

FIRST PRINT

## POULTRY MEAT INDUSTRY (AMENDMENT) BILL 1993

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The Poultry Meat Industry Act 1986 establishes the Poultry Meat Industry Committee to regulate the poultry growing industry. The functions of the Committee include the determination of the prices payable in respect of certain poultry sold by growers to processors.

The object of this Bill is to amend the Poultry Meat Industry Act 1986:

- (a) to increase the membership of the Poultry Meat Industry Committee from 14 to 15; and
- (b) to provide that the member of the Committee who is Chairperson need not be an officer of the Department of Agriculture (as at present) and instead is to be a person of the Minister's own choosing; and
- (c) to provide that the Minister is to appoint as members of the Committee 2 persons who each have specialist skills in negotiation and expertise in commerce to replace the 1 member who currently represents consumers of poultry meat; and
- (d) to enable individual processors or growers to approach the Committee for approval of a price variation in accordance with what processors and growers have agreed or an award of an arbitrator on a dispute as to price; and
- (e) to enact consequential savings and transitional provisions.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation, except for savings and transitional provisions, which commence on assent.

Clause 3 is a formal provision that gives effect to the amendments to the Poultry Meat Industry Act 1986.

Schedule 1 contains the amendments to the Poultry Meat Industry Act 1986 described above.

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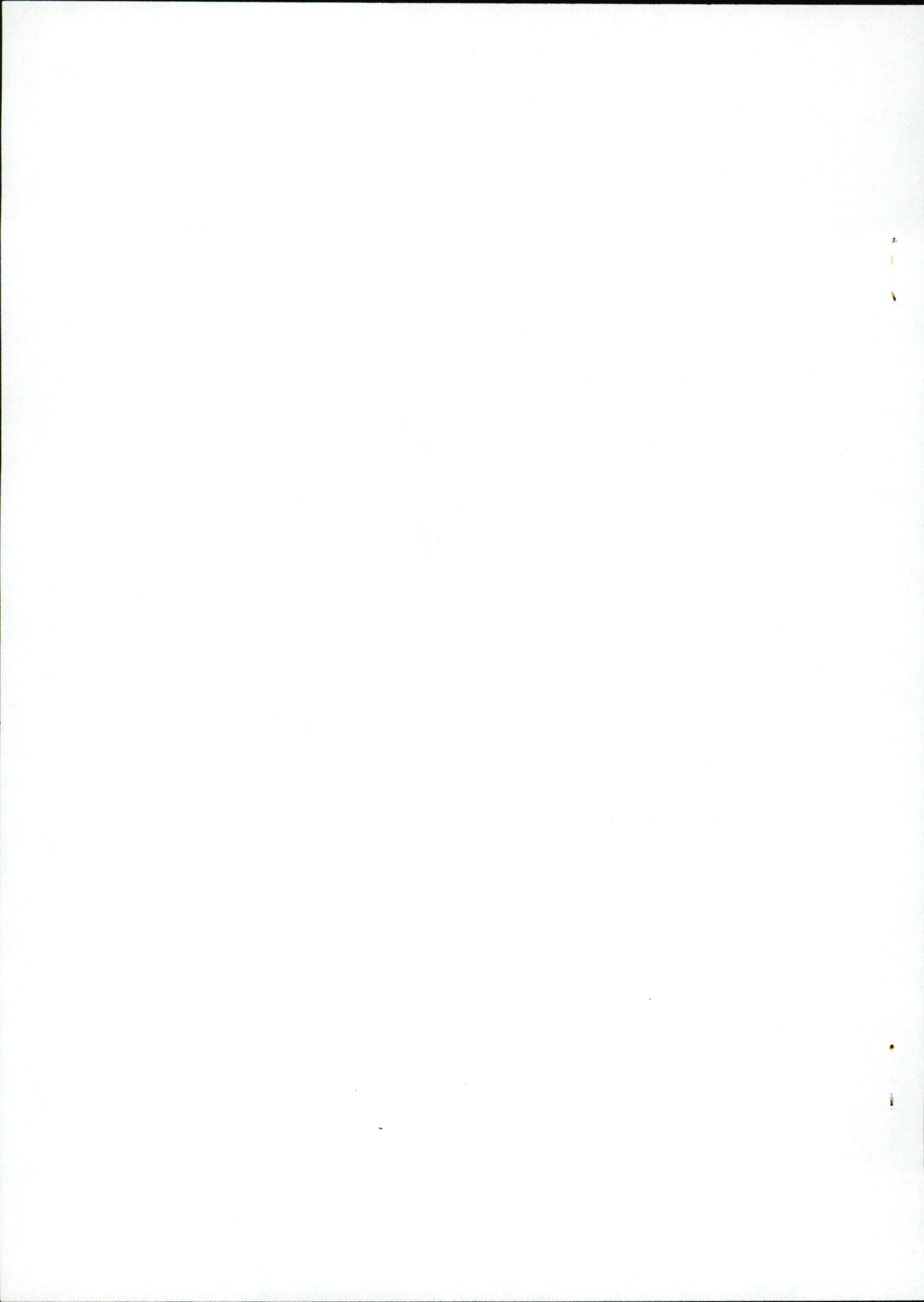


**TABLE OF PROVISIONS**

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**SCHEDULE 1—AMENDMENTS**

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**POULTRY MEAT INDUSTRY (AMENDMENT) BILL 1993**

NEW SOUTH WALES



No. , 1993

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**A BILL FOR**

An Act to amend the Poultry Meat Industry Act 1986 to change the composition of the Poultry Meat Industry Committee; to make further provision with respect to the price of poultry meat; and for other purposes.

