

MEAT INDUSTRY AUTHORITY ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 2, 1970.

An Act to provide for the constitution of the New South Wales Meat Industry Authority and to define its powers, authorities, duties and functions; to provide for a system of licensing of places at which animals are slaughtered for human consumption; to regulate the entry of meat into and the sale of meat in, certain areas; to amend the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, the Meat Industry Act, 1915; and for purposes connected therewith. [Assented to, 13th March, 1970.]

BE

Meat Industry Authority.

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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:—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Meat Industry Authority Act, 1970".

(2) This Act, Part VI excepted, shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Part VI of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette being a day that is not earlier than the day appointed under subsection two of this section.

Division
into Parts.

2. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 1–6.

PART II.—CONSTITUTION OF THE AUTHORITY.—ss. 7–13.

PART III.—INSPECTION—ss. 14–17.

PART IV.—LICENSING OF ABATTOIRS AND SLAUGHTER-
HOUSES—ss. 18–28.

PART V.—POWERS, AUTHORITIES, DUTIES AND FUNC-
TIONS OF THE AUTHORITY—ss. 29, 30.

PART VI.—CENTRAL KILLING AREAS—ss. 31–33.

PART VII.—FINANCE—ss. 34–37.

PART VIII.—MISCELLANEOUS—ss. 38–53.

3.

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3. (1) This Act (subsections one, three and four, paragraph (d) of subsection five, and subsection six, of section nineteen, section twenty-two, paragraph (a) of subsection one of section twenty-three, and subsection one of section twenty-six, excepted) shall not apply to or in respect of The Metropolitan Meat Industry Board constituted under the Meat Industry Act, 1915, or the public abattoir within the meaning of that Act.

No. 2, 1970
Limited
operation
of Act in
respect of
The Metro-
politan
Meat
Industry
Board.

(2) Except to the extent provided by subsection one of this section and section fifty-two of this Act, nothing in this Act shall be construed as affecting the powers, authorities, duties and functions conferred or imposed on The Metropolitan Meat Industry Board by the Meat Industry Act, 1915.

4. In this Act, except in so far as the context or subject matter otherwise indicates or requires—

Interpre-
tation.

“abattoir” means slaughtering place licensed as an abattoir;

“animal” means bull, ox, steer, cow, heifer, calf, ram, ewe, wether, lamb, goat, kid and swine, and includes any other animal of a kind used for the food of man that the Minister, by order published in the Gazette, declares to be an animal for the purposes of this Act;

“appointed day” means the day appointed under subsection two of section one of this Act;

“Authority” means New South Wales Meat Industry Authority constituted by this Act;

“Chairman” means Chairman of the Authority appointed under section seven of this Act;

“council” means council within the meaning of the Local Government Act, 1919, and includes county council;

“Deputy Chairman” means Deputy Chairman of the Authority appointed under section seven of this Act;

“inspector”

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“inspector” means inspector appointed for the purposes of this Act;

“license” means license issued under this Act and “licensed” and “licensee” have corresponding meanings;

“member” means member of the Authority;

“part of a carcass” means every part of an animal that is used for the food of man and includes any other prescribed part of an animal;

“prescribed day” means the day that is three months after the appointed day or, where the Minister, by notification published in the Gazette before the expiration of that period of three months, declares a later day to be the prescribed day for the purposes of this Act, that later day;

“regulations” means regulations made under this Act;

“sell” includes—

- (a) offer or expose for sale;
- (b) keep or have in possession for sale;
- (c) barter or exchange;
- (d) agree to sell;
- (e) send, forward or deliver for sale or on sale; and
- (f) authorise, direct, cause, permit or suffer any act referred to in paragraph (a), (b), (c), (d) or (e) of this definition;

“slaughter-house” means slaughtering place licensed as a slaughter-house;

“slaughtering place” means place used or intended to be used for or in connection with the slaughtering of animals for sale for human consumption and includes holding yards and the like places used in or in connection with the slaughtering of those animals;

“this Act” includes the regulations.

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5. (1) The Minister may, on the recommendation of the Authority, by order published in the Gazette, exempt—

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(a) the operator of a specified slaughtering place or the operators of a specified class of slaughtering places; or

Minister may grant certain exemptions.

(b) a specified slaughtering place or class of slaughtering places,

from the whole or any specified provisions of this Act, subject to such conditions as he thinks fit and specifies in the order.

(2) An order published under subsection one of this section shall take effect from the day of publication or, where a later day is specified in the order for the purpose, from the day so specified.

(3) While an order under subsection one of this section is in force, this Act or, as the case may be, the provisions of this Act specified in the order, shall not, subject to any conditions imposed by the order, apply to or in relation to the operator or slaughtering place exempted.

6. Nothing in this Act shall extend to any person slaughtering at his own residence or farm any animals for his family, servants or labourers.

Act not to extend to slaughtering animals for use of family, &c.

PART II.

CONSTITUTION OF THE AUTHORITY.

7. (1) There is hereby constituted a corporation under the corporate name of "New South Wales Meat Industry Authority".

Constitution of Authority.

