



Queensland

# **Chicken Meat Industry Amendment Bill 2011**





## Queensland

# Chicken Meat Industry Amendment Bill 2011

## Contents

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		Page
1	Short title . . . . .	4
2	Commencement . . . . .	4
3	Act amended . . . . .	4
4	Amendment of long title . . . . .	4
5	Amendment of s 1 (Short title) . . . . .	4
6	Amendment of s 2 (Definitions) . . . . .	4
7	Omission of pt 2 (Chicken Meat Industry Committee) . . . . .	5
8	Insertion of new pts 2A and 2B . . . . .	5
	Part 2A           Matters about dissolution of Chicken Meat Industry Committee	
	Division 1       Preliminary	
19A	Definitions for pt 2A . . . . .	6
	Division 2       Dissolution of committee	
	Subdivision 1   Steps to transfer and dissolution	
19B	Decision to transfer to replacement corporation . . . . .	6
19C	Committee to decide particular matters for transfer . . . . .	7
19D	Conditions for transfer . . . . .	7
19E	Notice of decision about replacement corporation . . . . .	7
19F	Minister's decision about transfer . . . . .	8
19G	Transfer and dissolution . . . . .	8
19H	Replacement corporation does not represent the State . . . . .	9
	Subdivision 2   Provisions facilitating transfer	
19I	Registration of transferred assets . . . . .	9
19J	References to the committee . . . . .	10
19K	Continuity of proceedings and matters . . . . .	10

Contents

---

	19L	Employees . . . . .	10
	19M	Members stop holding office . . . . .	11
	Part 2B	Provisions about replacement corporation	
	19N	Function . . . . .	11
	19O	Powers . . . . .	12
	19P	Chairperson . . . . .	12
9		Amendment of pt 3, hdg (Agreements and dispute resolution) . .	12
10		Omission of pt 3, div 1, hdg (Agreements) . . . . .	12
11		Insertion of new s 21 . . . . .	12
	21	Dispute resolution. . . . .	13
12		Omission of s 22A and pt 3, div 2. . . . .	13
13		Amendment of pt 3A, hdg (Registration of agreements and annual fees) . . . . .	13
14		Omission of pt 3A, div 1, hdg (Registration) . . . . .	13
15		Amendment of s 24A (Committee to keep register) . . . . .	13
16		Amendment of s 24B (Application for registration) . . . . .	13
17		Omission of s 24C and pt 3A, div 2 . . . . .	14
18		Replacement of s 25 (Protection of members) . . . . .	14
	25	Review of Act . . . . .	14
19		Insertion of new pt 5. . . . .	14
	Part 5	Transitional provisions for Chicken Meat Industry Amendment Act 2011	
	27	Definitions for pt 5. . . . .	15
	28	Public records of committee . . . . .	15
	29	Disposal of public records . . . . .	15
	30	Existing register of agreements . . . . .	15
	31	Application for registration . . . . .	16
	32	Mediation of prescribed disputes on or after transfer day . . . . .	16
	33	Arbitration of prescribed disputes on or after transfer day . . . . .	17

**2011**

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**A Bill**

for

**An Act to amend the *Chicken Meat Industry Committee Act*  
1976**

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**The Parliament of Queensland enacts—** 1

<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Chicken Meat Industry Amendment Act 2011</i> .	3 4
<b>Clause 2</b>	<b>Commencement</b>	5
	Sections 6(1), 7 and 10 to 19 commence on a day to be fixed by proclamation.	6 7
<b>Clause 3</b>	<b>Act amended</b>	8
	This Act amends the <i>Chicken Meat Industry Committee Act 1976</i> .	9 10
<b>Clause 4</b>	<b>Amendment of long title</b>	11
	Long title, from ‘industry,’—	12
	<i>omit, insert—</i>	13
	‘industry’.	14
<b>Clause 5</b>	<b>Amendment of s 1 (Short title)</b>	15
	Section 1, ‘ <i>Committee</i> ’—	16
	<i>omit</i> .	17
<b>Clause 6</b>	<b>Amendment of s 2 (Definitions)</b>	18
	(1) Section 2, definition <i>chairperson</i> —	19
	<i>omit</i> .	20
	(2) Section 2—	21
	<i>insert—</i>	22
	‘ <i>assets</i> , for part 2A, see section 19A.	23

