

Poultry Meat Industry Act 1986 No 101

[1986-101]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
 - [Law Enforcement \(Powers and Responsibilities\) Act 2002 No 103](#) (not commenced — to commence on 1.12.2005)
 - [Poultry Meat Industry Amendment \(Prevention of National Competition Policy Penalties\) Act 2005 No 48](#), Sch 1 (not commenced — Sch 1 [10] to commence on the day appointed under sec 4 of the [Farm Produce \(Repeal\) Act 1996](#) for the repeal of sec 38 of the [Farm Produce Act 1983](#))

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Poultry Meat Industry Act 1986 No 101



New South Wales

An Act to constitute the Poultry Meat Industry Committee and to define its functions; to regulate and control the poultry growing industry; to repeal the *Chicken Meat Industry Act 1977*; and for other purposes.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Poultry Meat Industry Act 1986*.

2 Commencement

- (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- (2) For the purpose only of enabling the Committee to be constituted under this Act on or after (but not before) the day appointed and notified under section 2 (3), appointments may be made under this Act and any other act, matter or thing may be done before that day as if this Act commenced on the date of assent to this Act, but so that no appointment as a member of the Committee takes effect before that day.
- (3) Except as provided by subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

3 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

agreement means an agreement between a processor and a grower of a kind required for the purposes of section 7 (1) (a).

base rate, in relation to a class of batch poultry, means the rate determined under section 10 in relation to batch poultry of that class.

batch poultry means designated poultry grown in batches of 1,000 or more.

Chairperson means the Chairperson of the Committee.

Committee means the Poultry Meat Industry Committee constituted under section 4.

designated poultry means:

- (a) a chicken of the species *Gallus gallus* which is not more than 18 weeks old, or
- (b) another bird of such species or description as the Governor may, by order published in the Gazette, declare to be designated poultry for the purposes of this Act,

being a chicken or another bird which is being or has been grown specifically for consumption as poultry meat after processing.

Editorial note—

See Gazette No 167 of 30.10.1987, p 6044 for designated poultry.

efficiency incentive agreement means an agreement of the kind referred to in section 7 (1A) (a).

efficiency incentive rules means rules of the kind referred to in section 8 (4) (b).

efficiency incentive scheme means a scheme referred to in section 8 (4) (a).

excluded poultry, in relation to batch poultry the subject of an efficiency incentive scheme, means batch poultry that, pursuant to the efficiency incentive rules for the scheme, is taken to be excluded poultry for the purposes of the scheme.

grower means a person who grows designated poultry, but does not include a person who also processes designated poultry in a plant which is operated by the person and is, in the opinion of the Committee, capable of processing more than 500 birds per day.

member means a member of the Committee.

process, in relation to designated poultry, means:

- (a) kill or prepare the poultry for sale for consumption as poultry meat, or
- (b) perform any other act in the course of killing or preparing the poultry for sale for consumption as poultry meat.

processor means a person who processes designated poultry, and includes a person who is supplied with designated poultry from a grower for sale to another person for ultimate processing.

regulation means a regulation made under this Act.

standard agreement means an agreement of the kind referred to in section 7 (1A) (b).

- (2) In this Act:
 - (a) a reference to a function includes a reference to a power, authority and duty, and
 - (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
- (3) The Chairperson may be referred to as the Chairman or Chairwoman, as the case requires.
- (4) Notes included in this Act do not form part of this Act.

Part 2 Poultry Meat Industry Committee

4 Constitution of Committee

- (1) There is constituted by this Act a corporation under the corporate name of the "Poultry Meat Industry Committee".
- (2) The Committee:
 - (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act,
 - (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown, and
 - (c) shall, in the exercise 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.
- (3) The Committee shall consist of 15 members appointed by the Minister, of whom:
 - (a) 1 is to be an independent person of the Minister's own choosing,
 - (b) 6 shall represent processors and shall be nominated in accordance with the regulations,
 - (c) 6 shall represent growers and shall be elected in accordance with the regulations, and
 - (d) 2 are to be independent persons who, in the opinion of the Minister, are skilled in negotiation or have expertise in commerce.
- (4) The member referred to in subsection (3) (a) shall be the Chairperson of the Committee.
- (5) Schedule 1 has effect with respect to the members.
- (6) Schedule 2 has effect with respect to the procedure of the Committee.

