

MEAT INDUSTRY (AMENDMENT)  
ACT.

Act No. 62, 1932.

An Act to dissolve the Metropolitan Meat Industry Board; to provide for the appointment of a Metropolitan Meat Industry Commissioner, and for the exercise and discharge by such commissioner of the powers, authorities, duties and functions of the said Board; to provide for the appointment of a Metropolitan Meat Industry Advisory Council; to amend the Meat Industry Act, 1915, and certain other Acts; and for purposes connected therewith. [Assented to, 22nd December, 1932.]

George V.  
No. 62, 1932.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Meat Industry (Amendment) Act, 1932," and shall be read and construed with the Meat Industry Act, 1915.

Short title,  
citation  
and com-  
mencement.

(2) The Meat Industry Act, 1915, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Meat Industry Act, 1915-1932.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.**

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Amendment  
of Act No. 69,  
1915.

New sections.

Corpora-  
tion sole.

2. The Principal Act is amended by omitting section eight and by inserting in lieu thereof the following sections :—

8. (1) There is hereby constituted a corporation sole under the name of "The Metropolitan Meat Industry Commissioner" which shall be charged with the responsibility of administering this Act.

(2) The said corporation sole shall have perpetual succession and an official seal and may in the corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

(3) Where any property real or personal or interest therein or charge thereon is vested in or is acquired by the said corporation sole, the same shall, unless otherwise disposed of by the said corporation sole, pass to and devolve on and vest in its successors.

(4) The seal of the corporation sole shall not be affixed to any instrument or writing except in the presence of the commissioner appointed in pursuance of section 8A of this Act, and he shall attest by his signature the fact and date of the seal being so affixed.

(5) All courts and persons having by law or consent of parties authority to hear, receive and examine evidence shall take judicial notice of the seal of the corporation sole affixed to any document and shall, until the contrary is proved, presume that such seal was properly affixed thereto.

Metropolitan  
Meat  
Industry  
Commis-  
sioner.

8A. (1) The Governor shall appoint a person to be the Metropolitan Meat Industry Commissioner.

(2) A commissioner shall be paid such remuneration as may be determined by the Governor.

(3) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of a commissioner, and a commissioner shall not be subject to any of such Acts during his term of office.

(4).

(4) A commissioner shall subject to this Act be appointed for a term of five years and be eligible for reappointment from time to time for a like term. No. 62, 1982.

(5) A commissioner may be suspended from his office by the Governor for misbehaviour or incompetence or unsuitability for the position, but shall not be removed from office except in manner following, that is to say:—

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, or if not, then within seven sitting days after the commencement of the next session. A commissioner suspended under this subsection shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before such House declares by resolution that the commissioner ought to be removed from office, and if each such House within the time aforesaid does so declare, the commissioner shall be removed by the Governor accordingly.

(6) A person who—

- (a) carries on the business of a carcass butcher or a retail seller of meat or a meat exporter, or
- (b) is a member of any firm or a director or officer of any company, society, association or corporation directly or indirectly carrying on the business of or having for its objects the sale of meat (whether as a carcass butcher or as a retail seller) or the export of meat, or who receives any remuneration or fee or any benefit (otherwise than as a shareholder in a company consisting of more than twenty-five persons) from any such firm, company, society, association or corporation, shall not be eligible to be appointed as a commissioner and shall be disqualified from holding such office.

(7) A person shall be disqualified from holding office as a commissioner if he, by virtue of his office, accepts

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accepts or acquires any personal profit or advantage of pecuniary value other than as by this Act permitted.

(8) A commissioner shall be deemed to have vacated his office if he—

- (a) engages in New South Wales during his term of office in any paid employment outside the Public Service;
- (b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit;
- (c) absents himself from duty for a period of fourteen consecutive days except on leave granted by the Governor;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (e) is convicted of any felony or misdemeanour;
- (f) becomes disqualified from holding office;
- (g) resigns his office by writing under his hand addressed to the Governor.

(9) (a) A commissioner who at the date of his appointment is an officer of the Public Service shall in the event of his office as commissioner being discontinued or abolished, be entitled if he is under the age of sixty years to be appointed upon the recommendation of the Public Service Board, to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as commissioner.

(b) Nothing in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or the Superannuation Act, 1916-1930, or any Act amending such Acts, to any officer of the Public Service appointed as a commissioner.

(c) Any officer of the Public Service appointed as a commissioner shall continue to contribute to any fund or account and be entitled to receive any deferred or extended leave, payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916-1930, as the case may be.