*authorised person*, for part 2A, see section 19A. 1

*company limited by guarantee*, for part 2A, see section 19A. 2

*IAMA*, for part 5, see section 27. 3

*liabilities*, for part 2A, see section 19A. 4

*notice* means written notice. 5

*proposed transfer day*, for part 2A, see section 19C(a). 6

*public record*, for part 5, see section 27. 7

*replacement corporation* see section 19C(b). 8

*transfer day* see section 19A.’. 9

(3) Section 2, definition *committee*, from ‘by’— 10

*omit, insert—* 11

‘under this Act as in force immediately before the assent of 12

the *Chicken Meat Industry Amendment Act 2011*.’. 13

(4) Section 2, definition *competition legislation*, ‘*Editor’s* 14

*notes*’— 15

*omit, insert—* 16

‘*Notes*’. 17

**Clause 7 Omission of pt 2 (Chicken Meat Industry Committee) 18**

Part 2— 19

*omit.* 20

**Clause 8 Insertion of new pts 2A and 2B 21**

After section 19— 22

*insert—* 23

[s 8]

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<b>‘Part 2A</b>	<b>Matters about dissolution of Chicken Meat Industry Committee</b>	1 2 3
<b>‘Division 1</b>	<b>Preliminary</b>	4
<b>‘19A</b>	<b>Definitions for pt 2A</b>	5
	‘In this part—	6
	<i>assets</i> , of the committee, means all assets of the committee immediately before the transfer day.	7 8
	<i>authorised person</i> , for the replacement corporation, means its secretary or another individual with the written authority of its board of directors.	9 10 11
	<i>company limited by guarantee</i> means a company limited by guarantee under the Corporations Act, section 9.	12 13
	<i>liabilities</i> , of the committee, means all liabilities of the committee immediately before the transfer day.	14 15
	<i>proposed transfer day</i> see section 19C(a).	16
	<i>transfer day</i> means the day approved by the Minister under section 19F as the transfer day for the committee.	17 18
<b>‘Division 2</b>	<b>Dissolution of committee</b>	19
<b>‘Subdivision 1</b>	<b>Steps to transfer and dissolution</b>	20
<b>‘19B</b>	<b>Decision to transfer to replacement corporation</b>	21
	‘The committee must decide to dissolve itself and transfer its assets and liabilities to a corporation that is not a statutory body.	22 23 24



<b>‘19C</b>	<b>Committee to decide particular matters for transfer</b>	1
	‘Under section 19B, the committee must decide the following—	2
		3
	(a) the day on which it proposes to transfer its assets and liabilities (the <i>proposed transfer day</i> );	4
		5
	(b) the corporation to which it will transfer its assets and liabilities (the <i>replacement corporation</i> ).	6
		7
<b>‘19D</b>	<b>Conditions for transfer</b>	8
	‘The committee may decide a corporation will be its replacement corporation only if—	9
		10
	(a) the corporation has, by notice given to the committee signed by an authorised person for the corporation, agreed to be the replacement corporation; and	11
		12
		13
	(b) the corporation is a company limited by guarantee; and	14
	(c) the committee is satisfied that, on the transfer of its assets and liabilities to the replacement corporation, having regard to the requirements and purposes of the transfer, the following will be appropriate—	15
		16
		17
		18
	(i) the corporation’s constitution;	19
	(ii) the obligations, restrictions and rights that will attach to the corporation’s members;	20
		21
	(iii) the corporation’s officers.	22
<b>‘19E</b>	<b>Notice of decision about replacement corporation</b>	23
	‘(1) The committee must give the Minister notice of its decision under section 19B.	24
		25
	‘(2) The notice must state the following—	26
	(a) the day the decision was made;	27
	(b) the proposed transfer day;	28
	(c) the replacement corporation’s name;	29

[s 8]

- (d) the replacement corporation is a company limited by guarantee; 1  
2
- (e) the committee is satisfied that, on the transfer of its 3  
assets and liabilities to the replacement corporation, 4  
having regard to the requirements and purposes of the 5  
transfer, the following will be appropriate— 6
  - (i) the corporation’s constitution; 7
  - (ii) the obligations, restrictions and rights that will 8  
attach to the corporation’s members; 9
  - (iii) the corporation’s officers. 10
- ‘(3) The notice must be accompanied by a copy of the notice 11  
mentioned in section 19D(a). 12

