

MEAT INDUSTRY (AMENDMENT) ACT.

Act No. 14, 1952.

An Act to make certain provisions in relation to the grading, branding and sale of lamb and other meats; to transfer The Metropolitan Meat Industry Board's inspectors to the Public Service; for these and other purposes to amend the Meat Industry Act, 1915-1950; and for purposes connected therewith. [Assented to, 17th April, 1952.]

Elizabeth II,
No. 14, 1952.

BE it enacted by the Queen'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, 1952".

Short title
and
citation.

(2) The Meat Industry Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Meat Industry Act, 1915-1952.

2. The Meat Industry Act, 1915-1950, is amended by inserting next after Part III the following new Part:—

Amendment
of Act No.
69, 1915.

PART IIIA.

New Part
IIIA.

GRADING AND BRANDING OF MEAT.

22A. This Part of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Commence-
ment of
this Part,

22B.

No. 14, 1952:

Branding
of
carcasses
intended
for
consumption
in
Metro-
politan
Abattoir
Area.

22B. Where any animal is slaughtered—

- (a) at the public abattoir or at premises within the Metropolitan Abattoir Area at which slaughtering is carried on with the consent of the Board, or at premises licensed by the Board under section 21A of this Act or deemed to be licensed for the purposes of subsection one of that section; and
- (b) the carcase or meat derived from such animal is intended for human consumption in the Metropolitan Abattoir Area; and
- (c) the meat of the carcase thereof is of a prescribed grade or class,

the Board shall, forthwith after the slaughter of such animal, cause such carcase to be branded with the brand prescribed for that grade or class of meat.

Sale of
meat of
prescribed
grade or
class in
Metro-
politan
Abattoir
Area.

22c. (1) No person shall within the Metropolitan Abattoir Area sell or offer for sale or expose for sale or cause or allow to be sold, offered for sale or exposed for sale as meat of a prescribed grade or class—

- (a) any carcase unless such carcase bears the prescribed brand for such prescribed grade or class;
- (b) any portion of a carcase unless such portion bears the prescribed brand for such prescribed grade or class or portion of such brand.

(2) Where it appears to the Minister that the supplies of meat of a prescribed grade or class branded in accordance with the provisions of section 22B of this Act and available for human consumption in the Metropolitan Abattoir Area are insufficient to meet the needs of that area the Minister may by notice published in the Gazette exempt, during such period as may be specified therein, any carcase or portion of a carcase, the meat of which is of that grade or class, not branded in accordance with section 22B of this Act from the operation of subsection one of this section.

22D.

22d. (1) The Governor may, upon the application of a council of any area outside the Metropolitan Abattoir Area, by proclamation published in the Gazette, prohibit any person within the area of such council from selling or offering for sale or exposing for sale or causing or allowing to be sold, offered for sale or exposed for sale as meat of such prescribed grade or class as may be specified in such proclamation—

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Sale of meat of prescribed grade or class in local government areas.

- (a) any carcase unless such carcase bears the prescribed brand for such prescribed grade or class;
- (b) any portion of a carcase unless such portion bears the prescribed brand for such prescribed grade or class or portion of such brand.

(2) In this section "council" includes council of a city, municipality or shire or a county council within the meaning of the Local Government Act, 1919, as amended by subsequent Acts.

(3) The Governor may, in like manner, suspend the operation of any such proclamation for such period as he may determine, or revoke any such proclamation.

22e. Where a proclamation which has been issued under section 22d of this Act is in force in respect of an area the Board or such other person as may be authorised by the Board in that behalf shall cause all animals slaughtered in that area or elsewhere for human consumption in that area to be branded, forthwith upon such slaughter, with the brand prescribed for the grade or class of meat to which the prohibition imposed by section 22d of this Act relates.

Branding of carcasses intended for consumption in local government areas.

22f. Sections 22c and 22d of this Act shall not apply to such portions of a carcase as may be exempted from the operation of those sections by the regulations.

Exemption of portions of carcasses.

22g. (1) No person other than the Board or a person authorised by the Board in that behalf shall brand any carcase or portion of a carcase with any prescribed

Unlawful branding.

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prescribed brand and no person shall brand any carcase or portion of a carcase with any brand which resembles any prescribed brand or portion thereof or is likely to or intended to convey the impression that such brand is a prescribed brand or portion thereof.

(2) No person shall sell or offer for sale or expose for sale or cause or allow to be sold, offered or exposed for sale any carcase or portion of a carcase which has been branded with a prescribed brand by any person other than the Board or a person authorised by the Board pursuant to this Act or which has been branded with a brand which resembles any prescribed brand or portion thereof or is likely to or intended to convey the impression that such brand is a prescribed brand or portion thereof.

Penalties.

22H. Any person who contravenes any of the provisions of this Part of this Act or the terms of any prohibition in force under section 22D of this Act shall be guilty of an offence against this Act and shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Regulations.

