

Poultry Meat Industry Regulation 2003

[2003-614]



New South Wales

Status Information

Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Notes—

- **Does not include amendments by**
[Parliamentary Electorates and Elections Amendment Act 2006 No 68](#) (not commenced)
- **Repeal**
The Regulation was repealed by cl 15 of the [Poultry Meat Industry Regulation 2008 \(446\)](#) (GG No 129 of 9.10.2008, p 9867) with effect from 9.10.2008.

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 Regulation 2003



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Poultry Meat Industry Regulation 2003*.

2 Commencement

This Regulation commences on 1 September 2003.

Note—

This Regulation replaces the *Poultry Meat Industry Regulation 1995* which is repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

calling of nominations, in relation to the appointment of one or more processor members, means the date on which a notice is first published in respect of that appointment under clause 6.

calling of the ballot for an election means the date on which a notice is first published for the election under clause 23.

calling of the election for an election means the date on which a notice is published for the election under clause 14.

close of enrolments for an election means the final time and date fixed by the returning officer for the close of enrolments in the election.

close of exhibition of the roll for an election means the final time and date fixed by the returning officer for the close of exhibition of the roll.

close of nominations means:

- (a) in relation to the appointment of one or more processor members, the final time and date fixed by the returning officer for the close of nominations for that appointment, or

(b) in relation to an election, the final time and date fixed by the returning officer for the close of nominations for the election.

close of the ballot for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

election means an election conducted for the purpose of appointing one or more grower members.

final roll for an election means the roll prepared by the returning officer under Division 5 of Part 3.

grower member means a member of the Advisory Group referred to in section 6A (3) (c) of the Act.

preliminary roll for an election means the roll provided to the returning officer under clause 22.

processor member means a member of the Advisory Group referred to in section 6A (3) (b) of the Act.

returning officer means:

(a) the Electoral Commissioner for New South Wales, or

(b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions of a returning officer.

secretary means the secretary of the Poultry Meat Industry Committee.

the Act means the [Poultry Meat Industry Act 1986](#).

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

(3) Notes in the text of this Regulation do not form part of this Regulation.

Part 2 Nominations

Division 1 Preliminary

4 Nomination of members to represent processors

The processor members are to be nominated in accordance with this Part.

Division 2 Calling of nominations

5 (Repealed)

6 Notice of proposed appointment

- (1) Whenever one or more processor members are required to be appointed, the secretary must cause notice of that fact to be published in the Gazette and at the same time sent by mail to each processor.
- (2) The notice:
 - (a) must specify the number of members required to be appointed to represent processors, and
 - (b) must call for nominations of candidates, and
 - (c) must fix the time and date for the close of nominations, and
 - (d) must advise where nomination forms may be obtained and where nominations may be lodged, and
 - (e) must specify the qualifications that qualify a processor to nominate a candidate.
- (3) The date fixed for the close of nominations must be not earlier than 21 days, or later than 28 days, after the date on which the notice is published in the Gazette.

7 Postponement of close of nominations

- (1) The secretary may postpone the close of nominations for a period not exceeding 14 days by a notice similar to, and published and sent by mail in the same manner as, the notice calling for the nomination of candidates.
- (2) The power conferred on the secretary by this clause may be exercised more than once in respect of a proposed appointment.

Division 3 Nominations

8 Qualifications for nominating candidates

A person is qualified to nominate a candidate for appointment as a processor member if the person is a processor who has processed designated poultry during the calendar year in which the calling of nominations occurred or during the previous calendar year.

9 Eligibility for nomination

Any person is eligible for nomination as a candidate for appointment as a processor member.

10 Nomination of candidates

- (1) A nomination of a candidate:
 - (a) must be in Form 1, and

- (b) must be made by at least one processor (other than the candidate) who is qualified to nominate a candidate, and
 - (c) must be lodged with the secretary before the close of nominations.
- (2) If the secretary is of the opinion that none of the persons by whom a candidate has been nominated is qualified to nominate a candidate, the secretary must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) (Repealed)
- (4) A candidate who has been nominated for appointment may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the secretary.

11 Selection of members

The processor members must be selected from the persons duly nominated to represent processors.

