

I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.

Legislative Assembly Chamber,
Brisbane,

The Clerk of the Parliament.

28 March 2014

In the name and on behalf of the Queen, I assent to this Bill.

Penelope Wenlock
Government House,
Brisbane, 28th March,

2014



Queensland

No. 10 of 2014

A BILL for

**An Act to amend the Chicken Meat Industry Committee Act 1976 for
particular purposes**



Queensland

Chicken Meat Industry Committee Amendment Bill 2014

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2014

A Bill

for

An Act to amend the *Chicken Meat Industry Committee Act 1976* for particular purposes

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Chicken Meat Industry Committee Amendment Act 2014*.

2 Act amended

This Act amends the *Chicken Meat Industry Committee Act 1976*.

3 Amendment of s 2 (Definitions)

Section 2—

insert—

approval notice, for part 5, see section 31(2)(a).

assets, for part 5, see section 27.

authorised person, for part 5, see section 27.

committee notice, for part 5, see section 30(1).

eligible entity, for part 5, see section 29.

liabilities, for part 5, see section 27.

notice, for part 5, see section 27.

pre-amended Act means this Act as in force immediately before the commencement.

proposed transfer day, for part 5, see section 28(2)(a).

proposed transferee, for part 5, see section 28(2)(b).

transfer day means the day the Minister declares as the transfer day by gazette notice under section 31(2)(b) or 32(2)(c).

transferee, for part 5, see section 27.

4 Replacement of pt 3, hdg (Agreements and dispute resolution)

Part 3, heading—

omit, insert—

Part 3 Agreements

5 Omission of pt 3, div 1, hdg (Agreements)

Part 3, division 1, heading—

omit.

6 Omission of pt 3, div 2 (Dispute resolution)

Part 3, division 2—

omit.

7 Omission of pt 3A (Registration of agreements and annual fees)

Part 3A—

omit.

8 Insertion of new pts 5–7

After section 26—

insert—

Part 5 Abolition of the committee

Division 1 Preliminary

27 Definitions for pt 5

In this part—

approval notice see section 31(2)(a).

assets, of the committee, means all assets of the committee immediately before the transfer day.

authorised person, for a proposed transferee or transferee, means its secretary or another individual with the written authority of its board of directors.

committee notice see section 30(1).

eligible entity see section 29.

liabilities, of the committee, means all liabilities of the committee immediately before the transfer day.

notice means written notice.

proposed transfer day see section 28(2)(a).

proposed transferee see section 28(2)(b).

transferee means the entity the Minister declares as the transferee by gazette notice under section 31(2)(b) or 32(2)(c).

Division 2 Decisions about transfer and abolition

28 Committee's decision about proposed transfer

- (1) The committee must decide to—

-
- (a) transfer its assets and liabilities to an eligible entity; and
 - (b) abolish itself.
- (2) For subsection (1)(a), the committee must decide the following—
- (a) the day on which it proposes to transfer its assets and liabilities (the *proposed transfer day*);
 - (b) the eligible entity to which it proposes to transfer its assets and liabilities (the *proposed transferee*).

29 Eligible entity

- (1) An entity is an *eligible entity* only if—
 - (a) the entity is any of the following—
 - (i) an incorporated association;
 - (ii) a public company, other than a public company that has a share capital;
 - (iii) a non-trading cooperative; and
 - (b) the entity is not an industrial association; and
 - (c) the entity has, by notice to the committee signed by an authorised person for the entity, agreed to the transfer; and
 - (d) the entity's constitution or rules are consistent with the entity promoting the interests of the chicken meat industry in Queensland.
- (2) In this section—

incorporated association see the *Associations Incorporation Act 1981*, schedule.

industrial association see the *Industrial Relations Act 1999*, section 102.

non-trading cooperative see the *Cooperatives Act 1997*, section 15.

public company see the *Corporations Act*, section 9.

30 Notice of committee's decision about proposed transfer

- (1) The committee must give the Minister notice (the *committee notice*) of its decision under section 28.
- (2) The committee notice must state the following—
 - (a) the date the decision was made;
 - (b) the proposed transfer day;
 - (c) the proposed transferee's name;
 - (d) that the committee is satisfied the proposed transferee is an eligible entity.
- (3) The committee notice must be accompanied by a copy of the notice mentioned in section 29(1)(c).

