

Queensland



CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

**Reprinted as in force on 4 July 1997
(includes amendments up to Act No. 54 of 1996)**

Reprint No. 1A

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Information about this reprint

This Act is reprinted as at 4 July 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**



CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

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CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

[as amended by all amendments that commenced on or before 4 July 1997]

An Act relating to the stabilisation of the chicken meat industry, to establish a chicken meat industry committee and for connected purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Chicken Meat Industry Committee Act 1976*.

Interpretation

4. In this Act—

“agreement” means an agreement between a processor or processors and a grower or growers relating wholly or partly to the receipt, purchase, supply or sale of broiler chickens for processing.

“approved form” see section 24.¹

“broiler chicken” means a chicken that is being or has been grown under intensive housing conditions specifically for human consumption as meat after processing.

“chairperson” means the chairperson of the committee, and includes a deputy of the chairperson whilst acting as chairperson.

¹ Section 24 (Approval of forms)

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“chicken” means a fowl of the species *Gallus gallus* or other species or subspecies developed by domestication that is of an age of 16 weeks or less.

“chicken meat” means meat produced from broiler chickens.

“committee” means the Chicken Meat Industry Committee established by this Act.

“grower” means a person who grows chickens in such numbers as will permit the supply thereof to a processor as broiler chickens in batches of 1 000 or more.

“person” includes a partnership or firm and a body of persons, corporate or unincorporate.

“processing”, in relation to broiler chickens, means killing and preparing for sale for human consumption as meat.

“processor” means a person who receives or purchases broiler chickens for processing and includes a person who receives or purchases from a grower broiler chickens for sale to another person for processing by that other person.

PART 2—CHICKEN MEAT INDUSTRY COMMITTEE

Constitution of committee

5.(1) For the purposes of this Act there is established and there shall be hereafter constituted a committee called the Chicken Meat Industry Committee.

(2) The committee shall have and may exercise the powers, authorities, functions and duties conferred or imposed upon it by or under this Act.

Appointment of members

6.(1) The committee shall be appointed by the Minister by notification published in the gazette and shall consist of a chairperson and 6 other members comprising—

- (a) 3 representatives of processors;
- (b) 3 representatives of growers.

(2) In the case of representatives of processors the appointment shall be of persons selected by the Minister after consultation by the Minister with such body or bodies representing the interests of processors as the Minister determines.

(2A) In the case of representatives of growers the appointment shall be of persons selected by the Minister after consultation by the Minister with such body or bodies representing the interests of growers as the Minister determines.

(3) Where a body entitled to consultations pursuant to subsections (2) and (2A) fails within 14 days after a request in writing in that behalf by the Minister to enter into consultations, the Minister may without such consultations appoint persons who are, in the opinion of the Minister suitable persons to represent the interests of processors or, as the case may be, growers.

Tenure of office

7.(1) A member of the committee shall be appointed and hold office for a term of 3 years but if by the expiration of that term the member's successor has not been duly appointed, the member shall, subject to this Act, hold office until the member's successor is duly appointed.

(1A) A member of the committee shall, if the member is otherwise qualified, be eligible for reappointment as a member.

(2) The Governor in Council may at any time by notification published in the gazette remove a member of the committee from office as a member.

Disqualification from and vacation of office

8.(1) A person who—

- (a) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) has been convicted in Queensland of an indictable offence or has

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been convicted elsewhere than in Queensland in respect of an act or omission that if done or made by the person in Queensland would have constituted an indictable offence; or

(c) is a patient within the meaning of the *Mental Health Act 1974*;

shall not be capable of being or continuing to be a member of the committee.

(2) The office of a member of the committee shall become vacant if the member—

- (a) dies;
- (b) becomes incapable of continuing as a member;
- (c) is absent without prior leave granted by the committee from 3 consecutive meetings of the committee of which due notice has been given to the member;
- (d) resigns office as a member by signed writing furnished to the Minister;
- (e) ceases to be qualified to be a member;
- (f) is removed from office as a member by the Governor in Council.

