



Western Australia

## **Chicken Meat Industry Act 1977**

Compare between:

[05 Nov 2010, 01-e0-01] and [01 Dec 2010, 01-f0-01]



Western Australia

## **Chicken Meat Industry Act 1977**

**An Act to improve stability in the chicken meat industry, to repeal the *Chicken Meat Industry Committee Act 1975*, to provide for the continuation of the Chicken Meat Industry Committee established under that Act, and for incidental and other purposes.**

## **Part I — Preliminary**

**1. Short title**

This Act may be cited as the *Chicken Meat Industry Act 1977*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

[3. Deleted by No. 91 of 1982 s. 3.]

**4. Definitions**

(1) In this Act, unless the contrary intention appears —

**broiler chicken** means a chicken which is being or has been grown under intensive housing conditions specifically for consumption as meat after processing;

**chicken** means a fowl of the species *Gallus gallus* that is not more than 16 weeks old;

**chicken meat** means meat produced from broiler chickens;

**grower** means a person who grows chickens in order that the chickens so grown will be sold or otherwise supplied in batches of not less than 1 000 chickens to a processor as broiler chickens;

**member** means any member of the Committee and includes the chairman of the Committee and the deputy of any member including the chairman;

**processing**, in relation to broiler chickens, means killing and preparing the chickens for sale for consumption as meat;

**processor** means a person who receives or purchases broiler chickens for processing, and includes a person who receives or purchases broiler chickens from a grower for sale to another person for processing by that other person;

**section** means a section of this Act;

**subsection** means a subsection of the section in which the term is used;

**the Committee** means the Chicken Meat Industry Committee established by section 5 of the repealed Act and continued in existence by section 5;

**the Department** means the department of the Public Service of the State known as the Department of Agriculture;

**the repealed Act** means the Act repealed by section 25.

- (2) A reference in this Act to the price to be paid by processors to growers for broiler chickens includes a reference to the fee to be paid for the growing of broiler chickens where chickens are —
- (a) delivered by a processor to a grower;
  - (b) grown by the grower; and
  - (c) returned to the processor as broiler chickens,

without the property in the chickens at any time passing to the grower.

*[Section 4 amended by No. 91 of 1982 s. 4; No. 70 of 2003 s. 9.]*

## **Part II — Chicken Meat Industry Committee**

### **5. Continuation of Committee**

- (1) The Chicken Meat Industry Committee constituted under the repealed Act immediately before the coming into operation of this Act is by and subject to the provisions of this Act continued in existence for the purposes of this Act as the “Chicken Meat Industry Committee”.
- (2) The Committee —
  - (a) shall be a body corporate with perpetual succession and a common seal;
  - (b) may sue and be sued in its corporate name; and
  - (c) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.
- (3) Where in any judicial proceedings, whether under this Act or not, a document is produced bearing the seal purporting to be the common seal of the Committee the court or tribunal before which those proceedings are brought shall, in the absence of proof to the contrary, presume that —
  - (a) the seal is the common seal of the Committee; and
  - (b) the common seal was duly affixed.

### **6. Administration of Act**

Subject to the Minister the Committee shall have vested in it the administration of this Act.

### **7. Members**

- (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).
- (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.

*[Section 7 inserted by No. 91 of 1982 s. 5.]*

**s. 8**

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**8. Term of office**

- (1) Subject to this Act, each member shall hold office for such term not exceeding 2 years as is specified at the time of his appointment.
- (2) The Minister may terminate the appointment of a member —
  - (a) who, in the opinion of the Minister, because of illness, incapacity, failure to attend meetings of the Committee or any other reason, has ceased to perform or be able to perform his duties as a member;
  - (b) who, being a person appointed under section 7(1)(a) or (d) 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 section 7(1)(b) or (c) 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; or
  - (c) who has notified the Minister, by writing under his hand, that he desires to resign his office as member.
- (3) Where —
  - (a) the appointment of any member is terminated pursuant to subsection (2); or
  - (b) a member, being a person appointed under section 7(1)(a) or (d) or the deputy of such a person, becomes a processor or grower,

the office of that member becomes vacant.

