

MEAT INDUSTRY ACT, 1978, No. 54

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 54, 1978.

An Act to provide for the regulation and control of the meat industry in New South Wales; to constitute and define the functions of the New South Wales Meat Industry Authority and the Metropolitan Meat Industry Board; and to repeal the Meat Industry Authority Act, 1970, and the Meat Industry Act, 1915. [Assented to, 3rd April, 1978.]

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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.

1. This Act may be cited as the "Meat Industry Act, Short title. 1978".

2. (1) This section, section 1 and so much of this Act as is necessary to be in force for the purpose of the constitution of the roll referred to in section 45 (1) (e), and the conduct of any election of members of the Authority as first constituted or for any purpose incidental thereto shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

**Division
of Act.**

PART I.—PRELIMINARY—ss. 1–8.

PART II.—LICENCES—ss. 9–17.

PART III.—INSPECTIONS AND REGULATION OF THE
MEAT INDUSTRY—ss. 18–43.

DIVISION 1.—*Meat Inspectors*—ss. 18–29.

DIVISION 2.—*Licensing Inspectors*—ss. 30–32.

DIVISION 3.—*Inspectors Generally*—ss. 33–40.

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DIVISION 4.—*Regulation of the Meat Industry*—ss. 41–43.

PART IV.—CONSTITUTION AND FUNCTIONS OF THE AUTHORITY—ss. 44–50.

PART V.—CONSTITUTION AND FUNCTIONS OF THE BOARD—ss. 51–59.

PART VI.—FINANCE—ss. 60–67.

PART VII.—MISCELLANEOUS—ss. 68–81.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE AUTHORITY.

SCHEDULE 3.—PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE BOARD.

SCHEDULE 4.—PROVISIONS RESPECTING ABATTOIR ANIMALS SLAUGHTERED AT THE BOARD'S ABATTOIRS.

SCHEDULE 5.—PROVISIONS RELATING TO LOANS.

SCHEDULE 6.—SAVINGS AND TRANSITIONAL PROVISIONS.

Inter-
pretation.

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

“abattoir” means a slaughtering place licensed as an abattoir;

“abattoir animal” means bull, ox, steer, cow, heifer, calf, ram, ewe, wether, lamb, goat, kid and swine, and includes any other animal that the Minister, by

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order published in the Gazette, declares to be an abattoir animal for the purposes of this Act;

“abattoir meat” means the meat of an abattoir animal;

“animal food processing plant” means any premises where—

- (a) in the course of a business (being a business of preparing or selling food for consumption by animals) meat, poultry or fish or any product of poultry is stored, packed, packaged, processed, treated, boned or cut up; or
- (b) in the course of a business, processed animal food is produced,

but does not include any abattoir, slaughter-house, meat processing plant, meat market, retail butcher's shop or shop for the sale by retail of meat for use as animal food;

“Authority” means the New South Wales Meat Industry Authority;

“Board” means the Metropolitan Meat Industry Board;

“by-laws” means by-laws under this Act;

“central killing area” means an area declared to be a central killing area under section 70;

“chief meat inspector” means a meat inspector the instrument of whose appointment designated him as chief meat inspector, and includes any meat inspector for the time being authorised by the Director-General to act in the place of the person so designated;

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“commencement day” means the day appointed and notified under section 2 (2);

“Commonwealth body” means any body constituted by or under any law of the Commonwealth, and includes any Department of State of the Commonwealth;

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

“Director-General” means the person for the time being holding office or acting as the Director-General of Agriculture and includes a Deputy Director-General of Agriculture;

“elected member” means a member of the Authority elected as referred to in section 45 (1) (e) or clause 10 (2) of Schedule 2 or appointed under clause 10 (3) of that Schedule;

“functions” includes powers, authorities and duties;

“inspector” means a meat inspector or a licensing inspector;

“licence” means a licence in force under this Act;

“licensed premises” means any premises in respect of which a licence is in force;

“licensing inspector” means a person appointed as a licensing inspector under section 30 (1) or a person referred to in section 30 (2) whenever his services are being used as referred to in section 30 (2);

“meat” means the whole or any part of the carcase of an animal, but does not include processed meat or processed animal food;

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“meat inspector” means a person appointed as a meat inspector under section 18 (1) or a person referred to in section 18 (2) whenever his services are being used as referred to in section 18 (2);

“meat market” means any premises used for the sale of abattoir meat, other than solely by retail, but does not include an abattoir or slaughter-house;

“meat processing plant” means any premises where, in the course of a business—

- (a) abattoir meat is stored, packed, packaged, processed, treated, boned or cut up; or
- (b) processed meat is produced,

but does not include—

- (c) an abattoir or slaughter-house; or
- (d) a retail butcher’s shop or restaurant in which abattoir meat is stored, packed, packaged, processed, treated, boned or cut up, or processed meat is produced, solely for the purpose of the retail business carried on in that shop or restaurant;

“meat stabilisation scheme” means a scheme the purpose of which is to provide for the stabilisation of the prices of abattoir animals and the wholesale prices of abattoir meat;

“meat van” means any vehicle used for the conveyance of meat that is abattoir meat;

“member” means—

- (a) where used in Part IV and Schedule 2—
member of the Authority; or
- (b) where used in Part V and Schedule 3—
member of the Board;

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“Metropolitan Abattoir Area” means the County of Cumberland;

“offal” includes blood, animal refuse, hides, skins, hair, hoofs, horns or other portions of any abattoir animal any of which are not ordinarily used for the food of man;

“perform”, in relation to a function that is a power or authority, means exercise and, in relation to a duty, means discharge;

“premises” means a building or structure or any part of a building or structure or an area of land, with or without improvements;

“prescribed” means prescribed by this Act or the regulations;

“processed animal food” means any product of a manufacturing process that contains meat and that is intended for use as animal food;

“processed meat” means any product of a manufacturing process that contains abattoir meat and that is intended for human consumption;

“regulations” means regulations under this Act;

“retail butcher’s shop” means a shop used for the sale of abattoir meat by retail, and includes any room—

(a) that is attached to such a shop and in such close proximity to it that the shop and the room are used as part of the same premises;
or

(b) in which—

(i) abattoir meat is stored, packed, packaged, processed, treated, boned or cut up; or

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(ii) processed meat is produced,
solely for the purpose of the retail business
carried on in the shop;

“saleyard” means any premises used or established for
use wholly or partly for the sale of abattoir animals
to the public;

“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, attempt, permit or
suffer any act referred to in paragraph (a),
(b), (c), (d) or (e);

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

“slaughtering place” means premises used or intended to
be used for or in connection with the slaughtering
of abattoir animals for human consumption, and
includes holding yards and like places and buildings
used or intended to be used in or in connection
with the slaughtering, handling, drafting or keeping
of any such animals at any premises so used or
intended to be used;

“vehicle” includes aeroplane or vessel.

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Act
binds
Crown.

5. This Act binds the Crown not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

Application
of Act.

6. Without limiting section 14A of the Interpretation Act, 1897, where any law of the Commonwealth applies to and in respect of any act, matter or thing which, but for that law would be an act, matter or thing to which any provision of this Act applies and that law of the Commonwealth ceases at any time to apply to that act, matter or thing, the provisions of this Act thereupon apply to that act, matter or thing.

Exemption
from
opera-
tion of
Act.

7. (1) The Minister may, by order published in the Gazette, direct that the whole or any specified provisions of this Act—

(a) shall not apply to or in respect of any person or class of persons, or any act, matter or thing or class of acts, matters or things, specified in the order; or

(b) shall not so apply in such circumstances as may be so specified.

(2) An order published under subsection (1) shall take effect according to its tenor on and from the day of publication or, where a later day is specified in the order, from the day so specified.

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

8. Nothing in this Act shall extend to any person slaughtering or causing to be slaughtered at his farm any animals for consumption by his family, residents in his home or his servants or labourers or by animals kept by him.

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PART II.

LICENCES.

9. There shall be licences of the following kinds :— Licences.

- (a) abattoir licences;
- (b) slaughter-house licences;
- (c) meat processing licences;
- (d) meat market licences;
- (e) saleyard licences;
- (f) meat van licences; and
- (g) animal food processing licences.

10. (1) A person shall not operate—

- (a) a slaughtering place at or in any premises unless he is the holder of an abattoir licence or a slaughter-house licence in respect of those premises;
- (b) a meat processing plant at or in any premises unless he is the holder of a meat processing licence in respect of those premises;
- (c) a meat market at or in any premises unless he is the holder of a meat market licence in respect of those premises;
- (d) a saleyard unless he is the holder of a saleyard licence in respect of that saleyard;
- (e) a meat van in the course of carrying on any business unless he is the holder of a meat van licence in respect of that meat van; or

Unlicensed
operations
prohibited.

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(f) an animal food processing plant at or in any premises unless he is the holder of an animal food processing licence in respect of those premises.

(2) Subsection (1) does not operate so as to require an employee of a person required by that subsection to be licensed to be the holder of a licence.

(3) A licensee shall comply with any conditions or restrictions specified in his licence.

Penalty: \$2,000.

Daily penalty: \$500.

Issue of
licences.

11. (1) Licences may be issued by the Authority.

(2) A licence shall not be issued by the Authority unless the prescribed requirements relating to the premises or vehicle in respect of which the licence is sought have been complied with.

(3) A licence may be issued subject to such conditions and restrictions as may be specified in the licence.

(4) An application for a licence may be refused if the applicant for the licence or the owner or occupier of the premises or vehicle in respect of which the application is made has been convicted of an offence against this Act, the

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Meat Industry Authority Act, 1970, the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or the Meat Industry Act, 1915, or the regulations or by-laws made under this Act or any of those Acts and shall be refused—

- (a) if the premises or vehicle in respect of which the licence is sought do or does not comply with the prescribed minimum standards;
- (b) in the case of an application for a licence in respect of any premises, if the Authority is of the opinion that the licence should be refused having regard to—
 - (i) the provisions of any law relating to town or country planning or the environment; or
 - (ii) the location of the site to which the application relates and its unsuitability as the site of the premises in respect of which the licence is sought;
- (c) in the case of an application for a licence in respect of any premises other than a meat processing plant or an animal food processing plant, if the Authority is of the opinion that the licence should be refused having regard to the existence, in the area to be served by the premises sought to be licensed, of other premises that are adequate to serve the area;
or
- (d) in the case of any licence, if the Authority is of the opinion that the licence should be refused having regard to—
 - (i) the unsuitability of the applicant or the lack of merit in the application; or
 - (ii) any matters prescribed for the purposes of this paragraph.

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(5) The Authority may, by notice in writing sent by post to a licensee at his address specified in his licence, amend the licence by varying any conditions or restrictions specified in the licence or by adding to the licence or deleting from the licence any conditions or restrictions.