(7) In subsection (3) (a) and (d), **independent** means the following:

- (a) not an officer of the Department of Agriculture,
- (b) not a representative of processors or growers.

5 Staff of Committee

- (1) Such staff as may be necessary to enable the Committee to exercise its functions shall be employed under the [Public Service Act 1979](#).
- (2) The member of staff employed as secretary of the Committee shall be an officer of the Department of Agriculture having experience in, and knowledge of, the poultry industry.

6 Functions of Committee

The functions of the Committee are:

- (a) with the approval of the Minister, to set guidelines for the drawing up of agreements between processors and growers,
- (b) to approve, for the purposes of section 7, forms of agreement if, in the opinion of the Committee, they are in accordance with those guidelines,
- (c) to determine, in accordance with section 10, base rates for batch poultry,
- (d) to settle by negotiation disputes between processors and growers in accordance with section 18,
- (e) to make reports or recommendations to the Minister on any matter relating to the poultry meat industry referred to the Committee by the Minister or on any matter which the Committee considers necessary or appropriate, and
- (f) to exercise such other functions as are prescribed.

Part 3 Regulation of the poultry meat industry

7 Agreements between processors and growers to be in form approved by Committee

- (1) A processor shall not process batch poultry unless the batch poultry:
 - (a) was grown by a grower under a written agreement in a form approved by the Committee between the grower and that or some other processor, or
 - (b) was grown at a farm operated by that or some other processor.

Maximum penalty: 20 penalty units.

(1A) An agreement referred to in subsection (1) (a) may be:

- (a) an **efficiency incentive agreement**, in which payment for poultry is made to the grower in accordance with an efficiency incentive scheme, or
 - (b) a **standard agreement**, in which payment for poultry is made to the grower otherwise than in accordance with an efficiency incentive scheme.
- (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 the grower manages the farm, or
 - (b) if the farm is operated in a manner prescribed for the purposes of this paragraph.
- (3) It shall be prima facie evidence that an agreement is not in force between a processor and a grower if:
- (a) the Committee has not received a notification under section 9 (1) that the processor has entered into an agreement with the grower, or
 - (b) having received such a notification relating to an agreement, the Committee has received a subsequent notification under section 9 (2) that the agreement has terminated, without having received a further notification under section 9 (1) that the processor has entered into a further agreement with the grower.

8 Approval of forms of agreement

- (1) An application may be made to the Committee by a processor for the Committee's approval of any form of written agreement.
- (2) 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.
- (3) The Committee may approve of a form of agreement to be used generally or in a particular case or class of cases.
- (4) The Committee must not approve a form of efficiency incentive agreement unless:
 - (a) the proposed agreement describes a scheme (an **efficiency incentive scheme**) to which growers who are parties to such an agreement will belong, and
 - (b) the proposed agreement contains or adopts rules for the scheme (**efficiency incentive rules**):
 - (i) that define the circumstances in which batch poultry is taken to be excluded poultry for the purposes of the scheme, and
 - (ii) that establish the maximum variations (upwards and downwards) from the relevant base rate that will be allowed in relation to payments for batch poultry (other than excluded poultry) delivered under such an agreement, and

- (iii) that establish the factors according to which actual prices will be determined in relation to payments for batch poultry (including excluded poultry) delivered under such an agreement, and
 - (iv) that deal with such other matters as are required by the regulations to be dealt with by the rules, and
- (c) the processor has had consultations with all growers who are negotiating with the processor, and a majority of those growers have agreed in writing to the submission of the form of the agreement for the Committee's approval.