*[Section 8 amended by No. 91 of 1982 s. 6.]*



**9. Remuneration**

Members shall be entitled to be paid such remuneration and allowances as are determined by the Minister on the recommendation of the ~~Minister for Public Sector Management~~<sup>2</sup> Commissioner.

*[Section 9 inserted by No. 91 of 1982 s. 77; amended by No. 39 of 2010 s. 89.]*

**10. Validity of Acts of Committee**

An act, proceeding, decision or determination of the Committee is not invalid by reason only of any vacancy in the office of any member or any defect or irregularity in the appointment of any member.

**11. Committee meetings, quorum and procedures**

- (1) The Committee shall meet at least twice in every year ending on 31 December, and shall meet at any time if so requested by the Minister or by one or more members.
- (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.
- (3) The chairman of the Committee shall preside at any meeting of the Committee at which he is present and where the chairman is absent from a meeting of the Committee the deputy of the chairman shall preside at the meeting.
- (4) Any question arising at a meeting of the Committee shall be decided by a majority of the votes of the members present and

**s. 12**

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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.
- (5) Subject to this Act the Committee shall regulate its own procedure.

*[Section 11 amended by No. 91 of 1982 s. 8.]*

**12.        Protection of members**

A member is not personally liable for any act done in good faith by the Committee or by him acting as a member.

**13.        Secretary, inspectors and other officers**

- (1) There shall be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* a secretary to the Committee and such inspectors and other officers as are necessary for the proper functioning of the Committee.
- (2) A person may hold an office referred to in subsection (1) in conjunction with any other office in the Public Service of the State.
- (3) Notwithstanding section 6 an inspector appointed pursuant to this section shall, in the exercise of his powers and the performance of his functions and duties under this Act, act under the direction of, and be responsible to, the chairman of the Committee.

*[Section 13 amended by No. 32 of 1994 s. 3(1).]*

**14. Committee may seek advice**

The Committee may request any person for advice on any matter, and a person so requested may attend and speak at a meeting of the Committee but may not vote on any matter arising at that meeting.

**15. Functions of Committee**

- (1) The functions of the Committee shall be —
  - (a) to make determinations pursuant to section 16;
  - (b) to determine matters in dispute placed before it pursuant to section 18 and to use its best endeavours to settle by negotiation other disputes arising in the chicken meat industry;
  - (c) to lay down criteria for determining whether a grower is an “efficient grower” for the purposes of determining his entitlements under an agreement with a processor that is in or to the effect of the prescribed form of agreement;
  - (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;
  - (e) to report to the Minister on any matter relating to the chicken meat industry referred to it by the Minister or on any matter on which it considers it should report to the Minister;
  - (f) to make recommendations and submit proposals to the Minister from time to time with respect to regulations to be made under this Act.
- (2) Without limiting paragraph (c) of subsection (1), the matters that may be taken into consideration by the Committee in performing its function under that paragraph include —

**s. 15**

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- (a) the productivity of growers;
- (b) the average price for the time being determined under section 16; and
- (c) the market for chicken meat.

*[Section 15 amended by No. 91 of 1982 s. 9; No. 70 of 2003 s. 10.]*

## **Part III — Regulation of the chicken meat industry**

### **16. Determination of standard price**

- (1) The Committee may, from time to time, and at such times as it considers necessary, determine the average price that, subject to subsection (6), is to be paid by processors to growers for broiler chickens.
- (2) Without limiting the operation of subsection (1), the Committee shall make a determination under that subsection as soon as practicable after —
  - (a) the coming into operation of this Act;
  - (b) being requested to do so by the Minister or a processor or grower.
- [(3) deleted]*
- (4) For the purposes of making a determination under this section the Committee shall compute the average price that, subject to subsection (6), is to be paid by processors to growers for broiler chickens in the prescribed manner.
- (5) The Committee may include in a determination made under this section provisions defining circumstances in which and the limits within which the average price determined may be varied.
- (6) A determination made under this section —
  - (a) is final; and
  - (b) shall be notified in the *Government Gazette* and, when so notified, shall be binding on a processor and a grower to whom subsection (7) applies in relation to broiler chickens purchased or otherwise received pursuant to an agreement referred to in that subsection until such time as a further determination is made under this section.

