

South Australia

South Australian Meat Corporation (Sale of Assets) Act 1996

An Act to provide for the sale of assets of the South Australian Meat Corporation; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 4 Territorial application of this Act

Part 2—Sale of assets

- 5 Sale of assets
- 6 Lease of land
- 7 Transferred instruments
- 8 Registering authorities to note transfer

Part 3—Preparation of assets for sale

- 9 Preparation of assets for sale
- 10 Authority to disclose and use information
- 11 Evidence

Part 4—Miscellaneous

- 12 Effect of things done, authorised or allowed under this Act
- 13 Closure of Gepps Cross abattoirs
- 14 Interaction between this Act and other Acts
- 15 Accounts and audit—95/96 financial year
- 16 Regulations

Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *South Australian Meat Corporation (Sale of Assets) Act 1996*.

3—Interpretation

In this Act, unless the contrary intention appears—

asset means—

- (a) a present, contingent or future legal or equitable estate or interest in real or personal property; or
 - (b) a present, contingent or future right, power, privilege or immunity,
- (and includes a present or future cause of action in favour of the Corporation);

authorised project—see section 9(1);

Corporation means the South Australian Meat Corporation;

liability means a present, contingent or future liability or obligation (including a non-pecuniary obligation and a present or future cause of action against the Corporation);

transferred asset means an asset transferred to a purchaser under Part 2.

4—Territorial application of this Act

- (1) This Act applies both within and outside the State.
- (2) This Act applies outside the State to the full extent of the extra-territorial legislative power of the State.

Part 2—Sale of assets

5—Sale of assets

- (1) The Treasurer may by agreement (a *sale agreement*) with another (the *purchaser*) transfer to the purchaser assets of the Corporation.
 - There may be two or more agreements relating to different assets with the same purchaser or with different purchasers.
- (2) A sale agreement vests the relevant assets in accordance with its terms.
- (3) On the vesting of an asset under a sale agreement, the asset is discharged from any trust in favour of the Crown.
- (4) If a sale agreement so provides, a charge to which a transferred asset is subject ceases to apply to the asset on its transfer under the sale agreement.
- (5) The transfer of an asset under this section operates by force of this Act and despite the provisions of any other law or instrument.
- (6) A sale agreement may require the purchaser to indemnify the Corporation against specified liabilities or liabilities of a specified class.
- (7) The Treasurer—
 - (a) may apply the net proceeds of a sale under this section in discharging or recouping outstanding liabilities of the Corporation; and
 - (b) must pay the balance to the *Asset Management Task Force Operating Account* at the Treasury to be used for the purpose of retiring State debt.

6—Lease of land

- (1) The Treasurer may act as agent for the Corporation in leasing land of the Corporation.
- (2) The Treasurer may, by agreement with the Corporation, relinquish the powers conferred by this section.
- (3) An apparently genuine document purporting to be a lease executed by the Treasurer as agent of the Corporation must, in the absence of proof to the contrary, be accepted by any court or administrative official as a lease duly executed under the powers conferred by this section.

7—Transferred instruments

- (1) A sale agreement may provide that instruments identified in the agreement, or to be identified as provided in the agreement, are to be transferred instruments.
- (2) If an instrument is identified in, or under, a sale agreement as a transferred instrument, the instrument operates, as from a date specified in the agreement, subject to any modifications specified in the agreement.

8—Registering authorities to note transfer

The Registrar-General or any other authority required or authorised under a law of the State to register or record transactions affecting assets, or documents relating to such transactions, must, on application by the Treasurer or a person nominated by the Treasurer for the purpose, register or record the transfer of an asset or the lease of land under this Act.

Part 3—Preparation of assets for sale

9—Preparation of assets for sale

- (1) The following actions (collectively referred to as the *authorised project*) are authorised:
 - (a) the examination of the Corporation's undertaking with a view to sale of its assets;
 - (b) the preparation of the Corporation's assets for sale;
 - (c) other action that the Treasurer authorises, after consultation with the Corporation, in preparation for, or anticipation of, the sale of assets.
- (2) The authorised project is to be carried out by—
 - (a) persons employed by the Crown and assigned to work on the project; and
 - (b) officers of the Corporation assigned to work on the project; and
 - (c) other persons whose services are engaged by the Crown or the Corporation for the purpose of carrying out the project; and
 - (d) other persons approved by the Treasurer whose participation or assistance is, in the Treasurer's opinion, reasonably required for the purposes of the project.

