



Western Australia

## **Chicken Meat Industry Act (Participation in Growth Expansion) Regulations 1978**

Compare between:

[02 Apr 2004, 01-a0-04] and [03 Mar 2010, 01-b0-04]





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2 April 2004

Western Australia

Chicken Meat Industry Act 1977

## Chicken Meat Industry Act (Participation in Growth Expansion) Regulations 1978

### 1. Citation

These regulations may be cited as the *Chicken Meat Industry Act (Participation in Growth Expansion) Regulations 1978*<sup>1</sup>.

### 2. Definitions

In these regulations, unless the contrary intention appears —  
*expansion* means expansion of growing facilities;

*grower agreement* means an agreement between a grower and a processor that is referred to in section 16(7) of the Act;

*growers' committee* means a committee elected under regulation 3;

*prescribed agreement* means the form of agreement set out in the First Schedule to the *Chicken Meat Industry Act Regulations* made under the Act;

*regulation* means a regulation of these regulations;

*subregulation* means a subregulation of the regulation in which the term is used;

*the Act* means the *Chicken Meat Industry Act 1977*.

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*[Regulation 2 amended in Gazette 2 Mar 2010 p. 832.]*

**3. Election of growers' committees**

All growers ~~under~~who have a grower agreement with the same processor shall from time to time elect any 2 or more of their number to be members of a committee to represent them for the purposes of these regulations.

*[Regulation 3 amended in Gazette 2 Mar 2010 p. 832.]*

**4. Procedure before increase in outputs of processors**

- (1) Whenever a processor considers that demand makes it necessary to increase his or her output, he or she shall by notice in writing given to all growers who ~~are under~~have a grower agreement with him or her offer expansion to those growers so as to maintain the ratio referred to in subparagraph (ii) of paragraph (f) of subclause (1) of clause 2 of the prescribed agreement.
- (2) A processor giving notice under subregulation (1) shall offer expansion in multiples of unit shed size —
  - (a) as defined in the latest cost of production survey conducted by the Department; and
  - (b) as agreed by the Committee from time to time.
- (3) Notwithstanding anything in subregulation (2), a grower to whom expansion has been offered may, with the consent of the processor concerned, accept expansion of less than a multiple of unit shed size.

*[Regulation 4 amended in Gazette 2 Mar 2010 p. 832 and 833.]*

**5. Growers' committees to supply to processors lists of growers and their recommendations**

A growers' committee shall, not later than one calendar month after the date of a notice given under subregulation (1) of

regulation 4 to the growers whom it represents, supply in writing to the processor concerned —

- (a) a list of the names of those growers seeking expansion; and
- (b) its recommendation on how expansion should be distributed among the growers referred to in paragraph (a).

**6. Decisions of processors and notification thereof**

On receipt of the list and recommendation supplied to him [or her](#) under regulation 5, the processor concerned shall —

- (a) decide to which growers expansion should be granted and how expansion should be distributed among those growers; and
- (b) notify in writing the growers' committee which supplied that list and recommendation and each grower under agreement to that processor of the names of the growers to whom expansion has been granted and how expansion has been distributed among those growers.

*[\[Regulation 6 amended in Gazette 2 Mar 2010 p. 833.\]](#)*

**7. New growers and growing facilities**

- (1) When expansion sought by growers is insufficient to meet the need of the processor concerned to increase his [or her](#) output, that processor may enter into [grower](#) agreements ~~referred to in section 17(1) of the Act~~ with persons other than growers [who](#) already ~~under~~[have a grower](#) agreement with him [or her](#) in order to obtain the additional growing facilities required to meet that need and no more.
- (2) A person who proposes to provide growing facilities on a farm which has not hitherto provided those facilities shall obtain the approval in writing of the processor concerned to the location of that farm.

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- (3) In deciding whether or not to give the approval referred to in subregulation (2), the processor concerned shall take into account the area of land required within the agreed distance from Perth as allowed in the latest cost of production survey conducted by the Department at the time that processor gave notice under subregulation (1) of regulation 4.

*[Regulation 7 amended in Gazette 2 Mar 2010 p. 832 and 833.]*

**8. Procedure when matters in dispute**

- (1) When a grower considers that a processor with whom he ~~is~~ under or she has a grower agreement has failed to allow him or her the opportunity to share in expansion when demand required an increase in the output of that processor, the grower may apply to the secretary to the Committee for the matter in dispute to be placed before the Committee for determination under section 18 of the Act.
- (2) If application is made to the secretary to the Committee by either a grower or a processor for a matter in dispute to be placed before the Committee for determination under section 18 of the Act at a time when the processor has given notice under subregulation (1) of regulation 4, a person shall not commence construction of any of the proposed new growing facilities until that matter has been finally determined in a manner which enables that construction to take place.
- (3) A person who commences construction of any proposed new growing facility in contravention of subregulation (2) commits an offence and is liable to a penalty not exceeding \$100.

*[Regulation 8 amended in Gazette 2 Mar 2010 p. 832 and 833.]*

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### Notes

- <sup>1</sup> This is a ~~reprint as at 2 April 2004~~ [compilation](#) of the *Chicken Meat Industry Act (Participation in Growth Expansion) Regulations 1978*. The following table contains information about those regulations and any reprint.

#### Compilation table

Citation	Gazettal	Commencement
<i>Chicken Meat Industry Act (Participation in Growth Expansion) Regulations 1978</i>	22 Dec 1978 p. 4837-8	22 Dec 1978
<b>Reprint 1: The <i>Chicken Meat Industry Act (Participation in Growth Expansion) Regulations 1978</i> as at 2 Apr 2004</b>		
<a href="#">Chicken Meat Industry Act (Participation in Growth Expansion) Regulations 2010</a>	<a href="#">2 Mar 2010</a> <a href="#">p. 831-3</a>	<a href="#">r. 1 and 2: 2 Mar 2010</a> <a href="#">(see r. 2(a));</a> <a href="#">Regulations other than r. 1 and 2:</a> <a href="#">3 Mar 2010 (see r. 2(b))</a>