Part 3 Elections

Division 1 Preliminary

12 Election of members to represent growers

The grower members are to be elected in accordance with this Part.

Division 2 Calling of election

13 (Repealed)

14 Notice of election

- (1) As soon as possible after having been notified in writing by or on behalf of the Minister that one or more grower members are required to be appointed, the returning officer must cause notice of that fact:
- (a) to be published in the Gazette, and
 - (b) to be sent to the secretary and to each grower.
- (2) The notice to be published in the Gazette and the notice to be sent to the secretary:
- (a) must state that an election is to be held for the purpose of appointing one or more grower members, and
 - (b) must fix a time and date for the close of nominations.
- (3) The notice to be sent to each grower:

- (a) must state that an election is to be held for the purpose of appointing one or more grower members, and
 - (b) must specify the number of members required to be appointed to represent growers, and
 - (c) must call for nominations of candidates, and
 - (d) must specify the time and date for the close of nominations, and
 - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
 - (f) must specify the qualifications that qualify a grower to nominate a candidate.
- (4) The date fixed for the close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is published in the Gazette.

15 Postponement of close of nominations

- (1) The returning officer may postpone the close of nominations for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice calling for the nomination of candidates.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 3 Nominations

16 Qualifications for nominating candidates

A person is qualified to nominate a candidate for election as a grower member if the person is a grower who has grown designated poultry, under an agreement with a processor, during the calendar year in which the calling of nominations occurred or during the previous calendar year.

17 Eligibility for nomination

Any person is eligible for nomination as a candidate for election as a grower member.

18 Nomination of candidates

- (1) A nomination of a candidate:
 - (a) must be in Form 2, and
 - (b) must be made by at least 5 growers (other than the candidate) who are each qualified to nominate a candidate, and
 - (c) must be lodged with the returning officer before the close of nominations.

- (2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) For the purpose of enabling the returning officer to form an opinion as to whether a person by whom a candidate in an election has been nominated is qualified to nominate a candidate, the returning officer may require the secretary to furnish the returning officer with such information regarding the person as the returning officer may specify.
- (4) The secretary must comply with such a requirement as soon as practicable.
- (5) (Repealed)
- (6) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

19 Uncontested elections

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

20 Contested elections

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

21 Candidate information sheets

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in Form 3, containing information intended for inclusion in a candidate information sheet.
- (2) If more than the required number of persons have been nominated as candidates by the close of nominations, the returning officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by the candidates.
- (3) In drawing up a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information contained in a candidate's statutory declaration as the returning officer considers:
 - (a) to be false or misleading, or
 - (b) to be inappropriate for inclusion in the candidate information sheet, or

- (c) to exceed the maximum amount of information that is suitable for inclusion in the candidate information sheet.
- (4) If a candidate does not submit a statutory declaration to the returning officer, the returning officer may, in drawing up a candidate information sheet, include in the sheet in respect of the candidate the words “NO INFORMATION RECEIVED”.
- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

Division 4 Calling of ballot

22 Preparation of preliminary rolls

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be held in respect of an election, the returning officer must cause notice of that fact to be sent to the secretary.
- (2) The secretary must provide the returning officer with:
 - (a) a preliminary roll of the growers who, in the opinion of the secretary, are qualified to vote in the election, and
 - (b) (Repealed)
 - (c) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.
- (3) A preliminary roll:
 - (a) must contain the names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the roll and, for each such person, the name of a processor under an agreement with whom that person grows designated poultry, and
 - (b) must be certified by the secretary in accordance with Form 4.
- (4) This clause does not apply to an election held as a consequence of an earlier election that has failed if a preliminary roll for the earlier election has already been provided to the returning officer.

23 Notice of ballot

- (1) As soon as practicable after receiving the preliminary roll for the election, the returning officer:
 - (a) must cause notice that a ballot is to be held to be published in the Gazette and sent to each grower, and

(b) must cause copies of the preliminary roll to be exhibited for public inspection for at least 14 days (ending at the close of exhibition of the roll) at a place specified in the notice sent to growers as a place where the roll will be exhibited.