9 Processor to notify details relating to agreements

- (1) Where a processor enters into an agreement with a grower, the processor shall notify the Committee of that fact within 1 month after entering into that agreement.
- (2) Where an agreement entered into by a processor with a grower terminates, the processor shall notify the Committee of that fact within 1 month after the termination.
- (3) A notification for the purposes of subsection (1) or (2) shall be in such form as may be approved by the Committee and shall be accompanied by the prescribed fee.
- (3A) Without limiting subsection (3), a notification for the purposes of subsection (1) that relates to an efficiency incentive agreement must identify the efficiency incentive scheme to which the grower belongs by virtue of the agreement.
- (4) A processor may demand payment from the grower of one-half of the fee paid under subsection (3) 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.

9A Authorisations

- (1) The following are specifically authorised by this Act for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*:
 - (a) any agreements entered into between growers and processors for the purposes of this Act,
 - (b) the conduct of growers and processors in negotiating and entering into any such agreements,
 - (c) the conduct of growers and processors in performing any such agreements,
 - (d) the conduct of growers and processors in relation to the establishment, maintenance and administration of efficiency incentive schemes and their associated efficiency incentive rules,

- (e) the conduct of growers and processors in agreeing on, or negotiating, a base rate to be proposed by them for consideration of the Committee.

Note—

Under section 10 (4) (a), the Committee must have regard to any suggested base rate in determining base rates.

- (2) Things authorised to be done by this section are authorised only to the extent to which they would otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth or the *Competition Code of New South Wales*.

Part 4 Payments to growers

10 Committee to determine base rates

- (1) Subject to subsection (2), the Committee may from time to time determine base rates for batch poultry.
- (2) The Committee must determine base rates for batch poultry at least once every 6 months.
- (3) Different base rates may be determined for different classes of batch poultry.
- (4) In determining base rates, the Committee is to have regard to the following:
 - (a) any suggested base rate agreed to by processors and growers,
 - (b) growing costs,
 - (c) the species of poultry involved,
 - (d) the duration of any relevant rearing period,
 - (e) the annual throughput of poultry,
 - (f) poultry housing density,
 - (g) the needs of the industry,
 - (h) market forces affecting the industry,
 - (i) the public interest,
 - (j) the reasonable minimum returns to growers while encouraging industry efficiency,
 - (k) such other matters as the Committee thinks relevant.
- (5) A determination made under this section must be submitted by the Committee to the Minister for approval.

- (6) A determination has no effect unless approved by the Minister.
- (7) A determination, if approved by the Minister:
 - (a) must be published in the Gazette and in such other manner as the Minister considers appropriate, and
 - (b) takes effect:
 - (i) on the date on which the determination is published in the Gazette (the **publication date**), or
 - (ii) subject to subsection (8), on any other date or dates (whether before or after the publication date) as may be specified in the determination.
- (8) No determination may be made to take effect on a date or dates that is earlier than:
 - (a) if the determination is made between 1 January and 30 June (inclusive) in a year—1 January of that year, or
 - (b) if the determination is made between 1 July and 31 December (inclusive) of a year—1 July of that year.
- (9) The Committee must keep in the office of its secretary a Register of all determinations approved by the Minister.
- (10) The Committee must make the Register available for inspection by processors and growers during business hours.

11 Prices payable to growers

- (1) The price for batch poultry received by a processor from a grower:
 - (a) in the case of poultry delivered under an efficiency incentive agreement, is to be determined in accordance with the efficiency incentive rules for that agreement, or
 - (b) in the case of poultry delivered under a standard agreement, is to be determined at a rate no less than the base rate for birds of the class to which the poultry belongs.
- (2) If not paid within 28 days after the relevant batch poultry is received by the processor, the price for the poultry may be recovered by the grower from the processor as a debt in any court of competent jurisdiction.