**s. 18**

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- (7) This subsection applies to a processor and a grower between whom there is a written agreement for the processor to purchase or otherwise receive broiler chickens from the grower —
- (a) that is in or to the effect of the prescribed form of agreement; or
  - (b) that was, at the time it was entered into, in or to the effect of the form of agreement prescribed at that time.

*[Section 16 amended by No. 91 of 1982 s. 10; No. 70 of 2003 s. 11.]*

*[17. Deleted by No. 70 of 2003 s. 12.]*

**18. Disputes arising out of agreements**

- (1) Where a grower and a processor (in this section called “**the parties**”) have entered into an agreement to which subsection (1a) applies and a dispute arises between the parties as to their respective rights, benefits or obligations under the agreement or as to the meaning, effect or operation of a term, stipulation or condition of the agreement the matter in dispute shall, on the application of either of the parties addressed to the secretary to the Committee, be placed before the Committee for determination.
- (1a) This subsection applies to —
- (a) an agreement in or to the effect of the prescribed form of agreement; or
  - (b) any other written agreement that provides for a dispute arising under the agreement to be placed before the Committee for determination.
- (1b) Subsection (1a) does not apply to an agreement referred to in paragraph (b) of that subsection if —
- (a) the agreement provides for a dispute arising under the agreement to be placed before the Committee for determination only if the Committee is satisfied that

certain conditions specified in the agreement have been satisfied; and

- (b) the Committee is not satisfied that those conditions have been satisfied.
- (2) A person who is aggrieved by a determination made under subsection (1) may apply to the State Administrative Tribunal for a review of that determination.
- (3) Where no application is made under subsection (2) within the time prescribed for making the application or an application is made but is discontinued the determination made by the Committee is final and shall be binding on the parties.
- (4) A party may enforce a determination that is binding on the parties under subsection (3) by lodging a copy of it certified by a member, and an affidavit stating to what extent it has not been complied with, with a court of competent jurisdiction.
- (5) When lodged, the determination is to be taken to be a judgment of the court and may be enforced accordingly.

*[Section 18 amended by No. 91 of 1982 s. 11; No. 70 of 2003 s. 13; No. 55 of 2004 s. 109; No. 59 of 2004 s. 141.]*

*[19. Deleted by No. 70 of 2003 s. 14.]*

**19A. Approval of growing premises**

- (1) In this section —

***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

**s. 19A**

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- (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<sup>3</sup>.
- (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: \$2 000.

- (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.
- (5a) If regulations prescribe the requirements with which growing premises have to comply, the Committee —
  - (a) shall approve growing premises in respect of which an application is made if the Committee is satisfied that the premises comply with those requirements; and
  - (b) shall refuse to approve growing premises in respect of which an application is made if the Committee is satisfied that the premises do not comply with those requirements.



- (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 subsections (9) and (9a), 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.
- (9a) Without limiting subsection (9), if —
  - (a) regulations prescribe the requirements with which growing premises have to comply; and
  - (b) the Committee is satisfied that growing premises approved under this section do not comply with those requirements,the Committee shall revoke the approval by notice in writing served on the person granted the approval.
- (10) Where an approval granted under this section is revoked under subsection (9) or (9a), 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

**s. 19A**

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aggrieved by the decision may apply to the State Administrative Tribunal for a review of the decision.

*[(12) deleted]*

*[Section 19A inserted by No. 91 of 1982 s. 12; amended by No. 20 of 1989 s. 3; No. 70 of 2003 s. 15; No. 55 of 2004 s. 110.]*

## **Part IV — General**

### **20. Secrecy**

A person who discloses any information relating to any business that has been furnished to him or obtained by him pursuant to this Act is, unless the disclosure is made —

- (a) with the consent of the person carrying on or operating the business;
- (b) in connection with the administration of this Act; or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings,

guilty of an offence against this Act.

Penalty: \$3 000.

*[Section 20 amended by No. 20 of 1989 s. 3.]*

### **21. Offences by bodies corporate**

Where a body corporate is guilty of an offence against this Act any director, secretary or employee of the body corporate who was knowingly a party to the commission of that offence is also guilty of that offence.

