

## POULTRY MEAT INDUSTRY BILL 1986

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Search Warrants (Poultry Meat Industry) Amendment Bill 1986 is cognate with this Bill.

The objects of this Bill are—

- (a) to constitute the Poultry Meat Industry Committee;
- (b) to regulate the contractual arrangements between poultry processors and growers of poultry;
- (c) to make other provisions relating to control of the poultry growing industry; and
- (d) to repeal the Chicken Meat Industry Act 1977.

#### PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is an interpretation provision. Included in this provision is a definition of “designated poultry” (which is defined as being broiler chickens and other birds declared by the Governor).

#### PART 2—POULTRY MEAT INDUSTRY COMMITTEE

Clause 4 constitutes the Poultry Meat Industry Committee. The Committee will consist of 14 members appointed by the Minister of whom—

- (a) 1 shall be the Director of Marketing, Department of Agriculture (or another officer of that Department);

- (b) 6 shall be nominated processor representatives;
- (c) 6 shall be elected grower representatives; and
- (d) 1 shall be a representative of consumers of poultry meat.

Clause 5 provides for staff to be employed to assist the Committee. The secretary of the Committee is required to have experience in, and knowledge of, the poultry industry.

Clause 6 specifies the functions of the Committee. Those functions include setting guidelines for agreements between processors and growers, approving agreements drawn up in accordance with those guidelines, determining growing prices to be paid for designated poultry and settling disputes regarding agreements.

### PART 3—REGULATION OF THE POULTRY MEAT INDUSTRY

Clause 7 prohibits the processing of designated poultry grown in a batch of 1,000 or more unless the birds were grown under a written agreement approved by the Committee or were grown by a processor.

Clause 8 provides for approval of forms of agreement for the growing of designated poultry.

Clause 9 requires processors—

- (a) to notify the Committee of any agreement entered into with a grower within 1 month after entering into the agreement; and
- (b) to notify the Committee of any termination of an agreement with a grower within 1 month after the termination.

### PART 4—GROWING PRICES

Clause 10 allows the Committee (with the approval of the Minister) to determine growing prices for designated poultry.

Clause 11 requires the growing price determined by the Committee to be paid for designated poultry grown under an agreement, whether or not that is the price determined under the agreement, and permits that price to be recovered as a debt.

Clause 12 requires the growing price determined by the Committee to be paid for designated poultry not grown under an agreement, and permits that price to be recovered as a debt.

### PART 5—INSPECTORS

Clause 13 states that an inspector referred to in this Part is an inspector under the Farm Produce Act 1983 or a person authorised by the Minister to be an inspector.

Clause 14 lists the powers under the proposed Act of inspectors.

Clause 15 empowers an inspector to question people concerned with processing designated poultry about the observance of the proposed Act.

Clause 16 makes provision for the issue of search warrants, if necessary.

Clause 17 prohibits the obstruction of inspectors.

## PART 6—MISCELLANEOUS

Clause 18 provides for the Committee to settle disputes regarding agreements between processors and growers.

Clause 19 makes admissible as evidence certificates by the Committee relating to notifications as to the commencement or termination of agreements for the growing of designated poultry.

Clause 20 specifies that the expenses of the Committee are to be paid out of money provided by Parliament.

Clause 21 provides for directors and managers of a corporation which has committed an offence against the proposed Act to be guilty of the same offence unless they have a reasonable excuse.

Clause 22 allows proceedings for offences to be taken before a local court.

Clause 23 empowers the Governor to make regulations for the purposes of the proposed Act.

Clause 24 repeals the Chicken Meat Industry Act 1977.

Clause 25 gives effect to the savings and transitional provisions contained in Schedule 3.

Schedule 1 contains provisions relating to the members of the Committee. The Schedule includes provisions relating to acting members, terms of office and casual vacancies.

Schedule 2 contains provisions relating to the procedure of the Committee. The Schedule includes provisions relating to the quorum at meetings, the presiding member at meetings and voting.

Schedule 3 contains provisions of a saving or transitional nature.

---



# POULTRY MEAT INDUSTRY BILL 1986

## NEW SOUTH WALES



### TABLE OF PROVISIONS

#### PART 1—PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

#### PART 2—POULTRY MEAT INDUSTRY COMMITTEE

4. Constitution of Committee
5. Staff of Committee
6. Functions of Committee

#### PART 3—REGULATION OF THE POULTRY MEAT INDUSTRY

7. Agreements between processors and growers to be in form approved by Committee
8. Approval of forms of agreement
9. Processor to notify details relating to agreements

#### PART 4—GROWING PRICES

10. Committee may determine growing prices
11. Prices payable for poultry grown under agreement
12. Prices payable for poultry grown without agreement

#### PART 5—INSPECTORS

13. Inspectors
14. Powers of inspectors
15. Questions by inspectors
16. Search warrants
17. Obstruction of inspectors

#### PART 6—MISCELLANEOUS

18. Disputes
19. Certificate as to notification relating to agreement
20. Expenses of Committee
21. Offences by corporations

22. Proceedings for offences
23. Regulations
24. Repeal of Act No. 112, 1977
25. Savings, transitional and other provisions

SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS OF THE  
COMMITTEE

SCHEDULE 2—PROVISIONS RELATING TO THE PROCEDURE OF THE  
COMMITTEE

SCHEDULE 3—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

---

# POULTRY MEAT INDUSTRY BILL 1986

NEW SOUTH WALES



No. , 1986

---

---

## A BILL FOR

An Act to constitute the Poultry Meat Industry Committee and to define its functions; to regulate and control the poultry growing industry; to repeal the Chicken Meat Industry Act 1977; and for other purposes.

---

---

See also Search Warrants (Poultry Meat Industry) Amendment Bill 1986.

*Poultry Meat Industry 1986*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5

## PART 1

## PRELIMINARY

**Short title**

1. This Act may be cited as the "Poultry Meat Industry Act 1986".

**Commencement**

- 10 2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

- (2) For the purpose only of enabling the Committee to be constituted under this Act on or after (but not before) the day appointed and notified under section 2 (3), appointments may be made under this Act and any  
15 other act, matter or thing may be done before that day as if this Act commenced on the date of assent to this Act, but so that no appointment as a member of the Committee takes effect before that day.