12 Variation of efficiency incentive rules

- (1) Efficiency incentive rules for an efficiency incentive scheme may be varied on the initiative of a processor or grower, but only if the processor and at least 75 per cent of the growers then belonging to the scheme give written support to the variation.

- (2) Within 14 days after varying the efficiency incentive rules for an efficiency incentive scheme, the processor must cause notice of that fact to be given to the Committee.
- (3) The notice must indicate:
 - (a) the terms of the variation, and
 - (b) when the variation is to take effect, and
 - (c) the identity of each grower who has given written support to the variation.

12A No contracting out

- (1) This Part has effect despite any stipulation to the contrary in any agreement, contract or arrangement.
- (2) No agreement, contract or arrangement, whether oral or wholly or partly in writing, and whether made or entered into before or after the commencement of this section, operates to annul, vary or exclude this Part.

Part 5 Inspectors

13 Inspectors

In this Part:

inspector means:

- (a) an inspector for the purposes of the [Farm Produce Act 1983](#), and
- (b) a person authorised in writing by the Minister to exercise the functions of an inspector under this Part.

14 Powers of inspectors

- (1) For the purpose of ascertaining whether an offence against this Act or the regulations has been committed, an inspector may:
 - (a) at all reasonable times, enter and remain in or on any premises if the inspector has reasonable cause to suspect that the premises are being used for the processing of batch poultry,
 - (b) search and inspect any such premises for the presence of, and examine, any accounts, records, books or documents relating to the processing of designated poultry on those premises or to the supply of designated poultry for processing on those premises,
 - (c) take extracts or notes from any such accounts, records, books or documents or take copies (by photographic or any other means) of any such accounts, records, books or documents, and

(d) require any person found in or on any such premises to produce any such accounts, records, books or documents in the possession or under the control of the person or to produce a written statement in the English language setting out particulars contained in any such accounts or records, being accounts or records that are not kept in writing, or that are not written in that language.

(2) Subsection (1) does not authorise any person to enter that part of any premises being used for residential purposes without the consent of the occupier of that part of the premises, but nothing in this subsection shall affect the power of a person to enter that part under the authority of a search warrant.

(3) A person shall not fail to comply with a requirement made under subsection (1) (d).

Maximum penalty: 5 penalty units.

15 Questions by inspectors

(1) An inspector may require any occupier of premises on which designated poultry is processed or any person employed in or about those premises to answer questions relating to the observance of this Act or to any matter in connection with the exercise of the inspector's functions under this Act or the execution of this Act.

(2) A person shall not, when required to answer a question under subsection (1):

(a) except as provided by subsection (3), refuse or fail to answer the question, or

(b) give any answer which is false or misleading in a material particular.

Maximum penalty: 5 penalty units.

(3) A person is not required to answer any question asked of the person under subsection (1) unless the person has first been informed by the inspector asking the question that the person is required to answer the question by virtue of this section.

(4) A person may not refuse to answer a question asked of the person under subsection (1) on the ground that the person's so doing might tend to incriminate the person or make the person liable to any penalty.

(5) Any answer given by a person pursuant to a requirement made under subsection (1) after the person has been informed in accordance with subsection (3) shall not be admissible in evidence in any proceedings, civil or criminal, against the person, other than in proceedings under subsection (2).

(6) Nothing in this section affects the admissibility in evidence of an answer voluntarily given by a person to a question asked by an inspector but which the inspector did not require that person to answer under this section.

16 Search warrants

- (1) In this section **authorised justice** has the same meaning as in the [Search Warrants Act 1985](#).
- (2) An inspector may apply to an authorised justice for the issue of a search warrant if the inspector has reasonable grounds for believing that there are in or on any premises any accounts, records, books or documents relating to the processing of designated poultry or the supply of designated poultry for processing.
- (3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant:
 - (a) to enter the premises, and
 - (b) to exercise the functions of an inspector under this Act.
- (4) Part 3 of the [Search Warrants Act 1985](#) applies to a search warrant issued under this section.

