

## MEAT INDUSTRY (AMENDMENT) ACT.

### Act No. 24, 1950.

**George VI,  
No. 24, 1950.**

An Act to dissolve the corporation sole under the name of "The Metropolitan Meat Industry Commissioner"; to dissolve the Metropolitan Meat Industry Advisory Council; to abolish the office of Metropolitan Meat Industry Commissioner; to provide for the constitution of a Metropolitan Meat Industry Board, and for the exercise and discharge by such Board of the powers, authorities, duties and functions of the said corporation sole; to amend the Meat Industry Act, 1915-1943; and for purposes connected therewith. [Assented to, 16th May, 1950.]

**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:—

Short title,  
citation  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Meat Industry (Amendment) Act, 1950" and shall be read and construed with the Meat Industry Act, 1915-1943.

(2) The Meat Industry Act, 1915-1943, 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, 1915-1950.

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

Amendment  
of Act No. 69,  
1915.  
Subst. secs. 8  
and 8A, new  
sec. 8B.

**2.** The Principal Act is amended by omitting sections eight and 8A and by inserting in lieu thereof the following sections:—

Metro-  
politan  
Meat  
Industry  
Board.

**8.** (1) There shall be constituted a board to be called "The Metropolitan Meat Industry Board" which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by or under this or any other Act.

In

In the exercise and discharge of such powers, <sup>No. 24, 1950</sup> authorities, duties and functions the Board shall be subject in all respects to the control and direction of the Minister.

(2) The Board shall consist of three members appointed by the Governor.

Of the members so appointed—

- (a) one shall in and by the instrument by which he is appointed be the chairman of the Board;
  - (b) one shall be a representative of the persons employed in the meat industry;
  - (c) one shall be a representative of the producers of cattle.
- (3) A person who—
- (a) carries on the business of a carcase 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 carcase 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 share-holder 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 member of the Board and shall be disqualified from holding any such office.

(4) No person of or above the age of sixty-five years shall be appointed as a member of the Board.

(5) Each member of the Board shall be paid such annual salary as the Governor may from time to time determine.

Each

**Meat Industry (Amendment) Act.****No. 24, 1950.**

Each member of the Board shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

Each member of the Board shall devote the whole of his time to the duties of his office.

(6) (a) Subject to this Act, the term of office of a member of the Board shall be seven years.

(b) Upon the expiration of the term of office of a member of the Board he shall, if otherwise qualified, be eligible for re-appointment from time to time.

(c) On the occurrence of a vacancy in the office of a member of the Board the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(7) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member of the Board, and a member shall not in his capacity as member of the Board be subject to the provisions of any such Act during his term of office.

(8) (a) Any member of the Board who, at the date of his appointment, is an officer of the Public Service shall, if he ceases to be a member from any cause whatsoever, otherwise than in pursuance of section 8A of this Act (subparagraph (vii) of paragraph (a) of subsection one excepted), be entitled, if he is under the age of sixty years, to be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as a member of the Board.

(b) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1948, or any Act amending such Acts, to any person appointed as a member of the Board who is at the time of his appointment or has been at any time

time previous thereto an officer of the Public Service No. 24, 1950.  
or an employee within the meaning of the Super-  
annuation Act, 1916-1948, or any amendment  
thereof.

(c) Any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916-1948, or any amendment thereof, appointed as a member of the Board shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any 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, 1916-1948, as the case may be, or any Acts amending such Acts, and for such purposes his service as a member of the Board shall be deemed to be service for the purposes of such Acts.

(d) A member of the Board who, at the date of his appointment, is an officer or inspector shall, if he ceases to be a member from any cause whatsoever, otherwise than in pursuance of section 8A of this Act (subparagraph (vii) of paragraph (a) of subsection one excepted), be entitled, if he is under the age of sixty years, to be appointed as an officer or inspector, as the case may be, with a classification and salary not lower than that which he held immediately before his appointment as a member of the Board.

(e) Nothing in this Act shall affect the rights accrued or accruing under this Act or under the constitution and rules of the Metropolitan Meat Industry Board Officers' Endowment Fund to any officer or inspector appointed as a member of the Board.

(f) Any officer or inspector appointed as a member of the Board shall continue to contribute to the Metropolitan Meat Industry Board Officers' Endowment Fund and shall be entitled to receive any deferred or extended leave as if he were an officer or inspector.

**Meat Industry (Amendment) Act.**

No. 24, 1950.

(9) In case of the illness, suspension or absence of any member of the Board, a deputy may be appointed by the Governor to act for such member during his illness, suspension or absence; and every such deputy shall have the immunities and shall during the time he acts as deputy have all the powers and authorities of such member, and receive such salary or remuneration as the Governor may direct.

