a ballot;
- (e) the effect, for the purposes of the regulations relating to ballots, of a notice by a wool-tax payer of his or her wish to attend an annual general meeting;
- (f) the means by which the number of votes that a wool-tax payer may cast in a ballot is to be determined;

- (g) the nature of the majority of votes that is to determine the outcome of a ballot;
- (h) the procedure for determining the outcome of a ballot.

(8) If, but for this subsection, there would not be a current recommendation applying to a particular financial year for the purposes of a particular subsection of section 49, the recommendation that was the current recommendation applying to the last financial year for which there was such a recommendation is the current recommendation applying to the first-mentioned financial year for the purposes of the subsection.

(9) If, but for this subsection, there would not be a current recommendation applying to a particular financial year for the purposes of a particular subsection of section 50, the recommendation that was the current recommendation applying to the last financial year for which there was such a recommendation is the current recommendation applying to the first-mentioned financial year for the purposes of the subsection.

(10) A reference in subsection (8) or (9) to a recommendation that was the current recommendation applying to a financial year for the purposes of a particular subsection of section 49 or 50 includes a reference to:

- (a) in the case of subsection 49(2) a recommendation having effect in relation to a financial year for the purposes of paragraph 30B(1)(a) of the Primary Industries and Energy Research and Development Act 1989 as in force before the commencement of this Act; or
- (b) in the case of subsection 49(3) a recommendation having effect in relation to a financial year for the purposes of paragraph 30B(2)(a) of the Primary Industries and Energy Research and Development Act 1989 as in force before the commencement of this Act; or
- (c) in the case of subsection 50(2) a recommendation having effect in relation to a financial year for the purposes of paragraph 21(1)(a) of the Australian Wool Corporation Act 1991 as in force before the commencement of this Act; or
- (d)

in the case of subsection 50(3) a recommendation having effect in relation to a financial year for the purposes of paragraph 21(2)(a) of the Australian Wool Corporation Act 1991 as in force before the commencement of this Act.

(11)

The Organisation must not submit a recommendation to a ballot unless it has consulted with the Wool Council of Australia in relation to the proposed recommendation.

- SECT 52

Payments representing tax imposed in earlier years

(1)

If:

(a)

before the commencement of this Act, an amount was received by the Commonwealth in respect of tax imposed by the Wool Tax Acts in a financial year that commenced on or before 1 July 1993 on particular shorn wool; and

(b)

at that commencement, nothing had been paid by the Commonwealth to the Australian Wool Corporation under section 21 of the Australian Wool Corporation Act 1991 in relation to the amount received;

there is payable to the Organisation the amount that would have been payable to the Australian Wool Corporation, in relation to the amount received, if the Australian Wool Corporation Act 1991 had not been repealed.

(2)

If:

(a)

before the commencement of this Act, an amount was received by the Commonwealth in respect of tax imposed by the Wool Tax Acts in a financial year that commenced on or before 1 July 1993 on particular shorn wool; and

(b)

at that commencement, nothing had been paid by the Commonwealth to the Wool Research and Development Corporation under section 30B of the Primary Industries and Energy Research and Development Act 1989 in relation to the amount received;

there is payable to the Organisation the amount that would have been

payable to the Wool Research and Development Corporation, in relation to the amount received, if section 30B of the last-mentioned Act had not been repealed.

(3)

If, after the commencement of this Act, an amount is received by the Commonwealth in respect of tax imposed by the Wool Tax Acts in a financial year that commenced before 1 July 1993 on particular shorn wool, there is payable to the Organisation, out of the amount received, an amount equal to the amount that would have been payable to the Australian Wool Corporation, in relation to the amount received by the Commonwealth, if the Australian Wool Corporation Act 1991 had not been repealed.

(4)

If, after the commencement of this Act, an amount is received by the Commonwealth in respect of wool tax imposed by the Wool Tax Acts in a financial year that commenced before 1 July 1993 on particular shorn wool, there is payable to the Organisation, out of the amount received, an amount equal to the amount that would have been payable to the Wool Research and Development Corporation, in relation to the amount received by the Commonwealth, if section 30B of the Primary Industries and Energy Research and Development Act 1989 had not been repealed.