(6) Upon any such variation, addition or deletion taking effect, the condition or restriction as so varied or as so added shall be deemed to be a condition or restriction specified in the licence or the condition or restriction as so deleted shall be deemed not to be a condition or restriction so specified.

(7) Any such variation, addition or deletion shall take effect on and from a date specified in the notice, being a date not earlier than 7 days after the notice is sent to the licensee in accordance with subsection (5).

Exhibition
of licence.

12. (1) A licensee shall affix his licence and keep it affixed in some conspicuous place in or upon the premises or vehicle in respect of which he is the licensee.

Penalty : \$200.

(2) Subsection (1) does not apply when the licensee has surrendered his licence to the Authority in accordance with any provision of the regulations.

Annual
licence
fee.

13. (1) The holder of a licence (including a suspended licence) shall, on or before 1st September in each year, pay to the Authority the prescribed annual fee for the licence.

(2) Where, after it has become due, the prescribed annual fee for a licence is unpaid, it may be recovered from the licensee in any court of competent jurisdiction as a debt owing to the Authority.

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14. (1) A licence may be transferred by the licensee to another person only with the approval of the Authority. Transfer of licences.

(2) The transfer of a licence shall not be approved by the Authority unless the prescribed requirements have been complied with.

15. (1) A licensee shall not make any structural alterations or additions to the premises to which his licence relates or any alterations or additions to the part of the vehicle to which his licence relates, being a part in which abattoir meat is conveyed, or to any equipment used solely or mainly for the purposes of that part, unless he has first obtained the approval in writing of the Authority. Alterations to licensed premises or vehicles.

Penalty : \$1,000.

(2) Where application is made to the Authority for its approval to any such alterations or additions to premises, the Authority may, having regard to the facilities already available, refuse to give that approval.

16. (1) The Authority may suspend a licence for such period as it thinks fit or may cancel a licence— Suspension or cancellation of licence.

- (a) if the prescribed annual fee for the licence is not paid in accordance with section 13 (1);
- (b) for a breach of a condition or restriction specified in the licence;
- (c) for a breach of any prescribed minimum standards relating to the premises or vehicle to which the licence relates;
- (d) for a breach of a requirement made by or under the regulations relating to the premises or vehicle to which the licence relates;
- (e) on any prescribed ground; or
- (f) at the request of the licensee.

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(2) The Authority shall not suspend or cancel a licence under subsection (1) (c) or (d) unless—

- (a) it has first served on the licensee a notice specifying the standards or requirements that have been breached and stating that, unless the breach is rectified within a reasonable time specified in the notice, the Authority will suspend or cancel the licence; and
- (b) the breach so specified has not been rectified within the time so specified.

(3) Unless the Authority otherwise directs, a suspension or cancellation of a licence under subsection (1) (paragraph (f) 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 a suspension or cancellation is duly lodged and—
 - (i) is withdrawn, until the appeal is withdrawn; or
 - (ii) is not withdrawn, otherwise than in accordance with the decision on the appeal.

(4) Where the Authority cancels an abattoir licence on the ground that the abattoir does not comply with any prescribed minimum standards for abattoirs, and the slaughtering place comprised in the premises of the abattoir complies with any prescribed minimum standards for slaughter-houses, the Authority may, upon the cancellation taking effect, issue a slaughter-house licence in place of the cancelled abattoir licence.

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17. (1) Where the Authority decides—**Appeal.**

- (a) to refuse an application for a licence;
- (b) to issue a licence subject to conditions or restrictions;
- (c) to suspend or cancel a licence;
- (d) to exercise its power under section 11 (5);
- (e) to refuse its approval to the transfer of a licence;
or
- (f) to refuse its approval under section 15 (2),

the Authority shall notify the applicant or the licensee of the decision and the grounds therefor.

(2) The applicant or the licensee may, within the prescribed time, appeal to the Minister, in the prescribed manner, against the decision made by the Authority as referred to in subsection (1) in respect of him.

(3) On an appeal under subsection (2), the Minister may confirm the decision of the Authority or may vary or revoke the decision appealed against and make any decision referred to in subsection (1) and the Authority shall give effect to the decision of the Minister on the appeal as if it were its own decision.

PART III.**INSPECTIONS AND REGULATION OF THE MEAT INDUSTRY****DIVISION 1.—*Meat Inspectors.***

18. (1) Such meat inspectors as may be necessary to **Meat** perform functions of meat inspectors under this Act shall be ^{inspectors.} appointed and employed under and subject to the Public Service Act, 1902.

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(2) The Director-General may, with the approval of the appropriate employer referred to in section 33, on such terms as may be arranged, make use for the purposes of this Act of the services of—

- (a) a person employed under the Public Service Act, 1902, who is not an officer or employee of the Department of Agriculture; or
- (b) a person employed by or under the control of a public or local authority constituted by or under an Act.

Meat
inspectors'
powers
generally.

19. (1) Subject to subsection (2), a meat inspector has the functions conferred or imposed on him by or under this Act.

(2) A meat inspector shall, at such times and at such places as the Director-General may direct, perform the functions (other than any functions that the Director-General has, under subsection (3), directed him not to perform) conferred or imposed on meat inspectors by or under this Act, and may not otherwise perform any such functions.

(3) Where the Minister is of the opinion that it is unnecessary for a meat inspector to perform at any licensed premises any function in relation to the inspection of any abattoir animal, any meat or any processed meat, he may, by order, require the Director-General to direct meat inspectors employed at those licensed premises not to perform that function.

(4) Nothing in this Division authorises a meat inspector to perform any of his functions in or on any portion of any building that is used for residential purposes without the permission of the occupier thereof.

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20. (1) A meat inspector may—

**Powers of
meat
inspectors.**

- (a) enter and remain in or on any licensed premises or licensed vehicle;
- (b) inspect any such premises or vehicle and all appurtenances and appliances therein;
- (c) inspect any animal, meat, processed meat or processed animal food in or on any such premises or vehicle;
- (d) open any package found in or on any such premises or vehicle that he suspects on reasonable grounds to contain any meat, processed meat or processed animal food;
- (e) without payment take samples or specimens of any meat, processed meat or processed animal food found in or on any such premises or vehicle, and have them analysed; and
- (f) as required by or under this Act, classify, grade, brand, stamp or mark or direct the classification, branding, stamping or marking of any meat, processed meat or processed animal food in or on any such premises or vehicle.

(2) Where a meat inspector suspects on reasonable grounds that there is in or on any unlicensed premises or unlicensed vehicle any meat, processed meat or processed animal food that is (whether or not after the application of a manufacturing process or a further manufacturing process) intended for sale, he may perform his functions under this Act in relation to the premises or vehicle and the meat, processed meat or processed animal food as if the premises or vehicle were licensed premises or a licensed vehicle.

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Meat inspectors' powers to give directions and perform prescribed functions.

21. (1) A meat inspector may, at any abattoir or slaughter-house, give such directions as he thinks proper with respect to the slaughtering and associated procedures at the abattoir or slaughter-house, including directions for the hygienic and humane management and operation of the abattoir or slaughter-house.

(2) A meat inspector may, with respect to any meat processing plant, meat market, meat van or animal food processing plant, give such directions as he thinks fit for its hygienic operation.

(3) A direction referred to in subsection (1) or (2) that requires the installation or alteration of any plant or equipment has no force or effect unless the direction was given by or with the approval of the Authority.

(4) Without affecting the generality of subsection (1) or (2) or any other provision of this Act, a meat inspector may give such directions, and perform such other functions, in respect of any licensed premises or licensed vehicles as are prescribed.

(5) A person to whom a direction referred to in this section is given shall comply with the direction.

Penalty: \$500.

Slaughtering at abattoirs and slaughter-houses.

22. (1) A person shall not slaughter any animal at an abattoir or slaughter-house, other than an abattoir animal.

Penalty: \$1,000.

(2) A person shall not slaughter an abattoir animal at an abattoir or slaughter-house except with the approval of a meat inspector.

Penalty: \$1,000.

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(3) Where a meat inspector approves of the slaughter of an abattoir animal at an abattoir or slaughterhouse, he shall inspect the carcass, and shall, if he is satisfied that the carcass or any part of the carcass is fit for human consumption, pass the carcass or part as fit for human consumption.

23. The licensee of a meat processing plant specified in an order made by the Minister and published in the Gazette shall not, in producing processed meat, use any meat or anything containing meat unless it has been inspected at that plant by a meat inspector and has been passed by him as fit for human consumption. Inspection of meat at meat processing plants.

Penalty : \$1,000.

24. The licensee of an animal food processing plant specified in an order made by the Minister and published in the Gazette shall not, in producing processed animal food, use any meat or anything containing meat unless it has been inspected at that plant by a meat inspector and has been passed by him as fit for use as animal food. Inspection of meat at animal food processing plants.

Penalty : \$1,000.

25. (1) A meat inspector may, by notice in writing served upon the licensee or person in charge of any licensed premises or licensed vehicle or by direction given orally to any such licensee or person, require him to submit any meat, processed meat or processed animal food on those licensed premises or that licensed vehicle which the meat inspector suspects on reasonable grounds to be unfit for human consumption or for use as animal food, or both, for inspection, without fee, at the licensed premises or, in the case of a notice served upon, or an oral direction given to, a person in charge of a licensed vehicle, at a place determined by the meat inspector, notwithstanding that it has been previously inspected by a meat inspector. Meat inspector's powers to require inspection or additional inspection.

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(2) A licensee or other person shall comply with any requirement made of him under subsection (1).

Penalty : \$1,000.

**Condemning
of abattoir
animals,
meat,
processed
meat or
processed
animal
food.**

26. (1) A meat inspector may condemn, as unfit for human consumption or as unfit for use as animal food, or both, any abattoir animal or any meat, processed meat or processed animal food in or on any licensed premises or licensed vehicle.

(2) A meat inspector may direct that any meat, processed meat or processed animal food that is in or on any licensed premises or licensed vehicle be treated, in a specified manner and within a specified time, for the purpose of making or keeping it fit for human consumption or fit for use as animal food.

(3) Where a direction under subsection (2) is not complied with, a meat inspector may condemn the meat, processed meat or processed animal food as unfit for human consumption or as unfit for use as animal food, or both.

(4) Where any thing is condemned under subsection (1) or (3) as unfit for human consumption and as unfit for use as animal food, a meat inspector may, if he thinks fit, seize it and cause it to be destroyed or otherwise disposed of.

(5) Any thing seized under subsection (4) shall become the absolute property of the Crown, and the Minister may, if he thinks fit, pay to the owner thereof such amount in respect thereof as he may determine.

Fees.

27. (1) The Director-General may demand and receive fees as prescribed from the licensee of an abattoir or slaughter-house—

- (a) for inspections, made by meat inspectors for the purposes of section 22 (3), of animals at the abattoir or slaughter-house;

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- (b) for inspections, and, if required by or under this Act, for the classifying or grading or branding, stamping or other marking, by meat inspectors, of meat, processed meat or processed animal food at the abattoir or slaughter-house; and
- (c) for any certificates given by meat inspectors relating to any such inspections.