(2) The Authority—

(a) shall, in the exercise and discharge of its powers, authorities, duties and functions, be subject in all respects to the control and direction of the Minister; and

(b)

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(b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

(3) The members of the Authority shall be appointed by the Governor by proclamation published in the Gazette and shall, subject to this Act, consist of nine persons, eight being nominated by the Minister and one being an officer of the Department of Local Government nominated by the Minister administering the Local Government Act, 1919.

(4) Of the members nominated by the Minister—

- (a) one shall be a member of The Metropolitan Meat Industry Board constituted under the Meat Industry Act, 1915;
- (b) one shall be an officer of the Department of Agriculture;
- (c) two shall be persons representing producers of animals;
- (d) one shall be a person representing councils (other than county councils) which provide, control and manage slaughtering places;
- (e) one shall be a person representing county councils which provide control and manage slaughtering places;
- (f) one shall be a person representing operators of premises licensed or deemed to be licensed under section 21A of the Meat Industry Act, 1915, and operators of abattoirs, not being, in either case, slaughtering places referred to in paragraphs (d) and (e) of this subsection;
- (g) one shall be a person representing wholesale meat traders who do not own or operate slaughtering places.

(5) The Chairman and Deputy Chairman of the Authority shall be appointed by the Governor by the proclamation appointing them as members or by another proclamation

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proclamation and they shall be so appointed from among No. 2, 1970
the persons referred to in paragraphs (a) and (b) of sub-
section four of this section and the member nominated by the
Minister administering the Local Government Act, 1919.

(6) A member shall, subject to this Act, be appointed for such term, not exceeding five years, as may be specified in the proclamation by which he is appointed and, if otherwise qualified, shall be eligible for reappointment from time to time for such term not exceeding five years as may be specified in the proclamation by which he is reappointed.

(7) On the occurrence of a vacancy in the office of a member, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person nominated and qualified in the same manner as that predecessor.

(8) A person who is of or above the age of sixty-five years shall not be appointed as a member.

(9) During the illness or absence of the Chairman the Deputy Chairman shall have the powers, authorities and duties of the Chairman.

(10) No person shall be concerned to enquire whether or not any occasion has arisen requiring or authorising the Deputy Chairman to act in the place of the Chairman, and all acts or things done or omitted by the Deputy Chairman while so acting as Chairman shall have the same consequences as if they had been done or omitted by the Chairman.

(11) Each member shall receive such allowances and each member who is not an officer of the Public Service shall receive such fees, as the Governor may from time to time determine.

(12) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting

him

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No. 2, 1970 him from engaging in employment outside the duties of his office, the provision shall not operate to disqualify him from holding that office and also the office of a member.

(13) The office of a member shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

Public Service Act, 1902, not to apply to member.

8. The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of any member and any member so appointed shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

Vacation of office of member.

9. A member shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- (c) if he is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given him either personally or in the ordinary course of post unless on leave granted by the Authority or unless he is, before the expiration of four weeks after the last of those meetings, excused by the Authority for his absence from those meetings;
- (d) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (e) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he 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;

(f)

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- (f) if he resigns his office by writing under his hand No. 2, 1970 addressed to the Governor;
 - (g) if he is removed from office by the Governor;
 - (h) if he ceases to hold the qualification by virtue of which he was appointed;
 - (i) upon the day upon which he attains the age of seventy years.

10. The Governor may, for any cause which appears to him sufficient, remove any member from office. Removal of member from office.

11. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Authority. Proceedings of Authority.

(2) The Chairman, or in the absence of the Chairman, the Deputy Chairman, or in the absence of the Chairman and Deputy Chairman, the member chosen by the members present at the meeting to act as Chairman, shall preside at any meeting of the Authority.

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

(4) The Chairman or Deputy Chairman or member acting as Chairman at any meeting of the Authority shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(5) A decision of a majority of the members present at a meeting of the Authority at which a quorum is present shall be the decision of the Authority.

(6)

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(6) The Authority shall cause full and accurate minutes to be kept of its proceedings at meetings.

**Personal
liability
of members.**

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

(2) Nothing in subsection one of this section 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 Authority, and which the member authorised or joined in authorising.

**Officers and
employees.**

13. The Governor may, under and in accordance with the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for carrying out the provisions of this Act.

PART III.

INSPECTION.

Inspectors.

14. (1) The Governor may, under and in accordance with the Public Service Act, 1902, appoint inspectors for the purposes of this Act.

(2) Every inspector shall be provided by the Authority with a certificate of identification in the prescribed form.

15.

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15. (1) An inspector shall have and may exercise and perform all the powers, authorities, duties and functions conferred or imposed on him by or under this Act and, without affecting the generality of the foregoing, may, subject to this section—

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Powers of
inspectors.