Deputies of chairperson and members

9.(1) The Minister at any time—

- (a) may appoint persons who are not members of the committee to be deputies of the chairperson;
- (b) may, after consultations with the bodies referred to in section 6(2) and (2A), appoint persons who are not members of the committee to be deputies of the several members of the committee.

(2) A person appointed as a deputy of a member of the committee shall, in the absence of the member whose deputy the person is, attend any meeting of the committee in the stead of that member and whilst so attending shall have and may exercise all the powers, authorities, functions and duties of a member of the committee.

Meetings

10.(1) The committee shall meet at least twice in every calendar year and at any time if requested so to do by the Minister or a member or members.

(2) Notice of every meeting or adjourned meeting, save a meeting adjourned to a later hour of the same day on which it was appointed to be held, shall be in writing and shall be given by the chairperson to every member of the committee at least 7 days prior to the date appointed for that meeting.

(2A) A notice of a meeting or an adjourned meeting may be given to a member by prepaid post letter addressed to the member's place of business or residence last known to the chairperson.

(3) The members present at a meeting of the committee may at any time adjourn the meeting.

(4) If a quorum is not present at a meeting of the committee within 15 minutes after the time appointed for the commencement of the meeting, the member or members present or the majority of them if more than 2 are present or the secretary to the committee if no member is present or if the members present are equally divided on the issue may adjourn the meeting to a time and date not later than 7 days after the date of the adjournment.

(5) The provisions of this subsection shall be construed so as not to prevent the adjournment of a meeting to a later hour of the same day on which the meeting was appointed to be held.

Procedure at meetings

11.(1) The chairperson shall preside at all meetings of the committee at which the chairperson is present and in his or her absence a deputy of the chairperson appointed under section 9(1)(a) shall preside and whilst so presiding shall have and may exercise and perform all the powers, authorities, functions and duties of the chairperson.

(2) A quorum shall consist of the whole committee.

Conduct of business

12.(1) The committee shall exercise or perform a power, authority, function or duty by the vote of its members present at the meeting and

voting on the business in question.

(2) A member of the committee who being present at a meeting and eligible to vote abstains from voting shall be taken to have voted for the negative.

(3) Subject to this Act, the committee shall conduct its business generally and proceedings at meetings in such manner as it determines from time to time.

Casual vacancies

13.(1) Where a vacancy occurs in the office of a member of the committee during the term of office of the members then constituting the committee, the Minister may appoint another qualified person as a member in accordance with section 6.

(2) A person appointed to fill a casual vacancy in the membership of the committee shall be appointed for the balance of the term for which the person's predecessor was appointed and shall, if otherwise qualified, be eligible for reappointment as a member of the committee.

Validity of acts

14. An act, proceeding, decision or termination of the committee is not invalid or unlawful by reason only of any defect in the qualification, membership or appointment of any member.

Appointment of officers

15. The committee shall appoint and at all times have a secretary and may appoint such other officers, as, in its opinion, are necessary for the proper exercise or performance of its powers, authorities, functions and duties under this Act.

Functions

16.(1) The functions of the committee are—

- (a) to set guidelines for the assistance of processors and growers in drawing up agreements;

- (b) to examine agreements;
- (c) to approve agreements satisfactory to the committee;
- (d) to mediate in disputes between processors and growers (including disputes as to the assessment of amounts payable under agreements);
- (e) to negotiate prices between processors and growers;
- (f) to advise the Minister on any matter relating to the chicken meat industry referred to it by the Minister;
- (g) such other functions as are prescribed.

(2) In carrying out its functions, the committee—

- (a) may take such action and obtain such information as in its opinion is necessary for that purpose;
- (b) may in exercising the power conferred by paragraph (a) request a person who in its opinion is qualified to do so to furnish to it advice on any matter.

Fees, allowances, expenses

17.(1) The members of the committee shall be entitled to receive such fees, allowances or expenses as are prescribed or so far as not prescribed as the Minister determines.

(2) Fees, allowances or expenses may differ in respect of different members of the committee according to class of payment, rate or position held on the committee.