22I. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Part of this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Part of this Act and in particular and without prejudice to the generality of the foregoing power regulations may be made for and with respect to—

- (a) prescribing grades or classes of meat for the purposes of this Part of this Act;
- (b) prescribing in respect of each such grade or class the brand with which a carcase, the meat of which is of such grade or class, shall be branded, the manner of branding and the position of the brand;
- (c) specifying the portions of a carcase which shall be excluded from the operation of sections 22c and 22d of this Act;

(d)

(d) imposing a penalty not exceeding fifty pounds for any breach of the regulations. No. 14, 1952.

(2) The regulations may be of general application or may vary according to time, place, circumstances or subject-matter.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof 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.

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

Transfer of inspectors and veterinary officers to Public Service.

(2) The Meat Industry Act, 1915-1950, is further amended—

Further amendment of Act No. 69, 1915.

(a) by omitting from section seven the definition of "Inspector" and by inserting in lieu thereof the following definition:—

Sec. 7. (Definitions.)

"Inspector" means any inspector appointed under section 9A of this Act or any person who becomes an employee of the Public Service pursuant to the said section or any person authorised in writing by the Minister to exercise the powers of an inspector.

(b)

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Sec. 9.

(Appoint-
ment of
officers.)

New sec. 9A.

Appoint-
ment of
inspectors

(b) (i) by omitting from section nine the word
“inspectors”;

(ii) by omitting from the same section the word
“inspector”;

(c) by inserting next after the same section the
following new section:—

9A. (1) Such inspectors as may be necessary
for the purposes of this Act shall be appointed or
employed under and subject to the provisions of
the Public Service Act, 1902, as amended by
subsequent Acts.

(2) As upon and from the commencement
of this section all inspectors and veterinary
officers appointed under section nine of this Act
as enacted immediately before such commence-
ment and holding office immediately before such
commencement shall become and be employees
of the Public Service and except as otherwise
provided by this section shall be subject to the
provisions of the Public Service Act, 1902, as
amended by subsequent Acts.

(3) The following provisions shall apply
to any person referred to in subsection two of
this section and shall so apply to him on and
after the date of commencement of this sec-
tion:—

(a) such person shall be paid a salary or
wages at a rate not less than the rate
which was payable to him immediately
before such commencement, subject to
any adjustment necessary to give effect
to any fluctuation in the basic wage for
adult males as provided for under the
Industrial Arbitration Act, 1940, as
amended by subsequent Acts, until such
salary or wages is or are varied in
pursuance of the Public Service Act,
1902, as amended by subsequent Acts,
or by an award made by a competent
tribunal or by an industrial agreement;

(b)

- (b) such person shall have and enjoy rights and privileges with regard to annual, sick and extended leave not less favourable than those which he would have had and enjoyed had he continued to be a servant of the Board. For the purpose of this paragraph service with the Board shall be deemed to be service in the Public Service; No. 14, 1952.
- (c) where any condition of employment of such person is, immediately before the commencement of this section, regulated by an award or industrial agreement, such condition shall continue to be so regulated until a determination in relation to such condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, as amended by subsequent Acts, or until an award regulating such condition is made by a competent tribunal or such condition is regulated by an industrial agreement;
- (d) such person may, by writing under his hand addressed to the State Superannuation Board constituted under the Superannuation Act, 1916, as amended by subsequent Acts, and delivered or forwarded by post so as to be received in the office of such Board not later than thirty days after the commencement of this section, elect to become a contributor to the State Superannuation Fund constituted under the said Act, as so amended. Any person so electing shall be deemed to be an employee within the meaning and for the purposes of the said Act, as so amended, and unless such Board refuses to accept him as a contributor pursuant to section

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11A of the said Act, as so amended, such person shall as from the commencement of this section—

- (i) become a contributor to the said Fund; and
- (ii) if he was immediately before such commencement a contributor to the Metropolitan Meat Industry Board Officers' Endowment Fund cease to be such a contributor and shall be entitled to a refund of his contributions to such lastmentioned Fund upon the happening of any contingency in relation to his employment in the Public Service which if it had happened in relation to his employment with the Board would under the constitution and rules of such lastmentioned Fund have qualified him for the payment of an endowment or a refund of his contributions.

If such person does not become a contributor to the State Superannuation Fund as aforesaid and was immediately before the commencement of this section a contributor to the Metropolitan Meat Industry Board Officers' Endowment Fund he shall continue to contribute to the Metropolitan Meat Industry Board Officers' Endowment Fund and shall be paid from such Fund any pension, gratuity, allowance or other benefit which he would have received from such Fund had he continued in the service of the Board. And for the purpose of this paragraph

paragraph service in the Public Service after the commencement of this section shall be deemed to be service with the Board. **No. 14, 1952.**

(4) Any person to whom the provisions of subsection three of this section apply shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

(5) There shall be paid to the Metropolitan Meat Industry Board Officers' Endowment Fund out of the Consolidated Revenue Fund amounts equal to the contributions in respect of a person who continues to be a contributor to such first-mentioned Fund pursuant to subsection three of this section which would have been payable by the Board to such first-mentioned Fund had the service of such person with the Public Service been service with the Board. The contributions of such person to such first-mentioned Fund shall be deducted from his salary or wages and paid into such first-mentioned Fund.

