

CHICKEN MEAT INDUSTRY COMMITTEE.

No. 43 of 1975.

AN ACT to establish a Chicken Meat Industry Committee, to improve stability in the Chicken Meat Industry, and for incidental and other purposes.

[Assented to 18th September, 1975.]

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:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Chicken Meat Industry Committee Act, 1975*. Short title.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation. Commence-
ment.

Arrangement.

3. This Act is divided into Parts as follows—

PART I.—PRELIMINARY.

PART II.—CHICKEN MEAT INDUSTRY COMMITTEE.

PART III.—GENERAL.

Definitions.

4. In this Act, unless the contrary intention appears—

“agreement” means an agreement between one or more processors and one or more growers relating wholly or in part to the receipt, purchase, sale and supply of broiler chickens for processing, or to any one or more of those matters;

“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 sixteen 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 one thousand chickens to a processor as broiler chickens;

“member” means any member of the Committee and includes the chairman of the Committee and any deputy member or deputy 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;

“the Committee” means the Chicken Meat Industry Committee established by section 5 of this Act;

“the Department” means the department of the Public Service of the State known as the Department of Agriculture.

PART II.—CHICKEN MEAT INDUSTRY COMMITTEE.

5. For the purposes of this Act there shall be established a committee to be known as the Chicken Meat Industry Committee which, subject to the Minister, shall have vested in it the administration of this Act.

Establish-
ment of
Committee.

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

Members.

- (a) one person who is an officer of the Department who shall be appointed to be a member and chairman of the Committee;
- (b) three 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) three 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.

(2) The Minister may, after consultation with the bodies referred to in paragraphs (b) and (c) of subsection (1) of this section, appoint persons

to be deputies of the several members appointed pursuant to those paragraphs, and any deputy so appointed has, at any meeting of the Committee at which he but not the member for whom he is deputy is present, all the powers and functions of that member.

(3) The Minister may appoint one or more officers of the Department to be deputy chairman or deputy chairmen of the Committee and, at any meeting of the Committee at which a deputy chairman so appointed but not the chairman is present, that deputy chairman shall be chairman and has all the powers and functions of the chairman.

Term of
office.

7. (1) Subject to this Act, each member shall hold office for such term not exceeding two 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 member other than the chairman of the Committee, 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) of this section; or

- (b) the member who is chairman of the Committee ceases to be an officer of the Department,

the office of that member becomes vacant.

8. 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.

Validity of
acts of
Committee.

9. (1) The Committee shall meet at least twice in every year ending on the 31st day of December, and shall meet at any time if so requested by the Minister or by one or more members.

Meetings of
Committee.

(2) The quorum for a meeting of the Committee shall be five members consisting of—

- (a) a chairman;
- (b) two persons who are members appointed to be representative of processors or are deputies of such members;
- (c) two persons who are members appointed to be representative of growers or are deputies of such members.

(3) The chairman of a meeting shall not vote on any matter arising at that meeting.

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

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

Protection
of members.

11. (1) There shall be a secretary to the Committee and such other officers of the Committee as are required for its proper functioning.

Secretary
and other
officers.

(2) The officers of the Committee shall be appointed and shall hold office subject to and in accordance with the Public Service Act, 1904.

(3) The officers of the Committee may hold office as such in conjunction with any other office in the Public Service of the State.

Committee
may seek
advice.

12. 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.

Functions of
Committee.

13. (1) The functions of the Committee shall be—

- (a) to set guidelines for the assistance of processors and growers in the drawing up of agreements;
- (b) to examine agreements and, where they appear satisfactory to approve agreements;
- (c) to mediate in disputes between processors and growers (including disputes as to the assessment of any amount payable under an agreement);
- (d) to negotiate prices between processors and growers; and
- (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 that it considers necessary.

(2) Without affecting the generality of paragraph (a) of subsection (1) of this section the Committee shall set guidelines of sufficient detail and form so as to assist in or provide for—

- (a) a continuity of contract between processors and efficient growers affording reasonable security for efficient growers;

- (b) a basis for determining and reviewing the prices paid to growers so as to ensure that efficient growers have a satisfactory return;
- (c) the participation of efficient growers in the benefits of any growth expansion of a processor's output; and
- (d) the discounting of efficiency where the failure of a grower to be an efficient grower 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.

(3) In this section an "efficient grower" means a grower who meets the criteria for an "efficient grower" laid down from time to time by the Committee and "efficiency" in relation to a grower has a corresponding meaning.

PART III.—GENERAL.

14. (1) Subject to this Act—

Agreements.

- (a) a processor shall not receive or purchase broiler chickens for processing from a grower; and
- (b) a grower shall not sell or otherwise supply broiler chickens for processing to a processor,

except in accordance with the terms of a written agreement between the processor and the grower that is approved by the Committee.

(2) A copy of every agreement shall be sent to the secretary to the Committee for the consideration of the Committee.

(3) The Committee may approve an agreement although the terms relating to the price to be paid by the processor have not been included.

(4) This section shall not apply where the processor and the grower are the same person.

Disputes.

15. (1) Where there is a dispute between a processor and a grower with regard to any term of an agreement (including a dispute as to the price to be paid by the processor) the matter in dispute shall, on the application of either party addressed to the secretary to the Committee, be placed before the Committee for settlement by negotiation.

(2) Where the Committee is unable to settle the dispute it shall report that fact to the Minister who, after consultation with the Committee, may refer the matter to a single arbitrator, and the provisions of the Arbitration Act, 1895, other than section 15 of that Act, shall apply to the reference as if it were a submission within the meaning of that Act.

(3) The Minister, after consultation with the arbitrator, shall determine the remuneration to be paid to the arbitrator, and also by whom and in what proportions the remuneration shall be paid.

(4) Any portion of the remuneration so determined which remains unpaid shall be recoverable as if it were a debt due to Her Majesty.

Offences and
penalty.

16. Any person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.

Penalty: First offence, \$500; Second offence, \$750; Third offence and any subsequent offence, \$1 000.

Regulations.

17. (1) The Governor may make such regulations as he considers necessary or convenient for carrying this Act into effect.

(2) Regulations made under subsection (1) of this section may prescribe penalties not exceeding a fine of one hundred dollars for offences against the regulations.