(2) The notice published in the Gazette:

(a) must state that a ballot is to be taken, and

(b) must fix a time and date for the close of exhibition of the roll, and

(c) must fix a time and date for the close of enrolments, and

(d) must fix a time and date for the close of the ballot.

(3) The notice sent to each grower:

(a) must state that a ballot is to be taken, and

(b) must specify the time and date fixed for the close of exhibition of the roll, and

(c) must specify the time and date fixed for the close of enrolments, and

(d) must specify the time and date fixed for the close of the ballot, and

(e) must advise where copies of the preliminary roll will be exhibited, and

(f) must specify the qualifications that qualify a grower to vote, and

(g) must advise where applications for enrolment and objections against enrolment may be lodged.

(4) The close of exhibition of the roll must be not earlier than 14 days after the calling of the ballot.

(5) The close of the ballot must be not earlier than 28 days after the calling of the ballot.

(6) The close of enrolments must be not earlier than the close of exhibition of the roll and not later than 14 days before the close of the ballot.

24 Postponement of closes

(1) The returning officer may postpone (for a period not exceeding 14 days) the close of exhibition of the roll, the close of enrolments or the close of the ballot by a notice published in the same way as the notice stating that a ballot is to be held.

(2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 5 Preparation of final rolls

25 Qualifications for voting

A person is qualified to vote in an election for a grower member if the person is a grower who has grown designated poultry, under an agreement with a processor, during the calendar year in which the calling of nominations occurred or during the previous calendar year.

26 Enrolment of representatives of growers

- (1) If, in the opinion of the returning officer, designated poultry is grown under an agreement with a processor:
 - (a) on behalf of a corporation—the corporation is taken to be enrolled, or to apply for enrolment, in the final roll for an election if, and only if, a nominee of the corporation is so enrolled, or so applies for enrolment, in that roll as the representative of the corporation, or
 - (b) on behalf of a partnership—the partnership is taken to be enrolled, or to apply for enrolment, in the final roll for an election if, and only if, a nominee of the partnership is so enrolled, or so applies for enrolment, in that roll as the representative of the partnership, or
 - (c) by trustees or by legal personal representatives (whether as agents, administrators, executors or otherwise) on behalf of a person or the estate of a person—the person or estate is taken to be enrolled, or to apply for enrolment, in the final roll for an election if, and only if, a nominee of those trustees or representatives is so enrolled, or so applies for enrolment, in that roll as the representative of the person or estate.
- (2) A nominee must be a natural person who is not already enrolled in the final roll for the election in some other capacity.
- (3) A representative of a corporation, partnership, person or estate is taken to be a grower for the purposes of enrolment and of any election in which the corporation, partnership, person or estate is qualified to vote.
- (4) In this clause, a reference to a partnership includes a reference to any group of persons who, in the opinion of the returning officer, are engaged in a single enterprise in the growing of designated poultry.
- (5) In forming such an opinion in respect of a group of persons, the returning officer may ignore the existence of any legal entity that consists of or includes persons who form part of the group.

27 Applications for enrolment

- (1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.
- (2) The application must be in Form 5 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
 - (a) if satisfied that the applicant is qualified to vote, must accept the application and enter the name and address of the applicant in the final roll, or
 - (b) if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or
 - (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

28 Objections to enrolment

- (1) Before the close of enrolments, the returning officer and any person who is qualified to vote in an election may object to the inclusion of the name of any person in the final roll.
- (2) An objection:
 - (a) must be in Form 6, and
 - (b) must state the grounds on which the objection is made, and
 - (c) must be signed by the objector, and
 - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 14-day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or refuse to accept an objection.
- (7) If the returning officer accepts an objection, the returning officer must exclude from the final roll for the election the name of the person to whom the objection relates and

must inform that person and the objector, in writing, that the name is so excluded.

- (8) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (9) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

29 Postponement of ballot not to affect final roll

The validity of the final roll for an election is not affected by the postponement of the close of the ballot by a notice published after the close of the roll, and, in such a case, the roll remains the final roll for the election.

