

CHICKEN MEAT INDUSTRY ACT, 1977

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 112, 1977.

An Act to establish a Chicken Meat Industry Committee and to define its powers, authorities, duties and functions; and to regulate and control agreements between the growers and processors of chickens for consumption as poultry meat. [Assented to, 2nd December, 1977.]

BE

Chicken Meat Industry.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Chicken Meat Industry Act, 1977". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–4.

**PART II.—CHICKEN MEAT INDUSTRY COMMITTEE—
ss. 5–12.**

**PART III.—REGULATION OF CHICKEN MEAT INDUSTRY
—ss. 13–15.**

PART IV.—GENERAL—ss. 16–18.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpre-
tation.

"agreement" means an agreement of a kind required for the purposes of section 13 (1) (a) between a processor and a grower;

Chicken Meat Industry.

“broiler chicken” means a chicken of the species *Gallus gallus* which is not more than 16 weeks old and which is being or has been grown specifically for consumption as poultry meat after processing;

“Chairman” means Chairman of the Committee;

“Committee” means the Chicken Meat Industry Committee constituted under section 5;

“functions” includes powers, authorities and duties;

“grower” means a person who grows broiler chickens, but does not include a person who also processes broiler chickens in a plant which is operated by him and is, in the opinion of the Committee, capable of processing more than 500 broiler chickens per day;

“member” means member of the Committee;

“processing”, in relation to broiler chickens, means killing and preparing the broiler chickens for sale for consumption as poultry meat;

“processor” means a person who processes broiler chickens, and includes a person who is supplied with broiler chickens from a grower for sale to another person for ultimate processing;

“regulation” means regulation made under this Act.

PART II.

CHICKEN MEAT INDUSTRY COMMITTEE.

Constitu-
tion of
Committee.

5. (1) There is hereby constituted a corporation under the corporate name of the “Chicken Meat Industry Committee”.

Chicken Meat Industry.

(2) The Committee shall consist of 15 members appointed by the Minister, of whom—

- (a) one shall be an officer of the Department of Agriculture;
- (b) four shall represent processors who are members of the Australian Poultry Industries Association and shall be nominated by that Association;
- (c) one, who shall be a processor who is not a member of the Australian Poultry Industries Association, shall represent such processors;
- (d) four shall represent growers who grow broiler chickens for processors who are members of the Australian Poultry Industries Association and shall be nominated by the New South Wales Broiler Growers Association;
- (e) one, who shall be a grower who grows broiler chickens for processors who are not members of the Australian Poultry Industries Association, shall represent such growers;
- (f) one shall be an economist; and
- (g) three shall represent consumers of broiler chickens.

(3) The member referred to in subsection (2) (a) shall be the Chairman of the Committee.

(4) The Chairman may nominate an officer of the Department of Agriculture to act in his place as Chairman and a person so acting shall be deemed to be a member and shall be Chairman at any meeting of the Committee at which he is present.

(5) The Chairman may appoint a person to act in the place of any member who has been granted leave by the Committee to be absent from any meeting of the Committee and a person so acting shall be deemed to be a member.

Chicken Meat Industry.

(6) Where a nomination for the purposes of this section or section 7 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the body entitled to make the nomination, the nomination may be made by the Minister and shall be deemed to have been made by that body.

(7) A member shall, subject to this Act, hold office for a term of 2 years and is, if otherwise qualified, eligible for re-appointment.

(8) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member or to or in respect of a member in his capacity as a member during his term of office.

(9) The office of a member shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

(10) The Committee shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

Vacation
of office.

6. (1) A member shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

Chicken Meat Industry.

- (d) if he is convicted in New South Wales of a crime or offence punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which, if committed in New South Wales, would be a crime or offence so punishable;
- (e) if he resigns his office in writing under his hand addressed to the Minister, and the Minister accepts his resignation;
- (f) if he is absent from 3 consecutive meetings of the Committee of which reasonable notice has been given to him personally or in the ordinary course of post except on leave granted by the Committee and is not, within 6 weeks after the last of those meetings, excused by the Committee for his absence from those meetings; or
- (g) if he is removed from office by the Minister.

(2) The Minister may, for any cause which appears to him to be sufficient, remove any member from office.

7. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to the vacant office for the residue of his predecessor's term of office so that the Committee is constituted as provided by section 5 (2). Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for re-appointment.

8. (1) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Committee. Meetings of the Committee.

Chicken Meat Industry.

(2) The Committee shall meet at least twice in every period of 12 months and shall meet at any time if so requested by the Minister or by 5 or more members.