No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a deputy so to act, and all acts or things done or omitted by the deputy shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the member for whom the deputy is acting.

(10) No act or proceeding of the Board 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 member.

(11) (a) No matter or thing done, and no contract entered into by the Board, and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Board, and which such member authorised or joined in authorising.

Vacation  
and removal  
of members  
from office.

8A. (1) (a) A member of the Board shall be deemed to have vacated his office if he—

- (i) engages during his term of office in any paid employment outside the duties of his office;
- (ii)

- (ii) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit; No. 24, 1950.
- (iii) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
- (iv) becomes an insane person or patient, or an incapable person within the meaning of the Lunacy Act, 1898-1949;
- (v) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards; or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or a misdemeanour which is punishable as aforesaid;
- (vi) becomes disqualified from holding office; or
- (vii) resigns his office in writing under his hand addressed to the Governor.

(b) A member of the Board shall be deemed to have vacated his office on the day on which he attains the age of sixty-five years.

(2) A person shall be disqualified from holding office as a member of the Board if he, by virtue of his office, accepts or acquires any personal profit or advantage of pecuniary value other than as by this Act permitted.

(3) (a) A member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence but shall not be removed from office except as provided in this subsection.

(b) 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 then in session, or if not, then within seven sitting days after the commencement of the next session.

(c)

No. 24, 1950.

(c) A member 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 said member ought to be removed from office, and if each such House within the time aforesaid does so declare, the member shall be removed by the Governor accordingly.

Board to  
be body  
corporate,  
meetings,  
etc.

8B. (1) The Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

The corporate name of the Board shall be "The Metropolitan Meat Industry Board".

(2) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall be as determined by the Board.

(3) Two members of the Board shall form a quorum, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Board and shall have all the powers, authorities, duties, functions and obligations of the Board.

(4) The chairman shall preside at all meetings of the Board at which he is present.

(5) At any meeting of the Board the decision of the majority of the members present shall be the decision of the Board. If at any meeting of the Board at which two members only are present, such members differ in opinion upon any matter, the determination of such matter shall be postponed to a meeting at which all three members are present.

(6)

(6) The Board shall cause minutes of its decisions to be kept upon the official papers and cause minutes to be kept of the proceedings at formal meetings.

**No. 24, 1950.**

**3.** The Principal Act is further amended by omitting sections 18A, 18B and 18E.

**Further amendment of Act No. 69, 1915, secs. 18A, 18B, and 18E. (Advisory Council.)**

**4.** (1) Upon the commencement of this Act the powers, authorities, duties, functions and obligations which immediately before such commencement were exercised and discharged by the Metropolitan Meat Industry Commissioner shall be transferred to and shall thereafter be exercised and discharged by the Metropolitan Meat Industry Board constituted under section eight of the Principal Act, as amended by section two of this Act. The said Board shall be in law the successor of the Metropolitan Meat Industry Commissioner.

**Dissolution of corporation sole and Advisory Council.**

(2) Upon the commencement of this Act the corporation sole under the name of The Metropolitan Meat Industry Commissioner and the Metropolitan Meat Industry Advisory Council are hereby dissolved.

(3) Upon the commencement of this Act the person who immediately before such commencement held office as Metropolitan Meat Industry Commissioner shall cease to hold office as such and shall, if he is not appointed Chairman of the Metropolitan Meat Industry Board, constituted under section eight of the Principal Act, as amended by section two of this Act, receive such compensation as he would have been entitled to had his services been dispensed with otherwise than according to law.

Provided that the said Metropolitan Meat Industry Commissioner shall not be entitled to compensation as aforesaid if he has been offered and has declined to accept office as Chairman of the said Metropolitan Meat Industry Board, but in lieu thereof he shall be entitled to the gratuity of an amount equal to one year's salary as Metropolitan Meat Industry Commissioner.

(4)



**No. 24, 1950.**

(4) As on and from the commencement of this Act the following provisions shall have effect:—

- (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 such commencement was vested in or belonged to the corporation sole, shall vest in and belong to the Metropolitan Meat Industry Board (hereinafter referred to as "the Board").
- (b) All moneys, liquidated and unliquidated claims, which immediately before such commencement were payable to or recoverable by the corporation sole, shall respectively be moneys, liquidated and unliquidated claims payable to or recoverable by the Board.
- (c) All suits, actions and proceedings pending immediately before such commencement at the suit of the corporation sole in relation to any matter or claim whatsoever, shall respectively be suits, actions and proceedings pending at the suit of the Board.
- (d) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the corporation sole and in force immediately before such commencement, shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the Board.
- (e) The Board may pursue the same remedies for the recovery of any such moneys or claims and for the prosecution of any such suits, actions and proceedings as the corporation sole might have done but for this Act.
- (f) The Board may enforce and realise any security or charge existing immediately before such commencement in favour of the corporation sole in respect of any such moneys and claims as if such security or charge were existing in favour of the Board.