(2) The Director-General may demand and receive fees as prescribed from the licensee of a meat processing plant or animal food processing plant—

- (a) for inspections, made by meat inspectors for the purposes of section 23 or 24, of meat at the plant; and
- (b) for any certificates given by meat inspectors relating to any such inspections.

(3) The Director-General may demand and receive fees as prescribed from the owner of, or the person submitting, any meat, processed meat or processed animal food for inspection for the purposes of section 41 (1) or 43 (4), but not from both.

28. A person shall not brand, stamp or otherwise mark, Unauth-
or cause to be branded, stamped or otherwise marked, any ^{orised} branding
meat, processed meat or processed animal food with any ^{or}
mark prescribed as a meat inspector's mark, unless he is a ^{stamping}
meat inspector or is authorised to do so by a meat inspector. **etc.**

Penalty : \$1,000.

29. (1) Where a meat inspector—

Seizure.

- (a) finds that meat, processed meat or processed animal food has been or is being dealt with contrary to this Act; or

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- (b) reasonably suspects that meat, processed meat or processed animal food has been or is being so dealt with,

he may seize the meat, processed meat or processed animal food and deal with it in the prescribed manner.

(2) Where, within 7 days after the seizure, a person claiming the meat, processed meat or processed animal food—

- (a) complains of the seizure to a justice of the peace; and
- (b) lodges with the Authority notice in writing containing the prescribed particulars of his complaint,

the complaint shall be heard and determined by any stipendiary magistrate who may either confirm or disallow the seizure and may—

- (c) where he disallows the seizure but is of the opinion that the condition of the meat, processed meat or processed animal food requires that it be destroyed, order that it be destroyed and make such order as to compensation as he thinks fit; and
- (d) whether he confirms or disallows the seizure, make such order as to costs as he thinks fit.

(3) If—

- (a) no complaint is made under subsection (2) within the period of 7 days specified in that subsection;
- (b) a complaint is so made but the notice referred to in subsection (2) (b) is not lodged with the Authority within that period; or

(c) the seizure is confirmed under subsection (2), the meat, processed meat or processed animal food becomes the property of the Authority and may be dealt with as the Authority thinks fit.

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(4) If any person without the permission of a meat inspector removes or takes away any meat, processed meat or processed animal food seized in accordance with subsection (1), that person, in addition to any other punishment to which he may be liable, shall be guilty of an offence against this Act unless the seizure has been disallowed under subsection (2)

DIVISION 2.—*Licensing Inspectors.*

30. (1) The Authority may appoint any officer or employee referred to in section 48 (1) to be a licensing inspector. ^{Licensing inspectors.}

(2) The Authority may, with the approval of the appropriate employer referred to in section 33, on such terms as may be arranged, make use for the purposes of this Act of the services of—

- (a) a person employed under the Public Service Act, 1902;
- (b) a person employed by or under the control of a public or local authority constituted by or under an Act; or
- (c) a member of the police force.

31. (1) Subject to subsection (2), a licensing inspector has the functions conferred or imposed on him by or under this Act. ^{Licensing inspectors' powers generally.}

(2) A licensing inspector shall, at such times and at such places as the Authority may direct, perform the functions conferred or imposed on licensing inspectors by or under this Act, and may not otherwise perform any such functions.

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(3) Nothing in this Division authorises a licensing inspector to perform any of his functions in or on any portion of any building that is used for residential purposes without the permission of the occupier thereof.

Powers of
licensing
inspectors.

32. (1) A licensing inspector may—

- (a) enter and remain in or on any licensed premises or licensed vehicle; and
- (b) inspect any such premises or vehicle and all appurtenances and appliances therein.

(2) Section 29 applies to and in respect of a licensing inspector authorised by the Authority for the purposes of this subsection and in respect of meat, processed meat and processed animal food seized by him in the same way as it applies to and in respect of a meat inspector and in respect of meat, processed meat and processed animal food seized by him.

DIVISION 3.—Inspectors Generally.

Appropriate
employer.

33. For the purposes of an approval referred to in section 18 or 30, the appropriate employer is—

- (a) in the case of a person referred to in subsection (2) (a) of either of those sections—the Public Service Board;
- (b) in the case of a person referred to in subsection (2) (b) of either of those sections, other than a veterinary inspector referred to in paragraph (c)—the public or local authority by whom the person is employed or controlled, as the case may be;

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- (c) in the case of a veterinary inspector appointed under section 21 of the Pastures Protection Act, 1934—the Minister administering that Act; and
- (d) in the case of a person referred to in section 30 (2) (c)—the Commissioner of Police.

34. Every meat inspector shall be provided by the Director-General, and every licensing inspector shall be provided by the Authority, with a certificate of identification in the prescribed form.

35. An inspector may—

Inspection
of books,
etc.

- (a) enter and remain in or on any premises or vehicle which are or is, or which he suspects on reasonable grounds, are or is being used—
 - (i) in contravention of section 10; or
 - (ii) for the storage or custody of any accounts, records, books or documents relating to the slaughtering of abattoir animals, or the storage, distribution, sale or conveyance of meat, processed meat or processed animal food;
- (b) search and inspect any such premises or vehicle for the presence of, and examine, any such accounts, records, books or documents;
- (c) take copies of, or extracts or notes from, any such accounts, records, books or documents; and

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- (d) require any person found in or on any such premises or vehicle to produce any such accounts, records, books or documents in his possession or under his control.

Supple-
mentary
power of
inspectors.

36. For the purpose of enabling an inspector to exercise his power to enter any premises or vehicle under this Act, he may—

- (a) in the case of premises—enter and remain in or on any other premises; and
- (b) in the case of a vehicle—enter and remain in or on any premises.

Obstructing
inspector.

37. A person shall not—

- (a) delay, obstruct, hinder, impede, threaten or assault—
- (i) an inspector in the performance of his functions under this Act or the regulations; or
- (ii) a person assisting an inspector in the performance of his functions under this Act or the regulations; or

- (b) fail to comply with any requirement made under section 35 (d).

Penalty : \$500.

Personation
of inspector.

38. A person shall not—

- (a) forge or counterfeit any written evidence of appointment of an inspector;

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- (b) make use of any forged, counterfeited or false written evidence of such an appointment;
- (c) personate an inspector named in any written evidence of appointment; or
- (d) falsely pretend to be an inspector.

Penalty : \$500.

39. (1) An inspector may require any licensee or any person employed in or about any premises or vehicle required by this Act to be licensed to answer questions relating to the observance of this Act or the regulations or to any matter in connection with the performance of the inspector's functions or the execution of this Act. ^{Questions by inspectors.}

(2) Subject to subsection (3), a person shall not, when required to answer a question under subsection (1)—

- (a) refuse or fail to answer the question; or
- (b) make any answer which is false or misleading in a material particular.

Penalty : \$500.

(3) A person is not obliged to answer any question asked of him under subsection (1) unless he has first been informed by the inspector asking the question that he is required and is obliged to answer the question by virtue of this section.

(4) A person may not refuse to answer a question asked of him under subsection (1) on the ground that his so doing might tend to incriminate him or make him liable to any penalty.

(5) Any answer given by a person pursuant to a requirement made under subsection (1) after he has been informed in the manner set forth in subsection (3) shall not be admissible in evidence in any proceedings, civil or criminal, against him, other than in proceedings under subsection (2).

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(6) Nothing in this section affects the admissibility in evidence of an answer voluntarily given by a person to a question asked by an inspector but which the inspector did not require that person to answer under this section.

Demanding
name and
place of
abode.

40. (1) An inspector who finds a person committing an offence against this Act or the regulations 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.

(2) A person shall not, upon demand made under subsection (1)—

(a) fail or refuse to state his name or place of abode;
or

(b) give a false name or place of abode.

Penalty: \$200.

DIVISION 4.—*Regulation of the Meat Industry.*

Offences
as to sale
of meat.

41. (1) A person shall not sell meat for human consumption or as an ingredient of processed meat unless—

(a) the animal from which it came was slaughtered at an abattoir or slaughter-house; or

(b) it or the carcase from which it came was brought into the State in accordance with section 43 (1),

and the meat or the carcase from which it came has been inspected by a meat inspector and passed by him as fit for human consumption.

(2) A person shall not sell processed meat for human consumption if it has been condemned under this Act as unfit for human consumption.

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(3) A person shall not sell processed animal food as animal food if it has been condemned under this Act as unfit for use as animal food.

(4) It is sufficient defence to a prosecution for an offence under any provision of this section if the defendant satisfies the court that he did not know or suspect and did not have reasonable grounds for knowing or suspecting that the sale alleged as the offence was in contravention of that provision.

Penalty: \$1,000.

42. (1) A person shall not remove from an abattoir or slaughter-house or sell any abattoir meat of a prescribed grade or class unless the carcass or part of the carcass from which it came has been branded by or under the authority of a meat inspector with the prescribed brand. Branding of prescribed grades or classes of abattoir meat.

(2) A person shall not brand or cause to be branded abattoir meat—

- (a) with a prescribed brand unless he is, or does so under the authority of, a meat inspector; or
- (b) with a brand that resembles or is likely to be confused with a prescribed brand or any part of a prescribed brand.

Penalty : \$1,000.

43. (1) No person shall bring or cause or permit to be brought into the State any meat of a prescribed animal or any abattoir meat for human consumption unless the abattoir animal from which it came was slaughtered on premises that have been approved by the Authority for the purposes of this subsection or in such other circumstances as may be prescribed, and unless the abattoir meat has been inspected in the prescribed manner and is accompanied by any certificates that may be prescribed. Importation of meat.

Meat Industry.

(2) No person shall bring or cause or permit to be brought into the State any meat not for human consumption unless the animal from which it came was slaughtered on premises that have been approved by the Authority for the purposes of this subsection or in such other circumstances as may be prescribed, and unless the meat has been inspected and treated in the prescribed manner and is accompanied by any certificates that may be prescribed.

(3) No person shall bring or cause or permit to be brought into the State any processed meat or processed animal food that is not contained in a hermetically sealed metal, glass or other container unless it was manufactured—

- (a) in the case of processed meat, on premises that have been approved by the Authority for the purposes of this paragraph; or
- (b) in the case of processed animal food, on premises that have been approved by the Authority for the purposes of this paragraph,

or in such other circumstances as may be prescribed and unless the processed meat or processed animal food is accompanied by any certificates that may be prescribed.

(4) Where a person brings or causes or permits to be brought into the State any meat, or any processed meat or processed animal food that is not contained in a hermetically sealed metal, glass or other container, he shall forthwith take it or cause it to be taken to an approved inspection place and there submit it or cause it to be submitted for inspection by an inspector.