Finance

18.(1) All costs including fees, allowances and expenses associated with the functions and operation of the committee incurred in connection with the administration of this Act shall be paid out of the funds of the committee.

(2) The committee may, for the purposes of carrying out its functions under this Act, make as prescribed a general levy on growers and processors.

Accounts

19.(1) The chairperson of the committee shall cause to be kept true and regular accounts and records of all moneys received and paid by or on behalf of the committee for or with respect to the purposes of this Act and of the several purposes for which sums of money have been received or paid.

(2) The chairperson of the committee shall at least once in each year arrange for an audit of the accounts and records of the financial transactions of the committee to be carried out and for the provision to the Minister of a copy of the report on such audit, certified by the auditor who carried out the audit.

Committee is statutory body

19A.(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the committee is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the committee's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

PART 3—GENERAL PROVISIONS**Agreements**

20.(1) Subject to this Act and save in accordance with the terms, stipulations and conditions of an agreement in writing between the processor and the grower approved by the committee—

- (a) a processor shall not receive or purchase from a grower broiler chickens for processing;
- (b) a grower shall not supply or sell to a processor broiler chickens for processing.

(2) Every agreement made pursuant to subsection (1) shall be furnished

to the committee.

(3) The committee shall consider every agreement furnished to it pursuant to subsection (2) and may approve or reject it.

(3A) Approval may be given by the committee to an agreement notwithstanding that the terms thereof relating to the price to be paid by the processor have not been included therein.

(4) Where the committee rejects an agreement pursuant to subsection (3) it shall refer the agreement back with such comments as it thinks fit and the agreement may be again furnished to the committee for consideration.

(5) This section does not apply in a case where the processor and the grower are one and the same person.

Disputes

21.(1) Where a dispute arises between a processor and a grower with respect to a term, stipulation or condition of an agreement (including a dispute as to the price to be paid by the processor), either party to the agreement may apply to the committee by writing addressed to the secretary to the committee for a determination of the dispute.

(2) The committee shall hear the parties on the matter in dispute and shall determine the issue.

Offence

22. A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act.

Protection of members

23. A member of the committee does not incur liability for any act done by the committee or by him or her acting as a member of the committee in good faith and for the purposes of this Act.

Approval of forms

24. The chief executive may approve forms for use under this Act.

Regulation making power

25. The Governor in Council may make regulations under this Act.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 4 July 1997. Future amendments of the Chicken Meat Industry Committee Act 1976 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| | | | | | |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA | = | Acts Interpretation Act 1954 | (prev) | = | previously |
| amd | = | amended | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R[X] | = | Reprint No.[X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| om | = | omitted | sch | = | schedule |
| o in c | = | order in council | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |
| prev | = | previous | | | |

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included | Reprint date |
|-------------|---------------------|-----------------|
| 1 | Act No. 58 of 1996 | 16 January 1996 |

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

| Name of table | Reprint No. |
|-----------------------------------|-------------|
| Obsolete and redundant provisions | 1 |
| Renumbered provisions | 1 |

6 List of legislation

Chicken Meat Industry Committee Act 1976 No. 43

date of assent 5 May 1976

commenced 3 June 1976 (proc pubd gaz 5 June 1976 p 816)

as amended by—

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989

commenced on date of assent

Statute Law Revision Act 1995 (No. 2) No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

7 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Arrangement

s 3 om R1 (see RA s 36)

Interpretation

s 4 def “**approved form**” ins 1995 No. 58 s 4 sch 1

def “**Minister**” om R1 (see RA s 39)

Appointment of members

s 6 amd 1989 No. 103 s 3 sch

Committee is statutory body

s 19A ins 1996 No. 54 s 9 sch

Approval of forms

s 24 sub 1995 No. 58 s 4 sch 1

Regulation making power

s 25 ins 1995 No. 58 s 4 sch 1

Transitional provision about forms

s 26 ins 1995 No. 58 s 4 sch 1

exp 28 May 1996 (see s 26(3))