### **22. Proceedings for offences**

- (1) Notwithstanding section 6 proceedings for any offence against this Act shall not be instituted except by, or by authority of, the chairman of the Committee.
- (2) A prosecution for an offence against this Act may be commenced in the name of the chairman of the Committee by —
  - (a) the secretary to the Committee; or
  - (b) any officer or inspector appointed pursuant to section 13 and authorised by the chairman of the Committee to commence prosecutions on his behalf,

**s. 23**

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and any proceedings for an offence instituted in the name of the chairman of the Committee shall, in the absence of evidence to the contrary, be deemed to have been instituted by his authority.

- (3) A person referred to in subsection (2) may appear on behalf of the chairman of the Committee in any proceedings for an offence against this Act.

*[Section 22 amended by No. 84 of 2004 s. 80.]*

**23. Offences to be dealt with by magistrate**

A court of summary jurisdiction dealing with an offence under this Act is to be constituted by a magistrate.

*[Section 23 inserted by No. 59 of 2004 s. 141.]*

**24. Regulations**

- (1) The Governor may make regulations prescribing all such matters as by this Act are required or permitted to be prescribed, or as may be, in his opinion, necessary or convenient to be prescribed for giving effect to or achieving the objects of this Act or facilitating the exercise by the Committee of its powers, functions and duties under this Act.
- (2) Without limiting the generality of the power conferred by subsection (1) regulations may be made —
- (aa) providing for environmental, animal welfare and health matters relating to the growing of chickens;
  - (a) prescribing a form of agreement for the purposes of sections 16 and 18;
  - (b) prescribing the manner in which the average price to be paid by processors to growers for broiler chickens shall be computed for the purposes of section 16;
  - (c) prescribing the powers of the Committee in relation to the hearing and determination of matters in dispute pursuant to section 18;

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- (d) requiring growers or persons having the management or control of lands or premises used for or in connection with the growing of broiler chickens to furnish returns containing information required for the purposes of the records referred to in section 15(1)(d);
  - (e) for enabling an inspector appointed pursuant to section 13 to inspect land or premises referred to in paragraph (d) of this subsection in order to obtain information —
    - (i) required for the purposes of the records referred to in section 15(1)(d); or
    - (ii) relating to compliance with the requirements of the regulations;
  - (f) requiring processors to furnish audited statements or statutory declarations from time to time with regard to the amounts paid to growers in respect of broiler chickens;
  - (fa) prescribing for the purposes of section 19A the requirements with which growing premises have to comply;
  - (g) providing for the issue of certificate of appointment to inspectors appointed pursuant to section 13 and prescribing the powers of inspectors so appointed;
  - (h) imposing penalties not exceeding a fine of \$2 000 for offences against the regulations.
- (3) The form of agreement prescribed pursuant to subsection (2)(a) may include alternative provisions that may be adopted and shall, *inter alia* —
- (a) provide for the use of the average price determined from time to time under section 16 (or that price as varied in accordance with a determination made under that section) as the basis for calculating the amounts to be paid by the processor to the grower in respect of broiler

**s. 24**

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chickens purchased or otherwise received pursuant to the agreement;

(b) provide for —

- (i) a continuity of contract between the processor and the grower affording reasonable security for the grower;
- (ii) the participation of the grower in the benefits of any growth expansion of the processor's output; and
- (iii) the protection of the grower in the event of the contraction of the processor's output,

where the grower meets the criteria for an “efficient grower” laid down by the Committee from time to time;

(c) provide for the discounting of efficiency where the failure of the grower to meet the criteria referred to in paragraph (b) is due to the quality of chickens or feed, to disease or to any other cause whatever that is beyond the control of the grower; and

(d) provide, as one of the obligations of the processor, that the processor will not sell, lease, assign or otherwise dispose of his interest in the business in respect of which broiler chickens are purchased or otherwise received pursuant to the agreement to another person who carries on or intends to carry on the business of processing broiler chickens (in this paragraph called “**the purchaser**”) unless the rights and benefits of the processor under the agreement are also assigned to the purchaser pursuant to an instrument under which the purchaser undertakes to be bound by the agreement and to fulfil and carry out all of the obligations of the processor under the agreement.

*[Section 24 amended by No. 91 of 1982 s. 13; No. 20 of 1989 s. 3; No. 70 of 2003 s. 16.]*

## **Part V — Repeal, transitional and expiry**

*[Heading amended by No. 91 of 1982 s. 14.]*

### **25. Repeal**

The *Chicken Meat Industry Committee Act 1975* is hereby repealed.