17 Obstruction of inspectors

A person shall not assault, delay, obstruct, hinder or impede an inspector in the exercise of the inspector's functions under this Act or in executing a search warrant issued under this Part.

Maximum penalty: 5 penalty units.

Part 6 Miscellaneous

18 Disputes

- (1) Where there is a dispute between a processor and a grower with regard to any agreement, the matter in dispute may, on the application of either party addressed to the secretary of the Committee and upon payment of a deposit of \$100 or, where an amount is prescribed for the purposes of this section, upon payment of that amount, 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 Fund but otherwise shall be refunded to the party who paid the deposit.

19 Certificate as to notification relating to agreement

In any proceedings against a person for a contravention of a provision of this Act, a certificate purporting to be under the hand of the secretary of the Committee and stating

that, on a date specified therein, the Committee had or had not, as the case may be, received a notification under section 9:

- (a) that a processor had entered into an agreement with a grower, or
 - (b) that an agreement entered into by a processor with a grower had terminated,
- is admissible and is prima facie evidence of the facts stated therein.

20 Expenses of Committee

- (1) The expenses of the Committee in carrying out the administration of this Act shall be paid out of money to be provided by Parliament.
- (2) The fees payable under this Act shall be paid to the secretary of the Committee and shall be carried to the Consolidated Fund.

21 Offences by corporations

- (1) Where a corporation contravenes, whether by act or omission, any provision of this Act or a regulation, each person who is a director of the corporation or who is concerned in the management of the corporation shall be deemed to have contravened the same provision unless the person satisfies the court that:
 - (a) the corporation contravened the provision without the knowledge of the person,
 - (b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision, or
 - (c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation.
- (2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or been convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act or the regulations.

22 Proceedings for offences

Proceedings for any offence against this Act or the regulations shall be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

23 Regulations

- (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 create an offence punishable by a penalty not exceeding 5 penalty units.
- (3) A provision of a regulation may:
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors,
 - (b) apply differently according to different factors of a specified kind, or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,or may do any combination of those things.

24 Repeal of Act No 112, 1977

The *Chicken Meat Industry Act 1977* is repealed.

25 Savings, transitional and other provisions

Schedule 3 has effect.

Schedule 1 Provisions relating to the members of the Committee

(Section 4 (5))

1 (Repealed)

2 Acting members and acting Chairperson

- (1) The Chairperson may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be a member.
- (2) The Chairperson may, from time to time, appoint an officer of the Department of Agriculture to act in the office of Chairperson during the illness or absence of the Chairperson, and the officer, while so acting, shall have and may exercise all the functions of the Chairperson and shall be deemed to be the Chairperson.
- (3) The Chairperson may remove any person from any office to which the person was appointed under this clause.
- (4) A person while acting in the office of a 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 the person.
- (5) For the purposes of this clause a vacancy in the office of a member shall be deemed to be an absence from office of the member.

3 Term of office

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

4 Remuneration

A 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 the member.

5 Failure of election

If no person is nominated at an election for the purposes of section 4 or clause 6, or for any other reason an election fails, the Minister may appoint a person eligible for election to be a member and the person so appointed shall be deemed to be a person elected in accordance with the regulations.

6 Filling of vacancy in office of member

- (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which the member was appointed, the Minister may appoint a person to the vacant office for the residue of the predecessor's term of office so that the Committee is constituted as provided by section 4 (3).
- (2) Where a vacancy occurs in the office of a member elected as referred to in section 4 (3) (c) within the final 6 months of the term of office of the member, such person as the Minister thinks fit may be appointed to the vacant office and the person shall be deemed to have been elected in accordance with that provision and, subject to this Schedule, shall hold office for the residue of the term.
- (3) A member appointed pursuant to this clause is eligible (if otherwise qualified) for re-appointment.