- SECT 53

Wool Research and Development Fund

(1)

A fund to be known as the Wool Research and Development Fund is established.

(2)

The Fund vests in, and is to be administered by, the Organisation.

(3)

In the accounts and records of the Organisation, money representing the Fund must be accounted for separately from other money of the Organisation.

- SECT 54

Money to be paid into Fund

(1)

The following money is to be paid into the Fund:

(a)

money paid to the Organisation under section 49 or under subsection 52(2) or (4);

(b)

money paid to the Organisation under section 55;

- (c) money transferred to the Organisation by subsection 37(4) of the Wool Legislation (Repeals and Consequential Provisions) Act 1993;
- (d) money received by the Organisation:
 - (i) from the sale of any property paid for with money from the Fund; or
 - (ii) from the sale of property vested in the Organisation by subsection 37(4) of the Wool Legislation (Repeals and Consequential Provisions) Act 1993; or
 - (iii) from dealing with patents or trade marks vested in the Organisation by subsection 37(4) of the Wool Legislation (Repeals and Consequential Provisions) Act 1993 or acquired by the Organisation with money from the Fund; or
 - (iv) in respect of work paid for with money from the Fund;
- (e) money received by the Organisation as interest from the investment of money standing to the credit of the Fund;
- (f) money borrowed by the Organisation for purposes related to the performance of its functions relating to research and development;
- (g) money paid to the Organisation under subsection (2);
- (h) money representing gifts to the Organisation for the benefit of the Fund.

(2) The Commonwealth must pay to the Organisation an amount equal to the amount of any money paid to the Commonwealth for the purposes of the Fund.

- SECT 55
Matching Commonwealth payments

(1) The Commonwealth is required to pay to the Organisation in respect of a financial year an amount not exceeding one-half of the total of amounts paid out of the Fund during that year for

purposes referred to in paragraph 56(1)(a).

- (2) The sum of the amounts paid to the Organisation under subsection (1) must not exceed the total of the amounts paid to the Organisation under section 49 and subsections 52(2) and (4).
- (2A) The amount paid to the Organisation under subsection (1) in respect of a financial year must not exceed 0.5% of the total amount that the Minister determines to be the gross value of shorn wool produced in Australia in the financial year.
- (3) An amount paid under this section is to be paid into the Fund.
- (4) The regulations may prescribe the manner in which the Minister is to determine the gross value of shorn wool produced in Australia in a financial year.

- SECT 56
Use of Fund money

- (1) Money in the Fund may be used only:
 - (a) for the purpose of meeting costs incurred by the Organisation in performing its functions relating to research and development; and
 - (b) for the repayment of money borrowed by the Organisation for purposes related to the performance of its functions relating to research and development; and
 - (c) for the purpose of making payment to the Commonwealth under subsection 57(1).
- (2) Subsection (1) does not prevent the investment under section 19 of the Commonwealth Authorities and Companies Act 1997 of money in the Fund that is not immediately required for the purposes of the Organisation.

- SECT 57
Payment of expenses of collection etc. of amounts paid under sections 49, 50 and 52

- (1) The Organisation is required to pay to the Commonwealth, in respect of each financial year, an amount equal to the expenses incurred by the Commonwealth in connection with the collection

and recovery of amounts paid to the Organisation under section 49 or subsection 52(2) or (4).

(2)

The Organisation is required to pay to the Commonwealth, in respect of each financial year, an amount equal to the expenses incurred by the Commonwealth in connection with the collection and recovery of amounts paid to the Organisation under section 50 or subsection 52(1) or (3).

- SECT 58

Charges for services

The Organisation may charge fair and proper fees for services provided by it in the exercise of any of its powers or the performance of any of its functions.