Division 6 The ballot

30 Printing of ballot-papers

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
 - (a) must determine the order in which the candidates' names are to be listed on a ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and
 - (b) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in the final roll for the election, and
 - (c) if a candidate information sheet has been drawn up, must cause sufficient copies to be printed so that a copy may be sent to each person included in that roll.
- (2) A ballot-paper for an election must contain:
 - (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
 - (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
 - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that:
 - (a) the voter must record a vote for at least the number of candidates to be elected by placing consecutive numbers (beginning with the number "1" and ending with

the number equal to the number of candidates to be elected) in the squares set opposite their names in the order of the voter's preferences for them, and

- (b) the voter may, but is not required to, vote for additional candidates by placing consecutive numbers (beginning with the number next higher than the number of candidates to be elected) in the square set opposite their names in the order of the voter's preferences for them.

31 Distribution of ballot-papers

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the final roll for the election:

- (a) a ballot-paper initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, and
- (b) an unsealed reply-paid envelope addressed to the returning officer and bearing on the back the words "NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature, and
- (c) if applicable, a candidate information sheet.

32 Duplicate ballot-papers

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
 - (a) that the original ballot-paper has been spoilt, lost or destroyed, and
 - (b) that the voter has not already voted in the election to which the ballot-paper relates.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under this clause.

33 Recording of votes

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must place the completed ballot-paper (folded so that the vote cannot be seen) in the envelope addressed to the returning officer, and
- (c) must seal the envelope, and

- (d) must complete the person's full name and address on, and must sign, the back of the envelope, and
- (e) must return the envelope to the returning officer so as to be received before the close of the ballot.

Division 7 The scrutiny

34 Receipt of ballot-papers

- (1) The returning officer must reject (without opening it) any envelope purporting to contain a ballot-paper if the envelope is not received before the close of the ballot or is received unsealed.
- (2) The returning officer must examine the name on the back of the envelope and, without opening the envelope:
 - (a) must accept the ballot-paper in the envelope and draw a line through the name on the roll that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the final roll for the election, or
 - (b) must reject the ballot-paper in the envelope, if not so satisfied or if a name, address or signature does not appear on the back of the envelope.
- (3) The returning officer may reject a ballot-paper in an envelope without opening the envelope if, after making such inquiries as the returning officer thinks fit:
 - (a) the returning officer is unable to identify the signature on the back of the envelope, or
 - (b) it appears to the returning officer that the signature on the back of the envelope is not the signature of the person whose name and address appear on the back of the envelope.

35 Ascertaining result of ballot

The result of a ballot must be ascertained by the returning officer as soon as practicable after the close of the ballot.

36 Scrutineers

Each candidate in a ballot is entitled to appoint, by notice in writing, a scrutineer to represent the candidate at all stages of the scrutiny.

37 Scrutiny of votes

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
 - (a) the returning officer must produce unopened the envelopes containing the ballot-

papers accepted for scrutiny,

- (b) the returning officer must then open each such envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box,
- (c) when the ballot-papers from all the envelopes so opened have been placed in the ballot-box, the returning officer must then unlock the ballot-box and remove the ballot-papers,
- (d) the returning officer must then examine each ballot-paper and reject those which are informal,
- (e) the returning officer must then proceed to count the votes and ascertain the result of the election.

(2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal:

- (a) if it is neither initialled by the returning officer (or by a person authorised by the returning officer in that behalf) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or
- (b) if it has on it any mark or writing which the returning officer considers could enable any person to identify the voter who completed it, or
- (c) if it has not been completed in accordance with the directions shown on it.

(3) A ballot-paper must not be rejected as informal:

- (a) merely because there is any mark or writing on it that is not authorised or required by this Regulation (not being a mark or writing referred to in subclause (2) (b)) if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper, or
- (b) if the voter has recorded a vote by placing in one square the number "1":
 - (i) merely because the same preference (other than a first preference) has been recorded on the ballot-paper for more than one candidate, or
 - (ii) merely because there is a break in the order of preferences recorded on the ballot-paper.

38 Counting of votes

(1) If there is only one person to be elected in any election:

- (a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Seventh Schedule to the *Constitution Act 1902*, and

(b) for the purpose of applying the provisions of that Part to any such election, a reference in those provisions to the returning officer is to be read as a reference to the returning officer under this Regulation.

