



New South Wales

Meat Industry (Licensing) Amendment (Miscellaneous) Regulation 1999

under the

Meat Industry Act 1978

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Meat Industry Act 1978*.

RICHARD AMERY, M.P.,

Minister for Agriculture.

Explanatory note

The objects of this Regulation are:

- (a) to remove requirements for the payment of more than one application fee by a person applying for licences for more than one meat van if the applications are all made at the same time on or before 1 March 2000, and
- (b) to remove the requirement to pay an application fee for a class 4, class 5 or class 6 game meat van licence if the application is made on or before 1 March 2000, and
- (c) to remove the requirement to pay an application fee for a class 4 animal food processing plant, and
- (d) to provide for the Meat Industry Authority to carry out (and charge fees for) certain audits relating to premises in respect of which a licence is in force under the *Meat Industry Act 1978* (the Act), and
- (e) to prescribe brands for the purposes of the Act, and
- (f) to set out the circumstances when certain offences and inspection and branding requirements under the Act do not apply, and

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- (g) to prescribe a lower fee for the issue or renewal of a class 4 animal food processing licence than is payable in relation to the other classes of animal food processing licences, and
- (h) to add to the Schedule prescribing the offences under the Act and the *Meat Industry (Licensing) Regulation 1996* for which penalty notices (“on-the-spot” fines) may be issued.

This Regulation attains those objects by amending the *Meat Industry (Licensing) Regulation 1996*. It also inserts an additional savings provision in that Regulation in relation to meat market licences (which were abolished by the *Meat Industry Amendment Act 1998*).

This Regulation is made under the *Meat Industry Act 1978*, and, in particular, under sections 41 (Offences as to sale of meat), 42 (Branding of prescribed grades or classes of meat), 76A (Penalty notices) and 77 (the general regulation-making power) and clause 1A of Schedule 6.

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1 Name of Regulation

This Regulation is the *Meat Industry (Licensing) Amendment (Miscellaneous) Regulation 1999*.

2 Commencement

This Regulation commences on 17 September 1999.

3 Amendment of Meat Industry (Licensing) Regulation 1996

The *Meat Industry (Licensing) Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 34 Applications for meat van licences

Insert at the end of clause 34:

- (2) Despite subclause (1), only one application fee is payable in respect of applications for 2 or more meat van licences if the applications are all made by the same person at the same time (being a time on or before 1 March 2000).

[2] Clause 37C Applications for game meat van licences

Insert at the end of clause 37C:

- (2) Despite subclause (1), an application fee is not payable in respect of an application for a class 4, class 5 or class 6 game meat van licence that is made on or before 1 March 2000.

[3] Clause 44 Applications for animal food processing licences

Insert after clause 44 (3):

- (4) Despite subclause (2), an application fee is not payable in respect of an application for a class 4 animal food processing licence.

[4] Clause 48 Applications for animal food van licences

Insert at the end of clause 48:

- (2) Despite subclause (1), an application fee is not payable in respect of an application for a class 3 animal food van licence that is made on or before 1 March 2000.

[5] Clause 58AA

Insert after clause 58:

58AA Audits of licensed premises

- (1) The Authority may carry out an audit in relation to any premises in respect of which a licence is in force under the Act.
- (2) The audit must be for the purpose of ascertaining whether the premises concerned are being operated in compliance with:
 - (a) the minimum standards prescribed in relation to the premises for the purposes of sections 11 (4) (a), 11A (5) (b) and 16 (1) (c) of the Act, and
 - (b) the operational standards prescribed for the premises.
- (3) An audit must not be carried out, in respect of any particular premises, more often than is reasonably necessary to ensure compliance with the standards concerned.
- (4) The Authority may charge a fee for carrying out an audit referred to in this clause.
- (5) Any such fee must not exceed \$120 for each hour (or part of an hour) during which the audit is carried out.
- (6) A fee referred to in this clause may be recovered by the Authority as a debt in a court of competent jurisdiction.

[6] Clauses 58C, 58D and 58E

Insert after clause 58B:

58C Prescribed brands

- (1) A mark prescribed under Order 7 of the *Meat Inspection (New South Wales) Orders* made under the *Meat Inspection Act 1983* of the Commonwealth, as in force on 1 June 1997, is a prescribed brand for the purposes of section 42 (1) and (1A) of the Act in relation to the carcase of a game animal that is fit for human consumption.