- SECT 59

Application of Organisation's money

(1)

The Organisation's money (other than money forming part of the Fund) may only be used:

(a)

in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Organisation in relation to the performance of its functions or the exercise of its powers; and

(b)

in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in connection with the appointment of members of the Organisation including expenses incurred in connection with the appointment and operations of selection committees under Division 2 of Part 6; and

(c)

in making payments to the Commonwealth under subsection 57(2); and

(d)

in payment of remuneration and allowances payable under this Act; and

(e)

in payment of consultants engaged under this Act; and

(f)

in making other payments that the Organisation is required or authorised by this Act to make.

(2)

Subsection (1) does not prevent investment of surplus money of the Organisation under section 19 of the Commonwealth

Authorities and Companies Act 1997.

- SECT 60
Borrowing etc.

- (1) Subject to subsection (2), the Organisation may borrow money.
- (2) Except with the written approval of the Minister, the Organisation may not borrow money if the total amount previously borrowed by the Organisation without the approval of the Minister, or that amount together with the amount that the Organisation proposes to borrow, exceeds \$15,000,000.
- (3) An approval may be given in relation to a particular transaction or a class of transactions.
- (4) A borrowing under an approval must be on terms and conditions specified in, or consistent with, the approval.
- (5) Subject to subsection (4), a borrowing may be made, in whole or in part, in a currency other than Australian currency.
- (6) The Organisation may give security over the whole or any part of its assets for the repayment of money borrowed in accordance with this section and the payment of money (including interest) that the Organisation is liable to pay in respect of such a borrowing.
- (7) The Organisation may not borrow except in accordance with this section.
- (8) A reference in this section to the borrowing of money includes a reference to the borrowing or raising of money by dealing with securities.
- (9) The reference in subsection (8) to dealing with securities includes a reference to:
 - (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or reselling securities; and
 - (b) creating, selling, purchasing or reselling rights or options in respect of securities; and
 - (c) entering into agreements or other arrangements relating to securities.

- SECT 61
Protection of Commonwealth against debts of Organisation

The Commonwealth is not liable for any debt arising from a contractual obligation undertaken by the Organisation.

- SECT 62
Hedging through currency contracts etc.

(1)
In this section:

currency contract means:

- (a) a forward exchange rate contract; or
- (b) a contract with respect to currency futures.

futures contract means:

- (a) a deferred delivery contract; or
- (b) a contract with respect to financial futures; or
- (c) a contract with respect to commodity futures.

(2)
This section applies to the following contracts:

- (a) currency contracts;
- (b) interest rate contracts;
- (c) futures contracts;
- (d) contracts relating to:
 - (i) dealings known as currency swaps; or
 - (ii) dealings known as interest rate swaps; or
 - (iii) dealings known as commodity swaps;
- (e) contracts relating to 2 or more of the dealings referred to in paragraph (d);
- (f)

- options (including futures options);
- (g) contracts of a kind approved by the Minister in writing.

(3) Subject to subsection (6), the Organisation may enter into and deal with contracts to which this section applies for hedging purposes in relation to:

- (a) a borrowing or raising, or a proposed borrowing or raising, of money by the Organisation; or
- (b) an investment of money by the Organisation; or
- (c) a purchase or sale of wool; or
- (d) the making by the Organisation of a payment outside Australia in relation to the promotion of the use of wool and wool products; or
- (e) a transaction in foreign currency.

(4) The Minister may determine written guidelines for the exercise by the Organisation of its powers under subsection (3) and must give the Organisation a copy of each determination made.

(5) Without limiting subsection (4), the guidelines may provide that:

- (a) the Organisation is not to enter into or deal with contracts of a particular kind; or
- (b) the Organisation is to enter into or deal with contracts of a particular kind only in specified circumstances.

(6) The Organisation must not enter into or deal with a contract to which this section applies contrary to any guidelines in force under subsection (4).