- (a) enter and remain in or on any land, premises, place, vehicle, aircraft or vessel which is, or which he believes on reasonable grounds, is—
 - (i) being used for or in connection with the slaughter of animals or the storage, distribution, sale or conveyance of the carcasses of animals or parts of carcasses; or
 - (ii) being used for the storage or custody of any accounts, records, books, documents or any other things whatsoever relating to the slaughtering of animals or the storage, distribution, sale or conveyance of carcasses of animals or parts of carcasses;
- (b) search and inspect any such land, premises, place, vehicle, aircraft or vessel for the presence of, and examine, any animal, carcase of an animal, part of a carcase, plant, equipment, utensils, accounts, records, books, documents, goods, packages, parcels or any other things found therein or thereon relating to the slaughtering of animals or the storage, distribution, sale or conveyance of carcasses of animals, or parts of carcasses;
- (c) take copies of, or extracts or notes from, any such accounts, books, documents, or other things;
- (d) require any person found in or on any such land, premises, place, vehicle, aircraft or vessel or, where that land or place is, or those premises are, a slaughtering place, require the operator of the slaughtering place, to produce any such accounts, records, books, documents or other things in the possession or under the control of that person or operator which relate to, or which the inspector believes,

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believes, on reasonable grounds, to relate to, the slaughtering of animals or the storage, distribution, sale or conveyance of carcasses of animals or parts of carcasses; and

- (e) without payment take samples or specimens of any animal or part of a carcass;

(2) An inspector in exercising or performing in or on any land, premises, place, vehicle, aircraft or vessel any power, authority, duty or function under this Act, shall, if so requested by any person apparently in charge of such land, premises, place, vehicle, aircraft or vessel, produce his certificate of identification to that person.

(3) An inspector may be accompanied by and use such persons as he considers necessary to assist him in the exercise and performance of his powers, authorities, duties and functions under this Act.

(4) Nothing in this section shall authorise an inspector to enter in or on or search or inspect that portion of any premises that is used for residential purposes without the permission of the occupier thereof.

(5) Any person who—

(a) delays, obstructs, hinders or impedes—

(i) an inspector in the exercise or performance of his powers, authorities, duties or functions under this Act; or

(ii) a person assisting an inspector in the exercise or performance of his powers, authorities, duties or functions under this Act; or

(b) fails to comply with any requirement made under paragraph (d) of subsection one of this section,

shall be guilty of an offence against this Act.

16. (1) An inspector who finds a person committing an offence against this Act or who finds a person whom, on reasonable grounds, he suspects of having committed or attempted to commit any such offence may demand from that person his name and place of abode. No. 2, 1970
Demand-
ing name
and place
of abode.

(2) Any person who upon demand made under subsection one of this section—

- (a) fails or refuses to state his name or place of abode; or
 - (b) gives a false name or place of abode,
- shall be guilty of an offence against this Act.

17. Any person who—

- (a) forges or counterfeits any written evidence of appointment of an inspector; Persona-
tion of
inspector.
 - (b) makes use of any forged, counterfeited or false written evidence of such an appointment;
 - (c) personates an inspector named in any written evidence of appointment; or
 - (d) falsely pretends to be such an inspector,
- shall be guilty of an offence against this Act.

PART IV.

LICENSING OF ABATTOIRS AND SLAUGHTER-HOUSES.

18. (1) A person shall be guilty of an offence against this Act— Penalty for
unlicensed
slaughtering
place.

- (a) if he operates a slaughtering place on land or premises not licensed under this Act, being land that was not, or premises that were not, immediately before the day on which this Act received the Royal assent—

- (i) licensed under Division 2 of Part II of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902; or

- (ii)

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- (ii) licensed or deemed to be licensed under section 21A of the Meat Industry Act, 1915;
- (b) if, on or after the prescribed day, he operates a slaughtering place on land or premises not licensed under this Act, being land that was, or premises that were, immediately before the day on which this Act received the Royal assent, land or premises referred to in subparagraph (i) or (ii) of paragraph (a) of this subsection; or
- (c) if he operates an abattoir or slaughter-house otherwise than in accordance with the conditions or restrictions in force in respect of the license for the abattoir or slaughter-house.

Penalty : Four hundred dollars and, in addition, a penalty of not more than eighty dollars for every day during which the offence continues.

(2) It shall be a defence to a prosecution under paragraph (b) of subsection one of this section if the defendant proves that, before the prescribed day, he applied to the Authority for a license for the land or premises in respect of which the prosecution was brought and paid to the Authority all moneys he would, by this Act, be required to pay before the issue to him of a license for that land or those premises.

Licenses.

19. (1) On application being made to it in a form approved by the Minister, the Authority may, subject to this Act, approve the issue to the applicant of a license in the prescribed form to operate, on the land and premises specified in the license, an abattoir or, as the case may require, a slaughter-house.

(2) An approval shall not be given under subsection one of this section in respect of land that was not, or premises that were not, immediately before the day on which this Act received the Royal assent, land or premises referred to in
subparagraph

subparagraph (i) or (ii) of paragraph (a) of subsection one of section eighteen of this Act, unless the prescribed fee in respect of an application relating to any such land or premises has been paid. No. 2, 1970

(3) A license shall, subject to this Act, continue in force until cancelled but, except to the extent that this Act (this subsection excepted) otherwise provides, shall be deemed not to be in force while it is suspended.