(2) If there are 2 or more persons to be elected in any election:

(a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Sixth Schedule to the *Constitution Act 1902*, and

(b) for the purpose of applying the provisions of that Part to any such election:

(i) a reference in those provisions to the Council returning officer is to be read as a reference to the returning officer under this Regulation, and

(ii) the quota referred to in those provisions is to be determined by dividing the number of first preference votes for all candidates by one more than the number of persons to be elected and by increasing the quotient so obtained (disregarding any remainder) by one.

39 Notice of result of election

As soon as practicable after a candidate in an election has been elected, the returning officer must notify the Minister and the secretary, in writing, of the name of the candidate elected.

Division 8 General

40 Decisions of returning officer final

If the returning officer is permitted or required by the Act or this Regulation to make a decision on any matter relating to the taking of a ballot in an election, the decision of the returning officer on that matter is final.

41 Death of a candidate

If a candidate dies after the close of nominations and before the close of the ballot:

(a) the returning officer is to cause notice of the death to be published in the Gazette, and

(b) all proceedings taken after the Minister notified the returning officer that the election was required to be held are of no effect and must be taken again.

42 Offences

A person must not:

(a) vote, or attempt to vote, more than once in any election, or

(b) vote, or attempt to vote, in an election in which the person is not entitled to vote, or

- (c) make a false or wilfully misleading statement (not being a statement verified by statutory declaration):
 - (i) to the returning officer in connection with an election, or
 - (ii) in any document that the person furnishes for the purposes of an election, or
- (d) apply for enrolment in respect of an election in respect of which the person is already enrolled.

Maximum penalty: 5 penalty units.

Part 4 Miscellaneous

43 Committee's functions with respect to dispute resolution

- (1) The only functions that the Committee may exercise for the purpose of facilitating the resolution of disputes between processors and growers are as follows:
 - (a) it may assist in the mediation of disputes, whether by way of providing a mediator or otherwise,
 - (b) it may assist in the arbitration of disputes, whether by way of providing an arbitrator or otherwise.
- (2) The Committee may only assist in the mediation or arbitration of a dispute pursuant to a written application for assistance signed by each of the parties to the dispute.
- (3) The Committee may not assist in the arbitration of disputes unless the parties to the dispute have attempted to resolve the dispute by mediation.
- (4) The Committee may not assist in the mediation or arbitration of a dispute as to the amount of any fee payable under a poultry growing agreement in relation to the growing of poultry.
- (5) In this clause:

arbitration means arbitration under the [Commercial Arbitration Act 1984](#).

mediation means a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute.

43A Prescribed matters for poultry growing agreements

- (1) A poultry growing agreement must be in writing.
- (2) For the purposes of section 7 (1) of the Act, a poultry growing agreement must address the following matters:

- (a) the term of the agreement,
 - (b) if the term of the agreement is less than 5 years—notification of the Committee of the proposed term of the agreement,
 - (c) notification of intention to extend or renew the agreement,
 - (d) the duty of the parties to act fairly, reasonably and in good faith,
 - (e) the provision of a Broiler Growers' Manual by the processor,
 - (f) the method for negotiating the price of poultry grown under the agreement,
 - (g) the method of, and procedures for, making payments,
 - (h) the quality of poultry to be provided by the processor,
 - (i) the quality of feed to be provided by the processor,
 - (j) the information that the processor is required to provide to the grower relating to food safety, environmental management, animal welfare, biosecurity, industry issues and matters relevant to production performance,
 - (k) the facilities and services that are required to be provided by the grower,
 - (l) the quality assurance procedures that are required to be developed and implemented by the processor,
 - (m) the quality assurance procedures that are required to be developed and implemented by the grower,
 - (n) the information that the grower is required to provide to the processor relating to the health of the poultry and the grower's performance under the agreement,
 - (o) the delivery and collection of poultry and supplies,
 - (p) the obligations of parties relating to abnormal losses, compulsory slaughter and dead bird disposal,
 - (q) dispute resolution.
- (3) For the purposes of section 7 (2) (a) and (3) of the Act, the standard provision set out in Schedule 2 in relation to each of the matters referred to in subclause (2) is prescribed for that matter.