#### **‘19F Minister’s decision about transfer 13**

- ‘(1) The Minister must consider the notice and may require 14  
information from the committee. 15
- ‘(2) If the Minister does not consider that all requirements for this 16  
division have been complied with for the transfer, the Minister 17  
may give the committee a written direction about the 18  
requirements. 19
- ‘(3) The committee must comply with a direction given under 20  
subsection (2). 21
- ‘(4) The Minister must, by notice given to the committee, approve 22  
the proposed transfer day, or another day after the proposed 23  
transfer day, as the transfer day for the committee. 24
- ‘(5) The day approved by the Minister as the transfer day for the 25  
committee must be declared by gazette notice. 26

#### **‘19G Transfer and dissolution 27**

- ‘On the transfer day— 28

- (a) the committee's assets and liabilities are transferred to, and become the assets and liabilities of, the replacement corporation; and
- (b) the committee is dissolved.

**'19H Replacement corporation does not represent the State**

'The replacement corporation—

- (a) does not represent the State; and
- (b) can not make the State liable for the debts and obligations of the corporation or any other person.

**'Subdivision 2 Provisions facilitating transfer**

**'19I Registration of transferred assets**

- '(1) A certificate signed by an authorised person for the replacement corporation is evidence of an asset having become an asset of the corporation on the transfer day if the certificate—
  - (a) identifies the asset; and
  - (b) states the asset was, immediately before the transfer day, an asset of the committee; and
  - (c) states that, under this division, the asset became an asset of the replacement corporation on the transfer day.
- '(2) If the certificate is given to an entity with registration functions under a law of the State for assets of that kind, the entity must do the following as if the certificate were an appropriate instrument of transfer of the asset—
  - (a) register the matter in the same way as transactions for assets of that kind;
  - (b) deal with, and give effect to, the certificate.

*Example of an entity with registration functions—*

the registrar of titles

[s 8]

- 
- ‘(3) A transfer of the asset to the replacement corporation may be registered or given effect to under the law of another State or the Commonwealth if—
- (a) the certificate is given to an entity with registration functions for assets of that kind under the other State’s or the Commonwealth’s law; and
- (b) the entity is permitted by law to do so.
- ‘19J References to the committee**
- ‘A reference to the committee in an Act or document existing before its dissolution has effect, from its dissolution, as if it were a reference to the replacement corporation, if the context permits.
- ‘19K Continuity of proceedings and matters**
- ‘(1) A proceeding that, if the committee were not dissolved, might have been started or continued by or against the committee may, from its dissolution, be started or continued by or against the replacement corporation.
- ‘(2) All matters started by the committee before its dissolution may be completed by the replacement corporation after the committee’s dissolution.
- ‘19L Employees**
- ‘(1) A person employed by the committee immediately before the transfer day becomes, on the transfer day, an employee of the replacement corporation.
- ‘(2) Subsection (1) does not—
- (a) constitute a redundancy or retrenchment of the person’s employment by the committee; or
- (b) entitle the person to a benefit or payment merely because the person is no longer employed by the committee; or
- (c) interrupt the person’s continuity of service.

- ‘(3) For the *Industrial Relations Act 1999*, the person’s period of employment with the committee is taken to be an equivalent period of employment with the replacement corporation. 1  
2  
3
- ‘(4) Subject to the *Industrial Relations Act 1999*, the person has the same employment rights against the replacement corporation that the person had against the committee immediately before the transfer day. 4  
5  
6  
7
- ‘(5) If an industrial instrument under the *Industrial Relations Act 1999* bound the person and the committee immediately before the transfer day, it binds the person and the replacement corporation. 8  
9  
10  
11

**‘19M Members stop holding office 12**

- ‘(1) A person who, immediately before the transfer day, was a member of the committee goes out of office on the transfer day. 13  
14  
15
- ‘(2) No compensation is payable to a person because of subsection (1). 16  
17

**‘Part 2B Provisions about replacement corporation 18  
19**

**‘19N Function 20**

- ‘The replacement corporation’s function is to facilitate collective negotiations for agreements, including, for example, by— 21  
22  
23
- (a) convening a group comprising representatives of growers and a processor to negotiate agreements; and 24  
25
- (b) recommending procedures, including codes of conduct, for the group in the negotiations. 26  
27