- (3) Except as provided by subsections (1) and (2), this Act shall  
20 commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Interpretation**

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

- 25 "agreement" means an agreement between a processor and a grower of a kind required for the purposes of section 7 (1) (a);

"Chairperson" means the Chairperson of the Committee;

"Committee" means the Poultry Meat Industry Committee constituted under section 4;

"designated poultry" means—

- 30 (a) a chicken of the species *Gallus gallus* which is not more than 18 weeks old; or



*Poultry Meat Industry 1986*

---

(b) another bird of such species or description as the Governor may, by order published in the Gazette, declare to be designated poultry for the purposes of this Act,

5 being a chicken or another bird which is being or has been grown specifically for consumption as poultry meat after processing;

“grower” means a person who grows designated poultry, but does not include a person who also processes designated poultry in a plant which is operated by the person and is, in the opinion of the Committee, capable of processing more than 500 birds per day;

10 “member” means a member of the Committee;

“process”, in relation to designated poultry, means—

(a) kill or prepare the poultry for sale for consumption as poultry meat; or

15 (b) perform any other act in the course of killing or preparing the poultry for sale for consumption as poultry meat;

“processor” means a person who processes designated poultry, and includes a person who is supplied with designated poultry from a grower for sale to another person for ultimate processing;

“regulation” means a regulation made under this Act.

20 (2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

25 (3) The Chairperson may be referred to as the Chairman or Chairwoman, as the case requires.

---

## PART 2

## POULTRY MEAT INDUSTRY COMMITTEE

**Constitution of Committee**

5 4. (1) There is constituted by this Act a corporation under the corporate name of the "Poultry Meat Industry Committee".

(2) The Committee—

- 10 (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

15 (3) The Committee shall consist of 14 members appointed by the Minister, of whom—

- 20 (a) 1 shall be the person holding the office of Director of Marketing, Department of Agriculture or, if the Minister so determines, another officer of the Department of Agriculture;
- (b) 6 shall represent processors and shall be nominated in accordance with the regulations;
- (c) 6 shall represent growers and shall be elected in accordance with the regulations; and
- 25 (d) 1 shall represent consumers of poultry meat and shall be appointed after consultation by the Minister with the Minister for Consumer Affairs.

(4) The member referred to in subsection (3) (a) shall be the Chairperson of the Committee.

(5) Schedule 1 has effect with respect to the members.

(6) Schedule 2 has effect with respect to the procedure of the Committee.

*Poultry Meat Industry 1986*

---

**Staff of Committee**

5. (1) Such staff as may be necessary to enable the Committee to exercise its functions shall be employed under the Public Service Act 1979.

(2) The member of staff employed as secretary of the Committee shall be an officer of the Department of Agriculture having experience in, and knowledge of, the poultry industry.

**Functions of Committee**

6. The functions of the Committee are—
- 10 (a) with the approval of the Minister, to set guidelines for the drawing up of agreements between processors and growers;
  - (b) to approve, for the purposes of section 7, forms of agreement if, in the opinion of the Committee, they are in accordance with those guidelines;
  - 15 (c) to determine, in accordance with section 10, prices to be paid for designated poultry;
  - (d) to settle by negotiation disputes between processors and growers in accordance with section 18;
  - 20 (e) to make reports or recommendations to the Minister on any matter relating to the poultry meat industry referred to the Committee by the Minister or on any matter which the Committee considers necessary or appropriate; and
  - (f) to exercise such other functions as are prescribed.
- 

**PART 3****REGULATION OF THE POULTRY MEAT INDUSTRY****25 Agreements between processors and growers to be in form approved by Committee**

7. (1) A processor shall not process designated poultry grown in a batch of 1,000 or more unless the designated poultry—

- 30 (a) was grown by a grower under a written agreement in a form approved by the Committee between the grower and that or some other processor; or

*Poultry Meat Industry 1986*

---

(b) was grown at a farm operated by that or some other processor.

Penalty: \$2,000.

(2) For the purposes of subsection (1) (b), a processor does not operate a farm—

5 (a) if the processor leases the growing facilities on the farm from a grower and the grower manages the farm; or

(b) if the farm is operated in a manner prescribed for the purposes of this paragraph.

(3) It shall be prima facie evidence that an agreement is not in force  
10 between a processor and a grower if—

(a) the Committee has not received a notification under section 9 (1) that the processor has entered into an agreement with the grower; or

15 (b) having received such a notification relating to an agreement, the Committee has received a subsequent notification under section 9 (2) that the agreement has terminated, without having received a further notification under section 9 (1) that the processor has entered into a further agreement with the grower.

#### **Approval of forms of agreement**

20 8. (1) An application may be made to the Committee by a processor for the Committee's approval of any form of written agreement.

(2) An application made for the purposes of subsection (1) shall be in such form as may be approved by the Committee and shall be accompanied by the prescribed fee.

25 (3) The Committee may approve of a form of agreement to be used generally or in a particular case or class of cases.

#### **Processor to notify details relating to agreements**

30 9. (1) Where a processor enters into an agreement with a grower, the processor shall notify the Committee of that fact within 1 month after entering into that agreement.

*Poultry Meat Industry 1986*

---

(2) Where an agreement entered into by a processor with a grower terminates, the processor shall notify the Committee of that fact within 1 month after the termination.

(3) A notification for the purposes of subsection (1) or (2) shall be in such form as may be approved by the Committee and shall be accompanied by the prescribed fee.

(4) A processor may demand payment from the grower of one-half of the fee paid under subsection (3) in respect of an agreement between the processor and the grower and, if that amount is not paid upon demand, it may be recovered as a debt in any court of competent jurisdiction.

---

PART 4

GROWING PRICES

**Committee may determine growing prices**

10. (1) The Committee may, by order made with the approval of the Minister and published in the Gazette, determine the prices to be paid by processors to growers for designated poultry.

(2) In determining the prices to be paid for designated poultry by processors to growers, the Committee shall endeavour to ensure a reasonable minimum return to growers while encouraging industry efficiency and shall have regard to—

- (a) growing costs;
- (b) the species of poultry involved;
- (c) the duration of any relevant rearing period;
- (d) the annual throughput of poultry;
- 25 (e) poultry housing density;
- (f) the needs of the industry;
- (g) market forces affecting the industry;
- (h) the public interest; and
- (i) such other matters as the Committee thinks relevant.

*Poultry Meat Industry 1986*

(3) A price may be determined by an order so as—

(a) to apply generally or be limited in its application by reference to specified exceptions or factors;

5 (b) to apply differently according to different factors of a specified kind; or

(c) to provide for a maximum or minimum price,

or so as to do any combination of those things.

(4) Except where a later order determines the price of the poultry, an order shall have effect in respect of designated poultry delivered to a processor on or after the day specified in the order as the price adjustment day from which the order operates.

(5) The price adjustment day from which an order operates may be the price adjustment day immediately preceding the day on which the order is published in the Gazette or may be a later price adjustment day.

15 (6) In this section, a reference to a price adjustment day is—

(a) unless the regulations prescribe a day or days as referred to in paragraph (b), a reference to 1 January and 1 July in each year; or

20 (b) a reference to such day or days in each year as may be prescribed by the regulations.