(4) The regulations may prescribe different classes of licenses for different classes of abattoirs and slaughter-houses and may provide for any class of abattoir or slaughter-house to be defined by reference to matters to be determined by the Authority.

(5) The Authority shall not issue a license—

- (a) unless the site or proposed site of the slaughtering place to which the application for the license relates and any works and buildings used or proposed to be used in connection with that slaughtering place have been inspected by an inspector;
- (b) where the license is a license for an abattoir, unless the land, buildings and works used or proposed to be used in connection with the slaughtering place to which the application for the license relates comply with the prescribed minimum standards for an abattoir;
- (c) where the license is a license for a slaughter-house, unless the land, buildings and works used or proposed to be used in connection with the slaughtering place to which the application relates comply with the prescribed minimum standards for a slaughter-house; and
- (d) unless an amount equivalent to the prescribed annual fee for the license has been paid to the Authority.

(6) An approval given, or license issued, by the Authority under this Act shall not be construed as authorising the erection, alteration or operation of a slaughtering place contrary to any other Act or any rule, regulation, by-law or ordinance made under any other Act.

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License
may be
subject to
conditions
or restric-
tions.

20. (1) A license may be issued subject to such conditions and restrictions as the Authority thinks fit to impose and, without prejudice to the generality of the foregoing, may be issued subject to conditions or restrictions—

- (a) regulating or prohibiting the slaughter of specified animals, having regard to the plant and equipment in the abattoir or slaughter-house to which the license relates;
- (b) specifying the days on which, and the times during which, animals may be slaughtered in the abattoir or slaughter-house to which the license relates, having regard to—
 - (i) the nature and extent of the operations carried on, or to be carried on, in the abattoir or slaughter-house; and
 - (ii) the practicability of having the abattoir or slaughter-house regularly inspected by an inspector appointed under any other Act relating to meat inspection or disease of animals.

(2) The Authority shall, by the imposition of conditions or restrictions under subsection one of this section, prohibit or regulate the use of an abattoir or slaughter-house for purposes other than the slaughtering of animals.

(3) The Authority may, during the currency of a license or while it is suspended, vary or (except in the case of a condition or restriction imposed under subsection two of this section) revoke a condition or restriction to which the license is subject, or impose further conditions or restrictions, but no such variation, revocation or imposition shall, except to the extent that the licensee otherwise requests and the Authority approves, have any force or effect until the anniversary of the prescribed day next following the variation, revocation or imposition.

21. Subject to section twenty-six of this Act, the Authority may refuse to approve the issue of a license—

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Refusal to
approve
issue of
license.

- (a) if the applicant for the license, or the owner or occupier of the land or premises in respect of which the application is made, has been convicted of an offence against this Act, or against the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or the Meat Industry Act, 1915;
- (b) in the case of an application for a license for an abattoir, if the land or premises or proposed premises to which the application relates do not comply with the prescribed minimum standards for an abattoir;
- (c) in the case of an application for a license for a slaughter-house, if the land or premises or proposed premises to which the application relates do not comply with the prescribed minimum standards for a slaughter-house; or
- (d) if it is of the opinion that the application should be refused, having regard to—
 - (i) the provisions of any town or country planning scheme, planning scheme or interim development order made, prescribed or issued by or under any Act;
 - (ii) the unsuitability of the applicant or the lack of merit in the application;
 - (iii) the location of the site to which the application relates and its unsuitability for an abattoir or slaughter-house;
 - (iv) the existence, in the district to be served by the abattoir or slaughter-house, of adequate facilities for the slaughtering of animals;
 - (v) the economic implications of the proposal;

(vi)

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- (vi) the probable effect of the proposal on existing slaughtering facilities; and
- (vii) any matters prescribed for the purposes of this subsection.

Annual
license fee.

22. (1) A licensee shall, on or before the anniversary of the prescribed day next succeeding the issue of his license, and on or before the anniversary of the prescribed day in each year thereafter during which the license is in force, pay to the Authority the prescribed annual fee for the license.

(2) Where the prescribed annual fee for a license is not paid as provided by subsection one of this section, the amount of the fee may be recovered in any court of competent jurisdiction as a debt owing to the Authority.

(3) The regulations may prescribe different annual license fees for the different classes of abattoirs and slaughterhouses referred to in subsection four of section nineteen of this Act.

(4) For the purposes of this section—

- (a) a license shall be deemed not to have ceased to be in force by reason only of its suspension; and
- (b) a license that is issued before the prescribed day shall be deemed to have been issued on that day.

Suspension
or cancel-
lation of
license.

23. (1) Subject to this section, the Authority may suspend a license for such period as it thinks fit, or may cancel a license—

- (a) if the prescribed annual fee for the license is not paid in accordance with subsection one of section twenty-two of this Act;
- (b) for a breach of a condition or restriction to which the license is subject;

(c)

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- (c) on any ground specified in paragraph (a), (b) or ^{No. 2, 1970} (c) of section twenty-one of this Act as a ground for refusing an application for a license;
- (d) on any ground prescribed for the purposes of this subsection; or
- (e) at the request of the licensee.

