

South Australia

Chicken Meat Industry (Arbitration) Amendment Act 2004

An Act to amend the *Chicken Meat Industry Act 2003*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Chicken Meat Industry (Arbitration) Amendment Act 2004*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Chicken Meat Industry Act 2003*

4—Amendment of section 5—Intention of Act

Section 5(2)(b)—delete "5,"

5—Amendment of section 9—Registrar's obligation to preserve confidentiality

Section 9(2)—after paragraph (a) insert:

- (ab) the Registrar and a mediator mediating a dispute under this Act; or

6—Amendment of section 21—Mediation

- (1) Section 21(1)—delete "arbitration" wherever occurring and substitute in each case:

mediation

- (2) Section 21(4) to (6)—delete subsections (4) to (6) and substitute:

- (4) The Registrar need not refer a dispute for mediation if the Registrar considers that—

- (a) the parties have not undertaken sufficient negotiations in relation to the subject matter of the dispute or have not undertaken negotiations in good faith; or
- (b) it is highly unlikely that the dispute would be resolved through mediation; or
- (c) the subject matter of the dispute is trivial, misconceived or lacking in substance; or
- (d) there are other good reasons why the dispute should not be referred to mediation.

- (5) The mediation must be conducted by—

- (a) a person agreed to by the parties; or
- (b) if the parties cannot agree on a mediator, the Registrar or some other person appointed by the Registrar who is, in the opinion of the Registrar, suitably qualified to mediate the dispute.

- (6) The costs of a mediation—

- (a) must be determined in accordance with a scale approved by the Registrar; and
- (b) must be borne by the parties in proportions determined by the mediator; and
- (c) will be recoverable by the mediator as a debt.

- (3) Section 21(7)—delete "arbitrator" and substitute:

mediator

- (4) Section 21(7)—delete "arbitrating" and substitute:

mediating

- (5) Section 21(8)—delete "arbitrator" wherever occurring and substitute in each case:

mediator

7—Amendment of section 28—Interpretation and application

Section 28(2)(a)—delete paragraph (a) and substitute:

- (a) the grower was, immediately before the commencement of this Part, party to a growing agreement collectively negotiated with the processor, or was party to such an agreement when it expired; and

8—Amendment of Schedule 2—Arbitration

Schedule 2, clause 3—delete clause 3 and substitute:

3—Parties to arbitration

The parties to the arbitration are the processor and grower concerned.