



ANNO VICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

No. 43 of 1976

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

[ASSENTED TO 5TH MAY, 1976]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

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

2. **Commencement.** This Act shall commence on a date appointed by Proclamation.

3. **Arrangement.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY, ss. 1-4;

PART II—CHICKEN MEAT INDUSTRY COMMITTEE, ss. 5-19;

PART III—GENERAL PROVISIONS, ss. 20-24.

4. Interpretation. In this Act, save where a contrary intention appears—

- “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;
- “chairman” means the chairman of the Committee and includes a deputy of the chairman whilst acting as chairman;
- “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;
- “Minister” means the Minister for Primary Industries or other Minister of the Crown for the time being charged with the administration of this Act: the term includes any Minister of the Crown who is temporarily performing the duties of the Minister;
- “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 II—CHICKEN MEAT INDUSTRY COMMITTEE

5. 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 shall have and may exercise the powers, authorities, functions and duties conferred or imposed upon it by or under this Act.

6. Appointment of members. (1) The Committee shall be appointed by the Minister by notification published in the Gazette and shall consist of a chairman and six other members comprising—

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

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

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

(3) Where a body entitled to consultations pursuant to subsection (2) 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.

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

A member of the Committee shall, if he is otherwise qualified, be eligible for re-appointment 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.

8. 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;

(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 him 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 three consecutive meetings of the Committee of which due notice has been given to him;

(d) resigns his office as a member by writing signed by him 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.

9. Deputies of chairman and members. (1) The Minister at any time—

(a) may appoint persons who are not members of the Committee to be deputies of the chairman;

- (b) may, after consultations with the bodies referred to in section 6 (2), 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 he 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.

10. 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 chairman to every member of the Committee at least seven days prior to the date appointed for that meeting.

A notice of a meeting or an adjourned meeting may be given to a member by prepaid post letter addressed to his place of business or residence last known to the chairman.

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

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 two 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 seven days after the date of the adjournment.

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.

11. Procedure at meetings. (1) The chairman shall preside at all meetings of the Committee at which he is present and in his absence a deputy of the chairman 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 chairman.

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

12. Conduct of business. (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.

13. 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 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 his predecessor was appointed and shall, if otherwise qualified, be eligible for re-appointment as a member of the Committee.

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

15. 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.

16. Functions. (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 subparagraph (a) request a person who in its opinion is qualified to do so to furnish to it advice on any matter.

17. Fees, allowances, expenses. 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.

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.

18. Finance. (1) All costs including fees, allowances and expenses associated with the functions and operation of the Committee incurred in connexion 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.

19. Accounts. (1) The chairman 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 chairman 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.

PART III—GENERAL PROVISIONS

20. Agreements. (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.

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.

21. Disputes. (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.

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

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

24. Regulations. The Governor in Council may make regulations not inconsistent with this Act for or with respect to all matters required or permitted by this Act to be prescribed and all matters that, in the opinion of the Governor in Council, are necessary or convenient for the proper administration of this Act or to achieve the objects and purposes of this Act.