[s 9]

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<b>‘19O Powers</b>	1
‘The replacement corporation—	2
(a) may do anything necessary or convenient to be done for performing its function; and	3 4
(b) without limiting paragraph (a), may charge for registering agreements under section 24B and for any services it provides.	5 6 7
 <b>‘19P Chairperson</b>	 8
‘The replacement corporation’s chairperson must be a director who—	9 10
(a) has recognised expertise in corporate governance; and	11
(b) is independent of the following—	12
(i) representative bodies of the chicken meat industry;	13
(ii) processors;	14
(iii) growers.’.	15
 <b>Clause 9 Amendment of pt 3, hdg (Agreements and dispute resolution)</b>	 16 17
Part 3, heading, ‘and dispute resolution’—	18
<i>omit.</i>	19
 <b>Clause 10 Omission of pt 3, div 1, hdg (Agreements)</b>	 20
Part 3, division 1, heading—	21
<i>omit.</i>	22
 <b>Clause 11 Insertion of new s 21</b>	 23
After section 20—	24
<i>insert—</i>	25

<b>'21</b>	<b>Dispute resolution</b>	1
	‘(1) A written agreement must state a process for dispute resolution between the parties to the agreement.	2 3
	‘(2) The parties to the agreement must attempt to resolve any dispute under the agreement between the parties by using the process.’.	4 5 6
<b>Clause 12</b>	<b>Omission of s 22A and pt 3, div 2</b>	7
	Section 22A and part 3, division 2—	8
	<i>omit.</i>	9
<b>Clause 13</b>	<b>Amendment of pt 3A, hdg (Registration of agreements and annual fees)</b>	10 11
	Part 3A, heading, ‘and annual fees’—	12
	<i>omit.</i>	13
<b>Clause 14</b>	<b>Omission of pt 3A, div 1, hdg (Registration)</b>	14
	Part 3A, division 1, heading—	15
	<i>omit.</i>	16
<b>Clause 15</b>	<b>Amendment of s 24A (Committee to keep register)</b>	17
	(1) Section 24A, heading, ‘Committee’—	18
	<i>omit, insert—</i>	19
	<b>‘Replacement corporation’.</b>	20
	(2) Section 24A, ‘committee’—	21
	<i>omit, insert—</i>	22
	‘replacement corporation’.	23
<b>Clause 16</b>	<b>Amendment of s 24B (Application for registration)</b>	24
	(1) Section 24B(1), ‘committee’—	25

[s 17]

---

*omit, insert—* 1

‘replacement corporation’. 2

(2) Section 24B(2)— 3

*omit, insert—* 4

‘(2) The replacement corporation must— 5

(a) register the agreement; and 6

(b) give the applicant notice of the registration.’. 7

**Clause 17 Omission of s 24C and pt 3A, div 2** 8

Section 24C and part 3A, division 2— 9

*omit.* 10

**Clause 18 Replacement of s 25 (Protection of members)** 11

Section 25— 12

*omit, insert—* 13

**‘25 Review of Act** 14

‘(1) The Minister must, within 10 years after the commencement 15  
of this section, start a review of this Act to ensure it is 16  
adequately meeting community expectations and its 17  
provisions remain appropriate. 18

‘(2) The Minister must, as soon as practicable after the review is 19  
finished, table a report of the outcome of the review in the 20  
Legislative Assembly.’. 21