**Prices payable for poultry grown under agreement**

11. (1) Where delivery is taken at any time by a processor of designated poultry of any kind grown by a grower in a batch of 1,000 or more under an agreement with the processor and an order under section 10 has effect in respect of designated poultry of that kind delivered at that time, the price to be paid for that poultry is—

(a) where the agreement determines a price which is in accordance with that order—the price determined under the agreement; or

(b) in any other case—the price determined under the order.

*Poultry Meat Industry 1986*

(2) If the price to be paid by a processor to a grower for designated poultry grown under an agreement is not paid when due under the agreement (or, if the agreement does not provide for its payment, within 28 days after delivery of the designated poultry to the processor) it may be recovered as a debt in any court of competent jurisdiction.

(3) If—

- (a) after payment by a processor to a grower for designated poultry grown under an agreement, the price to be paid is increased by an order having effect in respect of the designated poultry; and
- 10 (b) the amount of the increase is not paid when due under the agreement (or, if the agreement does not provide for its payment, within 28 days after the date of publication of the order in the Gazette),

the amount of the increase may be recovered as a debt in any court of  
15 competent jurisdiction.

**Prices payable for poultry grown without agreement**

12. (1) Where delivery is taken at any time by a processor of designated poultry of any kind grown by a grower in a batch of 1,000 or more otherwise than under an agreement and an order under section 10 has effect in respect  
20 of designated poultry of that kind delivered at that time, the price determined under the order is the price to be paid for that poultry by the processor to whom the poultry is supplied.

(2) If the price to be paid by a processor to a grower for designated poultry grown otherwise than under an agreement is not paid within 28 days  
25 after delivery of the designated poultry to the processor, it may be recovered as a debt in any court of competent jurisdiction.

(3) If—

- (a) after payment by a processor to a grower for designated poultry grown otherwise than under an agreement, the price to be paid is increased by an order having effect in respect of the designated  
30 poultry; and
- (b) the amount of the increase is not paid within 28 days after the date of publication of the order in the Gazette,

the amount of the increase may be recovered as a debt in any court of competent jurisdiction.

---

PART 5  
INSPECTORS

**5 Inspectors**

13. In this Part—

“inspector” means—

- (a) an inspector for the purposes of the Farm Produce Act 1983; and
- 10 (b) a person authorised in writing by the Minister to exercise the functions of an inspector under this Part.

**Powers of inspectors**

14. (1) For the purpose of ascertaining whether an offence against this Act or the regulations has been committed, an inspector may—

- 15 (a) at all reasonable times, enter and remain in or on any premises if the inspector has reasonable cause to suspect that the premises are being used for the processing of designated poultry grown in a batch of 1,000 or more;
- 20 (b) search and inspect any such premises for the presence of, and examine, any accounts, records, books or documents relating to the processing of designated poultry on those premises or to the supply of designated poultry for processing on those premises;
- 25 (c) take extracts or notes from any such accounts, records, books or documents or take copies (by photographic or any other means) of any such accounts, records, books or documents; and
- 30 (d) require any person found in or on any such premises to produce any such accounts, records, books or documents in the possession or under the control of the person or to produce a written statement in the English language setting out particulars contained in any such accounts or records, being accounts or records that are not kept in writing, or that are not written in that language.



*Poultry Meat Industry 1986*

(2) Subsection (1) does not authorise any person to enter that part of any premises being used for residential purposes without the consent of the occupier of that part of the premises, but nothing in this subsection shall affect the power of a person to enter that part under the authority of a search  
5 warrant.

(3) A person shall not fail to comply with a requirement made under subsection (1) (d).

Penalty: \$500.

**Questions by inspectors**

10 15. (1) An inspector may require any occupier of premises on which designated poultry is processed or any person employed in or about those premises to answer questions relating to the observance of this Act or to any matter in connection with the exercise of the inspector's functions under this Act or the execution of this Act.

15 (2) A person shall not, when required to answer a question under subsection (1)—

(a) except as provided by subsection (3), refuse or fail to answer the question; or

20 (b) give any answer which is false or misleading in a material particular.

· Penalty: \$500.

(3) A person is not required to answer any question asked of the person under subsection (1) unless the person has first been informed by the inspector asking the question that the person is required to answer the  
25 question by virtue of this section.

(4) A person may not refuse to answer a question asked of the person under subsection (1) on the ground that the person's so doing might tend to incriminate the person or make the person liable to any penalty.

30 (5) Any answer given by a person pursuant to a requirement made under subsection (1) after the person has been informed in accordance with subsection (3) shall not be admissible in evidence in any proceedings, civil or criminal, against the person, other than in proceedings under subsection (2).

*Poultry Meat Industry 1986*

---

(6) Nothing in this section affects the admissibility in evidence of an answer voluntarily given by a person to a question asked by an inspector but which the inspector did not require that person to answer under this section.

**5 Search warrants**

16. (1) In this section—

“authorised justice” means—

(a) a Magistrate; or

10 (b) a justice of the peace employed in the Local Courts Administration, Attorney General’s Department.

(2) An inspector may apply to an authorised justice for the issue of a search warrant if the inspector has reasonable grounds for believing that there are in or on any premises any accounts, records, books or documents relating to the processing of designated poultry or the supply of designated  
15 poultry for processing.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant—

(a) to enter the premises; and

20 (b) to exercise the functions of an inspector under this Act.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

**Obstruction of inspectors**

25 17. A person shall not assault, delay, obstruct, hinder or impede an inspector in the exercise of the inspector’s functions under this Act or in executing a search warrant issued under this Part.

Penalty: \$500.

---

## PART 6

## MISCELLANEOUS

**Disputes**

18. (1) Where there is a dispute between a processor and a grower with regard to any agreement, the matter in dispute may, on the application of either party addressed to the secretary of the Committee and upon payment of a deposit of \$100 or, where an amount is prescribed for the purposes of this section, upon payment of that amount, be placed before the Committee for settlement by negotiation.

10 (2) If, in the opinion of the Committee, a dispute that is placed before the Committee under subsection (1) is vexatious or frivolous in its nature, the Committee shall so declare and thereupon the deposit paid in respect of the dispute shall be forfeited and carried to the Consolidated Fund but otherwise shall be refunded to the party who paid the deposit.

15 **Certificate as to notification relating to agreement**

19. In any proceedings against a person for a contravention of a provision of this Act, a certificate purporting to be under the hand of the secretary of the Committee and stating that, on a date specified therein, the Committee had or had not, as the case may be, received a notification under section 9—

- (a) that a processor had entered into an agreement with a grower; or
- (b) that an agreement entered into by a processor with a grower had terminated,

is admissible and is prima facie evidence of the facts stated therein.