(5) The reference in subsection (4) to an approved inspection place is, in relation to any person, a reference to an inspection place approved in writing by the Director-General

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in respect of that person or to a place declared by the Director-General, by order published in the Gazette, to be an approved inspection place for the purpose of this subsection.

(6) No person shall bring or cause or permit to be brought into the State any processed meat or processed animal food that is contained in a hermetically sealed metal, glass or other container unless it was manufactured—

- (a) in the case of processed meat, on premises that have been approved by the Authority for the purposes of this paragraph; or
- (b) in the case of processed animal food, on premises that have been approved by the Authority for the purposes of this paragraph.

(7) In any proceedings against any person for a contravention of or a failure to comply with the provisions of subsection (1), (2), (3) or (6), the onus of proof that any premises were, at any relevant time, premises approved by the Authority for the purposes of those provisions lies on the defendant.

Penalty : \$2,000.

Meat Industry.

PART IV.

CONSTITUTION AND FUNCTIONS OF THE AUTHORITY.

Constitu-
tion of
Authority.

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

(2) The Authority—

- (a) shall, in the performance of its functions, except its functions under Part II, be subject to the control and direction of the Minister; and
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

Members of
Authority.

45. (1) Subject to this Act, the Authority shall consist of 11 members, of whom—

- (a) one, who shall be a person engaged in the production of abattoir animals, shall be appointed as the chairman of the Authority;
- (b) one, who shall be an officer employed in the Department of Agriculture, shall be appointed as deputy chairman of the Authority;
- (c) where—
 - (i) the panel referred to in subsection (2) is fully constituted—three, of whom at least one was nominated as a member of the panel by the organisation referred to in subsection (2) (a), shall be appointed from that panel; or
 - (ii) subparagraph (i) does not apply—three, of whom at least one shall be appointed as the representative of organisations of operators of abattoirs, shall be appointed as representatives of those organisations and of organisations of persons or bodies otherwise engaged in the meat industry;

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- (d) one, who shall be a member of a trade union, shall be appointed as the representative of consumers of abattoir meat and processed meat; and
- (e) five shall be members elected by persons on the roll of producers of abattoir animals constituted in accordance with the regulations at an election conducted for the purpose of this subsection in accordance with the regulations.

(2) For the purposes of subsection (1) (c) there shall be a panel consisting of 3 persons nominated, when required by the Minister, in the prescribed manner by each organisation prescribed—

- (a) as being an organisation of operators of abattoirs; or
- (b) as being an organisation of persons or bodies otherwise engaged in the meat industry.

(3) A prescribed organisation referred to in subsection (2) is not entitled to nominate a person as a member of the panel referred to in that subsection unless that person is a member of the governing body, or an employee, of a person or body who or which, for at least the period of 12 months immediately preceding his nomination, has been a member of the prescribed organisation.

(4) The members, other than the member referred to in subsection (1) (d) and the elected members, shall be appointed by the Governor on the nomination of the Minister.

(5) The member referred to in subsection (1) (d) shall be appointed by the Governor on the nomination of the Labor Council of New South Wales.

(6) The elected members shall take office on a day after their election determined in accordance with the regulations.

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(7) Schedule 2 has effect.

**Functions
of the
Authority.**

46. (1) The Authority shall—

- (a) keep under review the construction and hygiene of, and the plant and equipment in—
 - (i) slaughtering places, with particular reference to the slaughtering capacity and location of those places in relation to the overall requirements of the State; and
 - (ii) meat processing plants, meat markets, meat vans, saleyards, animal food processing plants, knackereries, vehicles used for the transportation of meat intended for consumption by animals and shops for the sale by retail of any such meat;
- (b) issue licences in accordance with this Act;
- (c) provide, in co-operation with the Department of Agriculture, a market intelligence service with respect to abattoir meat and abattoir animals;
- (d) whenever it considers it necessary to do so or it is requested by the Minister to do so, make recommendations to the Minister with respect to the setting of meat inspection standards and the functions of meat inspectors; and
- (e) within 2 years after the commencement day, make a report to the Minister with respect to the continued operation of the Board.

(2) The Authority may—

- (a) promote and undertake procedures for research into improving standards of hygiene in slaughtering places, meat processing plants, meat markets, meat vans, saleyards and animal food processing plants;

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- (b) promote and undertake research into the design and equipment of and procedures at slaughtering places, meat processing plants, meat markets, meat vans, saleyards and animal food processing plants;
- (c) investigate and promote procedures with respect to the production of abattoir meat, processed meat and processed animal food for the purpose of protecting public health;
- (d) promote and encourage the provision and operation of meat markets;
- (e) make recommendations to the Minister relating to the establishment of central killing areas and the alteration of those areas;
- (f) make recommendations to the Minister with respect to the conditions under which abattoir meat intended for sale for human consumption may be introduced into central killing areas;
- (g) either on its own behalf or on behalf of any other person—
 - (i) purchase or take delivery of abattoir animals and cause them to be slaughtered;
 - (ii) purchase or sell, within or outside the State, or export abattoir animals, abattoir meat, offal or other products of abattoir animals; or
 - (iii) enter into contracts for the treatment of or the application of a manufacturing process to any abattoir meat, offal or other products of abattoir animals and sell any resulting product;

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- (h) make recommendations to the Minister for Local Government with respect to—
 - (i) the establishment of abattoirs by councils and the management thereof;
 - (ii) the alteration or extension of slaughtering places provided, controlled and managed by councils;
 - (iii) the method of financing the establishment, alteration or extension of slaughtering places provided, controlled and managed by councils; and
 - (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;
- (i) make recommendations to the Minister with respect to the implementation of a system for the classification, grading, branding, stamping or marking of abattoir meat;
- (j) make recommendations to the Minister with respect to the implementation of a system providing for the identification of any abattoir meat offered or exposed for sale by retail;
- (k) administer any meat stabilisation scheme for the implementation of which regulations have been made, and appoint such committees as it thinks necessary for the purposes of the scheme;
- (l) make payments, in accordance with the regulations, into any meat stabilisation fund established under a meat stabilisation scheme; and
- (m) act as a delegate or agent of, or act jointly with, any Commonwealth body for the purpose of performing any function relating to the production or marketing of abattoir animals, abattoir meat, processed meat or processed animal food.

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47. (1) As soon as practicable after 30th 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. ^{Annual report.}

(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.

48. (1) Except as provided in subsection (2), such officers and employees as may be necessary for the performance of the functions of the Authority may be appointed and employed under and subject to the Public Service Act, 1902. ^{Officers and employees.}

(2) The Authority may, with the approval of the Public Service Board and on such terms and conditions as may be approved by that Board, appoint persons to be officers of the Authority for the purpose of making purchases or sales referred to in section 46 (2) (g).

(3) The maximum term for which a person may be appointed by the Authority under subsection (2) is 3 years, but he is eligible for further appointment under that subsection.

(4) An officer referred to in subsection (2) is not, in his capacity as such, an officer within the meaning of the Public Service Act, 1902, but, if the terms and conditions on which he is appointed so provide, any specified provisions of that Act or the regulations thereunder, whether with or without specified modifications, apply to and in respect of him as if he were an employee within the meaning of that Act.

49. Any notification for publication by the Authority in the Gazette shall be signed by the chairman or deputy chairman or 2 members. ^{Notifications.}

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Service of
notice of
proceedings
on the
Authority.

50. 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.

PART V.

CONSTITUTION AND FUNCTIONS OF THE BOARD.

Constitution
of Board.

51. (1) There is hereby constituted a corporation under the corporate name of "Metropolitan Meat Industry Board".

(2) The Board shall, in the performance of its functions, be subject to the control and direction of the Minister.

Members
of Board.

52. (1) The Board shall consist of 3 members, of whom—

- (a) one shall be appointed as the chairman of the Board;
- (b) one shall be appointed as the representative of persons employed in the meat industry; and
- (c) one shall be appointed as the representative of persons engaged in the production of abattoir animals.

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(2) The members shall be appointed by the Governor on the nomination of the Minister.

(3) A person who is—

- (a) a licensee, a retail seller or exporter of abattoir meat; or
- (b) a member of any firm or a director or officer of any company, society, association or corporation which is a licensee, a retail seller or exporter of abattoir meat, or who receives any remuneration or fee or any benefit (otherwise than as a shareholder in a company consisting of more than 25 persons) from any such firm, company, society, association or corporation,

is not eligible to be appointed as a member and is disqualified from holding office as a member.

(4) Schedule 3 has effect.

53. (1) It is the duty of the Board—

Functions
of the
Board.

- (a) to establish or acquire slaughtering places and saleyards within the Metropolitan Abattoir Area to the extent necessary in the public interest; and
- (b) to maintain and conduct any slaughtering places and saleyards established or acquired by it or vested in it, or any slaughtering places or saleyards to be operated in their place.

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(2) The Board may—

- (a) establish or acquire meat processing plants or meat markets within the Metropolitan Abattoir Area;
- (b) establish or acquire works for preserving, chilling or freezing any perishable food within the Metropolitan Abattoir Area;
- (c) maintain and conduct any such plants, markets or works;
- (d) purchase or take delivery of abattoir animals and cause them to be slaughtered, either on its own behalf or on behalf of any other person;
- (e) purchase abattoir animals or abattoir meat;
- (f) sell abattoir animals or abattoir meat, either on its own behalf or on behalf of any other person;
- (g) export and sell abattoir meat, either on its own behalf or on behalf of any other person, and enter into all contracts and do all things necessary with respect to the exporting and selling of abattoir meat;
- (h) deliver or contract to deliver to any person any abattoir meat from any abattoir, meat market or other place;
- (i) make such arrangements as it thinks fit with regard to the purchase, collection and disposal of offal or other matter, and apply any manufacturing process thereto, and sell any resulting product; and
- (j) perform any other functions it is authorised to perform under this or any other Act.

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(3) In subsection (2), "abattoir meat" includes processed meat.

(4) The Board is required to hold the appropriate licence (if any) in respect of any premises or vehicle operated by it.

(5) The provisions set forth in Schedule 4 shall, notwithstanding anything in this Act, apply to and in respect of abattoir animals slaughtered at the Board's abattoirs.

(6) The regulations may amend Schedule 4—

- (a) by adding or omitting references to parts of abattoir animals which are to become the property of the Board or to be delivered to the owner of the animals with or without payments; or
- (b) in such manner as the Board recommends as being necessary or convenient for the purposes of this section.

(7) The Board may process, treat, dispose of or otherwise deal with any parts of abattoir animals which become the property of the Board pursuant to subsection (5) and Schedule 4.

54. (1) As soon as practicable after 30th June in each **Annual** year, the Board shall prepare and furnish to the Minister a **report.** report upon the operations and activities of the Board 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.