(2) The Authority shall not suspend or cancel a license for an abattoir on the ground specified in paragraph (b) of section twenty-one of this Act unless—

- (a) it has first served on the licensee a notice—
- (i) specifying the works or repairs required to be executed to enable the land and premises to which the license relates to comply with the prescribed minimum standards for an abattoir; and
 - (ii) stating that unless the works or repairs specified in the notice are executed within a time so specified, the Authority will suspend or cancel the license; and
- (b) the works or repairs specified in the notice have not been executed within the time so specified.

(3) A suspension or cancellation of a license under subsection one of this section (paragraph (e) excepted) shall not take effect—

- (a) earlier than the day succeeding that on which the time for lodging an appeal against the suspension or cancellation expires; or
- (b) where an appeal against the suspension or cancellation is duly lodged, otherwise than in accordance with the decision on the appeal.

(4) Where the Authority cancels a license for an abattoir on the ground specified in paragraph (b) of section twenty-one of this Act and the slaughtering place to which the

license

No. 2, 1970 license relates complies with the prescribed minimum standards for a slaughter-house, the Authority may, upon the cancellation taking effect, issue in lieu of the cancelled license a license for a slaughter-house.

Appeals.

24. (1) Subject to this section, where the Authority decides to refuse an application for a license or to refuse an approval under section twenty-eight of this Act, suspends or cancels a license, imposes a condition or restriction in respect of a license, or varies or revokes such a condition or restriction, the applicant or, as the case may be, the licensee may—

- (a) in the case of such a refusal, cancellation or suspension, within the prescribed time after being notified by the Authority of its decision and the grounds thereof; or
- (b) in any other case, within the prescribed time after being notified by the Authority of its decision,

appeal to the Minister, in the manner prescribed, against that decision.

(2) On an appeal under subsection one of this section the Minister may confirm the decision of the Authority or may, by making a decision that the Authority is empowered to make, vary or revoke the decision appealed against and the Authority shall give effect to the decision of the Minister on the appeal as if it were its own decision.

(3) The regulations may provide for the lodging of a deposit by an appellant under subsection one of this section and for its forfeiture to the Authority where the Minister, in giving his decision on the appeal, specifies that, in his opinion, the appeal was vexatious or frivolous.

25.

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25. (1) Subject to this section, the licensee of an abattoir ^{No. 2, 1970} or slaughter-house shall affix, and shall keep affixed, in some ^{Exhibition} conspicuous place in or upon that abattoir or slaughter-house, ^{of license.} the license issued in respect thereof.

Penalty : Twenty dollars.

(2) Subsection one of this section shall not apply to a licensee in respect of a license that he has surrendered to the Authority for cancellation in the course of a transfer of the license.

26. (1) Notwithstanding the discretion conferred on the Authority by subsection one of section nineteen of this Act, ^{Licenses for existing slaughtering places.} where the requirements of this Act have been complied with, refuse to approve an application made—

- (a) by The Metropolitan Meat Industry Board, constituted by the Meat Industry Act, 1915, for a license for an abattoir in respect of the public abattoir within the meaning of that Act; or
- (b) for a license in respect of land that was, or premises that were, immediately before the day on which this Act received the Royal assent—
 - (i) licensed under Division 2 of Part II of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902; or
 - (ii) licensed or deemed to be licensed under section 21A of the Meat Industry Act, 1915.

(2) Notwithstanding paragraph (c) of subsection five of section nineteen, and paragraph (c) of section twenty-one, of this Act, the Authority shall, where the land, buildings or works used in connection with a slaughtering place referred to in paragraph (b) of subsection one of this section do not comply with the prescribed minimum specification for an abattoir, issue for that slaughtering place a license for a slaughter-house, whether or not that land, or those buildings or works, comply with the prescribed minimum standards for a slaughter-house.

27.

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No. 2, 1970 **27.** (1) A license shall not be transferable from one person to another except as provided by subsection two of this section.

Transfer of license.

(2) Where application is made to the Authority, in a manner approved by the Minister, for the transfer of a license to some person, the prescribed fee is paid, and the license is surrendered to the Authority, the Authority may, if it approves the proposed transfer, cancel the surrendered license and issue a like license to that person.

28. (1) Where any structural alterations or additions are made to a slaughtering place without the approval of the Authority, the operator of the slaughtering place shall be guilty of an offence against this Act.

Approval of Authority required in respect of certain structural alterations or additions.

Penalty : One thousand dollars.

(2) Where application is made to the Authority for its approval to structural alterations or additions to a slaughtering place, the Authority may, having regard to the facilities available for the slaughtering of animals in the area served by the slaughtering place, refuse to give that approval.

PART V.
POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY.

29. For the purposes of and subject to this Act, the Authority shall keep under review the construction and hygiene of, and the plant and equipment in, slaughtering places with particular reference to the slaughtering capacity and location of those premises in relation to the overall requirements of the State and may—

Powers, authorities, duties and functions of the Authority.

(a) make recommendations to the Minister for Local Government with respect to—

(i) the establishment of abattoirs by councils and the management thereof;

(ii)

Meat Industry Authority.