25 **Expenses of Committee**

20. (1) The expenses of the Committee in carrying out the administration of this Act shall be paid out of money to be provided by Parliament.

(2) The fees payable under this Act shall be paid to the secretary of the Committee and shall be carried to the Consolidated Fund.

**Offences by corporations**

21. (1) Where a corporation contravenes, whether by act or omission, any provision of this Act or a regulation, each person who is a director of the corporation or who is concerned in the management of the corporation  
5 shall be deemed to have contravened the same provision unless the person satisfies the court that—

- (a) the corporation contravened the provision without the knowledge of the person;
- 10 (b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision; or
- (c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation.

(2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been  
15 proceeded against or been convicted under that provision.

(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act or the regulations.

**Proceedings for offences**

20 22. Proceedings for any offence against this Act or the regulations shall be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

**Regulations**

25 23. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may create an offence punishable by a penalty not exceeding \$500.

30 (3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;

*Poultry Meat Industry 1986*

- (b) apply differently according to different factors of a specified kind;  
or
- (c) authorise any matter or thing to be from time to time determined,  
applied or regulated by any specified person or body,
- 5 or may do any combination of those things.

**Repeal of Act No. 112, 1977**

24. The Chicken Meat Industry Act 1977 is repealed.

**Savings, transitional and other provisions**

25. Schedule 3 has effect.

10

## SCHEDULE 1

(Sec. 4 (5))

## PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE

**Age of members**

- 15 1. A person of or above the age of 70 years is not eligible to be appointed as a member  
or to act in the office of a member.

**Acting members and acting Chairperson**

- 20 2. (1) The Chairperson may, from time to time, appoint a person to act in the office  
of a member during the illness or absence of the member, and the person, while so acting,  
shall have and may exercise all the functions of the member and shall be deemed to be  
a member.

(2) The Chairperson may, from time to time, appoint an officer of the Department  
of Agriculture to act in the office of Chairperson during the illness or absence of the  
Chairperson, and the officer, while so acting, shall have and may exercise all the functions  
of the Chairperson and shall be deemed to be the Chairperson.

- 25 (3) The Chairperson may remove any person from any office to which the person was  
appointed under this clause.

(4) A person while acting in the office of a member is entitled to be paid such  
remuneration (including travelling and subsistence allowances) as the Minister may from  
time to time determine in respect of the person.

- 30 (5) For the purposes of this clause a vacancy in the office of a member shall be deemed  
to be an absence from office of the member.

*Poultry Meat Industry 1986*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE—*continued***Term of office**

3. Subject to this Act, a member shall hold office for a term of 2 years, but is eligible (if otherwise qualified) for re-appointment.

**Remuneration**

5 4. A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

**Failure of election**

10 5. If no person is nominated at an election for the purposes of section 4 or clause 6, or for any other reason an election fails, the Minister may appoint a person eligible for election to be a member and the person so appointed shall be deemed to be a person elected in accordance with the regulations.

**Filling of vacancy in office of member**

15 6. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which the member was appointed, the Minister may appoint a person to the vacant office for the residue of the predecessor's term of office so that the Committee is constituted as provided by section 4 (3).

20 (2) Where a vacancy occurs in the office of a member elected as referred to in section 4 (3) (c) within the final 6 months of the term of office of the member, such person as the Minister thinks fit may be appointed to the vacant office and the person shall be deemed to have been elected in accordance with that provision and, subject to this Schedule, shall hold office for the residue of the term.

(3) A member appointed pursuant to this clause is eligible (if otherwise qualified) for re-appointment.

**25 Casual vacancies**

7. (1) A member shall be deemed to have vacated office if the member—

- (a) dies;
- 30 (b) absents himself or herself from 3 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 6 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- 35 (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act 1958 or a person under detention under Part VII of that Act;

*Poultry Meat Industry 1986*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE—*continued*

- (e) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
- 5 (f) resigns the office by instrument in writing addressed to the Minister;
- (g) attains the age of 70 years; or
- (h) is removed from office by the Minister under subclause (2) or (3).
- (2) The Minister may remove a member from office.
- (3) Without affecting the generality of subclause (2), the Minister may remove from  
10 office a member who contravenes the provisions of clause 8.
- Disclosure of pecuniary interests**
8. (1) A member who has a direct or indirect pecuniary interest—
- (a) in a matter that is being considered, or is about to be considered, at a meeting  
of the Committee; or
- 15 (b) in a thing being done or about to be done by the Committee,
- shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.
- (2) A disclosure by a member at a meeting of the Committee that the member—
- (a) is a member, or is in the employment, of a specified company or other body;
- 20 (b) is a partner, or is in the employment, of a specified person; or
- (c) has some other specified interest relating to a specified company or other body or a specified person,
- shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after  
25 the date of the disclosure.
- (3) The Committee shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Committee from time to time.
- 30 (4) After a member has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the member shall not, unless the Minister otherwise determines—
- (a) be present during any deliberation of the Committee, or take part in any decision of the Committee, with respect to that matter; or
- 35 (b) exercise any function under this Act with respect to that thing,
- as the case requires.

*Poultry Meat Industry 1986*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE—*continued*

(5) Notwithstanding that a member contravenes the provisions of this clause, that contravention does not invalidate any decision of the Committee or the exercise of any function under this Act.

5 (6) Nothing in this clause applies to or in respect of an interest of a member in a matter or thing which arises by reason only that the member is a processor, grower or consumer of designated poultry.

(7) A reference in this clause to a meeting of the Committee includes a reference to a meeting of a committee of the Committee.

**Effect of certain other Acts**

10 9. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

(2) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

**Liability of members, etc.**

15 10. No matter or thing done by the Committee, any member or any person acting under the direction of the Committee shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

## SCHEDULE 2

20

(Sec. 4 (6))

## PROVISIONS RELATING TO THE PROCEDURE OF THE COMMITTEE

**General procedure**

25 1. The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Committee.

**Quorum**

2. The quorum for a meeting of the Committee is 8 members.

**Presiding member**

30 3. (1) The Chairperson or, in the absence of the Chairperson, another member elected as chairperson for the meeting by the members present shall preside at a meeting of the Committee.



*Poultry Meat Industry 1986*SCHEDULE 2—*continued*PROVISIONS RELATING TO THE PROCEDURE OF THE COMMITTEE—  
*continued*

(2) The person presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Voting**

4. (1) The person presiding at any meeting of the Committee may, if he or she thinks fit, and shall, if requested to do so by any member, require a vote on any matter to be taken by secret ballot.

(2) A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present shall be the decision of the Committee.

**Minutes**

5. The Committee shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Committee.

**Meetings of Committee**

6. The Committee shall meet at least twice in every period of 12 months and shall meet at any time if so requested by the Minister or by 5 or more members.