(10)

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(10) A deputy may be appointed by the Governor to act for the commissioner during his illness, suspension or absence; and every such deputy shall, during the time he acts as deputy, have the powers, duties and liabilities of and be entitled to the same immunities as the commissioner, and shall receive such salary or remuneration as the Governor may direct.

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No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising such deputy so to act, or as to the necessity or propriety of such appointment, and all acts or things done or omitted by such deputy shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the commissioner.

**3.** (1) The Metropolitan Meat Industry Board (in this section referred to as "the Board") is hereby dissolved. **Dissolution of Board.**

(2) The persons who immediately before the commencement of this Act hold office as members of the Board shall upon such commencement cease to hold such office and shall receive such compensation as they would have been entitled to had their services been dispensed with otherwise than according to law.

(3) (a) All real and personal property and all right and interest therein and all management and control of any land or thing which, immediately before the commencement of this Act was vested in or belonged to the Board, shall vest in and belong to the corporation sole. **Savings.**

(b) All moneys, liquidated and unliquidated claims which immediately before the commencement of this Act were payable to or recoverable by the Board, shall respectively be moneys, liquidated and unliquidated claims payable to or recoverable by the corporation sole.

(c) All suits, actions, and proceedings pending immediately before the commencement of this Act at the suit of the Board in relation to any matter or claim whatsoever shall respectively be suits, actions and proceedings pending at the suit of the corporation sole.

(d)

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(d) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the Board and in force immediately before the commencement of this Act shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the corporation sole.

(e) The corporation sole may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Board might have done but for this Act.

(f) The corporation sole may enforce and realise any security or charge existing immediately before the commencement of this Act in favour of the Board in respect of any such moneys and claims as if such security or charge were existing in favour of the corporation sole.

(g) All debts due and moneys payable by the Board, and all claims liquidated and unliquidated recoverable against the Board, shall be debts due and moneys payable by and claims recoverable against the corporation sole.

(h) No attornment by a lessee of any land vested in the corporation sole by this section shall be necessary.

(i) All by-laws, rules, orders, appointments, consents, conditions and instruments made, given, imposed, prescribed or issued by the Board shall, to the extent to which they have force or effect immediately before the commencement of this Act be deemed to be by-laws, rules, orders, appointments, consents, conditions and instruments made, given, imposed, prescribed and issued by the corporation sole.

(4) A reference in any Act, rule, regulation, by-law, order, proclamation, notification or instrument to the Metropolitan Meat Industry Board shall be read as a reference to the corporation sole or the commissioner as the case may require.

Committee  
of manage-  
ment.

4. (1) Until the date upon which the first commissioner appointed in pursuance of section 8A of the Principal Act, as amended by this Act, takes office, a committee

committee of management (in this section referred to as "the committee") constituted under this section shall be charged with the responsibility of administering this Act.

(2) The committee shall consist of three members who shall be appointed by the Governor.

(3) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of the members of the committee, and such members shall not be subject to the provisions of the said Act during their tenure of office.

(4) One of the members shall in and by the instrument by which he is appointed be the chairman of the committee.

(5) In case of the illness, suspension, or absence of the chairman or any other member of the committee, the powers and authorities of such chairman or member shall be exercised during such illness, suspension or absence by a deputy chairman or deputy member who shall be appointed by the Governor.

(6) The quorum at any meeting of the committee shall be two.

(7) No. proceeding of the committee shall be invalid or illegal in consequence only of the fact that there was at the time of such proceeding a vacancy in the number of members.

(8) The committee may, in the name and on behalf of the corporation sole styled "The Metropolitan Meat Industry Commissioner," exercise any power or authority of the corporation sole or of the commissioner, and shall carry out and perform all the duties and obligations of the corporation sole and of the commissioner.

(9) The corporation sole constituted under section eight of the Principal Act, as amended by this Act, shall exist and continue notwithstanding that during the period for which this section remains in force there is a vacancy in the office of the commissioner.

(10) This section shall remain in force until the expiration of six months after the commencement of this Act.

**No. 62, 1932.**Further  
amendment of  
Act No. 69,  
1915.  
New ss. 18A-  
18E.Constitution  
of advisory  
council.

**5.** The Principal Act is further amended by inserting next after section eighteen the following new sections:—

18A. (1) There shall be constituted a Metropolitan Meat Industry Advisory Council (in this Part referred to as the Advisory Council) which shall exercise and discharge the powers, authorities, duties and functions conferred and imposed on the advisory council by this Part.