(g)

- (g) All debts due and moneys payable by the corporation sole and all claims liquidated and unliquidated recoverable against the corporation sole shall be debts due and moneys payable by and claims recoverable against the Board. No. 24, 1950.
- (h) No attornment by a lessee of any land vested in the Board by this subsection shall be necessary.
- (i) All by-laws, rules, orders, appointments, consents, licenses, approvals, conditions and instruments made, given, imposed, prescribed or issued by the corporation sole shall, to the extent to which they have force or effect immediately before such commencement, be deemed to be by-laws, rules, orders, appointments, consents, licenses, approvals, conditions and instruments made, given, imposed, prescribed or issued by the Board.

(5) As from the commencement of this Act a reference in any Act, rule, regulation, by-law, order, proclamation or notification or in any other instrument or document whatsoever to the corporation sole or the Metropolitan Meat Industry Commissioner, shall be construed as a reference to the Board.

(6) As on and from the commencement of this Act all persons who immediately before such commencement were officers, inspectors and servants of the corporation sole shall be deemed to have been appointed as officers, inspectors and servants, respectively, of the Board.

Such officers, inspectors and servants shall retain any accrued and accruing rights, including the right to continue to contribute to any fund or account and to receive any annual, sick, deferred, or extended leave, and any payment, pension or gratuity as if this Act had not been enacted.

(7) Any exclusive right to slaughter cattle and dress carcasses for human consumption conferred upon the corporation sole pursuant to section 20A of the Principal Act and in force at the commencement of this Act shall be deemed to have been conferred upon the Board.

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

Further amendment of Act No. 69, 1915. (Consequential.)

SCHEDULE.

Enactment of Principal Act.	Amendment.
Section one .. ..	Omit the words and symbols "METROPOLITAN MEAT INDUSTRY COMMISSIONER AND ADVISORY COUNCIL—ss. 8-18E", and insert in lieu thereof the words and symbols "CONSTITUTION AND POWERS OF THE METROPOLITAN MEAT INDUSTRY BOARD—ss. 8-18E".
Section seven .. ..	(a) After the definition of "Animal" insert the following definition:— "Board" means the Metropolitan Meat Industry Board as constituted by this Act. (b) Omit the definitions of "Commissioner" and "Corporation sole".
Heading to Part II ..	Omit the heading to Part II immediately before section eight and insert in lieu thereof the following heading— "CONSTITUTION AND POWERS OF THE METROPOLITAN MEAT INDUSTRY BOARD."
Section eleven .. ..	(a) Omit the word "appointment" wherever occurring and insert in lieu thereof the word "constitution". (b) Omit the words "corporation sole" wherever occurring and insert in lieu thereof the word "Board".
Section 18c .. ..	(a) Omit from subsection one the words "the commissioner, a member of the advisory council" and insert in lieu thereof the words "a member of the Board". (b) Omit from subsection two the words "the commissioner, a member of the advisory council" and insert in lieu thereof the words "a member of the Board". (c) Omit from the same subsection the word "commissioner" where lastly occurring.

Meat Industry (Amendment) Act.

337

SCHEDULE—*continued.*

No. 24, 1950.

Enactment of Principal Act.	Amendment.
Section 18D. .. ..	Omit the words "commissioner", "corporation sole", and "corporate body" wherever occurring and insert in lieu thereof the word "Board".
Section 25A. .. ..	<p>Insert after subsection three the following new subsections:—</p> <p>(4) As on and from the commencement of the Meat Industry (Amendment) Act, 1950,—</p> <p>(a) the capital indebtedness to the State of the corporation sole fixed in accordance with the provisions of subsections one and two of this section shall be the capital indebtedness of the Board;</p> <p>(b) a reference in paragraphs (b) and (c) of subsection two and subsection three of this section to the corporation sole shall be construed as a reference to the Board.</p> <p>(5) In this section the "corporation sole" means the corporation sole constituted by section eight of this Act as enacted before the commencement of the Meat Industry (Amendment) Act, 1950.</p>
Sections four, seven, nine, twelve, thirteen, fourteen, 14A, fifteen, seventeen, eighteen, nineteen, 20A, twenty-one, 21A, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, 26A, twenty-eight, twenty-nine, thirty.	Omit the words "corporation sole" wherever occurring and insert in lieu thereof the word "Board".