(d) (i) by inserting in paragraph (b) of subsection three of section fifteen after the words "other expenses" the words "of the Board"; **Sec. 15. (Charges by Board and Fund.)**

(ii) by inserting at the end of the same section the following new subsection:—

(4) Where fees are not prescribed for the inspection of cattle at the public sale-yards or for the inspection of carcasses at the public abattoir the Board shall, out of the fund established under subsection three of this section, in each year pay to the Colonial Treasurer an amount equal to the cost to the Crown for such year of employing inspectors under this Act at such sale-yards or abattoir, as the case may be.

Such

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Such cost shall include an amount equal to the payments made in that year in respect of such inspectors to the Metropolitan Meat Industry Board Officers' Endowment Fund by the Crown under subsection five of section 9A of this Act.

Sec. 21.
(Inspection
of cattle.)

(e) by omitting from subsection one of section twenty-one the word "Board" and by inserting in lieu thereof the word "Minister";

Sec. 21A.
(Bringing
or sending
meat into
Metropoli-
tan
Abattoir
Area.)

(f) (i) by omitting from subsection one of section 21A the words "approved by the Board" and by inserting in lieu thereof the words "approved by the Minister";

(ii) by omitting from the same subsection the words "The prescribed fees for such inspection shall be paid to the Board" and by inserting in lieu thereof the words "Such fees as may be prescribed shall be paid for such inspection";

Sec. 22.
(Inspection
of meat.)

(g) by omitting from subsection one of section twenty-two the word "Board" and by inserting in lieu thereof the word "Minister";

Sec. 27.
(False
marks.)

(h) (i) by omitting from section twenty-seven the words "by an officer";

(ii) by omitting from the same section the words "or the by-laws thereunder" wherever occurring;

Sec. 28.
(Power of
officers.)

(i) (i) by omitting from subsection one of section twenty-eight the words "or the by-laws hereunder";

(ii) by omitting from the same subsection the words "or the by-laws thereunder";

(iii) by inserting in subsection five of the same section after the word "Board" the words "or the Minister";

Sec. 30.
(By-laws.)

(j) (i) by omitting from paragraph (2) of subsection one of section thirty the word "inspectors";

(ii)

(ii) by omitting from paragraph (4) of the same subsection the words "for the inspection of cattle, and for the inspection and marking of meat, and for the fixing and collection of fees therefor, and";

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(k) by inserting next after the same section the following new section:—

New sec. 21.

31. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act relating to the inspection of cattle, carcasses and meat, and in particular and without prejudice to the generality of the foregoing power regulations may be made for and with respect to—

Regulations.

- (a) defining the duties and powers of inspectors;
- (b) providing for the inspection of cattle, and for the inspection and marking of meat, and for the fixing and collection of fees therefor;
- (c) imposing a penalty not exceeding fifty pounds for any breach of the regulations.

(2) Such regulations shall—

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

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regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Further amendment of Act No. 69, 1915.

4. The Meat Industry Act, 1915-1950, is further amended—

Sec. 19.
(Prohibition of slaughtering.)

(a) by omitting paragraph (c) of subsection one of section nineteen;

Sec. 25A.
(Fixation of capital indebtedness.)

(b) by inserting next after subsection four of section 25A the following new subsection:—

(4A) Notwithstanding anything contained in this section the capital indebtedness to the State of the corporation sole or of the Board shall not include and shall be deemed never to have included any of the expenditure for the addition to the public abattoir of the cold store known as the "No. 2 Cold Store".

Sec. 28.
(Power of officers.)

(c) by inserting in subsection one of section twenty-eight after the word "constable" the words "or any officer within the meaning of the Pure Food Act, 1908, as amended by subsequent Acts";

New sec. 28A.

(d) by inserting next after the same section the following new section:—

Powers of entry and search.

28A. Any officer or inspector or member of the police force or any special constable or any officer within the meaning of the Pure Food Act, 1908, as amended by subsequent Acts, may, for the purpose of ascertaining whether this Act has been or is being contravened, at all reasonable times, enter and search any premises which are being or are suspected of being used for the slaughter of cattle for sale for human consumption or any premises on which any carcase or portion of the carcase of an animal is or is suspected to be offered, exposed, stored or kept for sale for human consumption and may inspect any carcase or portion of the carcase of any animal found thereon.

(e)

(e) (i) by omitting paragraph (b) of section twenty-nine and by inserting in lieu thereof the following paragraph:—

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Sec. 29.
(Failure of duty.)

(b) prevents, obstructs or hinders any inspector or officer of the Board or any member of the police force or any special constable or any officer within the meaning of the Pure Food Act, 1908, as amended by subsequent Acts, in the exercise of any power or duty conferred or imposed upon him by this Act;

(ii) by inserting in paragraphs (c) and (d) of the same section after the word "constable" wherever occurring the words "or any officer within the meaning of the Pure Food Act, 1908, as amended by subsequent Acts";

(f) by inserting in section one next after the matter relating to Part III the following new matter—

Sec. 1.
(Parts.)
(Consequential.)

PART IIIA.—GRADING AND BRANDING OF MEAT
—SS. 22A-22I.