**Clause 19 Insertion of new pt 5** 22

After section 26— 23

*insert—* 24



<b>‘Part 5</b>	<b>Transitional provisions for</b>	1
	<b>Chicken Meat Industry</b>	2
	<b>Amendment Act 2011</b>	3
<b>‘27</b>	<b>Definitions for pt 5</b>	4
	‘In this part—	5
	<i>IAMA</i> means The Institute of Arbitrators & Mediators	6
	Australia ACN 008 520 045.	7
	<i>public record</i> means a public record under the <i>Public Records</i>	8
	<i>Act 2002</i> .	9
<b>‘28</b>	<b>Public records of committee</b>	10
	‘A public record held by the committee immediately before	11
	the transfer day becomes a public record of the department on	12
	the transfer day.	13
<b>‘29</b>	<b>Disposal of public records</b>	14
	‘(1) This section applies if—	15
	(a) a thing is done for which a certificate mentioned in	16
	section 19I(1) is evidence of the thing; and	17
	(b) the thing is, or involves, a disposal of a public record.	18
	‘(2) To remove any doubt, it is declared that, for the purpose of the	19
	<i>Public Records Act 2002</i> , section 13, the public record is	20
	disposed of under legal authority, justification or excuse.	21
<b>‘30</b>	<b>Existing register of agreements</b>	22
	‘(1) The register of agreements kept under previous section 24A is	23
	taken to be the register of agreements kept under current	24
	section 24A.	25
	‘(2) In this section—	26
	<i>current section 24A</i> means section 24A as in force	27
	immediately after the transfer day.	28

[s 19]

<i>previous section 24A</i>	means section 24A as in force immediately before the transfer day.	1 2
<b>'31 Application for registration</b>		3
'(1)	An application for registration of an agreement, made under previous section 24B and not decided before the transfer day, must be decided from the transfer day under section 24B.	4 5 6
'(2)	In this section—	7
	<i>previous section 24B</i> means section 24B as in force immediately before the transfer day.	8 9
<b>'32 Mediation of prescribed disputes on or after transfer day</b>		10 11
'(1)	This section applies to a prescribed dispute if—	12
(a)	before the transfer day—the parties to the dispute notified the committee of the dispute; and	13 14
(b)	on or after the transfer day—the dispute—	15
(i)	had not been resolved; and	16
(ii)	had not been referred to mediation under previous section 23(1).	17 18
'(2)	From the transfer day, the replacement corporation must refer the prescribed dispute to mediation—	19 20
(a)	if the dispute is not resolved within 90 days after it arose; or	21 22
(b)	if asked by the parties.	23
'(3)	The mediation must be conducted by—	24
(a)	a person agreed to by the parties; or	25
(b)	if the parties can not agree on a mediator—a mediator appointed by the president of IAMA.	26 27
'(4)	The president of IAMA may appoint a mediator under subsection (3)(b) only if the person has the qualifications or	28 29

---

	experience the president considers appropriate to mediate the dispute.	1 2
‘(5)	The parties must pay the mediator the costs of mediation in the proportions decided by the mediator.	3 4
‘(6)	An amount of unpaid costs is a debt payable to the mediator and may be recovered in a court with jurisdiction to recover the amount.	5 6 7
‘(7)	Nothing in this section affects any rights or remedies to which a party to the dispute may be entitled.	8 9
‘(8)	In this section—	10
	<i>prescribed dispute</i> means a dispute that arose before the transfer day between a grower and a processor about an agreement or proposed agreement.	11 12 13
	<i>previous section 23(1)</i> means section 23(1) as in force immediately before the transfer day.	14 15
<b>‘33</b>	<b>Arbitration of prescribed disputes on or after transfer day</b>	16 17
‘(1)	This section applies to—	18
	(a) a prescribed dispute mentioned in section 32 that—	19
	(i) is between the parties to an agreement about an amount payable under the agreement; and	20 21
	(ii) is not resolved by mediation by a mediator appointed under section 32; or	22 23
	(b) a dispute between the parties to an agreement about an amount payable under the agreement that—	24 25
	(i) was referred to mediation by a mediator under previous section 23; and	26 27
	(ii) is not resolved by mediation by the mediator.	28
‘(2)	This section applies despite any provision in the agreement to the contrary.	29 30
‘(3)	The replacement corporation must refer the dispute to—	31
	(a) an arbitrator agreed to by the parties; or	32

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[s 19]

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- (b) if the parties can not agree on an arbitrator—an  
arbitrator appointed by the president of IAMA. 1  
2
- ‘(4) However, the mediator must not be appointed as the arbitrator 3  
without the agreement of the parties. 4
- ‘(5) The *Commercial Arbitration Act 1990* applies to the 5  
arbitration. 6
- ‘(6) However, the replacement corporation can not be ordered to 7  
pay the costs, or part of the costs, of the arbitration. 8
- ‘(7) In this section— 9  
***previous section 23*** means section 23 as in force immediately 10  
before the transfer day.’. 11

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