44 Certificate as to notification relating to poultry growing agreement: section 19 of the Act

For the purposes of section 19 of the Act, the following persons are prescribed:

Deputy Director-General, Agriculture and Fisheries

Director, Intensive Industries Development

45 Savings provision

Any act, matter or thing that, immediately before the repeal of the [Poultry Meat Industry Regulation 1995](#), had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Forms

Form 1

(Clause 10)

NOMINATION OF CANDIDATE FOR APPOINTMENT AS A PROCESSOR MEMBER

(POULTRY MEAT INDUSTRY ACT 1986)

We nominate

(name in full)

of

(postal address)

as a candidate for appointment to the Poultry Meat Industry Advisory Group as a processor member.

We declare that we are each qualified to make this nomination.

Name in full	Address	Signature
---------------------	----------------	------------------

.....		
.....		
.....		
.....		

I,, consent to being a candidate for appointment to the Poultry Meat Industry Advisory Group.

Postal address

Postcode Telephone No

Date of birth

Dated Signed

NOTE—

This nomination must be completed by 1 or more persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 8 of the [Poultry Meat Industry Regulation 2003](#).

Form 2

(Clause 18)

NOMINATION OF CANDIDATE FOR ELECTION AS A GROWER MEMBER

(POULTRY MEAT INDUSTRY ACT 1986)

We nominate

(name in full)

of

(postal address)

as a candidate for election to the Poultry Meat Industry Advisory Group as a grower member.

We declare that we are each qualified to make this nomination.

Name in full	Address	Signature
---------------------	----------------	------------------

.....		
.....		
.....		
.....		
.....		

I,, consent to being a candidate for election to the Poultry Meat Industry Advisory Group.

Postal address

Postcode Telephone No

Date of birth

Dated Signed

NOTE—

This nomination must be completed by 5 or more persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 16 of the [Poultry Meat Industry Regulation 2003](#).

Form 3

(Clause 21)

STATUTORY DECLARATION

(POULTRY MEAT INDUSTRY ACT 1986)

I,, of,

do solemnly and sincerely declare that:

1. My full name is
2. My residential address is
.....
3. My date of birth is
4. I am self-employed*/employed by*
as
(specify nature of employment)
5. I hold the following qualifications (academic/trade/professional):
6. I am a member of the following organisations:
7. (See note)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions

of the *Oaths Act 1900*.

Declared at this day of 20.....,

.....
(Signature)

Before me

.....Justice of the Peace

* (Strike out whichever does not apply)

NOTE—

A candidate may include further information relating to the candidacy. The information should not exceed 100 words.

Form 4

(Clause 22)

CERTIFICATE

(POULTRY MEAT INDUSTRY ACT 1986)

I certify that this roll contains the names (consecutively numbered and listed in alphabetical order) and addresses of those persons who in my opinion are entitled to vote in the election for which this roll has been prepared.

The first and last entries in the roll are as follows:

First entry No Name

Address

Last entry No Name

Address

Dated Signed

Form 5

(Clause 27)

APPLICATION FOR ENROLMENT

(POULTRY MEAT INDUSTRY ACT 1986)

Surname

Given names

Postal address

Postcode Telephone No

I apply to be enrolled as a grower:

(a) * as the occupier of land, or

(b) * as a nominee of the occupier of land.

Particulars of person or persons for whom I am a nominee are as follows:

Name

Postal address

.....

I declare that I am*/the person I represent is* entitled to enrolment in accordance with clause 25 of the *Poultry Meat Industry Regulation 2003*.

I further declare that, to the best of my knowledge, the information contained in this application is true.

Dated Signed

* (Strike out whichever does not apply)

Form 6

(Clause 28)

OBJECTION TO ENROLMENT

(POULTRY MEAT INDUSTRY ACT 1986)

I object to the inclusion in the final roll for the following election:

.....

(specify the election to which the objection relates)

of the name of

(name in full)

of

(address)

This objection is based on the following grounds:

.....

.....