(3) At any meeting of the Committee the Chairman shall preside, but if the Chairman is absent from that meeting, then, subject to section 5 (4), a person elected from among their number by the members present shall preside at that meeting.

(4) The person presiding at any meeting of the Committee shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(5) Eight members shall form a quorum and any duly convened meeting of the Committee at which a quorum is present shall be competent to transact any business of the Committee and shall have and may exercise and perform all the functions of the Committee.

(6) A decision supported by a majority of members present at a meeting of the Committee at which a quorum is present shall be the decision of the Committee.

(7) The person presiding at any meeting of the Committee may of his own motion, and shall if requested to do so by any member, require a vote on any matter to be taken by secret ballot.

Remunera-
tion of
members.

9. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Secretary,
officers and
employees.

10. A secretary to the Committee and such other officers and employees as may be necessary for the purpose of administering this Act shall be appointed and employed under and subject to the Public Service Act, 1902.

Chicken Meat Industry.

11. No matter or thing done or suffered by the Committee, any member, the secretary or any other officer or employee of the Committee bona fide in the execution, or intended execution, of this Act, or in the exercise or performance, or intended exercise or performance, of any of its or his functions, shall subject any member, the secretary or any such officer or employee personally to any action, liability, claim or demand.

Protection of members of Committee and others from liability.

12. (1) The functions of the Committee are—

Functions of Committee.

- (a) with the approval of the Minister, to set guidelines for the drawing up of agreements between processors and growers including guidelines with respect to the standard price to be paid by processors to growers for broiler chickens grown under those agreements;
- (b) to approve agreements for the purposes of section 13 if, in the opinion of the Committee, they have been drawn up in accordance with those guidelines;
- (c) to settle by negotiation disputes between processors and growers in accordance with section 15;
- (d) to make such reports or recommendations to the Minister on any matter relating to the chicken meat industry referred to the Committee by the Minister or on any matter which the Committee considers necessary or appropriate; and
- (e) to exercise and perform such other functions as are prescribed.

(2) The Committee shall, in the exercise and performance of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

Chicken Meat Industry.

PART III.

REGULATION OF CHICKEN MEAT INDUSTRY.

Agreements
between
processors
and growers
to be
approved by
Committee.

13. (1) On and from the day appointed by the Minister for the purposes of this section by order published in the Gazette, a processor shall not process broiler chickens that were grown in a batch of 1,000 or more unless the broiler chickens—

- (a) were grown by a grower under a written agreement approved by the Committee between that grower and that or some other processor; or
- (b) were grown at a farm operated by that or some other processor.

Penalty : \$1,000.

(2) For the purposes of subsection (1) (b), a processor does not operate a farm—

- (a) if the processor leases the growing facilities on the farm from a grower and that grower manages the farm; or
- (b) if the farm is operated in a manner prescribed for the purposes of this paragraph.

Applications
for approval
of Com-
mittee in
respect of
agreements.

14. (1) An application may be made to the Committee by a processor for the Committee's approval of any agreement.

(2) The Committee may approve of an agreement notwithstanding that the name of the grower is not specified in the agreement.

(3) The secretary may, on behalf of the Committee, approve of any agreement which, except with respect to the name and address of the grower, is identical to an agreement previously approved by the Committee.

Chicken Meat Industry.

(4) An application made for the purposes of subsection (1) shall be in such form as may be approved by the Committee and shall be accompanied by the prescribed fee.

(5) A processor may demand payment from a grower of one-half of the fee paid under subsection (4) in respect of an agreement between the processor and the grower and, if that amount is not paid upon demand, it may be recovered as a debt in any court of competent jurisdiction.

15. (1) Where there is a dispute between a processor and a grower with regard to any agreement, the matter in dispute may, on application of either party addressed to the secretary and upon payment of a deposit of \$100, be placed before the Committee for settlement by negotiation.

(2) If, in the opinion of the Committee, a dispute that is placed before the Committee under subsection (1) is vexatious or frivolous in its nature, the Committee shall so declare and thereupon the deposit paid in respect of the dispute shall be forfeited and carried to the Consolidated Revenue Fund but otherwise shall be refunded to the party who paid the deposit.

PART IV.

GENERAL.

16. (1) The expenses of the Committee in carrying out the administration of this Act shall be paid out of money provided by Parliament.

Cost of
adminis-
tration
of Act.

(2) The fees payable under this Act shall be paid to the secretary and shall be carried to the Consolidated Revenue Fund.

Chicken Meat Industry.

Proceedings
for offences.

17. Proceedings for any offence against this Act or the regulations shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

Regulations.

18. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.

(3) The fee prescribed for the purposes of section 14 (4) may differ according to the term of the agreement or according to any other factor.