(2) The advisory council shall consist of five members who shall be appointed from time to time by the Governor.

- (3) Of the five members so to be appointed—
- (a) one shall be selected by the Governor from persons nominated by the governing body of the Farmers and Settlers Association of New South Wales;
  - (b) one shall be selected by the Governor from persons nominated by the governing body of the Graziers Association of New South Wales;
  - (c) one shall be selected by the Governor from persons nominated by the governing body of the Carcase Butchers Association;
  - (d) one shall be a person nominated by the Minister.

The person nominated under this paragraph shall be a person who is or has been a farmer or grazier.

A person who—

- (i) carries on the business of a carcase butcher or a retail seller of meat, or a meat exporter, or
- (ii) is a member of any firm or a director or officer of any company, society, association or corporation directly or indirectly carrying on the business of or having for its objects the sale of meat (whether as a carcase butcher or as a retail seller) or the export of

meat

meat, or who receives any remuneration or fee, or any benefit (otherwise than as a shareholder in a company consisting of more than twenty-five persons) from any such firm, company, society, association or corporation, shall not be eligible to be nominated under this paragraph, and shall be disqualified from holding office as a member of the advisory council if appointed under this paragraph.

(e) one shall be an accountant nominated by the Minister to be the representative of the consumers of meat in the metropolitan abattoir area.

(4) A member of the advisory council shall subject to this Act hold office for a term of five years and be eligible for reappointment.

On the occurrence of a vacancy in the office of any member, a member shall be appointed for the remainder of the unexpired term of the vacant office.

(5) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of the members of the advisory council, and such members shall not be subject to the provisions of the said Act during their tenure of office.

(6) Each member of the advisory council shall be entitled to receive as remuneration for his services a fee of such amount as may be prescribed by regulations made by the Governor for each meeting of the advisory council at which he attends; but a member shall not be entitled to receive by way of fees aforesaid an amount which in the aggregate exceeds seventy-five pounds in any one year.

(7) One of the members shall in and by the instrument by which he is appointed be the chairman of the advisory council.

(8) In case of the illness, suspension or absence of the chairman or any other member of the advisory council the powers and authorities of such chairman or member shall be exercised during such illness

illness, suspension or absence by a deputy chairman or deputy member who shall be appointed by the Governor and be entitled to receive such remuneration not exceeding the amount prescribed by or under subsection six of this section as the Governor may direct.

(9) Any three members of the advisory council of which one shall be the chairman or the deputy chairman, shall form a quorum for the purpose of transacting business of the advisory council; and any duly convened meeting of the advisory council at which a quorum is present shall be competent to transact any business of the advisory council, and shall have all the powers and authorities by this Act conferred upon the advisory council.

(10) A member of the advisory council shall be deemed to have vacated his office if he—

- (a) becomes bankrupt, compounds with his creditors or makes an assignment of his fees or estate for their benefit;
- (b) absents himself from three consecutive meetings of the advisory council without leave of absence granted in writing by the Minister;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (d) becomes disqualified from holding office as a member of the advisory council;
- (e) resigns his office by writing under his hand addressed to the Governor;
- (f) is removed from office by the Governor.

(11) No act or proceeding of the advisory council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any one member.

(12) The procedure for the calling of meetings of the advisory council and the conduct of business at such meetings and the times at which such meetings shall be held shall subject to any regulations which may be made by the Governor in relation thereto under this Part, be as determined by the advisory council.

(13)

(13) If at any meeting of the advisory council the voting on any question is equal the chairman or in his absence the deputy chairman shall have a casting vote in addition to his deliberative vote as a member of the advisory council.

18b. (1) The advisory council may give consideration to any matter affecting the administration of this Act and for this purpose shall have access to all books, vouchers and documents of the corporation sole.

Functions  
of advisory  
council.

(2) The commissioner shall attend all meetings of the advisory council and shall provide it with all such information at his disposal as may be required by the advisory council concerning any such matter.

(3) The advisory council may from time to time make such recommendation as it may think fit concerning any such matter, and in the event of the commissioner refusing or failing to give effect to the recommendation within such time as it may deem reasonable the council may refer the matter to the Minister. The decision of the Minister shall be given effect to by the commissioner.

(4) The commissioner may at any time refer to the Minister any matter affecting the administration of this Act and shall give effect to the Minister's decision thereon.

(5) The commissioner or the advisory council or both shall at the request of the Minister—

- (a) take into consideration any matter affecting the administration of this Act and shall report thereon to the Minister;
- (b) confer with the Minister on any such matter and provide the Minister with any information relating to the matter under consideration required by him.