(specify the grounds of the objection)

Name of objector

Postal address

Postcode Telephone No

Dated Signed

Schedule 2 Standard provisions for poultry growing agreements

(Clause 43A (3))

1 Term of agreement

- (1) This agreement commences on **[specify day]** or, if no such day is specified, on the day on which the last party signs this agreement.
- (2) Subject to subclause (3), this agreement expires at the end of the period of **[specify period]** or, if no such period is specified, 5 years from the day on which this agreement commences, unless the agreement is otherwise lawfully terminated.
- (3) If the growing of a batch of poultry is incomplete at the date on which this agreement is to expire, the agreement is extended until the growing and collection of that batch of poultry is complete.

2 Parties to notify the Committee if the term of the agreement is less than 5 years

- (1) Each party must notify the Poultry Meat Industry Committee if the term of this

agreement is less than 5 years, not later than 30 days after this agreement commences.

- (2) If the parties fail to so notify the Poultry Meat Industry Committee, this agreement is taken to expire 5 years from the day on which this agreement commences, unless the agreement is otherwise lawfully terminated.
- (3) If, after receiving notification under subclause (1), the Committee notifies the parties that the Committee is not satisfied with the term of the agreement, the agreement is taken to expire 5 years from the day on which this agreement commences, unless the agreement is otherwise lawfully terminated.

3 Notification of intention to extend or renew the agreement

A party who wishes to extend or renew this agreement must notify the other party in writing of that intention at least 6 months before the expiry of this agreement.

4 Parties to act fairly, reasonably and in good faith

The parties to this agreement agree to act fairly, reasonably and in good faith when acting under this agreement.

5 Provision of Broiler Growers' Manual by processor

- (1) The Broiler Growers' Manual is the document of that name provided to the grower by the processor.
- (2) The Broiler Growers' Manual is to be provided at no cost to the grower.
- (3) The Broiler Growers' Manual forms part of this agreement.
- (4) This agreement has no effect until the Broiler Growers' Manual has been provided to, and agreed to by, the grower.

6 Method for negotiating the price of poultry grown under this agreement

- (1) The processor and grower will renegotiate the price of poultry grown under this agreement every **[specify interval]**, or if no such interval is specified, every 12 months.
- (2) If the parties are unable to agree on the price of poultry grown under this agreement, the parties are to seek to resolve the dispute in accordance with the dispute resolution procedures set out in this agreement.

7 Method of, and procedures for, making payments

- (1) The parties must make all payments in accordance with the terms of this agreement.
- (2) The processor is required to pay the grower for a batch of poultry within **[specify**

period] of receiving the batch of poultry from the grower or, if no such period is specified, within 60 days of receiving the batch of poultry.

- (3) For the purposes of determining amounts payable under this agreement, the processor must count and weigh all poultry delivered to and received from the grower and keep records of the number and weight of the poultry.
- (4) If any amount payable under this agreement remains unpaid at the due date for payment, a party may charge interest on that unpaid amount at the prescribed rate payable on unpaid judgments on that date under section 101 of the [Civil Procedure Act 2005](#).
- (5) The processor is not required to make a payment to a grower for any poultry that is not of a reasonable quality or that otherwise fails to meet the standards required by this agreement.
- (6) If the processor decides not to make a payment to a grower under this agreement, the processor must provide notice in writing to the grower of the reasons for the decision not to make that payment.
- (7) The processor must review a decision under subclause (6) if a request is made in writing to the processor by the grower setting out the reasons for seeking the review.
- (8) On the conclusion of the review, the processor must provide notice, in writing, to the grower of the reasons for the outcome of the review of the decision not to make a payment.

8 Quality of poultry to be provided by the processor

- (1) The processor is to provide the grower with poultry of a reasonable quality.
- (2) If at any time after providing poultry in accordance with this provision, the processor becomes aware that the poultry is not of a reasonable quality, the processor must advise the grower, in writing, of that fact.

9 Quality of feed to be provided by the processor

- (1) The processor is to provide the grower with feed of a reasonable quality.
- (2) If at any time after providing feed in accordance with this provision, the processor becomes aware that the feed is not of a reasonable quality the processor must advise the grower, in writing, of that fact.