15

## SCHEDULE 3

(Sec. 25)

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Interpretation**

1. In this Schedule—  
20 “appointed day” means the day appointed and notified under section 2 (3);  
“new Committee” means the Poultry Meat Industry Committee constituted under this Act;  
“old Committee” means the Chicken Meat Industry Committee constituted under the Chicken Meat Industry Act 1977.

**25 Members holding office immediately before appointed day**

2. (1) A person who, immediately before the appointed day, held office as a member of the old Committee—  
30 (a) shall cease to hold office as such on that day; and  
(b) is eligible (if otherwise qualified) to be appointed as a member of the new Committee.

*Poultry Meat Industry 1986*SCHEDULE 3—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(2) A person who ceases to hold office as a member of the old Committee by reason of the operation of this Act is not entitled to be paid any remuneration or compensation by reason of ceasing to hold that office.

**Transitional arrangements for members representing processors and growers**

5 3. (1) Until persons are first nominated as referred to in section 4 (3) (b) or elected as referred to in section 4 (3) (c), such persons as the Minister may appoint to represent processors and growers shall be members of the new Committee instead of the persons referred to in section 4 (3) (b) or (c).

10 (2) A member appointed by the Minister under section 4 (3) to replace a member who was appointed in accordance with subclause (1) and has held office for less than 2 years shall hold office for the residue of that period.

**Continuity of Committee**

4. The new Committee is a continuation of, and the same legal entity as, the old Committee.

**15 References to old Committee**

5. On and from the appointed day, a reference in any Act other than this Act, in any instrument made under any Act or in any other instrument of any kind (enacted, made or executed before the appointed day) to the old Committee shall be read as a reference to the new Committee.

**20 Approval of agreements before appointed day**

6. Where, before the appointed day, approval was given under section 14 of the Chicken Meat Industry Act 1977 to an agreement, approval shall be deemed to have been given under section 8 to the form of that agreement.

**Agreements entered into before appointed day**

25 7. (1) Section 9 (1) does not apply in respect of an agreement entered into by a processor with a grower before the appointed day.

(2) Section 9 (2) applies in respect of an agreement entered into and in force immediately before the appointed day, being an agreement which terminates on or after the appointed day.

**30 First meeting of new Committee**

8. The Minister shall call the first meeting of the new Committee in such manner as the Minister thinks fit.

**Regulations**

35 9. (1) The regulations may contain other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect as from the appointed day or a later day.

*Poultry Meat Industry 1986*

---

SCHEDULE 3—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
- 5     (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.
- 10    (4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



# POULTRY MEAT INDUSTRY ACT 1986 No. 101

NEW SOUTH WALES



## TABLE OF PROVISIONS

### PART 1—PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

### PART 2—POULTRY MEAT INDUSTRY COMMITTEE

4. Constitution of Committee
5. Staff of Committee
6. Functions of Committee

### PART 3—REGULATION OF THE POULTRY MEAT INDUSTRY

7. Agreements between processors and growers to be in form approved by Committee
8. Approval of forms of agreement
9. Processor to notify details relating to agreements

### PART 4—GROWING PRICES

10. Committee may determine growing prices
11. Prices payable for poultry grown under agreement
12. Prices payable for poultry grown without agreement

### PART 5—INSPECTORS

13. Inspectors
14. Powers of inspectors
15. Questions by inspectors
16. Search warrants
17. Obstruction of inspectors

### PART 6—MISCELLANEOUS

18. Disputes
19. Certificate as to notification relating to agreement
20. Expenses of Committee
21. Offences by corporations

61128-08165 (\$1.60)

- 22. Proceedings for offences
- 23. Regulations
- 24. Repeal of Act No. 112, 1977
- 25. Savings, transitional and other provisions

SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS OF THE  
COMMITTEE

SCHEDULE 2—PROVISIONS RELATING TO THE PROCEDURE OF THE  
COMMITTEE

SCHEDULE 3—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

---

**POULTRY MEAT INDUSTRY ACT 1986 No. 101**

NEW SOUTH WALES



**Act No. 101, 1986**

An Act to constitute the Poultry Meat Industry Committee and to define its functions; to regulate and control the poultry growing industry; to repeal the Chicken Meat Industry Act 1977; and for other purposes. [Assented to, 26 November 1986]

---

See also Search Warrants (Poultry Meat Industry) Amendment Act 1986.

*Poultry Meat Industry 1986*

---

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

PART 1  
PRELIMINARY

**Short title**

1. This Act may be cited as the "Poultry Meat Industry Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) For the purpose only of enabling the Committee to be constituted under this Act on or after (but not before) the day appointed and notified under section 2 (3), appointments may be made under this Act and any other act, matter or thing may be done before that day as if this Act commenced on the date of assent to this Act, but so that no appointment as a member of the Committee takes effect before that day.

(3) Except as provided by subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Interpretation**

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"agreement" means an agreement between a processor and a grower of a kind required for the purposes of section 7 (1) (a);

"Chairperson" means the Chairperson of the Committee;

"Committee" means the Poultry Meat Industry Committee constituted under section 4;

"designated poultry" means—

- (a) a chicken of the species *Gallus gallus* which is not more than 18 weeks old; or



*Poultry Meat Industry 1986*

---

- (b) another bird of such species or description as the Governor may, by order published in the Gazette, declare to be designated poultry for the purposes of this Act,

being a chicken or another bird which is being or has been grown specifically for consumption as poultry meat after processing;

“grower” means a person who grows designated poultry, but does not include a person who also processes designated poultry in a plant which is operated by the person and is, in the opinion of the Committee, capable of processing more than 500 birds per day;

“member” means a member of the Committee;

“process”, in relation to designated poultry, means—

- (a) kill or prepare the poultry for sale for consumption as poultry meat; or
- (b) perform any other act in the course of killing or preparing the poultry for sale for consumption as poultry meat;

“processor” means a person who processes designated poultry, and includes a person who is supplied with designated poultry from a grower for sale to another person for ultimate processing;

“regulation” means a regulation made under this Act.

(2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) The Chairperson may be referred to as the Chairman or Chairwoman, as the case requires.

---

## PART 2

## POULTRY MEAT INDUSTRY COMMITTEE

**Constitution of Committee**

4. (1) There is constituted by this Act a corporation under the corporate name of the "Poultry Meat Industry Committee".

(2) The Committee—

- (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

(3) The Committee shall consist of 14 members appointed by the Minister, of whom—

- (a) 1 shall be the person holding the office of Director of Marketing, Department of Agriculture or, if the Minister so determines, another officer of the Department of Agriculture;
- (b) 6 shall represent processors and shall be nominated in accordance with the regulations;
- (c) 6 shall represent growers and shall be elected in accordance with the regulations; and
- (d) 1 shall represent consumers of poultry meat and shall be appointed after consultation by the Minister with the Minister for Consumer Affairs.