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Officers
and
employees.

55. (1) Such officers and employees as may be necessary for the performance of the Board's functions under this Act shall be appointed and employed by the Governor on the recommendation of the Board, and shall not be removed except on the recommendation of the Board.

(2) Notwithstanding subsection (1), all appointments at daily or weekly wages shall be in the sole power of the Board.

(3) All officers and employees of the Board shall be subject to the sole control and governance of the Board, which may, where their salaries or wages or conditions of employment are not fixed in accordance with the provisions of any other Act or law, fix the salaries or wages payable to those officers and employees and their conditions of employment.

(4) The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of an officer or employee of the Board, and such an officer or employee is not, in his capacity as such, subject to the provisions of that Act during his employment as such.

(5) The provisions of clause 14 of Schedule 3 apply to and in respect of an officer or employee of the Board (other than an officer or employee the subject of an appointment referred to in subsection (2)) in the same way as they apply to and in respect of a member.

(6) A person who is—

- (a) a licensee or a retail seller or exporter of abattoir meat; or
- (b) a member of any firm or a director or officer of any company, society, association or corporation which is a licensee, a retail seller or exporter of abattoir meat, or who receives any remuneration or fee or any benefit (otherwise than as a shareholder in a

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company consisting of more than 25 persons) from any such firm, company, society, association or corporation,

is not eligible to be appointed as an officer or employee and is disqualified from holding any position as such.

56. (1) It shall be lawful for the Board to demand, **Fees, etc.** collect and receive in respect and for the use of any property of the Board or any services performed by it, such dues, rates, fees and charges as may be reasonable or as may be prescribed by by-laws.

(2) When default is made in the payment of any dues, rates, fees or charges, the Board may seize and sell any animals, meat or goods, the property of the debtor, which are or is in or upon any premises the property of the Board, and after reimbursing itself the amount of the dues, rates, fees or charges, and the expenses of the seizure and sale, shall on demand render the surplus (if any) and also such of the animals, meat or goods as remain or remains unsold to the person entitled thereto.

(3) In place of selling any such animals, meat or goods, or notwithstanding any such sale, if the proceeds thereof are insufficient, the Board may recover, as a debt, in any court of competent jurisdiction the amount of such dues, rates, fees, charges and expenses as are due.

57. The Board may lease any premises vested in or acquired by it for the purpose of enabling works to be established for canning, preserving or freezing abattoir meat, or for the treatment of any abattoir meat, or for any other purposes, upon such terms and conditions as may be determined, and for periods not exceeding 21 years. **Leases of land for canning or freezing works.**

Meat Industry.

Restriction
on power
to dispose
of land, etc.

58. The Board may exercise its power to sell, transfer or dispose of any land vested in it only with the consent of the Governor.

Board's
exclusive
right to
slaughter
at Board's
abattoirs.

59. A person is not entitled to slaughter animals or to dress carcasses at an abattoir conducted by the Board except with the consent of the Board.

PART VI.

FINANCE.

Interpre-
tation:
Pt. VI.

60. In this Part, "corporation" means the Authority or the Board.

Accounts.

61. (1) Each corporation shall cause to be kept proper accounts and records in relation to all of its operations.

(2) The corporation shall, as soon as practicable, but within 6 months, after the end of each financial year of the corporation, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General's certificate given under this section in relation to the statement.

(3) The statement of accounts shall be in a form approved by the Auditor-General, and shall include such information as is requested by him, and shall exhibit a true and fair view of the financial position and transactions of the corporation.

(4) The corporation shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

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(5) The Auditor-General's certificate shall state that he has audited the accounts of the corporation relating to the relevant financial year, and shall indicate whether the statement of accounts complies with subsection (3), and shall set forth any qualifications subject to which the certificate is given.

(6) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(7) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

(8) The financial year of each corporation shall be the year ending on 30th June.

62. (1) The accounts and records of financial trans-Audit. actions of each corporation, and the records relating to assets of or in the custody of the corporation, shall be inspected and audited by the Auditor-General.

(2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the corporation and may make copies thereof or take extracts therefrom.

(3) The Auditor-General or a person authorised by him may require a person, being a member, officer or employee of the corporation, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorised person

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considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty : \$200.

(4) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(5) The Auditor-General shall report to the corporation and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for special notice.

(6) Towards defraying the costs and expenses of any such inspection and audit, the corporation shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Investment. **63.** Each corporation may invest money held by it in Government securities of the Commonwealth or of the State or in any securities guaranteed by the Government of the 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 manner as the Governor approves or as is prescribed.

**Temporary accom-
modation.** **64.** (1) For the temporary accommodation of a corporation, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the corporation's funds to such extent as may, from time to time, be approved by the Governor.

(2) The Treasurer may advance such money to a corporation, on such terms and conditions as to repayment and interest, as may be agreed upon.

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65. (1) A corporation may from time to time, with the **Borrowing.** concurrence of the Treasurer and the approval of the Governor, borrow money for—

- (a) the purpose of performing any of its functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank;
or
- (d) any other purpose of this Act.

(2) Schedule 5 has effect with respect to each corporation.

66. All fees or sums of money received by the Board or **Fund to be** its officers or employees under the provisions of this Act shall **established.** go to form a fund, out of which shall be defrayed—

- (a) the salaries, wages and allowances of members, officers and employees of the Board; and
- (b) the expenses of the establishment, construction, extension, alteration, repair and maintenance of premises or works, and all other expenses of the Board involved in the carrying out of the purposes of this Act.

67. (1) The capital indebtedness to the State of the **Capital** Board is the amount that it was immediately before the **indebted-** commencement day. **ness of**
Board.

(2) The Minister shall, as soon as practicable after the commencement of the financial year commencing on 1st July in each year, certify the total expenditure during the preceding financial year out of moneys provided by Parliament for any extension of or addition to the works of the Board.

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(3) The expenditure so certified shall be notified by the Minister in the Gazette, and shall be added to and become part of the capital indebtedness of the Board.

PART VII.

MISCELLANEOUS.

Sale of
unwhole-
some
meat.

68. Nothing in this Act protects any person who sells any meat for human consumption which is unwholesome or unfit for human consumption.

Authority
may appoint
managers of
certain
council
abattoirs.

69. (1) Where the Authority is of the opinion that any abattoir operated by a council, being an abattoir in respect of which any moneys are owing under any loan made to the council by the Crown or under any agreement with the Crown relating to the establishment or conduct of the abattoir, is being operated in an inefficient manner or that the provisions of this Act or the regulations are consistently not being complied with in respect of the operation of any such abattoir, the Authority, with the approval of the Minister, may, by notification published in the Gazette, appoint a manager of that abattoir.

(2) The manager of an abattoir appointed under subsection (1) shall have all the functions of the council with respect to the operation of the abattoir and shall comply with any requirements, made by or under this Act, with respect to the carrying out of any work at the slaughtering place which is licensed as that abattoir.

(3) Any costs or expenses incurred under subsection (2) by any such manager shall be paid by the council and if not so paid shall be recoverable from the council as a debt in any court of competent jurisdiction.

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(4) The Authority, with the approval of the Minister, may, by notification published in the Gazette, terminate the appointment of any such manager.

(5) Section 654 of the Local Government Act, 1919, does not apply to or in respect of any difference or dispute relating to the performance of any function of the Authority under this section.

70. (1) In this section "abattoir meat" means meat or processed meat other than meat contained in a hermetically sealed metal, glass or other container. **Central killing areas.**

(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.

(3) A person shall not introduce into or cause to be introduced into, or sell within, a central killing area, the declaration of which, under subsection (2), has been in force for 6 months or more, any abattoir meat unless the meat came from an animal that was slaughtered in an abattoir.

(4) Regulations made under the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or ordinances made under the Local Government Act, 1919, that relate to the introduction of abattoir meat into, or the sale of abattoir meat within, any area or county district, within the meaning of the Local Government Act, 1919, of a council or county council, within the meaning of that Act, do not apply within a central killing area, the declaration of which under subsection (2) has been in force for 6 months or more.

(5) For the purposes of this section, any area of a council for which a central abattoir is appointed under an agreement in force under section 27 of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, shall be deemed not to be within any central killing area.

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Suspension
of certain
powers of
councils.

71. The Governor may, by order published in the Gazette, suspend either generally or in any particular case and either wholly or to a limited extent, as may be specified in the order, any function of a council conferred or imposed by or under any Act if that function is a function of a kind that may be performed by the Authority or a meat inspector.

Execution
of directions
and orders
by the
Authority.

72. Where a direction or order given or made under this Act or the regulations in relation to any licensed premises or licensed vehicle is not complied with within the time specified in the direction or order, the Authority may, but in the case of a direction or order given or made by a meat inspector only if it has been confirmed by the chief meat inspector, execute the order and recover from the person to whom the direction was given or against whom the order was made any costs and expenses incurred by it in doing so as a debt in any court of competent jurisdiction.

Destruction
of abattoir
animals
to prevent
cruelty.

73. (1) Any officer or employee of the Board, authorised in that behalf by the Board and approved by the Minister, may, whether or not the owner consents, seize, slaughter and destroy any abattoir animal found on any premises of the Board in such a condition that it is, in the opinion of that officer or employee, cruel to keep the animal alive.

(2) A meat inspector, authorised in that behalf by the Minister, may, whether or not the owner consents, seize, slaughter and destroy any abattoir animal found on any licensed premises in such a condition that it is, in the opinion of that inspector, cruel to keep the abattoir animal alive.

(3) Section 19 (2) does not apply to or in respect of a meat inspector acting in pursuance of subsection (2).

(4) No compensation shall be recoverable in respect of any abattoir animal destroyed in pursuance of this section.

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74. (1) In any proceedings before any court or before **Evidence.**
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, notification or order
published under this Act; and

(ii) 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;

(b) a certificate purporting to be signed by the chairman
or deputy chairman of the Authority or 2 members
of the Authority certifying—

(i) that a person was appointed as a licensing
inspector and on a day or during a 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, premises were or were not
or a vehicle was or was not licensed or that
a person was or was not a licensee in respect
of any specified premises or vehicle,

shall be prima facie evidence of the facts stated
therein; and

(c) a certificate purporting to be signed by the Director-
General certifying that a person was appointed as a
meat inspector and on a day or during a period
specified in the certificate held office as such an
inspector shall be prima facie evidence of the facts
stated therein.

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(2) In any proceedings referred to in subsection (1)—

- (a) proof of the fact that a person has meat in his possession or has meat on any premises or vehicle occupied or controlled by him where meat is offered for sale shall be prima facie evidence that the meat is intended for the purpose specified in the process originating the proceedings; and
- (b) the onus of proof that any meat came from any particular type of animal or from an animal slaughtered at an abattoir or slaughter-house or that any meat was inspected at any time lies upon the defendant.