7 Casual vacancies

- (1) A member shall be deemed to have vacated office if the member:
 - (a) dies,
 - (b) absents himself or herself from 3 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 6 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings,
 - (c) 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,

- (d) 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 7 of that Act,
 - (e) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable,
 - (f) resigns the office by instrument in writing addressed to the Minister, or
 - (g) (Repealed)
 - (h) is removed from office by the Minister under subclause (2) or (3).
- (2) The Minister may remove a member from office.
- (3) Without affecting the generality of subclause (2), the Minister may remove from office a member who contravenes the provisions of clause 8.

8 Disclosure of pecuniary interests

- (1) A member who has a direct or indirect pecuniary interest:
- (a) in a matter that is being considered, or is about to be considered, at a meeting of the Committee, or
 - (b) in a thing being done or about to be done by the Committee,
- shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.
- (2) A disclosure by a member at a meeting of the Committee that the member:
- (a) is a member, or is in the employment, of a specified company or other body,
 - (b) is a partner, or is in the employment, of a specified person, or
 - (c) has some other specified interest relating to a specified company or other body or a specified person,
- shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.
- (3) The Committee shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Committee from time to time.

- (4) After a member has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the member shall not, unless the Minister otherwise determines:
 - (a) be present during any deliberation of the Committee, or take part in any decision of the Committee, with respect to that matter, or
 - (b) exercise any function under this Act with respect to that thing,as the case requires.
- (5) Notwithstanding that a member contravenes the provisions of this clause, that contravention does not invalidate any decision of the Committee or the exercise of any function under this Act.
- (6) Nothing in this clause applies to or in respect of an interest of a member in a matter or thing which arises by reason only that the member is a processor, grower or consumer of designated poultry.
- (7) A reference in this clause to a meeting of the Committee includes a reference to a meeting of a committee of the Committee.

9 Effect of certain other Acts

- (1) The *Public Service Act 1979* does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.
- (2) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

10 Liability of members etc

No matter or thing done by the Committee, any member or any person acting under the direction of the Committee shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

Schedule 2 Provisions relating to the procedure of the Committee

(Section 4 (6))

1 General procedure

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.

2 Quorum

The quorum for a meeting of the Committee is 8 members.

3 Presiding member

- (1) The Chairperson or, in the absence of the Chairperson, another member elected as chairperson for the meeting by the members present shall preside at a meeting of the Committee.
- (2) The person presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

4 Voting

- (1) The person presiding at any meeting of the Committee may, if he or she thinks fit, and shall, if requested to do so by any member, require a vote on any matter to be taken by secret ballot.
- (2) A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present shall be the decision of the Committee.

5 Minutes

The Committee shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Committee.

6 Meetings of Committee

- (1) 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.
- (2) The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all of its members for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee.
- (3) The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (4) For the purposes of:
 - (a) the approval of a resolution under subclause (2), or
 - (b) a meeting held in accordance with subclause (3),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Committee.
- (5) A resolution approved under subclause (2) is, subject to the regulations, to be recorded in the minutes of the meetings of the Committee.

- (6) Papers may be circulated among the members for the purposes of subclause (2) by facsimile or other transmission of the information in the papers concerned.

Schedule 3 Savings, transitional and other provisions

(Section 25)

Part 1 General

1 Definitions

In this Schedule:

appointed day means the day appointed and notified under section 2 (3).

new Committee means the Poultry Meat Industry Committee constituted under this Act.

old Committee means the Chicken Meat Industry Committee constituted under the [Chicken Meat Industry Act 1977](#).

1A Regulations

- (1) The regulations may contain other provisions of a savings or transitional nature consequent on the enactment of this Act and the following Acts:

[Poultry Meat Industry Amendment \(Price Determination\) Act 2002](#)

- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect:

- (a) as from the appointed day or a later day if the provision is consequent on the enactment of this Act, or
- (b) as from the date of assent to the Act concerned or a later date if the provision is consequent on the enactment of any other Act.

- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

2 Members holding office immediately before appointed day

- (1) A person who, immediately before the appointed day, held office as a member of the

old Committee:

- (a) shall cease to hold office as such on that day, and
- (b) is eligible (if otherwise qualified) to be appointed as a member of the new Committee.

- (2) A person who ceases to hold office as a member of the old Committee by reason of the operation of this Act is not entitled to be paid any remuneration or compensation by reason of ceasing to hold that office.

3 Transitional arrangements for members representing processors and growers

- (1) Until persons are first nominated as referred to in section 4 (3) (b) or elected as referred to in section 4 (3) (c), such persons as the Minister may appoint to represent processors and growers shall be members of the new Committee instead of the persons referred to in section 4 (3) (b) or (c).
- (2) A member appointed by the Minister under section 4 (3) to replace a member who was appointed in accordance with subclause (1) and has held office for less than 2 years shall hold office for the residue of that period.

4 Continuity of Committee

The new Committee is a continuation of, and the same legal entity as, the old Committee.

5 References to old Committee

On and from the appointed day, a reference in any Act other than this Act, in any instrument made under any Act or in any other instrument of any kind (enacted, made or executed before the appointed day) to the old Committee shall be read as a reference to the new Committee.

6 Approval of agreements before appointed day

Where, before the appointed day, approval was given under section 14 of the *Chicken Meat Industry Act 1977* to an agreement, approval shall be deemed to have been given under section 8 to the form of that agreement.

7 Agreements entered into before appointed day

- (1) Section 9 (1) does not apply in respect of an agreement entered into by a processor with a grower before the appointed day.
- (2) Section 9 (2) applies in respect of an agreement entered into and in force immediately before the appointed day, being an agreement which terminates on or after the appointed day.

8 First meeting of new Committee

The Minister shall call the first meeting of the new Committee in such manner as the Minister thinks fit.

Part 2 Savings and transitional provisions consequent on enactment of Poultry Meat Industry Amendment (Price Determination) Act 2002

9 Past determinations and orders

- (1) A determination or order made by the Committee before the commencement of this clause with respect to the prices to be paid for designated poultry has effect, and is taken to have had effect, at the time it was made or purported to be made and at all relevant times subsequently, despite the fact that it may not have been validly made.
- (2) No action, liability, claim or demand lies against any person (including the Minister or any member of the Committee) for anything done or omitted to be done in relation to the making of a determination or order purportedly made by the Committee under section 10 as in force immediately before the commencement of this clause.

10 Payments under past and interim agreements

- (1) A payment to a grower made before or after the commencement of this clause in accordance with an agreement that provides for payment by means of a scheme operating in the manner of an efficiency incentive scheme is validated.
- (2) No action, liability, claim or demand lies against a processor in relation to a price paid by the processor to a grower in accordance with any agreement (including an agreement referred to in subsection (1)) despite a failure to comply with section 11 as in force immediately before the commencement of this clause.

11 Continuation of existing agreements and formation of new agreements

- (1) Any agreement entered into before the commencement of this clause continues to have effect according to its terms.
- (2) Agreements in a form approved under section 8, as in force immediately before the commencement of this clause, may be entered into after that commencement.
- (3) Subclause (2) ceases to have effect on the proclaimed date.
- (4) An agreement of the kind referred to in subclause (2) that is entered into after the commencement of this clause ceases to have effect:
 - (a) on the date provided in that regard by the agreement, or
 - (b) on the proclaimed date,

whichever is the earlier.

- (5) An agreement may not be entered into after the proclaimed date unless it has been approved under section 8, as amended by the *Poultry Meat Industry Amendment (Price Determination) Act 2002*.
- (6) In this clause, **proclaimed date** means a day appointed by proclamation for the purposes of this clause.

Editorial note—

Day proclaimed for the purposes of this clause: 25.10.2002. See Gazette No 173 of 11.10.2002, p 8784.