(4) The member referred to in subsection (3) (a) shall be the Chairperson of the Committee.

(5) Schedule 1 has effect with respect to the members.

(6) Schedule 2 has effect with respect to the procedure of the Committee.

*Poultry Meat Industry 1986*

---

**Staff of Committee**

5. (1) Such staff as may be necessary to enable the Committee to exercise its functions shall be employed under the Public Service Act 1979.

(2) The member of staff employed as secretary of the Committee shall be an officer of the Department of Agriculture having experience in, and knowledge of, the poultry industry.

**Functions of Committee**

6. The functions of the Committee are—
- (a) with the approval of the Minister, to set guidelines for the drawing up of agreements between processors and growers;
  - (b) to approve, for the purposes of section 7, forms of agreement if, in the opinion of the Committee, they are in accordance with those guidelines;
  - (c) to determine, in accordance with section 10, prices to be paid for designated poultry;
  - (d) to settle by negotiation disputes between processors and growers in accordance with section 18;
  - (e) to make reports or recommendations to the Minister on any matter relating to the poultry meat industry referred to the Committee by the Minister or on any matter which the Committee considers necessary or appropriate; and
  - (f) to exercise such other functions as are prescribed.

---

PART 3

REGULATION OF THE POULTRY MEAT INDUSTRY

**Agreements between processors and growers to be in form approved by Committee**

7. (1) A processor shall not process designated poultry grown in a batch of 1,000 or more unless the designated poultry—

- (a) was grown by a grower under a written agreement in a form approved by the Committee between the grower and that or some other processor; or

*Poultry Meat Industry 1986*

---

(b) was grown at a farm operated by that or some other processor.

Penalty: \$2,000.

(2) For the purposes of subsection (1) (b), a processor does not operate a farm—

- (a) if the processor leases the growing facilities on the farm from a grower and the grower manages the farm; or
- (b) if the farm is operated in a manner prescribed for the purposes of this paragraph.

(3) It shall be prima facie evidence that an agreement is not in force between a processor and a grower if—

- (a) the Committee has not received a notification under section 9 (1) that the processor has entered into an agreement with the grower; or
- (b) having received such a notification relating to an agreement, the Committee has received a subsequent notification under section 9 (2) that the agreement has terminated, without having received a further notification under section 9 (1) that the processor has entered into a further agreement with the grower.

**Approval of forms of agreement**

8. (1) An application may be made to the Committee by a processor for the Committee's approval of any form of written agreement.

(2) An application made for the purposes of subsection (1) shall be in such form as may be approved by the Committee and shall be accompanied by the prescribed fee.

(3) The Committee may approve of a form of agreement to be used generally or in a particular case or class of cases.

**Processor to notify details relating to agreements**

9. (1) Where a processor enters into an agreement with a grower, the processor shall notify the Committee of that fact within 1 month after entering into that agreement.

*Poultry Meat Industry 1986*

---

(2) Where an agreement entered into by a processor with a grower terminates, the processor shall notify the Committee of that fact within 1 month after the termination.

(3) A notification for the purposes of subsection (1) or (2) shall be in such form as may be approved by the Committee and shall be accompanied by the prescribed fee.

(4) A processor may demand payment from the grower of one-half of the fee paid under subsection (3) in respect of an agreement between the processor and the grower and, if that amount is not paid upon demand, it may be recovered as a debt in any court of competent jurisdiction.

---

PART 4  
GROWING PRICES

**Committee may determine growing prices**

10. (1) The Committee may, by order made with the approval of the Minister and published in the Gazette, determine the prices to be paid by processors to growers for designated poultry.

(2) In determining the prices to be paid for designated poultry by processors to growers, the Committee shall endeavour to ensure a reasonable minimum return to growers while encouraging industry efficiency and shall have regard to—

- (a) growing costs;
- (b) the species of poultry involved;
- (c) the duration of any relevant rearing period;
- (d) the annual throughput of poultry;
- (e) poultry housing density;
- (f) the needs of the industry;
- (g) market forces affecting the industry;
- (h) the public interest; and
- (i) such other matters as the Committee thinks relevant.

*Poultry Meat Industry 1986*

---

(3) A price may be determined by an order so as—

- (a) to apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) to apply differently according to different factors of a specified kind; or
- (c) to provide for a maximum or minimum price,

or so as to do any combination of those things.

(4) Except where a later order determines the price of the poultry, an order shall have effect in respect of designated poultry delivered to a processor on or after the day specified in the order as the price adjustment day from which the order operates.

(5) The price adjustment day from which an order operates may be the price adjustment day immediately preceding the day on which the order is published in the Gazette or may be a later price adjustment day.

(6) In this section, a reference to a price adjustment day is—

- (a) unless the regulations prescribe a day or days as referred to in paragraph (b), a reference to 1 January and 1 July in each year; or
- (b) a reference to such day or days in each year as may be prescribed by the regulations.

**Prices payable for poultry grown under agreement**

11. (1) Where delivery is taken at any time by a processor of designated poultry of any kind grown by a grower in a batch of 1,000 or more under an agreement with the processor and an order under section 10 has effect in respect of designated poultry of that kind delivered at that time, the price to be paid for that poultry is—

- (a) where the agreement determines a price which is in accordance with that order—the price determined under the agreement; or
- (b) in any other case—the price determined under the order.

*Poultry Meat Industry 1986*

---

(2) If the price to be paid by a processor to a grower for designated poultry grown under an agreement is not paid when due under the agreement (or, if the agreement does not provide for its payment, within 28 days after delivery of the designated poultry to the processor) it may be recovered as a debt in any court of competent jurisdiction.

(3) If—

- (a) after payment by a processor to a grower for designated poultry grown under an agreement, the price to be paid is increased by an order having effect in respect of the designated poultry; and
- (b) the amount of the increase is not paid when due under the agreement (or, if the agreement does not provide for its payment, within 28 days after the date of publication of the order in the Gazette).

the amount of the increase may be recovered as a debt in any court of competent jurisdiction.

**Prices payable for poultry grown without agreement**

12. (1) Where delivery is taken at any time by a processor of designated poultry of any kind grown by a grower in a batch of 1,000 or more otherwise than under an agreement and an order under section 10 has effect in respect of designated poultry of that kind delivered at that time, the price determined under the order is the price to be paid for that poultry by the processor to whom the poultry is supplied.

(2) If the price to be paid by a processor to a grower for designated poultry grown otherwise than under an agreement is not paid within 28 days after delivery of the designated poultry to the processor, it may be recovered as a debt in any court of competent jurisdiction.