(3) Evidence that—

- (a) any meat is branded, stamped or otherwise marked with a mark prescribed under section 28 as a meat inspector's mark, being a mark prescribed under that section as indicating that the meat has been passed as fit for human consumption or for use as animal food, shall be admissible in any proceedings referred to in subsection (1) and shall be prima facie evidence that the meat has been inspected by a meat inspector and passed as fit for human consumption or for use as animal food, as the case may be;
- (b) any meat, processed meat or processed animal food is branded, stamped or otherwise marked with a mark prescribed under section 28 as a meat inspector's mark, being a mark prescribed under that section as indicating that the meat or processed meat has been condemned under this Act as unfit for human consumption, that the meat, processed meat or processed animal food has been condemned under this Act as unfit for use as animal food, or that the meat or processed meat has been condemned as unfit for human consumption and as unfit for use as animal food, as the case may be, shall be admissible in any proceedings referred to in

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subsection (1) and be prima facie evidence that the meat, processed meat or processed animal food has been so condemned.

75. (1) A member, officer or employee of the Authority **Bribery.** or the Board shall not, without lawful authority, demand or receive from any person any payment, gratuity or present in consideration of doing or omitting to do any act or thing pertaining to his office or employment.

(2) A person shall not, without lawful authority, offer, make or give to a member, officer or employee of the Authority or the Board, any payment, gratuity or present in consideration of any act or omission pertaining to his office or employment.

Penalty : \$1,000.

76. (1) A person who contravenes or fails to comply **Offences** with a provision of this Act is guilty of an offence against this **generally.** Act.

(2) A reference in this Act or the regulations or by-laws to a daily penalty in relation to an offence is a reference to the penalty that may be imposed for each day the offence continues.

(3) A person guilty of an offence against this Act is, if no other penalty is provided therefor, liable to a penalty not exceeding \$1,000 and, in addition, for a continuing offence, a daily penalty not exceeding \$100.

(4) All proceedings for offences against this Act or the regulations or by-laws shall be disposed of summarily before a stipendiary magistrate or any 2 justices of the peace in petty sessions.

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(5) 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 or in respect of any conviction for any offence against the by-laws shall be paid to and be the property of the Board.

Regulations.

77. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of subsection (1), the Governor may make regulations for or with respect to—

- (a) the operation of any licensed premises or licensed vehicles and of any plant or equipment therein or thereon;
- (b) requirements as to the construction, installation, maintenance, repair, alteration or extension of—
 - (i) the buildings or works on any land that forms part of any licensed premises;
 - (ii) licensed vehicles; or
 - (iii) any plant or equipment in or on licensed premises or licensed vehicles;
- (c) the keeping of records by licensees;
- (d) the functions of inspectors under this Act and the conferring or imposing on—
 - (i) meat inspectors of functions with respect to the hygienic and humane management and operation of abattoirs, slaughter-houses and saleyards and the hygienic management and operation of meat processing plants and animal food processing plants; or

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- (ii) licensing inspectors of functions with respect to the construction, installation, maintenance, repair, alteration or extension of any buildings or works on any land that forms part of licensed premises, any licensed vehicles or any plant or equipment in or on licensed premises or licensed vehicles;
- (e) the functions of the Minister, the Authority or the Board under this Act;
- (f) the issue and transfer of licences, including the fees to be paid therefor, and the suspension of licences on specified grounds, including failure to pay an annual licence fee;
- (g) the issue of different classes of licences with respect to any type of premises or vehicles;
- (h) the varying of conditions or restrictions specified in a licence or the adding to a licence or the deleting from a licence of any conditions or restrictions;
- (i) the lodging and forfeiture of a deposit in connection with any appeal to the Minister;
- (j) approvals referred to in section 15 (2);
- (k) the fees to be paid on the making of an application for a licence;
- (l) the manner of calculating annual licence fees;
- (m) the fees to be paid for inspections;
- (n) the refunding of any fees;
- (o) certificates to be given by meat inspectors relating to inspections made by them;

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- (p) the classification, grading, branding, stamping, marking or identification of any carcass or part of a carcass, wherever slaughtered, or of any meat;
- (q) prescribing meat inspectors' marks and what they mean;
- (r) the appointment of managers of abattoirs under section 69;
- (s) the introduction of abattoir meat (as defined in section 70 (1)) into, or the sale of abattoir meat within, central killing areas;
- (t) the furnishing to the Authority of any information required by it in connection with the performance of its functions;
- (u) the exemption of any class of persons or class of acts, matters or things from the whole or any specified provisions of this Act;
- (v) the implementation and administration of a meat stabilisation scheme;
- (w) the regulation, for the purpose of a meat stabilisation scheme, of any or all of the following matters :—
 - (i) the delivery to or the receipt at any abattoir or slaughter-house of abattoir animals;
 - (ii) the disposal of any abattoir meat from any abattoir or slaughter-house;
 - (iii) notwithstanding the provisions of any other Act, either the maximum or minimum prices or both the maximum and minimum prices to be paid for abattoir animals; and

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- (iv) notwithstanding the provisions of any other Act, either the maximum or minimum wholesale prices or both the maximum and minimum wholesale prices of abattoir meat;
- (x) the constitution of a tribunal to recommend maximum or minimum prices for the purpose of any regulation made for the purposes of paragraph (w) (iii) or (iv);
- (y) the provision by a licensee at licensed premises of suitable accommodation for use by meat inspectors in the course of the performance of their functions;
- (z) the clothing to be worn in or on licensed premises or by persons working in or on licensed vehicles; and
- (aa) the production and surrender of any certificates referred to in section 43.

(3) A regulation may impose a penalty not exceeding \$1,000 for an offence against the regulations and, in addition, for a continuing offence, a daily penalty not exceeding \$100.

- (4) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
 - (b) apply differently according to different factors of a specified kind; or

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- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified or described in the regulation,

or may do any combination of those things.

By-laws.

78. (1) The Board may make by-laws, not inconsistent with this Act or the regulations, for or with respect to—

- (a) the management and control of and of persons at or in all licensed premises conducted by it or other premises of the Board;
- (b) the functions of officers and employees of the Board;
- (c) the seizure of and dealing with any meat with respect to which the provisions of this Act have not, or are reasonably suspected not to have, been complied with but only at premises of the Board;
- (d) the seizure and destruction of diseased animals and meat which may be brought into or may be in, on or about any premises of the Board;
- (e) the fixing, levying and collecting of rents, dues, rates, fees and charges for the use of or in connection with any premises of the Board;
- (f) any functions of the Board; and
- (g) any matter or thing required or permitted to be prescribed by by-laws.

(2) A by-law may impose a penalty not exceeding \$100 for an offence against the by-laws and, in addition, for a continuing offence, a daily penalty not exceeding \$10.

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(3) A by-law is by this subsection required to be approved by the Governor and shall have no effect unless so approved.

(4) A provision of a by-law may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified or described in the by-law,

or may do any combination of those things.

79. (1) The Governor may, by order published in the **Gazette—**

- (a) suspend either wholly or to a limited extent, as may be specified in the order, any provision of the **Cattle Slaughtering and Diseased Animals and Meat Act, 1902;** or **Suspension or repeal of Cattle Slaughtering and Diseased Animals and Meat Act, 1902.**
- (b) repeal any provision of that Act.

(2) Subsection (1) does not apply to section 27 of the **Cattle Slaughtering and Diseased Animals and Meat Act, 1902.**

80. Each Act specified in Column 1 of Schedule 1 is, **Repeals.** to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

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Savings and transitional provisions.

81. Schedule 6 has effect.

Sec. 80.

SCHEDULE 1.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1915, No. 69	Meat Industry Act, 1915	The whole Act.
1932, No. 62	Meat Industry (Amendment) Act, 1932.	The whole Act.
1934, No. 48	Meat Industry (Amendment) Act, 1934.	The whole Act.
1937, No. 35	Statute Law Revision Act, 1937	So much of the Second Schedule as amended Act No. 69, 1915, and Act No. 62, 1932.
1943, No. 26	Government Guarantees and Meat Industry (Amendment) Act, 1943.	Sections 1 (3) and 3.
1950, No. 24	Meat Industry (Amendment) Act, 1950.	The whole Act.
1952, No. 14	Meat Industry (Amendment) Act, 1952.	The whole Act.
1960, No. 5	Meat Industry (Amendment) Act, 1960.	The whole Act.
1964, No. 43	Meat Industry (Amendment) Act, 1964.	The whole Act.
1968, No. 57	Meat Industry (Amendment) Act, 1968.	The whole Act.
1970, No. 2	Meat Industry Authority Act, 1970	The whole Act.
1971, No. 19	Meat Industry (Amendment) Act, 1971.	The whole Act.
1972, No. 19	Meat Industry (Amendment) Act, 1972.	The whole Act.
1972, No. 32	Meat Industry Authority (Amendment) Act, 1972.	The whole Act.
1972, No. 63	Health Commission Act, 1972	So much of the Schedule as amended Act No. 69, 1915.
1975, No. 22	Meat Industry Authority (Amendment) Act, 1975.	The whole Act.
1976, No. 4	Statutory and Other Offices Remuneration Act, 1975.	So much of Schedule 5 as amended Act No. 69, 1915.
1977, No. 32	Meat Industry (Amendment) Act, 1977.	The whole Act.

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SCHEDULE 2.

Sec. 45.

PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE AUTHORITY.

1. A person is not eligible for appointment or election as a member if he has attained the age of 65 years. **Age of member.**

2. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment by the Governor of a member and a member is not, in his capacity as a member, subject to the provisions of that Act during his term of office. **Public Service Act, 1902, not to apply to member.**

3. (1) Subject to this Act, a member shall hold office— **Term of office.**
(a) if he is the chairman, for a term not exceeding 5 years;
(b) if he is not the chairman or an elected member, for a term not exceeding 4 years; and
(c) if he is an elected member, for a term of 3 years.

(2) A member shall, if otherwise qualified, be eligible for re-appointment or re-election from time to time as a member.

4. The chairman shall devote the whole of his time to the duties of his office. **Chairman to be full-time member.**

5. The chairman is entitled to be paid— **Chairman's remuneration.**
(a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

6. Each member, other than the chairman, shall be entitled to be paid such allowances and, if he is not an officer of the Public Service, such fees as the Minister may from time to time determine in respect of him. **Remuneration of part-time members.**

7. 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 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, other than the chairman. **Part-time members eligible to hold other full-time offices.**

*Meat Industry.*SCHEDULE 2—*continued.*PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE AUTHORITY—*continued.*

Office of part-time member not an office of profit under the Crown.

8. The office of a member other than the chairman shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

Vacation of office.