(7) A contract is taken to be entered into or dealt with for hedging purposes only if the contract is entered into or dealt with for the purpose of:

- (a) managing the risk of variations in:

- (i) the costs of a borrowing or raising, or a proposed borrowing or raising, of money by the Organisation; or
 - (ii) the revenue obtainable by the Organisation from an investment; or
 - (iii) the amount payable to the Organisation for any wool sold by it; or
 - (iv) the amount payable by the Organisation for any wool bought by it; or
 - (v) the amount of any payment referred to in paragraph (3)(d); or
 - (vi) a payment to or by the Organisation in relation to a transaction in foreign currency; or
- (b) maintaining the value of investments made by the Organisation.

- SECT 64
Bank accounts

- (1) The Organisation must always have at least 2 accounts with a bank or banks.
- (3) Money representing the Fund must be kept in an account or accounts maintained exclusively for the purpose of keeping such money.

- SECT 66
Appropriation

Money payable to the Organisation under section 49, 50, 52, 54 or 55 is payable out of the Consolidated Revenue Fund which is appropriated accordingly.

Part 10#151;Miscellaneous

- SECT 68
Ministerial directions

- (1)

Subject to subsection (2), the Minister may give written directions to the Organisation concerning the performance of its functions and the exercise of its powers, and the Organisation must comply with those directions.

(2)

The Minister may only give a direction to the Organisation if:

(a)

the Minister is satisfied that, because of the existence of exceptional circumstances, it is necessary to give the direction in order to ensure that the performance of the functions, or the exercise of the powers, of the Organisation does not conflict with major government policies; and

(b)

the Minister has given the Organisation a written notice stating that the Minister is considering giving the direction; and

(c)

the Minister has given the Chairperson an adequate opportunity to discuss with the Minister the need for the proposed direction.

(3)

Subject to subsection (4), where the Minister gives a direction to the Organisation:

(a)

the Minister must cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after the direction is given; and

(b)

the annual report for the financial year in which the direction is given must include:

(i)

particulars of the direction; and

(ii)

particulars of the impact of that direction on the operations of the Organisation.

(4)

Subsection (3) does not apply in relation to a particular direction if:

(a)

the Minister, on the recommendation of the Organisation, makes a written determination that compliance with the subsection would, or would be likely to, prejudice the commercial activities of the Organisation; or

(b) the Minister makes a written determination that compliance with the subsection would be, or would be likely to be, prejudicial to the national interest of Australia.

(5) This section does not affect the application of section 28 of the Commonwealth Authorities and Companies Act 1997 in relation to the Organisation.

- SECT 69

Payment to Organisation of money appropriated for wool promotion

There is payable to the Organisation any money appropriated by the Parliament for expenditure on wool promotion.

- SECT 70

Delegation

- (1) The Organisation may delegate all or any of its powers under this Act (except its powers under paragraph 42(3)(a)) to any person or body.
- (2) A delegation must be under the common seal of the Organisation.
- (3) In the exercise of a delegated power, the delegate is subject to the directions of the Organisation.

- SECT 71

Consultants

- (1) The Organisation may engage as consultants persons having suitable qualifications and experience.
- (2) Consultants are to be engaged on such terms and conditions as the Organisation determines.

- SECT 72

Consultation

- (1) The powers of the Organisation include the power to consult with the Wool Council of Australia and other persons and bodies representative of different sectors of the wool industry.
- (2)

Subject to any written guidelines determined by the Minister, the Organisation may meet expenses incurred by a person or body in relation to consultation under subsection (1).

- (3) The Minister may determine written guidelines for the purposes of subsection (2).

- SECT 73
Committees

- (1) The Organisation may establish committees to assist it in the performance of its functions and the exercise of its powers.
- (2) A committee may include, or consist wholly of, persons who are not members of the Organisation.
- (3) The Organisation may give a committee such directions as it thinks fit, including directions regarding:
- (a) the manner in which the committee is to carry out its functions; and
 - (b) the procedure to be followed in relation to the convening and conduct of meetings of the committee; and
 - (c) the number of members of the committee who are to constitute a quorum at a meeting of the committee.