- (ii) the alteration or extension of slaughtering places provided, controlled and managed by councils; No. 2, 1970
- (iii) the method of financing the establishment, alteration or extension of slaughtering places provided, controlled and managed by councils;
- (iv) applications by councils for approval to borrow money for the establishment of abattoirs or to be used in connection with slaughtering places provided, controlled and managed by councils;
- (b) make recommendations to the Minister relating to the establishment of central killing areas and the alteration of those areas;
- (c) promote or undertake research into the design and equipment of and procedures at slaughtering places;
- (d) promote and encourage the provision and operation of public meat markets;
- (e) make recommendations to the Minister with respect to the conditions under which meat intended for sale for human consumption may be introduced into central killing areas;
- (f) make recommendations to the appropriate authority in respect of the conditions that should apply to vehicles used to carry meat intended for sale for human consumption; and
- (g) investigate and promote any other matter or thing relating to the slaughtering of animals in abattoirs and slaughter-houses likely to improve hygiene and protect public health.

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No. 2, 1970 **30.** The Authority, for the purposes of and subject to this Act, may—

Acquisition of land and property and negotiation of contracts by the Authority.

- (a) by purchase, lease, grant or otherwise, acquire and hold land, and may also purchase, construct, maintain and alter buildings, plant, machinery and other works or improvements;
- (b) make and enter into contracts or agreements with any person for the performance of services, or for the supply of goods, machinery or material; and
- (c) do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its powers, authorities, duties and functions.

PART VI.

CENTRAL KILLING AREAS.

Central killing areas.

31. (1) In this section "meat" includes carcase of an animal, part of a carcase, and sausages, saveloys and other smallgoods (not being tinned goods) manufactured or prepared from the carcase of an animal or part of a carcase.

(2) The Minister may, on the recommendation of the Authority, by order published in the Gazette, declare an area specified in the order to be a central killing area for the purposes of this Act.

(3) Where an area has, for a period of six months, been affected by an order under subsection two of this section and a person thereafter, while the area is affected by the order, introduces into, or causes to be introduced into, or sells within, that area any meat, that person shall be guilty of an offence against this Act unless—

- (a) the introduction or sale was permitted by the regulations; or

(b)

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(b) the animal from which the meat was derived was No. 2, 1970 slaughtered in an abattoir and—

- (i) that animal was inspected at the time it was slaughtered and was passed as fit for human consumption by an inspector within the meaning of the Meat Industry Act, 1915; or
- (ii) the carcase of that animal was stamped as fit for export in pursuance of the Exports (Meat) Regulations of the Commonwealth.

(4) An inspector within the meaning of the Meat Industry Act, 1915, may, at an abattoir in an area affected for not less than six months by an order in force under subsection two of this section—

- (a) inspect each animal slaughtered at that abattoir for the purpose of ascertaining whether or not it is fit for human consumption; and
- (b) if that animal is fit for human consumption, stamp its carcase, or cause its carcase to be stamped, in the prescribed manner with the prescribed mark.

(5) Regulations may be made for or with respect to—

- (a) the introduction of meat into, and sale of meat in, an area that is affected by an order under subsection two of this section and has been so affected for a period of six months; and
- (b) the fees payable for inspections required for the purpose of complying with subparagraph (i) of paragraph (b) of subsection three of this section, the manner of payment thereof and the disposal thereof.

(6) Where regulations referred to in subsection five of this section are in force in—

- (a) an area or part of an area for which a central abattoir has been appointed under section twenty-seven of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902; or

(b)

Meat Industry Authority.

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- (b) an area or part of an area for which an abattoir is provided, controlled and managed under section four hundred and sixty-one of the Local Government Act, 1919,

the regulations under the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, and the ordinances made under the Local Government Act, 1919, shall, to the extent that, but for this subsection, they would apply in the area to which the regulations extend, have no force or effect.

(7) In any proceedings against any person for an offence under subsection three of this section, the onus of proof that any meat was derived from an animal slaughtered in an abattoir shall be on the defendant.

Unauthorised stamping of carcass.

32. A person who, on the carcass of an animal, or part of a carcass, stamps or causes to be stamped, the prescribed mark referred to in paragraph (b) of subsection four of section thirty-one of this Act shall be guilty of an offence against this Act unless he is an inspector within the meaning of the Meat Industry Act, 1915, or was authorised by such an inspector so to stamp the carcass or part of a carcass or cause it so to be stamped.

Exclusion of operation of Part in certain circumstances.

33. Notwithstanding anything elsewhere contained in this Part, where an agreement in force under section twenty-seven of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, applies within an area affected by an order made under subsection two of section thirty-one of this Act, the provisions of this Part shall not apply within the area within which the agreement applies while the agreement remains in force.

PART

PART VII.

No. 2, 1970

FINANCE.

34. (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, 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 a statement of accounts audited by the Auditor-General and in a form approved by him exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days after receipt thereof by him if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

35. (1) The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to members of the Authority and its servants in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Authority and the Minister—

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
- (ii) the expenditure incurred has been duly authorised, vouched and supervised;
- (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3)

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(3) Towards defraying the costs and expenses of an audit under this section the Authority shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Treasurer may decide.