9. (1) A member shall be deemed to have vacated his office—
- (a) if being the chairman, he engages in any paid employment outside the duties of his office;
 - (b) if he dies;
 - (c) upon his attaining the age of 65 years;
 - (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;
 - (e) if, being the chairman, he absents himself from duty for a period of 15 consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
 - (f) if, being a member other than the chairman, he is absent from 4 consecutive ordinary meetings of the Authority of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Authority or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Authority for his absence from those meetings;
 - (g) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (h) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 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 misdemeanour so punishable;

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SCHEDULE 2—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE AUTHORITY—*continued.*

- (i) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (j) if he is removed from office by the Governor under subclause (2) of this clause; or
- (k) if, being the member referred to in section 45 (1) (b) or (d), he ceases to hold the qualification referred to in section 45 (1) (b) or (d), as the case may be.

(2) The Governor may, for any cause which to him seems sufficient, remove a member from office.

10. (1) On the occurrence of a vacancy in the office of a member (not being an elected member), otherwise than by the expiration of his term of office, the Governor may appoint a person nominated by the Minister to the vacant office for the balance of his predecessor's term of office, so that the Authority is constituted in accordance with section 45. Filling of casual vacancies.

(2) On the occurrence of a vacancy in the office of an elected member, otherwise than during the period of 12 months before the term of his office was due to expire, a person elected by the persons on the roll referred to in section 45 (1) (e) at an election conducted for the purpose of this subclause in accordance with the regulations shall fill the vacancy for the balance of his predecessor's term of office.

(3) Notwithstanding anything in this Act, if a vacancy occurs in the office of an elected member during the period of 12 months before his term of office was due to expire, the Governor may appoint a person, nominated by the Minister from persons recommended by such organisations as may be prescribed for the purposes of this subclause, to the vacant office for the balance of his predecessor's term of office.

11. The number of members which constitutes a quorum at any meeting of the Authority is 6.

12. (1) Any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority. Meetings.

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SCHEDULE 2—*continued.*PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE AUTHORITY—*continued.*

(2) Questions arising at a meeting of the Authority shall be determined by a majority of votes of the members present and voting.

(3) At a meeting of the Authority—

- (a) the chairman;
- (b) in the absence of the chairman—the deputy chairman; or
- (c) in the absence of the chairman and the deputy chairman—
a member elected by the members present at the meeting from among their number,

shall preside.

(4) The person presiding at a meeting of the Authority has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

General procedure.

13. (1) The procedure for the calling of, and for the conduct of business at, meetings of the Authority shall, subject to any procedure that is specified in this Act or prescribed, be as determined by the Authority.

(2) The first meeting of the Authority shall be called in such manner as the Minister directs.

Minutes.

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

Protection from liability.

15. 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 person acting under the direction of the Authority, shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject a member or a person so acting, personally to any action, liability, claim or demand.

Meat Industry.

SCHEDULE 3.

Sec. 52.

PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO
THE PROCEDURE, OF THE BOARD.

1. A person is not eligible for appointment as a member if he has attained the age of 65 years. Age of member.

2. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment by the Governor of a member and a member is not, in his capacity as a member, subject to the provisions of that Act during his term of office. Public Service Act, 1902, not to apply to member.

3. (1) Subject to this Act, a member shall hold office for a term not exceeding 7 years. Term of office.
(2) A member shall, if otherwise qualified, be eligible for re-appointment from time to time as a member.

4. Each member shall devote the whole of his time to the duties of his office. Members to be full-time members.

5. Each member is entitled to be paid— Members' remuneration.
 - (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
 - (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

6. (1) A member shall be deemed to have vacated his office— Vacation of office.
 - (a) if he engages in any paid employment outside the duties of his office;
 - (b) if he dies;
 - (c) upon his attaining the age of 65 years;
 - (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;
 - (e) if he absents himself from duty for a period of 15 consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
 - (f) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

*Meat Industry.*SCHEDULE 3—*continued.*PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE BOARD—*continued.*

- (g) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 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 misdemeanour so punishable;
- (h) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (i) if he becomes disqualified from holding office.

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

(3) A member 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 clause.

(4) The Minister shall cause to be laid before each House of Parliament a full statement of the grounds of suspension within 7 sitting days of that House after the date of the suspension.

(5) A member suspended under subclause (3) of this clause shall be restored to office unless each House of Parliament, within 15 sitting days of that House after the day when the statement was laid before that House, declares by resolution that the member ought to be removed from office, and if each House within that time does so declare, the member shall be removed by the Governor accordingly.

(6) For the purposes of subclauses (4) and (5) of this clause, sitting days shall be counted, whether or not they occur during the same session.

Filling of casual vacancies.

7. On the occurrence of a vacancy in the office of a member, otherwise than by the expiration of his term of office, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office, so that the Board is constituted in accordance with section 52.

Deputy of member.

8. (1) In case of the illness, suspension or absence of a member, a deputy may be appointed by the Governor to act for the member during his illness, suspension or absence.

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SCHEDULE 3—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE BOARD—*continued.*

(2) A deputy acting for a member—

- (a) has the immunities and has during the time he acts as deputy all the functions of the member; and
- (b) is entitled to be paid such remuneration and allowances as the Minister may from time to time determine in respect of him.

(3) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a deputy to be appointed or to act for a member, 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 they had been done or omitted by the member.

9. The number of members which constitutes a quorum at any **Quorum** meeting of the Board is 2.

10. (1) Any duly convened meeting of the Board at which a **Meetings** quorum is present shall be competent to transact any business of the Board.

(2) Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

(3) At a meeting of the Board—

- (a) the chairman; or
- (b) in the absence of the chairman— one of the remaining members agreed to by the other,

shall preside.

(4) The person presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(5) Notwithstanding anything in this clause, if at any meeting of the Board at which 2 members only are present, those members differ in opinion upon any matter, the determination of the matter shall be postponed to a meeting at which all 3 members are present.

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SCHEDULE 3—*continued.*PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE BOARD—*continued.*

- General procedure.** 11. The procedure for the calling of, and for the conduct of business at, meetings of the Board shall, subject to any procedure that is specified in this Act or prescribed by the by-laws, be as determined by the Board.
- Minutes.** 12. The Board shall cause full and accurate minutes to be kept of its proceedings at meetings.
- Protection from liability.** 13. No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by a member or by any person acting under the direction of the Board, shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject a member or a person so acting, personally to any action, liability, claim or demand.
- Preservation of rights of members previously public servants, etc.** 14. (1) In this clause—
“statutory body” means any body declared under clause 16 to be a statutory body for the purposes of this Schedule;
“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.
- (2) Subject to subclause (3) of this clause and to the terms of his appointment, where a member was, immediately before his appointment as a member—
- (a) an officer of the Public Service;
(b) a contributor to a superannuation scheme;
(c) an officer employed by a statutory body; or
(d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,
- he—
- (e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;
(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and

*Meat Industry.*SCHEDULE 3—*continued.*PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO THE PROCEDURE, OF THE BOARD—*continued.*

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity, as if he had continued to be such an officer, contributor or person during his service as a member, and—

(h) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Board shall be deemed to be his employer, for the purposes of the superannuation scheme to which he is entitled to contribute under this clause.

(3) If a member would, but for this subclause, be entitled under subclause (2) of this clause to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as member) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) of this clause cease to apply to or in respect of him and the Board in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) of this clause does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

15. (1) In this clause—

“retiring age” means—

(a) in relation to a person who was, immediately before his appointment as a member, an officer of the Public Service—the age of 60 years; and

(b) in relation to a person who was, immediately before his appointment as a member, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class

Member entitled to re-appointment in former employment in certain cases.

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SCHEDULE 3—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION, TO MEMBERS, AND TO
THE PROCEDURE, OF THE BOARD—*continued.*

to which that person belonged immediately before his appointment as a member), as the case may be, of that statutory body are entitled to retire;

“statutory body” means the Board and any body declared under clause 16 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a member, otherwise than pursuant to clause 6 (1) (paragraph (h) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a member, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as a member.

Declarations of statutory bodies. 16. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Transitional provisions. 17. (1) Each person holding office as a member of The Metropolitan Meat Industry Board under the Meat Industry Act, 1915, immediately before the commencement day shall continue in office as if he had been appointed under this Act as a member, but he shall, notwithstanding clause 3 (1) but subject to the other provisions of this Schedule, hold office for the balance only of the term of his office under that Act.

(2) A person referred to in subclause (1) of this clause shall if otherwise qualified, be eligible for re-appointment from time to time as a member.

Meat Industry.

SCHEDULE 4.

Sec. 53.

PROVISIONS RESPECTING ABATTOIR ANIMALS SLAUGHTERED AT THE BOARD'S ABATTOIRS.

1. In the case of bovine cattle, excepting calves, slaughtered at the Board's abattoirs:—

- (a) The Board shall deliver to the owner the carcase, hide (unsalted), tongue, tail, skirt, kidneys, heart and liver.
- (b) All fat removed from the carcase shall become the property of the Board, for which no compensation or other payments shall be payable.
- (c) The Board shall deliver to the owner such quantities of brains, and cheek meats as are required, upon payment of the cost as determined by the Board of removal, collection, preparation and delivery.
- (d) All the heads, feet and tail tips shall become the property of the Board, for which no compensation or other payment shall be payable.
- (e) All casings, including weasands, bungs, middles, runners and bladders, shall become the property of the Board, for which no compensation or other payment shall be payable.
- (f) All meat or offal other than that herein specified shall become the property of the Board, for which no compensation or other payment shall be payable.

2. In the case of calves slaughtered at the Board's abattoirs:—

- (a) The Board shall deliver to the owner the carcase, skin, tongue, kidneys, heart and liver.
- (b) All fat removed from the carcase shall become the property of the Board, for which no compensation or other payment shall be payable.
- (c) The Board shall deliver to the owner such quantities of heads, brains and sweetbreads as are required, upon payment of the cost as determined by the Board of removal, collection, preparation and delivery.
- (d) All meat or offal other than that herein specified shall become the property of the Board, for which no compensation or other payment shall be payable.

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SCHEDULE 4—*continued.*PROVISIONS RESPECTING ABATTOIR ANIMALS SLAUGHTERED AT THE BOARD'S ABATTOIRS—*continued.*

3. In the case of pigs slaughtered at the Board's abattoirs:—
- (a) The Board shall deliver to the owner the carcase, including head, feet, heart, liver and, if left attached to the carcase, the flear and kidneys.
 - (b) All fat removed from the carcase shall become the property of the Board, for which no compensation or other payment shall be payable.
 - (c) All casings, including runners and bladders, shall become the property of the Board, for which no compensation or other payment shall be payable.
 - (d) All meat or offal other than that herein specified shall become the property of the Board, for which no compensation or other payment shall be payable.
4. In the case of sheep and lambs slaughtered at the Board's abattoirs:—
- (a) The Board shall deliver to the owner the carcase, tongue, kidneys, heart and liver. When so required by the owner the kidneys shall be removed from the carcase and delivered to the owner upon payment of the cost as determined by the Board of removal, collection, preparation and delivery.
Skins will be delivered to the owner thereof upon payment of such fee not exceeding the cost of delivery of such skins as the Board may determine.
 - (b) All fat removed from the carcase shall become the property of the Board, for which no compensation or other payment shall be payable.
 - (c) The Board shall deliver to the owner such heads as are required for butchers' retail trade purposes, and also such brains as are required, upon payment of the cost as determined by the Board of removal, collection, preparation and delivery.
 - (d) All casings, including bungs and runners, shall become the property of the Board, for which no compensation or other payment shall be payable.