- SECT 74
Liability to taxation

- (1) The Organisation is subject to taxation (other than income tax) under the laws of the Commonwealth.
- (2) Subject to subsections (3) and (4), the Organisation is not subject to taxation under a law of a State or a Territory.
- (3) The regulations may provide that subsection (2) does not apply in relation to taxation under a specified law of a State or a Territory.
- (4) Stamp duty under a law of a State or a Territory is payable by the Organisation in respect of transactions entered into by, and documents executed by or on behalf of, the Organisation.
- (5) Subsection (4) does not apply in relation to any transfer of

assets effected by the Wool Legislation (Repeals and Consequential Provisions) Act 1993.

- SECT 75

Remuneration and allowances

(1)

This section applies to the following persons:

(a)

members appointed by the Minister;

(b)

members of committees established under this Act.

(2)

A person to whom this section applies is to be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, the person is to be paid such remuneration as is prescribed.

(3)

A person referred to in paragraph (1)(a) or (b) is to be paid such allowances as the Organisation determines.

(4)

This section has effect subject to the Remuneration Tribunal Act 1973.

- SECT 76

Annual report

(2)

Without limiting the matters to be included in an annual report on the Organisation under section 9 of the Commonwealth Authorities and Companies Act 1997, it must include such particulars (if any) as are prescribed.

- SECT 77

Regulations

The Governor-General may make regulations prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and for prescribing penalties not exceeding 20 penalty units for offences against the regulations.

- SECT 79

Contributions to costs of Australian Animal Health

Council

- (1) This section has effect if a body known as the Australian Animal Health Council Limited is incorporated under the Corporations Law before 30 June 1997.
- (2) The Organisation is required to make contributions to the Australian Animal Health Council in respect of each financial year ending on or before 30 June 1997.
- (3) The total amount of the contributions in respect of a financial year is the amount prescribed in relation to that year.
- (4) A contribution may be paid by quarterly instalments.
- (5) Before making regulations prescribing an amount for a particular financial year, the Governor-General must take into consideration any recommendation with respect to the amount to be prescribed that has been made to the Minister by the Wool Council of Australia. The regulations may not prescribe an amount that is greater than the amount recommended.

Notes to the Australian Wool Research and Promotion Organisation Act 1993

Note 1

The Australian Wool Research and Promotion Organisation Act 1993 as shown in this compilation comprises Act No. 63, 1993 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions see Table A.

Table of Acts

Act

Number
and year

Date
of Assent

Date of commencement

Application, saving or transitional provisions

Australian Wool Research and Promotion Organisation Act 1993

63, 1993

12 Nov 1993

1 Dec 1993 (see Gazette 1993, No. GN46)

Primary Industries and Energy Legislation Amendment Act (No. 2) 1994

129, 1994

21 Oct 1994

S. 3: Royal Assent (a)

—

Primary Industries and Energy Legislation Amendment Act (No. 2) 1995

133, 1995

14 Nov 1995

Schedule 3 (Part 3): 1 Jan 1996

Schedule 4 (items 9-12): 1 Dec 1985

Remainder: Royal Assent

—

Primary Industries and Energy Legislation Amendment Act (No. 1) 1996

18, 1996

28 June 1996

Schedule 7: Royal Assent (b)

—

as amended by

Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2)
1999

170, 1999

10 Dec 1999

Schedule 3 (items 2, 3): 28 June 1996 (c)

—

Primary Industries and Energy Legislation Amendment Act (No. 1) 1997

22, 1997

7 Apr 1997

Schedule 4: Royal Assent (d)

—

Audit (Transitional and Miscellaneous) Amendment Act 1997

152, 1997

24 Oct 1997

Schedule 2 (items 568-583): 1 Jan 1998 (see Gazette 1997, No. GN49) (e)

—

Primary Industries and Energy Legislation Amendment Act (No. 1) 1998

102, 1998

30 July 1998

30 July 1998

—

Public Employment (Consequential and Transitional) Amendment Act 1999

146, 1999

11 Nov 1999

Schedule 1 (item 278): 5 Dec 1999 (see Gazette 1999, No. S584) (f)