Temporary accommodation.

36. (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks to such extent as may from time to time be approved by the Governor.

(2) The Treasurer may advance such moneys to the Authority, upon such terms and conditions as to repayment and interest, as may be agreed upon.

Investment of funds.

37. The Authority may invest moneys held by it in Government securities of the Commonwealth or of the State of New South Wales, or in any securities guaranteed by the Government of the said State, or on call or on fixed deposit or partly on call and partly on fixed deposit with the Treasurer or with any bank, or in such other securities as the Governor may approve or as may be prescribed.

PART VIII.
MISCELLANEOUS.

Records and returns.

38. (1) The operator of an abattoir or of a slaughter-house shall keep such records as may be prescribed and shall retain them for such period as may be prescribed.

(2) The regulations may require the operator of an abattoir or of a slaughter-house to make returns to the Authority at such times, and containing such particulars, as may be prescribed.

39.

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39. No person shall use an abattoir or a slaughter-house for any purpose other than a purpose within the limitations imposed by the license for that abattoir or slaughter-house.

No. 2, 1970

Use of
slaughter-
house
premises.

40. Nothing in this Act shall protect any person who sells any meat for human consumption which is unwholesome or unfit for human consumption.

Sale of
unwhole-
some meat.

41. (1) No person shall bring or cause or permit to be brought into New South Wales any carcase of an animal or part of a carcase unless the animal was slaughtered in such circumstances as may be prescribed and the carcase or part of a carcase is inspected in the prescribed manner and is accompanied by any certificates that may be prescribed.

Importation
of meat.

(2) The provisions of subsection one of this section shall not apply to or in respect of any carcase or part of a carcase intended for export beyond the Commonwealth and being moved in accordance with the Exports (Meat) Regulations of the Commonwealth or any law of the Commonwealth amending or replacing those regulations.

42. (1) Where an inspector within the meaning of the Meat Industry Act, 1915—

Seizure.
Act No.
69, 1915.

(a) finds that a carcase of an animal or part of a carcase has been or is being dealt with contrary to this Act; or

(b) reasonably suspects that a carcase of an animal or part of a carcase has been or is being so dealt with,

he may seize the carcase or part of a carcase and deal with it in the prescribed manner.

(2) A person claiming a carcase or part of a carcase seized under subsection one of this section may within forty-eight hours after the seizure complain thereof to any justice

and

Meat Industry Authority.

No. 2, 1970 and any such complaint may be heard and determined before any stipendiary magistrate who may either confirm or disallow the seizure, and may order the carcass or part of a carcass to be destroyed, and may make such order as to costs and compensation as he thinks fit.

(3) If no complaint is made under subsection two of this section within forty-eight hours after a seizure under subsection one of this section, or if such a seizure is confirmed under subsection two of this section, the carcass or part of a carcass shall thereupon become the property of the Authority and may be dealt with as the Authority thinks fit.

(4) If any person without the permission of the Authority removes or takes away any carcass or part of a carcass seized in accordance with this section, that person, in addition to any other punishment to which he may be liable, shall be guilty of an offence against this Act unless he has made a claim under subsection two of this section and the seizure has been disallowed.

Offences
generally.

43. (1) A person who contravenes or fails to comply with a provision of this Act shall be guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act shall, if no other penalty is provided therefor be liable to a penalty not exceeding four hundred dollars.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a stipendiary magistrate or any two justices of the peace in petty sessions.

(4) All sums for penalties paid in respect of any conviction for any offence against this Act or the regulations shall be paid to and be the property of the Authority.

44.

Meat Industry Authority.

44. Any notification for publication by the Authority in the Gazette shall be signed by the Chairman or Deputy Chairman or two members. No. 2, 1970
Notifica-
tions.

45. In any proceedings before any court or before any persons having by law or consent of parties authority to hear, receive and examine evidence—

- (a) any printed paper purporting to be—
 - (i) a proclamation or a notification or an order published under this Act; and
 - (ii) to be printed by the Government Printer, shall be evidence that a proclamation, notification or order, as the case may be, in the words printed in that paper, was duly published under this Act; and
- (b) a certificate purporting to be signed by the Chairman or Deputy Chairman or two members certifying—
 - (i) that a person was appointed as an inspector under this Act and during any period specified in the certificate held office as such an inspector; or
 - (ii) that on a day, or during a period, specified in the certificate, land was or was not, or premises were or were not licensed under this Act or that a person was or was not a licensee either generally or in respect of particular land or premises.

shall be prima facie evidence of the facts stated therein.

46. Any notice, summons, writ or other proceeding required to be served on the Authority may be served by being left at the office of the Authority, or, in the case of a notice, by post. Service of
notice of
proceedings
on the
Authority.

47.

Meat Industry Authority.

