

Queensland



CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

**Reprinted as in force on 6 November 2003
(includes commenced amendments up to 2003 Act No. 82)**

Reprint No. 2E

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Information about this reprint

This Act is reprinted as at 6 November 2003. 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. Also see list of legislation for any uncommenced amendments.

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

Also see endnotes for information about—

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

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	3
2	Definitions	3
	PART 2—CHICKEN MEAT INDUSTRY COMMITTEE	
3	Constitution of committee	5
4	Appointment of members	5
5	Tenure of office	5
6	Disqualification from and vacation of office	6
7	Deputies of chairperson and members	6
8	Meetings	7
9	Procedure at meetings	7
10	Conduct of business	8
11	Casual vacancies	8
12	Appointment of officers	8
13	Functions	9
14	Powers	9
15	Additional roles of chairperson	9
16	Fees, allowances, expenses	10
17	Finance	10
18	Accounts	10
19	Committee is statutory body	10

PART 3—AGREEMENTS AND DISPUTE RESOLUTION***Division 1—Agreements***

20	Agreements to be written	11
22	Specific authorisations for competition legislation	11
22A	Grower's contribution to registration and annual fees.	12

Division 2—Dispute resolution

23	Mediation.	12
24	Arbitration	13

PART 3A—REGISTRATION OF AGREEMENTS AND ANNUAL FEES***Division 1—Registration***

24A	Committee to keep register	14
24B	Application for registration	14
24C	Registration	14

Division 2—Annual fees

24D	Payment of annual fee	14
-----	---------------------------------	----

PART 4—GENERAL PROVISIONS

25	Protection of members.	15
26	Regulation making power	15

ENDNOTES

1	Index to endnotes	16
2	Date to which amendments incorporated.	16
3	Key	17
4	Table of earlier reprints	17
5	Tables in earlier reprints.	18
6	List of legislation	18
7	List of annotations	19
8	Table of renumbered provisions.	20

CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

[as amended by all amendments that commenced on or before 6 November 2003]

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

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

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

“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.

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;

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—

- (a) may do anything necessary or convenient to be done for performing its functions; and
- (b) without limiting paragraph (a), may charge for services and facilities it provides.

(2) Without limiting subsection (1), the committee has the powers given to it under this or another Act.

(3) A charge under subsection (1)(b) must not be more than the reasonable cost of providing the service or facility.

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

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.

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.

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.

22A Grower's contribution to registration and annual fees

(1) If an agreement is registered under section 24B,⁴ the processor under the agreement may recover from the grower under the agreement, as a debt, 50% of—

- (a) the fee that, under section 24B, the processor paid to apply to register the agreement; and
- (b) each annual fee that, under section 24D,⁵ the processor pays for the agreement.

(2) The processor may set-off an amount owing under subsection (1) against any amount that, under the agreement, the producer owes the grower.

(3) This section applies despite any provision of the agreement.

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.

4 Section 24B (Application for registration)

5 Section 24D (Payment of annual fee)

(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 3A—REGISTRATION OF AGREEMENTS AND ANNUAL FEES

Division 1—Registration

24A Committee to keep register

The committee must keep a register of agreements.

24B Application for registration

(1) The processor under an agreement must apply to the committee for registration of the agreement within 30 days after entering into it.

Maximum penalty—10 penalty units.

(2) The application must be—

- (a) in the form approved by the committee; and
- (b) accompanied by the fee prescribed under a regulation.

24C Registration

The committee must—

- (a) register the agreement; and
- (b) give the applicant notice of the registration.

Division 2—Annual fees

24D Payment of annual fee

(1) This section applies to an agreement in force on its anniversary day.

(2) Within 30 days after the anniversary day, the processor under the agreement must give to the committee—

- (a) a return in the form approved by the committee; and
- (b) the annual fee prescribed under a regulation.

Maximum penalty—10 penalty units.

(3) If the annual fee is not paid, the committee may recover it as a debt.

(4) In this section—

“**anniversary day**” means—

- (a) for an agreement in force immediately before the commencement—each anniversary of the commencement; or
- (b) for another agreement—each anniversary of the day the agreement was entered into.

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

1 Index to endnotes

	Page
2 Date to which amendments incorporated.....	16
3 Key	17
4 Table of reprints	17
5 Tables in earlier reprints.....	17
6 List of legislation	18
7 List of annotations	19
8 Table of renumbered provisions.....	20

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 6 November 2003. 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to 1995 Act No. 58	28 November 1995	16 January 1996
1A	to 1996 Act No. 54	1 June 1997	4 July 1997
2	to 1999 Act No. 45	1 July 1999	12 October 1999
2A	to 2000 Act No. 16	1 July 1999	25 May 2001
2B	to 2001 Act No. 63	16 November 2001	30 November 2001
2C	to 2001 Act No. 63	28 February 2002	28 February 2002 (Column discontinued)
			Notes
2D	to 2002 Act No. 49	24 September 2002	
2E	to 2003 Act No. 82	6 November 2003	

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)

amending legislation—

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

date of assent 8 June 2000

ss 1–2, 590 commenced on date of assent (see s 2(1))

remaining provisions commenced 28 February 2002 (2002 SL No. 27) (provisions were to commence 8 June 2002 (automatic commencement under AIA s 15DA(2) (2001 SL No. 46 s 2)))

Primary Industries Legislation Amendment Act 2001 No. 63 pts 1, 3

date of assent 25 October 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 16 November 2001 (2001 SL No. 206)

Primary Industries Legislation Amendment Act 2002 No. 49 s 1, pt 3

date of assent 24 September 2002

commenced on date of assent

**Primary Industries and Other Legislation Amendment Act 2003 No. 82 ss 1–2(1)(a),
pt 3, s 88 sch**

date of assent 6 November 2003

commenced on date of assent (see s 2(1)(a))

7 List of annotations**This reprint has been renumbered—see table of renumbered provisions in endnote 9.****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
 sub 2003 No. 82 s 6

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

Finance

- s 17** amd 2001 No. 63 s 9

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
om 2001 No. 63 s 10**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**Grower's contribution to registration and annual fees****s 22A** ins 2002 No. 49 s 7**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**PART 3A—REGISTRATION OF AGREEMENTS AND ANNUAL FEES****pt 3A (ss 24A–24D)** ins 2001 No. 63 s 11**Regulation-making power****prov hdg** amd 2003 No. 82 s 88 sch
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**PART 5—TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES
LEGISLATION AMENDMENT ACT 2001****pt 5 (ss 27–28)** ins 2001 No. 63 s 12
exp 14 January 2002 (see s 28)**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

Previous	Renumbered as
5.....	3
6.....	4
6(2A).....	4(3)
6(3)	4(4)
7.....	5
7(1A).....	5(2)
7(2)	5(3)
8.....	6
9.....	7
10.....	8
10(2A).....	8(3)
10(3)	8(4)
10(4)	8(5)
10(5)	8(6)
11.....	9
12.....	10
13.....	11
15.....	12
16.....	13
16A	14
16B	15
17.....	16
18.....	17
19.....	18
19A	19
pt 2A	pt 3
19B	20
19C	21
19D	22
19E.....	23
19F.....	24
pt 3.....	pt 4
23.....	25
25.....	26