

CHICKEN MEAT INDUSTRY.

No. 91 of 1982.

AN ACT to amend the Chicken Meat Industry Act 1977 and for a related purpose.

[Assented to 18 November 1982.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Chicken Meat Industry Amendment Act 1982*.

Short
title and
citation.

(2) In this Act the Chicken Meat Industry Act 1977 is referred to as the principal Act.

Act No. 58
of 1977.

(3) The principal Act as amended by this Act may be cited as the Chicken Meat Industry Act 1977-1982.

Commence-
ment.

2. (1) Subject to subsection (2) of this section this Act shall come into operation on the day on which it is assented to by the Governor.

(2) The provisions of sections 4, 5 (1), 6, 7, 8, 9, 10, 11, 12 and 13 of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 3
repealed.

3. Section 3 of the principal Act is repealed.

Section 4
amended.

4. Section 4 of the principal Act is amended in the definition of "member" in subsection (1) by deleting "any deputy member or deputy chairman" and substituting the following—

“ the deputy of any member including the chairman ” .

Section 7
substituted
and
termination
of existing
appoint-
ments.

Members.

5. (1) Section 7 of the principal Act is repealed and the following section is substituted—

“ 7. (1) The Committee shall be appointed by the Minister and shall consist of 7 members, namely—

(a) one independent person who shall be appointed to be a member and chairman of the Committee;

(b) 2 persons appointed to be representative of processors after consultation by the Minister with such body or bodies representing the interests of processors as the Minister determines;

(c) 2 persons appointed to be representative of growers after consultation by the Minister with

such body or bodies representing the interests of growers as the Minister determines; and

- (d) 2 independent persons in addition to the person appointed under paragraph (a) of this subsection.

(2) In subsection (1) "independent person" means a person who is not a processor or grower and who in the opinion of the Minister does not have—

- (a) a pecuniary interest in the affairs of a processor or grower; or
(b) a relationship with a processor or grower,

that would prevent him from exercising his judgment independently as a member of the Committee.

(3) The Minister may appoint a person as the deputy of a member.

(4) Provisions of subsection (1) as to eligibility or selection that apply to and in relation to the appointment of a member apply, with any necessary modifications, to and in relation to the appointment of the deputy of that member.

(5) A person appointed pursuant to subsection (3) is, in the event of the absence from a meeting of the Committee of the member of whom he is the deputy, entitled to attend that meeting and, when so attending, has all the powers and functions of a member. " .

(2) Every person who holds office as a member of the Committee immediately before the coming into operation of subsection (1) of this section shall, upon the coming into operation of that subsection, vacate that office but, subject to section 7 of the principal Act as substituted by that subsection, shall be eligible for appointment as a member of the Committee as constituted under that section.

Section 8
amended.

6. Section 8 of the principal Act is amended—

(a) in subsection (2) by deleting paragraph (b) and substituting the following paragraphs—

“ (b) who, being a person appointed under paragraph (a) or (d) of section 7(1) or the deputy of such a person, in the opinion of the Minister has—

(i) acquired a pecuniary interest in the affairs of a processor or grower; or

(ii) entered into a relationship with a processor or grower,

that would prevent him from exercising his judgment independently as a member of the Committee;

(ba) who, being a person appointed under paragraph (b) or (c) of section 7 (1) or the deputy of such a person, in the opinion of the Minister has ceased to be representative of processors or growers as the case may be; ” ;

and

(b) in subsection (3) by deleting paragraph (b) and substituting the following paragraph—

“ (b) a member, being a person appointed under paragraph (a) or (d) of section 7 (1) or the deputy of such a person, becomes a processor or grower, ” .

7. Section 9 of the principal Act is repealed and the following section is substituted— Section 9 substituted.

“ 9. Members shall be entitled to be paid such remuneration and allowances as are determined by the Minister on the recommendation of the Public Service Board. ” Remuneration.

8. Section 11 of the principal Act is amended— Section 11 amended.

(a) by repealing subsection (2) and substituting the following subsection—

“ (2) The quorum for a meeting of the Committee shall be 5 members including—

(a) the chairman or the deputy of the chairman;

(b) at least one member who is a person appointed under section 7 (1) (b) or the deputy of such a person; and

(c) at least one member who is a person appointed under section 7 (1) (c) or the deputy of such a person. ” ;

(b) in subsection (3) by deleting “chairman attending the meeting in his absence” and substituting the following—

“ of the chairman ” ; and

(c) by repealing subsection (4) and substituting the following subsections—

“ (4) Any question arising at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting and, in the event of an equality of votes, the question shall be deemed to have been decided in the negative.

(4a) The person presiding at a meeting of the Committee may, of his own motion, and shall, if so requested by a member present, cause the votes on any question arising at the meeting to be cast by secret ballot.

(4b) The Committee shall cause accurate minutes to be kept of its proceedings at its meetings. ” .

Section 15
amended.

9. Section 15 of the principal Act is amended by deleting paragraph (d) and substituting the following paragraph—

“ (d) to exercise and perform the powers and duties conferred and imposed on it by section 19A in relation to the approval of shed facilities for the growing of broiler chickens, and to maintain records in respect of such facilities including records as to the ownership of them and their location and effective capacity; ” .

Section 16
amended.