10 Processor to provide information to the grower relating to food safety, environmental management, animal welfare, biosecurity, industry issues and matters relevant to production performance

- (1) The processor is to develop effective quality assurance procedures relating to food

safety, environmental management, animal welfare and biosecurity, and provide the grower with accurate information in relation to those procedures.

- (2) The processor is to provide the grower with accurate information and advice in relation to the poultry meat growing industry, production performance and the calculation and payment of growing fees, insofar as any such information or advice is relevant to this agreement, as soon as practicable after becoming aware of the information or advice.

11 Facilities and services to be provided by the grower

The grower is to provide facilities, labour and management services in accordance with the Broiler Growers' Manual for the purpose of growing poultry.

12 Quality assurance procedures to be developed and implemented by the processor

The processor is to develop and implement effective quality assurance procedures relating to food safety, environmental management, animal welfare and biosecurity.

13 Quality assurance procedures to be developed and implemented by the grower

The grower is to develop and implement effective quality assurance procedures relating to food safety, environmental management, animal welfare and biosecurity, having regard to any information provided to the grower by the processor in relation to those procedures.

14 Grower to provide information to the processor relating to the health of the poultry and the grower's performance under this agreement

The grower is to provide the processor with accurate information and advice on health of the poultry provided by the processor and the grower's performance under this agreement.

15 Delivery and collection of poultry and supplies

- (1) If the processor provides supplies (including poultry and feed) to a grower under this agreement, the processor must deliver all such supplies to the grower's premises or such other place as the parties agree.
- (2) If the processor receives supplies (including poultry) from a grower under this agreement, the processor must collect all such supplies from the grower's premises or such other place as the parties agree.
- (3) The processor must provide reasonable notice to the grower before delivering or collecting supplies under this agreement.

16 Abnormal losses, compulsory slaughter and dead bird disposal

- (1) Unless otherwise defined, in this agreement **abnormal losses** means:

- (a) losses above 3% in the first 7 days after the delivery of day old poultry by the processor, or
 - (b) losses above 0.2% per day for two or more consecutive days after the first 7 days of such a delivery.
- (2) If abnormal losses are due to an act or omission of the grower in breach of this agreement, unless otherwise specified in this agreement, the processor may:
- (a) remove poultry from the grower after providing notice in writing to, and consulting with, the grower, and
 - (b) make other arrangements for the care of the poultry, and
 - (c) recover from the grower all reasonable expenses incurred by the processor in acting under paragraph (a) or (b).
- (3) If abnormal losses are not due to an act or omission of the grower in breach of this agreement or the cause of the loss is unknown, unless otherwise specified in this agreement:
- (a) the processor must dispose of culled, sick or dead poultry, at no cost to the grower and, with the assistance of the grower, remove or dispose of any such poultry, and
 - (b) the processor will pay the grower:
 - (i) in relation to losses referred to in subclause (1) (a)—50% of the growing fee for each culled, sick or dead bird above the 3% limit, or
 - (ii) in relation to losses referred to in subclause (1) (b)—50% of the growing fee for each culled, sick or dead bird above 0.2% per day plus a pro rata amount of the remaining 50% for each day after the first 7 days, based on the expected growing period for the poultry.
- (4) If the processor receives compensation for the compulsory slaughter of a batch of poultry, the processor must pay the grower a proportion of that compensation that reflects the grower's share of the loss.
- (5) If any poultry is killed during catching, removal from the grower's premises or transport to the processor, the processor must pay to the grower the full growing fee in accordance with this agreement in respect of any such poultry.

17 Dispute resolution

- (1) A party claiming that a dispute has arisen under this agreement must notify the other party of the dispute in writing giving details of the dispute.
- (2) Each party must negotiate in good faith to resolve the dispute and, if necessary to

resolve the dispute, the Chief Executive Officers or other senior officers of the parties are to be directly involved in the negotiations.

- (3) If the dispute is not resolved within 30 days after notice of the dispute was given under subclause (1), or such longer period as may be agreed by the parties, the parties must:
 - (a) refer the dispute to mediation, and
 - (b) notify the Poultry Meat Industry Committee of the dispute.
- (4) If the dispute is not resolved within 30 days after the commencement of mediation under subclause (3), or such longer period as may be agreed by the parties, the parties must refer the dispute to arbitration.