- No. 2, 1970** **47.** Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Chairman or two members.
- Documents how authenticated.**
- 48.** In any legal proceedings by or against the Authority no proof shall be required (until evidence is given to the contrary) of—
- Proof of certain matters not required.**
- (a) the constitution of the Authority;
 - (b) any resolution of the Authority;
 - (c) the appointment of any member of the Authority;
 - (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.
- Annual report.** **49.** (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on that day.
- (2) The Minister shall lay the report, or cause it to be laid, before both Houses of Parliament as soon as practicable after receipt by him of the report.
- Regulations.** **50.** (1) The Governor may make regulations, not inconsistent with this Act, for and with respect to—
- (a) any of the powers conferred upon or duties imposed upon the Minister or the Authority by this Act;
 - (b) the manner in which applications for a license may be made under this Act;
 - (c) any forms to be used for the purposes of this Act;
 - (d) the manner in which annual license fees shall be calculated and the circumstances in which those fees, or any fees payable before the issue of a license, may be wholly or partly refunded;
 - (e)

Meat Industry Authority.

-
- (e) the cleaning and disinfecting of abattoirs and slaughter-houses and of all utensils, machinery and vehicles used in connection with abattoirs or slaughter-houses;
- (f) the procedures in abattoirs and slaughter-houses;
- (g) the carriage, storage and treatment of carcasses, meat, blood and offal derived from animals slaughtered in abattoirs and slaughter-houses;
- (h) the removal and disposal of inedible or waste blood, inedible or waste offal and filth derived from animals slaughtered in abattoirs and slaughter-houses;
- (i) the identification, marking, destruction or disposal of meat and blood derived from animals slaughtered in abattoirs or slaughter-houses being meat or blood affected by disease or unfit for human consumption;
- (j) the services for which the operator of any abattoir or slaughter-house may charge a fee;
- (k) all matters which by 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 Act;
- (l) fixing any penalties not exceeding four hundred dollars or in the case of a continuing offence, not exceeding twenty dollars per day, for non-compliance with or contravention of any regulation.

(2) A regulation may be of general or specially limited application according to time, place or circumstances, and may be general or restricted to any specified class of subject matter.

Meat Industry Authority.

No. 2, 1970 **51.** The Cattle Slaughtering and Diseased Animals and
 Amendment of Act No. 36, 1902. Meat Act, 1902, is amended—

Sec. 3.
 (Interpre-
 tation.)

(a) (i) by inserting after the word “Part” in the definition of “licensed house or place” in section three the words “and, for the purposes of sections twelve and thirteen of this Act, includes an abattoir or slaughter-house licensed under the Meat Industry Authority Act, 1970, and a slaughtering place in respect of which an application for a license under that Act could not, by virtue of paragraph (b) of subsection one of section twenty-six of that Act, be refused”;

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

(2) This Part (sections nine, ten, eleven, twelve, thirteen, fourteen, sixteen and twenty-seven excepted) shall not, on and after the prescribed day as defined in the Meat Industry Authority Act, 1970, apply to or in respect of—

(a) an abattoir or slaughter-house that is licensed under that Act;

(b) a slaughtering place within the meaning of that Act (not being a slaughtering place that is exempted from the licensing provisions of that Act) or the operation thereof, a person there slaughtering cattle, or cattle there slaughtered.

Sec. 19.
 (Local
 scope of
 Part II,
 Division 2.)

(b) by omitting from section nineteen the word “This” and by inserting in lieu thereof the words “Subject to subsection two of section three of this Act, this”;

(c)

Meat Industry Authority.

- (c) by inserting in subsection three of section twenty-seven after the word "writing" the words "before the area or part of an area to which the appointment relates becomes affected by an order under Part VI of the Meat Industry Authority Act, 1970".
- No. 2, 1970
Sec. 27.
(Central
abattoirs.)

52. The Meat Industry Act, 1915, is amended—

Amendment
of Act No.
69, 1915.

- (a) by inserting at the end of section thirteen the following new subsection :—
- Sec. 13.
(Duties of
Board.)

(2) Notwithstanding subsection one of section three of the Meat Industry Authority Act, 1970, it shall be the duty of the Board to apply under that Act, before the prescribed day within the meaning of that Act and thereafter from time to time as the case may require, for a license under that Act for the public abattoir and to keep in force any license granted under that Act.

- (b) (i) by inserting in paragraph (a) of subsection two of section 21A after the word "prescribed" the words "but, without prejudice to the operation of subsection six of this section, no such license shall be granted or renewed by the Board after a day to be appointed by the Governor for the purposes of this paragraph and notified by proclamation published in the Gazette";
- Sec. 21A.
(Bringing
or sending
meat into
Metropolitan
Abattoir
Area.)
- (ii) by inserting in subsection six of the same section after the word "Australia" the words "and any premises in respect of which a license as an abattoir is in force under the Meat Industry Authority Act, 1970, after the day appointed under paragraph (a) of subsection two of this section".

Meat Industry Authority.

No. 2, 1970 **53.** The Government Guarantees Act, 1934, is amended
Amendment of Act No. 57, 1934. by inserting next after subsection (5E) of section three the following new subsection :—

(5F) It shall be lawful for the Treasurer, with the approval of the Governor, to execute a guarantee in favour of any bank in respect of the overdraft account with the bank of the New South Wales Meat Industry Authority.

ROYAL