

Queensland



# **CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976**

**Reprinted as in force on 25 May 2001  
(includes amendments up to Act No. 16 of 2000)**

**Warning—see last endnote for uncommenced amendments**

**Reprint No. 2A**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This Act is reprinted as at 25 May 2001. 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.

Minor editorial changes allowed under the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints 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**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

# Queensland



## 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 25 May 2001]

**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

### 1 Short title

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

### 2 Definitions

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.

**“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.

**“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.

**“collective negotiations”** means negotiations between growers or their representatives and a processor for making an agreement.

*Chicken Meat Industry Committee Act 1976*

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

**“competition legislation”** means the *Trade Practices Act 1974* (Cwlth), section 51(1)(b),<sup>1</sup> or the text of that provision as included in section 51(1)(b)<sup>2</sup> of the Competition Code of Queensland.<sup>3</sup>

**“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.

**“negotiated agreement”** means an agreement made as a result of collective negotiations.

**“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.

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1 *Trade Practices Act 1974* (Cwlth), section 51 (Exceptions)

2 Section 51 (Exceptions) of the Code provides—

‘... the following must be disregarded:

(a)...

(b) anything done in a State, if the thing is specified in, and specifically authorised by:

(i) an Act passed by the Parliament of that State; or’.

3 The Code applies as a law of Queensland under the *Competition Policy Reform (Queensland) Act 1996*, part 2.

## **PART 2—CHICKEN MEAT INDUSTRY COMMITTEE**

### **3 Constitution of committee**

(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 consists of—

- (a) an equal number of representatives of growers and processors; and
- (b) a person, other than a grower or processor, who is to be the chairperson.

### **4 Appointment of members**

(1) The Minister must appoint the committee members by gazette notice.

(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.

(3) 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.

(4) Where a body entitled to consultations pursuant to subsections (2) and (3) 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.

### **5 Tenure of office**

(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.

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

(3) 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.

## **6 Disqualification from and vacation of office**

(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 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.

## **7 Deputies of chairperson and members**

(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 4(2) and (3), 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.

## **8 Meetings**

(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.

(3) 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.

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

(5) 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.

(6) 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.

## **9 Procedure at meetings**

(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 7(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 consists of—

- (a) a majority of committee members who are representatives of growers; and
- (b) a majority of committee members who are representatives of processors.

## **10 Conduct of business**

(1) The committee shall exercise or perform a power, authority, function or duty by the vote of its members, other than the chairperson, 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.

## **11 Casual vacancies**

(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 4.

(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.

## **12 Appointment of officers**

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.

### **13 Functions**

(1) The committee's functions are—

- (a) to facilitate collective negotiations for agreements, including, for example, by—
  - (i) convening a group comprising representatives of growers and a processor to negotiate agreements; and
  - (ii) recommending procedures for the group in the negotiations; and
- (b) to refer disputes between growers and processors to mediation; and
- (c) to refer disputes under agreements between growers and processors to arbitration; and
- (d) to make recommendations to growers and processors about minimum conditions of agreements and other issues affecting the chicken meat industry; and
- (e) to represent growers and processors on issues affecting the industry; and
- (f) to give information to growers and processors about issues affecting the industry.

(2) Despite subsections (1)(d) and (1)(f), the committee must not make recommendations or give information to growers and processors about—

- (a) growing fees for supplying broiler chickens under agreements; or
- (b) how the fees are decided.

### **14 Powers**

(1) The committee has power to do all things necessary or convenient to be done for performing its functions.

(2) Without limiting subsection (1), the committee has the powers conferred on it by this or another Act.

### **15 Additional roles of chairperson**

(1) The chairperson may, at any time, give the Minister a report about the committee's performance of its functions.

(2) Also the chairperson must, when asked by the Minister, give the Minister a report about the following—

- (a) the committee's performance of its functions;
- (b) any issue about the chicken meat industry.

(3) In addition, the chairperson may advise other committee members about the performance of the committee's functions.

## **16 Fees, allowances, expenses**

(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.

## **17 Finance**

(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.

## **18 Accounts**

(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.

**19 Committee is statutory body**

(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—AGREEMENTS AND DISPUTE RESOLUTION***Division 1—Agreements***20 Agreements to be written**

(1) A processor must not receive from a grower broiler chickens for processing other than under a written agreement.

Maximum penalty—20 penalty units.

(2) A grower must not supply to a processor broiler chickens for processing other than under a written agreement.

Maximum penalty—20 penalty units.

(3) In this section—

“**receive**” includes purchase.

“**supply**” includes sell.

**21 Processors to notify committee of agreements**

Within 2 months after entering into an agreement with a grower, a processor must give written notice to the committee of the entering into of the agreement.

Maximum penalty—10 penalty units.

## **22 Specific authorisations for competition legislation**

The following are specifically authorised for the competition legislation—

- (a) collective negotiations for making a negotiated agreement, or making a negotiated agreement, or giving effect to a provision of a negotiated agreement, that has the purpose of, or would have or be likely to have the effect of, substantially lessening competition;
- (b) collective negotiations for making a negotiated agreement, or making a negotiated agreement, or giving effect to a provision of a negotiated agreement, to the extent it has the purpose, or has or is likely to have the effect of, fixing, controlling or maintaining or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit for, the supply or acquisition of broiler chickens.