—

Corporate Law Economic Reform Program Act 1999

156, 1999

24 Nov 1999

Schedule 10 (items 65-67): 13 Mar 2000 (see Gazette 2000, No. S114) (g)

—

Australian Wool Research and Promotion Organisation Amendment
(Funding and Wool Tax) Act 2000

47, 2000

3 May 2000

3 May 2000

Sch. 1 (item 12(1))

(a) The Australian Wool Research and Promotion Organisation Act 1993 was amended by section 3 only of the Primary Industries and Energy Legislation Amendment Act (No. 2) 1994, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(b) The Australian Wool Research and Promotion Organisation Act 1993 was amended by Schedule 7 only of the Primary Industries and Energy Legislation Amendment Act (No. 1) 1996, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(c) The Primary Industries and Energy Legislation Amendment Act (No. 1) 1996 was amended by Schedule 3 (items 2 and 3) only of the Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999, subsection 2(3) of which provides as follows:

(3) Items 2 and 3 of Schedule 3 are taken to have commenced on 28 June 1996.

(d) The Australian Wool Research and Promotion Organisation Act 1993 was amended by Schedule 4 only of the Primary Industries and Energy Legislation Amendment Act (No. 1) 1997, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(e) The Australian Wool Research and Promotion Organisation Act 1993 was amended by Schedule 2 (items 568-583) only of the Audit (Transitional and Miscellaneous) Amendment Act 1997, subsection 2(2) of which provides as follows:

(2) Schedules 1, 2 and 4 commence on the same day as the Financial Management and Accountability Act 1997.

(f) The Australian Wool Research and Promotion Organisation Act 1993 was amended by Schedule 1 (item 278) only of the Public Employment (Consequential and Transitional) Amendment Act 1999, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, commencing time means the time when the Public Service Act 1999 commences.

(2) Subject to this section, this Act commences at the commencing time.

(g) The Australian Wool Research and Promotion Organisation Act 1993 was amended by Schedule 10 (items 65-67) only of the Corporate Law Economic Reform Program Act 1999, subsection 2(2)(c) of which provides as follows:

(2) The following provisions commence on a day or days to be fixed by Proclamation:

(c) the items in Schedules 10, 11 and 12.

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected

How affected

S. 4

am. No. 146, 1999

Note to s. 5(2)

ad. No. 152, 1997

S. 6

am. No. 129, 1994; No. 133, 1995; No. 47, 2000

S. 10

am. No. 129, 1994

S. 28

am. No. 129, 1994

S. 30

am. No. 152, 1997; No. 156, 1999

S. 33

am. No. 152, 1997; No. 156, 1999

S. 35

am. No. 133, 1995

S. 42

am. No. 152, 1997; No. 102, 1998; No. 156, 1999

S. 45

am. No. 102, 1998

S. 51

am. No. 18, 1996; No. 47, 2000

S. 54

am. No. 129, 1994

S. 55

am. No. 133, 1995

S. 56

am. No. 152, 1997

S. 59

am. No. 152, 1997

S. 63

rep. No. 152, 1997

S. 64

am. No. 152, 1997

S. 65

rep. No. 152, 1997

Part 9
(s. 67)

rep. No. 152, 1997

S. 67

rep. No. 152, 1997

S. 68

am. No. 152, 1997

S. 70

am. No. 102, 1998

S. 76

am. No. 152, 1997

Part 11
(ss. 78-80)

rep. No. 133, 1995

S. 78

rep. No. 133, 1995

S. 79

rep. No. 133, 1995

ad. No. 18, 1996 (as am. by No. 170, 1999)

S. 80

rep. No. 133, 1995

Table A

Application, saving or transitional provisions

Australian Wool Research and Promotion Organisation Amendment
(Funding and Wool Tax) Act 2000 (No. 47, 2000)

-
SECT Schedule 1

12 Application of amendments

(1) The amendments made by items 2 to 6 apply in relation to current recommendations that apply to financial years beginning on or after 1 July 2000.