(3) If—

- (a) after payment by a processor to a grower for designated poultry grown otherwise than under an agreement, the price to be paid is increased by an order having effect in respect of the designated poultry; and
- (b) the amount of the increase is not paid within 28 days after the date of publication of the order in the Gazette,

the amount of the increase may be recovered as a debt in any court of competent jurisdiction.

---

## PART 5 INSPECTORS

### **Inspectors**

13. In this Part—

“inspector” means—

- (a) an inspector for the purposes of the Farm Produce Act 1983; and
- (b) a person authorised in writing by the Minister to exercise the functions of an inspector under this Part.

### **Powers of inspectors**

14. (1) For the purpose of ascertaining whether an offence against this Act or the regulations has been committed, an inspector may—

- (a) at all reasonable times, enter and remain in or on any premises if the inspector has reasonable cause to suspect that the premises are being used for the processing of designated poultry grown in a batch of 1,000 or more;
- (b) search and inspect any such premises for the presence of, and examine, any accounts, records, books or documents relating to the processing of designated poultry on those premises or to the supply of designated poultry for processing on those premises;
- (c) take extracts or notes from any such accounts, records, books or documents or take copies (by photographic or any other means) of any such accounts, records, books or documents; and
- (d) require any person found in or on any such premises to produce any such accounts, records, books or documents in the possession or under the control of the person or to produce a written statement in the English language setting out particulars contained in any such accounts or records, being accounts or records that are not kept in writing, or that are not written in that language.



*Poultry Meat Industry 1986*

---

(2) Subsection (1) does not authorise any person to enter that part of any premises being used for residential purposes without the consent of the occupier of that part of the premises, but nothing in this subsection shall affect the power of a person to enter that part under the authority of a search warrant.

(3) A person shall not fail to comply with a requirement made under subsection (1) (d).

Penalty: \$500.

**Questions by inspectors**

15. (1) An inspector may require any occupier of premises on which designated poultry is processed or any person employed in or about those premises to answer questions relating to the observance of this Act or to any matter in connection with the exercise of the inspector's functions under this Act or the execution of this Act.

(2) A person shall not, when required to answer a question under subsection (1)—

- (a) except as provided by subsection (3), refuse or fail to answer the question; or
- (b) give any answer which is false or misleading in a material particular.

Penalty: \$500.

(3) A person is not required to answer any question asked of the person under subsection (1) unless the person has first been informed by the inspector asking the question that the person is required to answer the question by virtue of this section.

(4) A person may not refuse to answer a question asked of the person under subsection (1) on the ground that the person's so doing might tend to incriminate the person or make the person liable to any penalty.

(5) Any answer given by a person pursuant to a requirement made under subsection (1) after the person has been informed in accordance with subsection (3) shall not be admissible in evidence in any proceedings, civil or criminal, against the person, other than in proceedings under subsection (2).

*Poultry Meat Industry 1986*

---

(6) Nothing in this section affects the admissibility in evidence of an answer voluntarily given by a person to a question asked by an inspector but which the inspector did not require that person to answer under this section.

**Search warrants**

16. (1) In this section—

“authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in the Local Courts Administration, Attorney General’s Department.

(2) An inspector may apply to an authorised justice for the issue of a search warrant if the inspector has reasonable grounds for believing that there are in or on any premises any accounts, records, books or documents relating to the processing of designated poultry or the supply of designated poultry for processing.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant—

- (a) to enter the premises; and
- (b) to exercise the functions of an inspector under this Act.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

**Obstruction of inspectors**

17. A person shall not assault, delay, obstruct, hinder or impede an inspector in the exercise of the inspector’s functions under this Act or in executing a search warrant issued under this Part.

Penalty: \$500.

---

## PART 6

## MISCELLANEOUS

**Disputes**

18. (1) Where there is a dispute between a processor and a grower with regard to any agreement, the matter in dispute may, on the application of either party addressed to the secretary of the Committee and upon payment of a deposit of \$100 or, where an amount is prescribed for the purposes of this section, upon payment of that amount, be placed before the Committee for settlement by negotiation.

(2) If, in the opinion of the Committee, a dispute that is placed before the Committee under subsection (1) is vexatious or frivolous in its nature, the Committee shall so declare and thereupon the deposit paid in respect of the dispute shall be forfeited and carried to the Consolidated Fund but otherwise shall be refunded to the party who paid the deposit.

**Certificate as to notification relating to agreement**

19. In any proceedings against a person for a contravention of a provision of this Act, a certificate purporting to be under the hand of the secretary of the Committee and stating that, on a date specified therein, the Committee had or had not, as the case may be, received a notification under section 9—

- (a) that a processor had entered into an agreement with a grower; or
- (b) that an agreement entered into by a processor with a grower had terminated,

is admissible and is prima facie evidence of the facts stated therein.

**Expenses of Committee**

20. (1) The expenses of the Committee in carrying out the administration of this Act shall be paid out of money to be provided by Parliament.

(2) The fees payable under this Act shall be paid to the secretary of the Committee and shall be carried to the Consolidated Fund.

**Offences by corporations**

21. (1) Where a corporation contravenes, whether by act or omission, any provision of this Act or a regulation, each person who is a director of the corporation or who is concerned in the management of the corporation shall be deemed to have contravened the same provision unless the person satisfies the court that—

- (a) the corporation contravened the provision without the knowledge of the person;
- (b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision; or
- (c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation.

(2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or been convicted under that provision.

(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act or the regulations.

**Proceedings for offences**

22. Proceedings for any offence against this Act or the regulations shall be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

**Regulations**

23. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may create an offence punishable by a penalty not exceeding \$500.

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;

*Poultry Meat Industry 1986*

---

(b) apply differently according to different factors of a specified kind;  
or

(c) authorise any matter or thing to be from time to time determined,  
applied or regulated by any specified person or body,

or may do any combination of those things.

**Repeal of Act No. 112, 1977**

24. The Chicken Meat Industry Act 1977 is repealed.

**Savings, transitional and other provisions**

25. Schedule 3 has effect.

---

**SCHEDULE 1**

(Sec. 4 (5))

**PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE****Age of members**

1. A person of or above the age of 70 years is not eligible to be appointed as a member or to act in the office of a member.

**Acting members and acting Chairperson**

2. (1) The Chairperson may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be a member.

(2) The Chairperson may, from time to time, appoint an officer of the Department of Agriculture to act in the office of Chairperson during the illness or absence of the Chairperson, and the officer, while so acting, shall have and may exercise all the functions of the Chairperson and shall be deemed to be the Chairperson.

(3) The Chairperson may remove any person from any office to which the person was appointed under this clause.