### ***Division 2—Dispute resolution***

## **23 Mediation**

(1) If a dispute arises between a grower and a processor about an agreement or proposed agreement, the committee must refer the dispute to mediation—

- (a) if the dispute is not resolved within 90 days after it arose; or
- (b) if asked by the parties.

(2) The mediation must be conducted by—

- (a) a person agreed to by the parties; or
- (b) if the parties can not agree on a mediator—the chairperson or a person appointed by the chairperson.

(3) The chairperson may appoint a mediator under subsection (2)(b) only if the person has the qualifications or experience the chairperson considers appropriate to mediate the dispute.

(4) The parties must pay the mediator the costs of mediation in the proportions decided by the mediator.

(5) An amount of unpaid costs is a debt payable to the mediator and may be recovered in a court of competent jurisdiction.

(6) Nothing in this section affects any rights or remedies to which a party to the dispute may be entitled.

## **24 Arbitration**

(1) This section applies if the dispute—

- (a) is between the parties to an agreement about an amount payable under the agreement; and
- (b) is not resolved by mediation by a mediator appointed under section 23.

(2) This section applies despite any provision in the agreement to the contrary.

(3) The chairperson must refer the dispute to an arbitrator, or entity prescribed under a regulation, nominated by the chairperson.

(4) However, the mediator must not be appointed arbitrator without the agreement of the parties.

(5) The *Commercial Arbitration Act 1990* applies to the arbitration.

(6) However, the committee can not be ordered to pay the costs, or part of the costs, of the arbitration.

## **PART 4—GENERAL PROVISIONS**

### **25 Protection of members**

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.

### **26 Regulation making power**

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 25 May 2001. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

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

Reprint No.	Amendments included	Reprint date
1	to Act No. 58 of 1995	16 January 1996
1A	to Act No. 54 of 1996	4 July 1997
2	to Act No. 45 of 1999	12 October 1999

### 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 (No. 2) 1995 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)

### **Primary Industries Legislation Amendment Act 1999 No. 45 ss 1–2(1) pt 3**

date of assent 17 September 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1999 (see s 2(1))

### **Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2**

s 436 ch 12 pt 2 commence 4 June 2001 (2001 SL No. 45)

remaining provisions not yet proclaimed into force (automatic commencement under AIA s 15DA(2) deferred to 8 June 2002 (2001 SL No. 46 s 2))

## 7 List of annotations

### **Definitions**

**prov hdg** sub 1999 No. 45 s 6(1)

**s 2** prev s 2 om R1 (see RA s 37)

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

om 1999 No. 45 s 6(2)

def “collective negotiations” ins 1999 No. 45 s 6(3)

def “competition legislation” ins 1999 No. 45 s 6(3)

def “Minister” om R1 (see RA s 39)

def “negotiated agreement” ins 1999 No. 45 s 6(3)

### **Constitution of committee**

**s 3** prev s 3 om R1 (see RA s 36)

pres s 3 amd 1999 No. 45 s 7

### **Appointment of members**

**s 4** amd 1989 No. 103 s 3 sch; 1999 No. 45 s 8

### **Disqualification from and vacation of office**

**s 6** amd 2000 No. 16 s 590 sch 1

**Procedure at meetings**

**s 9** amd 1999 No. 45 s 9

**Conduct of business**

**s 10** amd 1999 No. 45 s 10

**Functions**

**s 13** sub 1999 No. 45 s 12

**Powers**

**s 14** prev s 14 om 1999 No. 45 s 11  
pres s 14 ins 1999 No. 45 s 12

**Additional roles of chairperson**

**s 15** ins 1999 No. 45 s 12

**Committee is statutory body**

**s 16** ins 1996 No. 54 s 9 sch

**PART 3—AGREEMENTS AND DISPUTE RESOLUTION**

**pt hdg** ins 1999 No. 45 s 13

**Division 1—Agreements**

**div hdg** ins 1999 No. 45 s 13

**Agreements to be written**

**s 20** prev s 20 om 1999 No. 45 s 14  
pres s 20 ins 1999 No. 45 s 13

**Processors to notify committee of agreements**

**s 21** prev s 21 om 1999 No. 45 s 14  
pres s 21 ins 1999 No. 45 s 13

**Specific authorisations for competition legislation**

**s 22** prev s 22 om 1999 No. 45 s 14  
pres s 22 ins 1999 No. 45 s 13

**Division 2—Dispute resolution**

**div hdg** ins 1999 No. 45 s 13

**Mediation**

**s 23** ins 1999 No. 45 s 13

**Arbitration**

**s 24** prev s 24 sub 1995 No. 58 s 4 sch 1  
om 1999 No. 45 s 15  
pres s 24 ins 1999 No. 45 s 13

**Regulation making power**

**s 26** prev s 26 ins 1995 No. 58 s 4 sch 1  
exp 28 May 1996 (see s 26(3))  
pres s 26 ins 1995 No. 58 s 4 sch 1

**8 Table of renumbered provisions**

TABLE OF RENUMBERED PROVISIONS [Reprint No. 2]  
under the Reprints Act 1992 s 43 as required by the Primary Industries Legislation  
Amendment Act 1999 s 47(a)

Previous	Renumbered as
4.....	.2
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6(2A).....	.4(3)
6(3).....	.4(4)
7.....	.5
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9.....	.7
10.....	.8
10(2A).....	.8(3)
10(3).....	.8(4)
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## **9 Provisions that have not commenced and are not incorporated into reprint**

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

**Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2 reads as follows—**

### **1 Section 6(1)(c)—**

*omit.*'.