10. Section 16 of the principal Act is amended—

- (a) by repealing subsection (3);
- (b) in subsection (4) by deleting “or arbitrator, as the case may be,”;
- (c) in subsection (5) by deleting “or an arbitrator”; and
- (d) by repealing subsection (7).

Section 18
amended.

11. Section 18 of the principal Act is amended by repealing subsections (2), (3), (4), (5), (6) and (7) and substituting the following subsections—

“ (2) A person who is aggrieved by a determination made under subsection (1) may appeal to the Supreme Court against that determination within 42 days after it is made.

(3) Where no appeal is lodged under subsection (2) within the time prescribed by that subsection or an appeal so lodged is discontinued the determination made by the Committee is final and shall be binding on the parties and may, by leave of the Supreme Court or a Judge, be entered, and in every respect enforced as a judgment or order of the Supreme Court to the same effect.

(4) Where an appeal is lodged under subsection (2) within the time prescribed by that subsection the Supreme Court may make a determination—

(a) confirming the determination made by the Committee; or

(b) in substitution for that made by the Committee,

and the determination of the court is final and shall be binding on the parties and may be enforced in such manner as the court may order. ” .

12. After section 19 of the principal Act the following section is inserted—

Section 19A
inserted.

“ 19A. (1) In this section—

Approval of
growing
premises.

“appointed day” means the day appointed pursuant to subsection (2);

“approved growing premises” means growing premises in respect of which an approval is, for the time being, in effect under this section;

“growing premises” means shed facilities used or intended to be used—

(a) by a processor for growing chickens for processing; or

- (b) by a grower for growing chickens for sale or supply to a processor for processing.

(2) The Minister after consultation with the Committee may, by notice published in the *Government Gazette*, appoint a day to be the appointed day for the purposes of this section.

(3) On or after the appointed day—

(a) a processor shall not—

(i) process or suffer or permit the processing of broiler chickens grown by growers unless the broiler chickens were grown at approved growing premises;

or

(ii) grow broiler chickens for processing otherwise than at approved growing premises;

(b) a grower shall not sell or otherwise supply broiler chickens to a processor for processing unless those broiler chickens were grown at approved growing premises.

Penalty: \$1 000.

(4) Subsection (3) does not apply to broiler chickens that were being grown in growing premises immediately before the appointed day.

(5) An application for approval of growing premises shall be made to the Committee in a form approved by the Committee.

(6) The Committee shall, on granting approval under this section, as evidence of the approval, cause a certificate of approval to be issued to the person granted the approval

specifying the location and floor area of the approved growing premises and the period for which the approval has effect.

(7) Where the Committee refuses to approve growing premises under this section it shall serve notice in writing of its decision on the person refused the approval.

(8) An approval granted under this section has effect in relation to growing premises of the floor area specified in the certificate issued under subsection (6) at the location so specified and, subject to subsection (9), has effect for the period so specified.

(9) The Committee may at any time revoke an approval granted under this section by notice in writing served on the person granted the approval.

(10) Where an approval granted under this section is revoked under subsection (9), subsection (3) does not apply to broiler chickens that were being grown in the growing premises concerned immediately before the approval was revoked.

(11) Where the Committee has refused to approve of growing premises in respect of which an application has been made under subsection (5) or the Committee has revoked an approval of growing premises granted under this section any person aggrieved by the decision may appeal to the Minister against the decision and the Minister may—

- (a) confirm the decision of the Committee; or
- (b) direct the Committee to grant approval under this section in respect of the whole or a portion of the growing premises concerned.

(12) The Committee shall give effect to any direction given to it by the Minister pursuant to subsection (11) (b).

(13) In exercising their powers and functions under this section the Committee and the Minister shall take into consideration—

- (a) the productivity of growers;
- (b) the standard price for the time being determined under section 16;
- (c) the market for chicken meat; and
- (d) the suitability of the growing premises concerned for the growing of broiler chickens. ” .

Section 24 amended.

13. Section 24 of the principal Act is amended in subsection (2) by deleting from paragraph (c) “and arbitrators”.

Heading to Part V amended.

14. The heading to Part V of the principal Act is amended by deleting “AND TRANSITIONAL” and substituting the following—

“ , TRANSITIONAL AND EXPIRY ” .

Section 29 inserted.

15. After section 28 of the principal Act the following section is inserted—

Expiry of Act.

“ 29. (1) Subject to subsection (2) this Act shall continue in force until 31 December 1989 and shall then expire.

(2) Subject to subsection (4) the Minister may, from time to time, publish notice in the *Government Gazette*, continuing the operation of this Act.

(3) A continuation of the operation of this Act under subsection (2) shall have effect for the period of 7 years succeeding the day on which this Act would otherwise have expired.

(4) After 31 December 1987 and after 5 years have elapsed in any period for which the operation of this Act is continued under subsection (2) the Minister shall cause an investigation and review to be conducted, and a report to be prepared, as to the effectiveness of this Act, and he shall not continue the operation of this Act or further continue the operation of this Act, as the case may be, under subsection (2) unless he is satisfied after considering the report so prepared that the continuation is justified in the circumstances.

(5) The Minister shall cause a copy of any report prepared for the purposes of subsection (4) to be laid before each House of Parliament as soon as practicable after it is completed.

(6) Where immediately before the expiry of this Act pursuant to this section any agreement in or to the effect of the prescribed form is in force, that agreement shall, on and by virtue of that expiry, terminate and be of no further effect. ” .