31 Minister's decision about committee notice

- (1) The Minister must consider the committee notice and approve or refuse to approve the proposed transfer.
- (2) If the Minister considers that all requirements for this division have been complied with for the proposed transfer, the Minister must—
 - (a) give the committee a notice (an *approval notice*) approving the proposed transfer; and
 - (b) declare the transfer day and transferee by gazette notice.
- (3) If the Minister does not consider that all requirements for this division have been

complied with for the proposed transfer, the Minister must—

- (a) give the committee a written direction about compliance with the requirements, including, for example, a direction to give the Minister stated information; or
 - (b) give the committee a notice—
 - (i) refusing the proposed transfer; and
 - (ii) giving the reasons for the refusal.
- (4) The committee must comply with a direction given under subsection (3)(a) within the reasonable time stated in the direction.

32 Minister's decision if no approval notice given

- (1) This section applies from the day that is 6 months after the commencement if the Minister—
 - (a) has not given the committee an approval notice; and
 - (b) is not considering a committee notice; and
 - (c) has not, under section 31(3)(a), given the committee a written direction for which the time for compliance has not expired.
- (2) The Minister must—
 - (a) decide the day on which the committee's assets and liabilities will be transferred; and
 - (b) decide the eligible entity to which the assets and liabilities will be transferred; and
 - (c) declare the transfer day and the transferee by gazette notice.

Division 3 Transfer

33 Transfer of assets and liabilities

- (1) On the transfer day, the committee's assets and liabilities are transferred to, and become the assets and liabilities of, the transferee.
- (2) However, an annual fee that is unpaid on the transfer day—
 - (a) is taken not to be an asset of the committee; and
 - (b) must be written off by the chairperson.
- (3) In this section—

annual fee means an annual fee prescribed under section 24D(2)(b) of the pre-amended Act.

34 Transferee does not represent the State

The transferee—

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

35 Evidence and registration of transferred assets

- (1) A certificate signed by an authorised person for the transferee is evidence that an asset has become an asset of the transferee 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 transferee 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
- (3) A transfer of the asset to the transferee may be registered or given effect under a 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 law; and
 - (b) the entity is permitted by law to do so.

Division 4 Abolition

36 Abolition of committee

- (1) This section takes effect immediately after the committee's assets and liabilities are transferred to the transferee under section 33(1).
- (2) The committee is abolished and its members go out of office.
- (3) No compensation is payable to any person because of subsection (2).

Division 5 Miscellaneous

37 Ending of contracts

- (1) This section applies to a contract to which the committee is a party immediately before the transfer day.
- (2) The contract ends on the transfer day.
- (3) No compensation is payable to any person because of subsection (2).

38 Records

- (1) On the transfer day each record of the committee, other than a public record, is transferred to the department.

Note—

For what happens to the public records of the committee on the transfer day, see the *Public Records Act 2002*, section 8(3).

- (2) In this section—

public record see the *Public Records Act 2002*, section 6.

39 Saving of operation

This part is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

Part 6

Transitional provisions for Chicken Meat Industry Committee Amendment Act 2014

40 Existing agreements

- (1) This section applies to an agreement in force immediately before the repeal, whether or not the agreement was registered under section 24C of the pre-amended Act immediately before that section's repeal.
- (2) The agreement remains in force after the repeal until it is terminated or otherwise ends.
- (3) In this section—
repeal means the repeal of this Act.

41 Registration applications

- (1) This section applies if—
 - (a) before the commencement, the processor under an agreement applied, under section 24B of the pre-amended Act, for registration of the agreement; and
 - (b) on the commencement, the agreement has not been registered.
- (2) The application lapses on the commencement.
- (3) If an application lapses under subsection (2), the committee must—
 - (a) notify the applicant of the lapsing; and
 - (b) refund the fee that accompanied the application.

42 Unresolved disputes must be referred to arbitrator

- (1) This section applies to a dispute about an agreement or a proposed agreement if—
 - (a) the dispute arises on or after the commencement; or
 - (b) the dispute arose before the commencement and has not, by the commencement—
 - (i) been resolved by the parties; or
 - (ii) been resolved by mediation under section 23 of the pre-amended Act; or
 - (iii) been referred to arbitration under section 24 of the pre-amended Act.
- (2) Despite any provision in the agreement, the committee must refer the dispute to an arbitrator appointed by the committee.
- (3) However, the arbitrator must not be appointed without the agreement of the parties to the dispute.
- (4) If the parties have not agreed to the appointment by the transfer day, the dispute is taken to have ended.
- (5) If the parties agree to the appointment, the *Commercial Arbitration Act 2013* applies to the arbitration.
- (6) The committee can not be ordered to pay the costs, or part of the costs, of the arbitration.

43 Application of pt 6

This part is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

Part 7 Repeal of Act

44 Repeal

This Act is repealed immediately after the transfer day.

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