(4) A person while acting in the office of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(5) For the purposes of this clause a vacancy in the office of a member shall be deemed to be an absence from office of the member.

*Poultry Meat Industry 1986*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE—*continued***Term of office**

3. Subject to this Act, a member shall hold office for a term of 2 years, but is eligible (if otherwise qualified) for re-appointment.

**Remuneration**

4. A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

**Failure of election**

5. If no person is nominated at an election for the purposes of section 4 or clause 6, or for any other reason an election fails, the Minister may appoint a person eligible for election to be a member and the person so appointed shall be deemed to be a person elected in accordance with the regulations.

**Filling of vacancy in office of member**

6. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which the member was appointed, the Minister may appoint a person to the vacant office for the residue of the predecessor's term of office so that the Committee is constituted as provided by section 4 (3).

(2) Where a vacancy occurs in the office of a member elected as referred to in section 4 (3) (c) within the final 6 months of the term of office of the member, such person as the Minister thinks fit may be appointed to the vacant office and the person shall be deemed to have been elected in accordance with that provision and, subject to this Schedule, shall hold office for the residue of the term.

(3) A member appointed pursuant to this clause is eligible (if otherwise qualified) for re-appointment.

**Casual vacancies**

7. (1) A member shall be deemed to have vacated office if the member—

- (a) dies;
- (b) absents himself or herself from 3 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 6 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act 1958 or a person under detention under Part VII of that Act;

*Poultry Meat Industry 1986*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE—*continued*

- (e) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
- (f) resigns the office by instrument in writing addressed to the Minister;
- (g) attains the age of 70 years; or
- (h) is removed from office by the Minister under subclause (2) or (3).

(2) The Minister may remove a member from office.

(3) Without affecting the generality of subclause (2), the Minister may remove from office a member who contravenes the provisions of clause 8.

**Disclosure of pecuniary interests**

8. (1) A member who has a direct or indirect pecuniary interest—
- (a) in a matter that is being considered, or is about to be considered, at a meeting of the Committee; or
  - (b) in a thing being done or about to be done by the Committee,

shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.

- (2) A disclosure by a member at a meeting of the Committee that the member—
- (a) is a member, or is in the employment, of a specified company or other body;
  - (b) is a partner, or is in the employment, of a specified person; or
  - (c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.

(3) The Committee shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Committee from time to time.

(4) After a member has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the member shall not, unless the Minister otherwise determines—

- (a) be present during any deliberation of the Committee, or take part in any decision of the Committee, with respect to that matter; or
- (b) exercise any function under this Act with respect to that thing,

as the case requires.

*Poultry Meat Industry 1986*

---

SCHEDULE 1—*continued*

PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE—*continued*

(5) Notwithstanding that a member contravenes the provisions of this clause, that contravention does not invalidate any decision of the Committee or the exercise of any function under this Act.

(6) Nothing in this clause applies to or in respect of an interest of a member in a matter or thing which arises by reason only that the member is a processor, grower or consumer of designated poultry.

(7) A reference in this clause to a meeting of the Committee includes a reference to a meeting of a committee of the Committee.

**Effect of certain other Acts**

9. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

(2) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

**Liability of members, etc.**

10. No matter or thing done by the Committee, any member or any person acting under the direction of the Committee shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

---

SCHEDULE 2

(Sec. 4 (6))

PROVISIONS RELATING TO THE PROCEDURE OF THE COMMITTEE

**General procedure**

1. The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Committee.

**Quorum**

2. The quorum for a meeting of the Committee is 8 members.

**Presiding member**

3. (1) The Chairperson or, in the absence of the Chairperson, another member elected as chairperson for the meeting by the members present shall preside at a meeting of the Committee.



*Poultry Meat Industry 1986*

---

SCHEDULE 2—*continued*

PROVISIONS RELATING TO THE PROCEDURE OF THE COMMITTEE—  
*continued*

(2) The person presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Voting**

4. (1) The person presiding at any meeting of the Committee may, if he or she thinks fit, and shall, if requested to do so by any member, require a vote on any matter to be taken by secret ballot.

(2) A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present shall be the decision of the Committee.

**Minutes**

5. The Committee shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Committee.

**Meetings of Committee**

6. The Committee shall meet at least twice in every period of 12 months and shall meet at any time if so requested by the Minister or by 5 or more members.

SCHEDULE 3

(Sec. 25)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Interpretation**

1. In this Schedule—

“appointed day” means the day appointed and notified under section 2 (3);

“new Committee” means the Poultry Meat Industry Committee constituted under this Act;

“old Committee” means the Chicken Meat Industry Committee constituted under the Chicken Meat Industry Act 1977.

**Members holding office immediately before appointed day**

2. (1) A person who, immediately before the appointed day, held office as a member of the old Committee—

(a) shall cease to hold office as such on that day; and

(b) is eligible (if otherwise qualified) to be appointed as a member of the new Committee.

*Poultry Meat Industry 1986*SCHEDULE 3—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(2) A person who ceases to hold office as a member of the old Committee by reason of the operation of this Act is not entitled to be paid any remuneration or compensation by reason of ceasing to hold that office.

**Transitional arrangements for members representing processors and growers**

3. (1) Until persons are first nominated as referred to in section 4 (3) (b) or elected as referred to in section 4 (3) (c), such persons as the Minister may appoint to represent processors and growers shall be members of the new Committee instead of the persons referred to in section 4 (3) (b) or (c).

(2) A member appointed by the Minister under section 4 (3) to replace a member who was appointed in accordance with subclause (1) and has held office for less than 2 years shall hold office for the residue of that period.

**Continuity of Committee**

4. The new Committee is a continuation of, and the same legal entity as, the old Committee.

**References to old Committee**

5. On and from the appointed day, a reference in any Act other than this Act, in any instrument made under any Act or in any other instrument of any kind (enacted, made or executed before the appointed day) to the old Committee shall be read as a reference to the new Committee.

**Approval of agreements before appointed day**

6. Where, before the appointed day, approval was given under section 14 of the Chicken Meat Industry Act 1977 to an agreement, approval shall be deemed to have been given under section 8 to the form of that agreement.

**Agreements entered into before appointed day**

7. (1) Section 9 (1) does not apply in respect of an agreement entered into by a processor with a grower before the appointed day.

(2) Section 9 (2) applies in respect of an agreement entered into and in force immediately before the appointed day, being an agreement which terminates on or after the appointed day.

**First meeting of new Committee**

8. The Minister shall call the first meeting of the new Committee in such manner as the Minister thinks fit.

**Regulations**

9. (1) The regulations may contain other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect as from the appointed day or a later day.

*Poultry Meat Industry 1986*

---

SCHEDULE 3—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule.