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Schedule 1 Amendments

- (2) A mark prescribed under Order 6.2 (a) (iii) of the *Meat Inspection (New South Wales) Orders* made under the *Meat Inspection Act 1983* of the Commonwealth, as in force on 1 June 1997, is a prescribed brand for the purposes of section 42 (1) and (1A) of the Act in relation to a hogget carcase that is fit for human consumption.
- (3) A mark prescribed under Order 6.2 (a) (ii) of the *Meat Inspection (New South Wales) Orders* made under the *Meat Inspection Act 1983* of the Commonwealth, as in force on 1 July 1997, is a prescribed brand for the purposes of section 42 (1) and (1A) of the Act in relation to a lamb carcase that is fit for human consumption.
- (4) A mark prescribed under Order 6.2 (a) (i) of the *Meat Inspection (New South Wales) Orders* made under the *Meat Inspection Act 1983* of the Commonwealth, as in force on 1 July 1997, is a prescribed brand for the purposes of section 42 (1) and (1A) of the Act in relation to any other carcase that is fit for human consumption.

58D Exemption from inspection requirement

- (1) Section 41 (1) of the Act does not apply in respect of the sale of meat from a game animal if the meat, or the animal from which the meat is taken, has been passed under section 22C (1) of the Act as being fit for human consumption.
- (2) Section 41 (1A) of the Act does not apply in respect of the sale of meat from a game animal if the meat, or the animal from which the meat is taken, is passed under section 22C (2) of the Act as being fit for use as animal food.
- (3) Section 41 (1A) of the Act does not apply in respect of the sale of meat (not being game meat) if the animal from which it came was slaughtered at an abattoir or a licensed knackery and the meat or the carcase from which it came has been inspected by a meat safety officer and passed as fit for use for animal food.

58E Exemptions from branding requirements

- (1) Section 42 (1) of the Act does not apply in the following circumstances:

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- (a) in respect of meat that is condemned as unfit for human consumption and that has been denatured or sprayed with green dye before it is removed from the abattoir or game meat processing plant concerned,
 - (b) in respect of meat, or meat from a game animal, that is passed under section 22C (1) of the Act as being fit for human consumption.
- (2) Section 42 (1A) of the Act does not apply in respect of game meat, or meat from a game animal, that is passed under section 22C (1) of the Act as being fit for human consumption.

[7] Schedule 5 Licence fees

Omit “Knackery licence or animal food processing licence”.

Insert instead “Knackery licence or class 1, 2 or 3 animal food processing licence”.

[8] Schedule 5

Insert under the headings “Kind of licence”, “Number of employees” and “Fee \$”, respectively, before the matter relating to Saleyard:

Class 4 animal food processing licence	5 or fewer	250
	More than 5 but no more than 50	500
	More than 50	1,000

[9] Schedule 7 Penalty notice offences

Omit from Columns 1 and 2, respectively, of Schedule 7 the matter “Offences under the Meat Industry Act 1978” and “Prescribed expression”.

Insert instead:

Offence	Prescribed expression
Part 1—Offences under the Meat Industry Act 1978	

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Schedule 1 Amendments

[10] Schedule 7

Insert at the end of the Schedule, in Columns 1 and 2, respectively:

Section 37 (a) (i)	delay/obstruct/hinder/impede/ threaten/assault inspector
Section 37 (a) (ii)	delay/obstruct/hinder/impede/ threaten/assault person assisting inspector
Section 37 (b)	not comply with s. 35 (d) requirement to produce material
Section 39 (2) (a)	refuse/fail answer inspector's question under s. 39 (1)
Part 2—Offences under this Regulation	
Clause 36 (4)	Meat van not display licensing label as required
Clause 37E (4)	Game meat van not display licensing label as required

[11] Schedule 8 Savings and transitional provisions

Insert after clause 2:

2A Meat market licences

A meat market licence in force immediately before the repeal and remake of Part 5 by the *Meat Industry (Licensing) Amendment Regulation 1999* is taken to be a class 2 meat processing licence.

BY AUTHORITY