- (3) The Treasurer (or the Treasurer's delegate) may, despite any other law, authorise purchasers or prospective purchasers and their agents to have access to information in the Corporation's possession or control that should, in the Treasurer's opinion (or the delegate's opinion), be made available to the purchasers or prospective purchasers for the purposes of the authorised project.
- (4) The members and staff of the Corporation must, despite any other law, instrument contract or undertaking—
 - (a) allow persons engaged on the authorised project access to information in the Corporation's possession or control that is reasonably required for, or in connection with, the carrying out of the authorised project; and
 - (b) do whatever is necessary to facilitate the provision of the information to persons entitled to access to the information under subsection (3); and
 - (c) provide other co-operation, assistance and facilities that may be reasonably required for, or in connection with, the carrying out of the authorised project.
- (5) A person who is in a position to grant or refuse access to information to which this section relates may deny access to a person who seeks access to the information unless the person produces a certificate issued by the Treasurer (or the Treasurer's delegate) certifying that the person is entitled to access to information under this section and the basis of the entitlement.

10—Authority to disclose and use information

The disclosure or use of information in the possession or control of—

- (a) the Corporation; or
- (b) a current or former member of the Corporation; or
- (c) persons involved in the authorised project,

as reasonably required for, or in connection with, the carrying out of the authorised project is authorised.

11—Evidence

- (1) In legal proceedings, a certificate of the Treasurer (or the Treasurer's delegate) certifying that action described in the certificate forms part of the authorised project, or that a person named in the certificate was at a particular time engaged on the authorised project, must be accepted as proof of the matter so certified in the absence of proof to the contrary.
- (2) An apparently genuine document purporting to be a certificate under subsection (1) must be accepted as such in the absence of proof to the contrary.

Part 4—Miscellaneous

12—Effect of things done, authorised or allowed under this Act

Nothing done, authorised or allowed under this Act or a sale agreement under this Act—

- (a) constitutes a breach or, or default under, an Act or other law; or

- (b) constitutes a breach or, or default under, a contract, agreement, understanding or undertaking; or
- (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
- (d) constitutes a civil or criminal wrong; or
- (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
- (f) releases a surety or other obligee wholly or in part from an obligation.

13—Closure of Gepps Cross abattoirs

- (1) If the Treasurer decides that it is desirable to do so to avoid continuing financial losses, the Treasurer may, by notice in the Gazette, close down the abattoirs at Gepps Cross.
- (2) If the abattoirs are closed down, the Corporation must, at the Treasurer's direction, proceed with the orderly winding up of the business of the Gepps Cross abattoirs and the disposal of assets no longer required for that business.

14—Interaction between this Act and other Acts

- (1) A transaction under this Act is not subject to the *Land and Business (Sale and Conveyancing) Act 1994*.
- (2) No consent, approval or authorisation is required under Part 4 of the *Development Act 1993* for a transaction under this Act.
- (3) An application under section 223LD of the *Real Property Act 1886* for the division of land need not be accompanied by a certificate from the Development Assessment Commission.¹

Note—

- 1 See section 223LD(3)(c) of the *Real Property Act 1886*.

15—Accounts and audit—95/96 financial year

- (1) Despite the repeal of provisions of the *South Australian Meat Corporation Act 1936* by this Act, the members of the Corporation in office immediately before the amendments took effect are responsible for—
 - (a) the preparation of accounts for the 1995/1996 financial year; and
 - (b) having the accounts audited.
- (2) The repealed provisions relevant to preparation of those accounts, audit of those accounts, and the laying of accounts before Parliament remain in force to the extent necessary for the purposes of this section.
- (3) An auditor in office immediately before the repeal took effect remains in office until the audit is completed.

16—Regulations

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

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Repeal of Act

The *South Australian Meat Corporation (Sale of Assets) Act 1996* was repealed by s 124 of the *Statutes Amendment and Repeal (Simplify) Act 2017* on 15.3.2017.

Legislation amended by principal Act

The *South Australian Meat Corporation (Sale of Assets) Act 1996* amended the following:

South Australian Meat Corporation Act 1936

Principal Act

Year	No	Title	Assent	Commencement
1996	16	<i>South Australian Meat Corporation (Sale of Assets) Act 1996</i>	24.4.1996	23.5.1996 (<i>Gazette 23.5.1996 p2534</i>) except Sch (paras (a)—(g) & (i)—(k))—10.4.1997 (<i>Gazette 10.4.1997 p1456</i>)

Provisions amended

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
Sch	<i>omitted under Legislation Revision and Publication Act 2002</i>	