*[26. Omitted under the Reprints Act 1984 s. 7(4)(e).]*

*[27. Deleted by No. 70 of 2003 s. 17.]*

*[28. Deleted by No. 70 of 2003 s. 18.]*

### **29. Expiry of Act**

- (1) Subject to subsection (2) this Act shall continue in force until 31 December 1989 and shall then expire<sup>4</sup>.
- (2) Subject to subsection (4) the Minister may, from time to time, publish notice in the *Government Gazette*<sup>4</sup>, 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.

**s. 29**

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- (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.

*[Section 29 inserted by No. 91 of 1982 s. 15.]*



## Notes

- <sup>1</sup> This is a compilation of the *Chicken Meat Industry Act 1977* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Chicken Meat Industry Act 1977</i>	58 of 1977	23 Nov 1977	14 Jul 1978 (see s. 2 and <i>Gazette</i> 14 Jul 1978 p. 2404)
<i>Chicken Meat Industry Amendment Act 1982</i> <sup>5</sup>	91 of 1982	18 Nov 1982	Act other than s. 4, 5(1) and 6-13: 18 Nov 1982 (see s. 2(1)); s. 4, 5(1) and 6-13: 10 Jun 1983 (see s. 2(2) and <i>Gazette</i> 10 Jun 1983 p. 1770)
<i>Agricultural Legislation (Penalties) Amendment Act 1989</i> s. 3	20 of 1989	1 Dec 1989	15 Dec 1989 (see s. 2 and <i>Gazette</i> 15 Dec 1989 p. 4513)
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 3(1)	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Acts Amendment and Repeal (Competition Policy) Act 2003</i> Pt. 4	70 of 2003	15 Dec 2003	21 Apr 2004 (see s. 2 and <i>Gazette</i> 20 Apr 2004 p. 1297)
<b>Reprint 1: The <i>Chicken Meat Industry Act 1977</i> as at 4 Jun 2004</b> (includes amendments listed above)			
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 19 <sup>7</sup>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))

<sup>1a</sup> ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included~~

~~in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

**Provisions that have not come into operation**

Short title	Number and year	Assent	Commencement
<i>Public Sector Reform Act 2010 s. 89</i> <sup>8</sup>	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)

<sup>2</sup> ~~Under the *Public Sector Management Act 1994* s. 112(2), a reference in a written law to the Public Service Board is, unless the contrary intention appears or it is otherwise provided under the *Acts Amendment (Public Sector Management) Act 1994*, to be construed as if it had been amended to be a reference to the Minister for Public Sector Management (as defined in the *Interpretation Act 1984*). This reference was amended under the *Reprints Act 1984* s. 7(5)(a).~~

<sup>2</sup> [Footnote no longer.](#)

<sup>3</sup> The appointed day is 21 August 1987; see *Gazette* 21 Aug 1987 p. 3261.

<sup>4</sup> Act continued for 7 years succeeding 31 Dec 1989 until 31 Dec 1996 (see notice in *Gazette* 15 Dec 1989 p. 4586) and for a further period of 7 years succeeding 31 Dec 1996 until 31 Dec 2003 (see notice in *Gazette* 14 Nov 1996 p. 6441) and for a further period of 7 years succeeding 31 Dec 2003 until 31 Dec 2010 (see notice in *Gazette* 19 Dec 2003 p. 5140).

<sup>5</sup> The *Chicken Meat Industry Amendment Act 1982* s. 5(2) is a transitional provision that is of no further effect.

<sup>6</sup> Footnote no longer applicable.

<sup>7</sup> The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administration Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

<sup>8</sup> ~~On the date as at which this compilation was prepared, the *Public Sector Reform Act 2010* s. 89 had not come into operation. It reads as follows:~~

~~**89. Various references to “Minister for Public Sector Management” amended**~~

~~— (1) This section amends the Acts listed in the Table.~~

~~— (2) In the provisions listed in the Table delete “Minister for Public Sector Management” and insert:~~

~~— Public Sector Commissioner~~

Table

Chicken Meat Industry Act 1977	s. 9
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