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*Poultry Meat Industry (Amendment) 1993*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Poultry Meat Industry (Amendment) Act 1993.

**5 Commencement**

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

(2) Schedule 1 (5), and section 3 in its application to that item, commence on the date of assent to this Act.

**10 Amendment of Poultry Meat Industry Act 1986 No. 101**

3. The Poultry Meat Industry Act 1986 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**15 (1) Section 4 (Constitution of Committee):**

(a) From section 4 (3), omit "14", insert instead "15".

(b) Omit section 4 (3) (a), insert instead:

(a) 1 is to be a person of the Minister's own choosing;

(c) Omit section 4 (3) (d), insert instead:

**20 (d) 2 are to be persons who, in the Minister's opinion, each have specialist skills in negotiation and expertise in commerce.**

**(2) Section 6 (Functions of Committee):**

**25 From section 6 (c), omit "section 10", insert instead "this Act".**

**(3) Sections 10A–10C:**

After section 10, insert:

**Variation of price in individual cases**

**30 10A. (1) An order under section 10 may be varied for the purposes of a particular agreement by an order under this section (a "price variation order").**



*Poultry Meat Industry (Amendment) 1993*

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SCHEDULE 1—AMENDMENTS—*continued*

(2) Any one or more of the parties to an agreement may apply to the Committee for a price variation order.

(3) The Committee must, by order published in the Gazette, make a price variation order if: 5

(a) the Committee is satisfied that all the parties to the agreement agree to the variation concerned; or

(b) the variation concerned is in accordance with the award of an arbitrator resulting from an arbitration under section 10B. 10

(4) A price variation order takes effect on the date specified in the order as the price variation date and that date is to be the date that the Committee is satisfied all the parties to the agreement have agreed to, or the date determined by the arbitrator in an arbitration under section 10B. 15

(5) The price variation date can be a date before, on or after the date of publication in the Gazette of the price variation order.

(6) A price variation order operates to vary an order under section 10 in its application to the price of designated poultry delivered under the agreement on and after the price variation date, but only until a later order under section 10 determines the price of the poultry concerned. 20

(7) While a price variation order has effect in relation to a delivery of designated poultry, the reference in section 11 to an order under section 10 is (in respect of the application of the section 10 order to that delivery) taken to be a reference to that order as varied by the price variation order. 25

**Arbitration of price variation disputes**

10B. (1) If the Committee is not satisfied that all the parties to an agreement agree to a price variation applied for under section 10A or the date from which a price variation is to take effect, the Committee is to refer the matter to the Minister for a decision as to whether the matter be referred to arbitration. 30

(2) The Minister may, if the Minister thinks fit, direct that the matter be referred to arbitration. 35

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SCHEDULE 1—AMENDMENTS—*continued*

5 (3) A matter so referred is then considered to be a dispute between the parties to the agreement and is to be referred to arbitration under the Commercial Arbitration Act 1984 with the parties to the arbitration being the parties to the agreement.

(4) Neither the Minister nor the Committee is liable for any of the costs of the arbitration (including the fees and expenses of the arbitrator).

10 **Adjustment required for retrospective price variation**

15 10C. (1) An adjustment is to be made between grower and processor for any overpayment or underpayment for designated poultry resulting from a price variation order under section 10A taking effect before the date of its publication in the Gazette.

20 (2) The overpayment or underpayment concerned may be recovered as a debt in any court of competent jurisdiction if the adjustment is not made within the time agreed by the parties or, in the absence of agreement, within 28 days after the price variation order is published in the Gazette.

(4) Schedule 1 (**Provisions relating to the members of the Committee**):

From clause 2 (2), omit “an officer of the Department of Agriculture”, insert instead “a person”.

25 (5) Schedule 3 (**Savings, transitional and other provisions**):

After clause 9, insert:

**Poultry Meat Industry (Amendment) Act 1993**

30 10. (1) A person holding office as a member of the Committee under section 4 (3) (a) or 4 (3) (d), as in force immediately before the commencement of Schedule 1 (1) to the Poultry Meat Industry (Amendment) Act 1993, ceases to hold office on that commencement.

35 (2) A person is not entitled to any remuneration or compensation by reason of ceasing to hold office as a member of the Committee under this clause.

(3) A price variation order under section 10A (as inserted by the Poultry Meat Industry (Amendment) Act 1993):



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SCHEDULE 1—AMENDMENTS—*continued*

- (a) may take effect on a date that is before, on or after the date of commencement of that section; and
- (b) may take effect in respect of an agreement made before, on or after the date of commencement of that section.