18c. (1) Any person who being the commissioner, a member of the advisory council or the holder of any office or employment under this Act, without lawful authority demands or receives from any person any payment, gratuity or present in consideration of doing or omitting to do any act or thing pertaining to

Offences.

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to his office or employment shall be liable upon summary conviction to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years, and his services shall, as from the date of his conviction, be terminated and any privileges accruing or accrued forfeited.

(2) Any person who without lawful authority offers, makes or gives to the commissioner, a member of the advisory council or the holder of any office or employment under this Act, any payment, gratuity or present in consideration that such commissioner, member or holder of office or employment will do or omit to do some act or thing pertaining to his office or employment, shall be liable upon summary conviction to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years.

Accounts  
and audit.

18d. (1) The commissioner shall cause proper books of account to be kept in relation to each department of the corporation sole and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament balance-sheets and statements of account setting forth a true statement of the financial position and the transactions of the corporate body in the several departments for the preceding financial year, audited by the Auditor-General.

(2) Each such balance-sheet and statement shall include—

- (a) a profit and loss account;
- (b) statement of the assets and liabilities of the corporation sole,

and be in a form approved by the Auditor-General.

(3) The Auditor-General shall have, with respect to such accounts, all the powers conferred on him by the Audit Act, 1902, and Acts amending the same.

(4) The Audit Act, 1902, and Acts amending the same shall apply to the commissioner and the officers in the same manner as it applies to accounting officers of public departments.

(5)

(5) Without limiting the generality of the powers conferred by subsection three of this section, the Auditor-General may disallow any expenditure or entry in the books of the corporation sole which he considers has been wrongly, irregularly, or dishonestly made.

(6) Any sum so disallowed shall be a surcharge upon and may be recovered or deducted from moneys due to the officers or servants by whom the expenditure was incurred or ordered to be incurred or by whom the entry was made or ordered to be made, but such officers or servants shall have the same right of appeal against such surcharge as is prescribed under the Audit Act, 1902.

(7) The corporation sole shall in each year pay into the Treasury such sum as is fixed by the Colonial Treasurer towards the cost of the audit of the accounts of the corporation sole by the Auditor-General.

18E. (1) The Governor may make regulations prescribing all matters which are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying into effect the provisions of sections eight, 18A, 18B, 18c and 18D of this Act.

Regulations.

(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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Consequential  
amendments  
of Act No.  
69, 1915.

6. The Principal Act is further amended to the extent set out in the Schedule to this Act.

## SCHEDULE.

Enactment of Principal Act.	Amendment.
Section one .. ..	Omit the words and symbols "CONSTITUTION AND POWERS OF THE BOARD—ss. 8-18" and insert in lieu thereof the words and symbols "METROPOLITAN MEAT INDUSTRY COMMISSIONER AND ADVISORY COUNCIL—ss. 8-18E.
Section seven .. ..	(a) Omit the definition of "Board." (b) After the definition of "Cattle" insert the following definitions:— "Commissioner" means the Metropolitan Meat Industry Commissioner appointed in pursuance of this Act. "Corporation sole" means the corporation sole constituted by this Act. (c) After the word "regulations" in the definition of "Prescribed" insert the words "or by-laws" (d) After the word "regulations" in the definition of "This Act" insert the words "and by-laws"
Heading to Part II ..	Omit the heading to Part II immediately before section eight and insert in lieu thereof the following heading:— "METROPOLITAN MEAT INDUSTRY COMMISSIONER AND ADVISORY COUNCIL."
Section ten .. ..	Omit section ten.
Section sixteen ..	Omit section sixteen.
Sections fifteen, twenty-seven, twenty-eight ..	Omit the word "regulations" wherever occurring and insert in lieu thereof the word "by-laws"

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SCHEDULE—*continued.*

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Enactment of Principal Act.	Amendment.
Sections four, seven, nine, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty	Omit the word "Board" wherever occurring insert in lieu thereof the words "corporation sole"
Section thirty ..	<p>Omit subsection two and insert in lieu thereof the following subsection:—</p> <p>(2) All such by-laws shall—</p> <ul style="list-style-type: none"> <li>(a) be submitted to the Governor for his approval;</li> <li>(b) when approved by the Governor, be published in the Gazette;</li> <li>(c) take effect from the date of publication or from a later date specified in the by-laws; and</li> <li>(d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.</li> </ul> <p>If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after any by-law has been laid before such House disallowing the by-law or any part thereof, such by-law or part shall thereupon cease to have effect.</p>