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SCHEDULE 4—*continued.*

PROVISIONS RESPECTING ABATTOIR ANIMALS SLAUGHTERED AT THE BOARD'S ABATTOIRS—*continued.*

(c) All meat or offal other than that herein specified shall become the property of the Board, for which no compensation or other payment shall be payable.

5. The parts of animals not delivered to the owner in pursuance of clause 1 (c), 2 (c), 3 (a) or 4 (a) or (c) shall become the property of the Board, for which no compensation or other payment shall be payable.

6. In this Schedule, unless a contrary intention appears—

“calf” means a bovine animal which in the opinion of the Board is not more than 6 months old and will have a dressed weight of less than 70 kg;

“owner” means any owner, consignor or consignee, whether joint or sole, or person in possession or in charge of any cattle, meat or carcase, or any agent of the owner.

SCHEDULE 5.

Sec. 65.

PROVISIONS RELATING TO LOANS.

1. In this Schedule, “corporation” means the Authority or the Interpretation Board.

2. (1) The corporation shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the corporation.

(2) The corporation shall, during each year, transfer from the revenue of the corporation to each such fund a sum not less than the sum that the corporation, in its application for approval of the loan, specified that it proposed to transfer to that fund.

(3) Where any land or property of any kind which has been provided out of loan moneys is sold before the loan has been wholly repaid, the net proceeds of the sale shall be added to the reserve for loan repayment in the appropriate fund or paid directly to the lender.

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SCHEDULE 5—*continued.*PROVISIONS RELATING TO LOANS—*continued.*

(4) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the corporation or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(5) Any interest or profits realised on any such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(6) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(7) Where the corporation decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the corporation shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and a half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(8) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the corporation.

(9) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(10) This clause shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures,
etc.

3. (1) For securing repayment of the principal and interest on any money borrowed, the corporation may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

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SCHEDULE 5—*continued.*

PROVISIONS RELATING TO LOANS—*continued.*

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the corporation in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration for money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

(5) The regulations may provide for the exemption from stamp duty of any other prescribed security.

4. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the corporation of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable. **Payment of debentures and coupons.**

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the corporation and the interest thereon, shall be a charge upon the income and revenue of the corporation from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) of this clause shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) of this clause shall not prejudice or affect any power of the corporation to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

5. (1) Notwithstanding any other provision of this Act, any money which the corporation is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency. **Raising loans in any country.**

Meat Industry.

SCHEDULE 5—*continued.*PROVISIONS RELATING TO LOANS—*continued.*

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the corporation may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The corporation may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 2 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this clause, the corporation may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2) of this clause, or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the corporation thinks fit.

(5) Copies of any agreement referred to in subclause (4) of this clause shall be forwarded to the Minister who shall lay them, or cause them to be laid, before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the corporation, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the corporation all such agreements as the corporation is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

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SCHEDULE 5—*continued.*

PROVISIONS RELATING TO LOANS—*continued.*

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) of this clause or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the corporation and the principal money and interest secured thereby shall be a charge upon the income and revenue of the corporation from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the corporation and, if they purport to have been sealed by those persons, to have been lawfully executed by the corporation under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 3 (1), 7 (3) and 7 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

6. (1) Any trustee, unless expressly forbidden by any instrument **Trustees.** creating the trust, may invest any trust money in his hands in stock inscribed by the corporation or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the corporation or by any officer or employee of the corporation in relation to any debenture or coupon issued or stock inscribed by the corporation.

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SCHEDULE 5—*continued.*PROVISIONS RELATING TO LOANS—*continued.*

- Lost debentures.** 7. (1) If any debenture or bond issued by the corporation is lost, destroyed or defaced before it has been redeemed the corporation may, subject to the provisions of this clause, issue a new debenture or bond in its place.
- (2) A new debenture or bond, issued under subclause (1) of this clause with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.
- (3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—
- (a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;
 - (b) such advertisements as the Court may direct have been published;
 - (c) 6 months have elapsed since the publication of the last of those advertisements; and
 - (d) sufficient security has been given to the corporation to indemnify it against any double payment if the missing debenture or bond is at any time thereafter presented for redemption.
- (4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the corporation for cancellation.
- (5) The provisions of this clause shall apply to and in respect of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.
- (6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 5, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the corporation of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the corporation receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond is at any time thereafter presented for payment.
- Protection of investors.** 8. (1) A person advancing money to the corporation shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

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SCHEDULE 5—*continued.*

PROVISIONS RELATING TO LOANS—*continued.*

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the corporation shall, in favour of a lender and of any holder of any security given by the corporation, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the corporation in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

9. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the corporation shall rank pari passu without any preference one above another by reason of priority of date or otherwise. ^{Securities} rank ^{equally.}

SCHEDULE 6.

Sec. 81.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. (1) A licence to operate an abattoir or a slaughter-house in force under section 19 of the Meat Industry Authority Act, 1970, immediately before the commencement day shall be deemed to be an abattoir licence or a slaughter-house licence, as the case may be, in respect of the premises specified in the licence so in force and, where the regulations prescribe different classes of abattoir licences or slaughter-house licences, to be an abattoir licence or a slaughter-house licence of such class as may be determined by the Authority and notified to the licensee.

(2) A consent granted under section 19 (1) of the Meat Industry Act, 1915, and in force immediately before the commencement day shall be deemed to be an abattoir licence in respect of the premises specified in the consent, and where the regulations prescribe different classes of abattoir licences, to be an abattoir licence of such class as may be determined by the Authority and notified to the licensee.

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SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) A consent granted under section 23 of the Meat Industry Act, 1915, and in force immediately before the commencement day shall be deemed to be a saleyard licence.

(4) A consent granted under section 25 of the Meat Industry Act, 1915, and in force immediately before the commencement day shall be deemed to be a meat market licence.

(5) An abattoir licence, a slaughter-house licence, a saleyard licence or a meat market licence referred to in subclause (1), (2), (3) or (4) of this clause shall, subject to this Act, cease to be in force on 1st September next following the commencement day.

2. The corporation constituted under section 44 is a continuation of, and the same legal entity as, the corporation constituted under section 7 of the Meat Industry Authority Act, 1970, as in force immediately before the commencement day.

3. The corporation constituted under section 51 is a continuation of, and the same legal entity as, the body corporate constituted under section 8 of the Meat Industry Act, 1915, as in force immediately before the commencement day.

4. The repeal by this Act of sections 9A and 9B of the Meat Industry Act, 1915, does not affect the rights of any persons to or in respect of whom those sections applied, and those sections shall continue to apply to and in respect of any such persons as if they had not been repealed.

5. (1) Where—

- (a) immediately before the commencement day a council employed a servant who was an inspector within the meaning of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, and whose duties ordinarily were, or included, the inspection of animals or meat;
- (b) the servant elects within 6 months after the commencement day to become an employee of the Public Service; and
- (c) the Minister approves of the servant's making the election,

the servant shall, on and from a day approved by the Minister in relation to the servant, cease to be a servant of that council and

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SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

become and be an employee of the Public Service and, except as otherwise provided in this clause, shall be subject to the Public Service Act, 1902.

(2) A person who on a day approved by the Minister ceases to be a servant of a council and becomes an employee of the Public Service by virtue of this clause shall—

- (a) be paid salary or wages at a rate not less than the rate which was payable to him immediately before that day, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied under the Public Service Act, 1902, or by an award or industrial agreement made or filed under the Industrial Arbitration Act, 1940;
- (b) be entitled to any recreation and sick leave accrued to him as such a servant but not taken at that day; and
- (c) have and enjoy rights and privileges with regard to extended leave not less favourable than those applicable to him as such a servant immediately before he became such an employee and for the purpose of his entitlement under this paragraph his continuous service with the council concerned immediately before that day shall be deemed to be service in the Public Service.

(3) Except as provided by this clause, where any condition of employment of any person who has become an employee of the Public Service by virtue of this clause was regulated by any award or industrial agreement made or filed under the Industrial Arbitration Act, 1940, and applicable to him as a servant of the council concerned and does not conflict with any provisions contained in the Public Service Act, 1902, or the regulations made thereunder, the condition shall continue to apply to him until it is regulated by an agreement or determination made under the Public Service Act, 1902, or by an award or industrial agreement so made or filed.

(4) Where any dispute arises whether an award or industrial agreement regulating any such condition as is referred to in subclause (3) of this clause conflicts with any provisions contained in the Public Service Act, 1902, or the regulations made thereunder, that Act or those regulations, as the case may be, shall prevail.

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SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(5) Any person who has become an employee of the Public Service by virtue of this clause on a day approved by the Minister and who was, immediately before that day, a person to whom the Local Government and Other Authorities (Superannuation) Act, 1927, applied may, by writing under his hand addressed to the State Superannuation Board constituted under the Superannuation Act, 1916, and delivered or forwarded by post so as to be received in the office of that Board not later than 3 months after he became such an employee, elect to become a contributor to the State Superannuation Fund constituted under that Act.

(6) Subject to section 92A of the Superannuation Act, 1916, any person making the election referred to in subclause (5) of this clause shall be deemed to be an employee within the meaning and for the purposes of the Superannuation Act, 1916, and to have become a contributor to the State Superannuation Fund on and from a day approved by the State Superannuation Board and shall, on and from that day, cease to be a person to whom the Local Government and Other Authorities (Superannuation) Act, 1927, applies.

(7) Where a person who was entitled to make the election referred to in subclause (5) of this clause does not do so in accordance with that subclause, he shall continue to be a person to whom the Local Government and Other Authorities (Superannuation) Act, 1927, applies and shall be entitled to receive any amount or benefit which he would have been entitled to receive under that Act had he continued in the service of the council concerned.

(8) For the purposes of subclause (7) of this clause, service in the Public Service after the day a person became an employee of the Public Service shall be deemed to be service with the council concerned.

(9) A person who has become an employee of the Public Service by virtue of this clause 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.

(10) The provisions of the Local Government and Other Authorities (Superannuation) Act, 1927, shall apply to a person referred to in subclause (7) of this clause while he continues to be an employee

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SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

of the Public Service, and for the purposes of that application any reference in that Act to a council shall be construed as a reference to any Department of the Government in which that person is employed.
